

ORDINANCE 2019-03

AN ORDINANCE OF THE TOWNSHIP OF GREENFIELD, COUNTY OF BLAIR, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE VACATING, REMOVAL, REPAIR, OR DEMOLITION OF ANY BUILDINGS OR STRUCTURES DANGEROUS OR RED-TAGGED, AND PROVIDING ENFORCEMENT.

The Board of Supervisors of Greenfield Township (hereinafter “Municipality”) hereby ordains the following:

SECTION 1. TITLE

This Ordinance shall be known and cited as the “Red Tag”.

SECTION 2. DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS OR RED-TAGGED PROPERTY. All buildings or structures which have been determined by the Board of Supervisors, in accordance with the provisions of this section, to have any or all of the following defects:

- (1) Those buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to the life, safety, morals or the general health and welfare of the occupants or the people of the township;
- (2) Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary, vermin-infested, rat-infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the township;
- (3) Those buildings or structures which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property; or
- (4) Those buildings or structures which, because of their general condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the township.

PERSON. Any natural person or persons, corporation, partnership, association, or any lawful entity.

SECTION 3. RED-TAGGED STRUCTURES DECLARED NUISANCES.

All dangerous or red-tagged buildings or structures within the terms of § 2 are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as hereinbefore and hereinafter provided.

SECTION 4. INVESTIGATION PROCEDURES

- (A) Whenever any person makes a written report to the Township that any building or structure is or may be in a dangerous or unsafe condition, or any township official in the normal discharge of his or her duties identifies such a structure, a report shall be made to the Township Board of Supervisors for a preliminary determination of whether the conditions as alleged constitute a prima facie case that the structure is in fact dangerous or unsafe.
- (B) If the Board of Supervisors determines that the allegations are sufficient to warrant further investigation, the matter will be referred to the Township Building Code Official for further investigation. The Board of Supervisors will notify the Property Owner that the report has been made and that an inspection has been ordered. The Notice shall indicate that the Property Owner may submit his or her own inspection report, prepared by a licensed engineer or other person qualified to render an opinion of the structure's condition, within thirty (30) days of the Notice. Should the Property Owner submit such a report to the satisfaction of the Township, within the thirty (30) day period, the enforcement process shall cease.
- (C) Unless or until Property Owner submits a satisfactory report as provided in subsection B above, Building Code Official shall cause an investigation and examination to be made of the building or structure. The investigation and examination shall include, at a minimum, the taking of photographic evidence.
- (D) If the Township Building Code Official determines that the building or structure does appear to be in a dangerous or unsafe condition, the Building Code Official shall provide written notice to the owner of said building or structure, communicating the Building Code Official's finding that the building or structure is in a dangerous or unsafe condition. The written notice shall request a response within 30 days of delivery, in order to determine the owner's intention with respect to repairing or demolishing the building or structure. The Building Code Official's letter also shall reference this ordinance, in communicating to the property owner that the building or structure appears to be in violation of the same. If the owner fails to respond or responds with notification that the owner does not plan to repair or demolish the building or structure, then a written report of the investigation and examination, including the photographic evidence described above, as well as copies of any correspondence by and between the Building Code Official and the owner, shall be submitted to the Board of Supervisors. The report shall specify the condition of the building or structure and setting forth the basis upon which the Building Code Official concluded that the building or structure may be dangerous. The report also should contain the Building Code Official's finding regarding whether or not the building or structure appears to be capable of being repaired or whether it should be demolished.
- (E) It shall be unlawful for any person to impede any township official or any other authorized individual in the investigation of any such building or structure under this section.

SECTION 5. HEARING PROCEDURES.

Upon receipt of a report in accordance with § 4, The Board of Supervisors of the township shall:

- (A) Give written notice to the owner of said building or structure and to all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of the county to appear before the Board of Supervisors on the date specified in the notice to show cause why the building or structure reported to be a dangerous or red-tagged building

should not be repaired, vacated, removed or demolished in accordance with the enforcement provisions set forth in this section;

- (B) Hold a hearing and hear such testimony as the owner or any other person having an interest in said building or structure shall offer relative to the condition of said building or structure;
- (C) Make written findings of fact from the testimony presented at said hearing as to whether the building in question is a dangerous or red-tagged building within the terms of § 2; and
- (D) Issue an order based upon said findings of fact demanding that the owner or other persons having an interest in said building repair, vacate or remove or demolish the said building in accordance with the provisions of this section.

SECTION 6. ENFORCEMENT PROCEDURES.

If any building or structure is deemed to be a dangerous or red-tagged building pursuant to the provisions of this section, written notice shall be served upon the owner, occupants and all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of the county.

- (A) The notice required by this section shall be served upon the owner, occupants and all other persons interested in said building or structure by sending said notice by certified or registered mail to such individual at his or her last known address.
- (B) The notice shall identify the building or structure deemed to be dangerous or red-tagged and contain a statement of the particulars which made this building or structure dangerous and shall contain an order from the Board of Supervisors requiring said building or structure to be repaired and/or vacated and/or demolished; provided, that in any case where the notice includes an order to repair said building or structure, the owner thereof shall have the option to remove or demolish such building or structure in lieu of making the repairs thereto.
- (C) Said notice shall require any person notified and ordered to repair, vacate or demolish any such building or structure to commence the work or act required by the notice within ten days of such notice and to complete the required work or act within 30 days thereof. The Board of Supervisors may, at its discretion and upon presentation to said Board of evidence of good cause, grant extensions of time for the commencement and completion of such work or act required by the notice.
- (D) In addition to the written notice to be served as aforesaid, the Board of Supervisors shall cause a notice to be placed upon any building or structure determined to be in a dangerous red-tagged condition, which notice shall read substantially as follows:

“This building had been found to be a dangerous or red-tagged building by the Board of Supervisors of Greenfield Township. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner and other persons interested in this building. It is unlawful to remove this notice until compliance is made under the provisions contained in the notice given to the above-named party. This notice is posted upon this building in accordance with the Greenfield Township Red Tag Ordinance.”
- (E) Any person who has been notified pursuant to the terms of this section to repair or demolish any building or structure which has been determined to be in a dangerous or red-tagged condition, shall immediately apply for and obtain from the township the necessary permit to repair or demolish said building or structure. A fee as established from time to time by the Board of Supervisors shall be charged by the township for such permit.

SECTION 7. EMERGENCY CASES.

In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous or red-tagged building, as defined herein, the Board may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous or red-tagged building shall be collected in the same manner as provided for in Section 9.

SECTION 8. RESPONSIBILITY FOR COMPLIANCE.

In the event that the owner of a building or structure, which has been determined to be a dangerous or red-tagged building within the provisions of this section, conveys said building or structure in any manner or method, whether by sale, lease, or otherwise, said owner shall still be responsible for compliance with the provisions of this section; and it is the intent of this section that the person acquiring said building or structure, shall be jointly and severally liable with the owner for compliance with this section.

SECTION 9. PENALTY

(A) Any person who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous or red-tagged building issued pursuant to the provisions of this Ordinance or any regulation or order issued thereunder shall, upon conviction before a District Justice, be subject to a fine not exceeding \$1,000 and costs and, in default of payment of the fine and costs, shall be subject to imprisonment in the county jail for a period not exceeding 90 days; provided, that each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Ordinance are in addition to any other remedies provided by this Ordinance.

(B) Any person removing the notice provided for in Section 6(D) shall, upon conviction before the District Justice, be subject to a fine not exceeding \$1,000 and costs for each offense and, in default of payment of the fine and costs, shall be subject to imprisonment in the county jail for a period not exceeding 90 days.

(C) If the owner, occupant or any other person having an interest in any dangerous or red-tagged building or structure, as shown by the land records of the Recorder of Deeds of the county, fails to comply with any notice or order to repair, vacate or demolish any such building or structure within 30 days from the date of said notice or order, the Board of Supervisors is empowered to cause such building or structure to be repaired, vacated or demolished by the township and to cause the costs of such repair, vacation or demolition, together with a penalty of 10%, to be charged against the land on which the building existed as a municipal lien or to recover such costs in a suit at law against the owner or other such person having an interest in the building, provided that the recovery of such cost and expense, together with the aforesaid penalty, may be in addition to the penalty imposed in divisions (A) and (B) above.

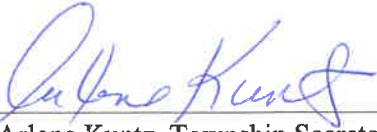
SECTION 10. ADOPTION.

This Ordinance shall be effective upon signing and shall remain in force until modified, amended or rescinded by Township of Greenfield, Blair County, Pennsylvania.


ENACTED AND ADOPTED by the Board of Supervisors this 1st day of October 2019.

ATTEST:

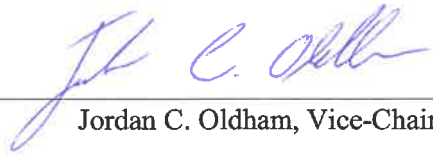
BOARD OF SUPERVISORS OF THE TOWNSHIP OF
GREENFIELD




Arlene Kuntz, Township Secretary

By: 

Matthew A. Treon, Chairman



Jordan C. Oldham, Vice-Chairman



Joseph D. Claar, Supervisor