

## **CHAPTER 4**

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(See also: Building Code, Chapter 5, Part 1)



**PART 1**

**NUMBERING OF BUILDINGS**

**§4-101. All Houses, Buildings and Structures to Be Numbered.**

On and after the passage and approval of this Part, it shall be the duty of each and every owner, trustee, lessee, agent and occupant of each and every house, building and other structure in the Borough of Wormleysburg to cause the same to be numbered in accordance with this Part and the system hereby adopted and approved. The Code Enforcement Officer shall designate the number to be used on each structure.

(*Ord. 112, 9/5/1941, §1; as amended by Ord. 361, 4/8/1986*)

**4-102. Placement of Numbers.**

The numbers shall be placed in a conspicuous place on, over or on either side of the front door or entrance of every house, building or other structure, said numbers to be of paint, metal or enamel, at least 2-1/2 inches in height, the colors to be in contrast with the immediate background and to be so placed as to be in full view from the opposite side of the street.

(*Ord. 112, 9/5/1941, §2*)

**§4-103. Unlawful to Cover or Conceal Numbers; Removal of Old Numbers.**

It shall be unlawful to cover or conceal such number. All old numbers shall be removed from any house, building or other structure when a new number has been assigned, and when so directed by the Code Enforcement Officer.

(*Ord. 112, 9/5/1941, §3; as amended by Ord. 361, 4/8/1986*)

**§4-104. Code Enforcement Officer to Enforce.**

The Code Enforcement Officer is hereby authorized to require the numbering and renumbering of any house, building or other structure in the Borough in accordance with this Part.

(*Ord. 112, 9/5/1941, §4; as amended by Ord. 361, 4/8/1986*)

**§4-105. Penalties.**

Any person or persons, firm or corporation who shall number or attempt to number any building contrary to this Part or who shall fail or neglect to number a house, building or other structure in accordance with this Part or who shall fail to change the number thereof within 30 days after notification by the Code Enforcement Officer, and any

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person or persons who shall alter, deface, remove or destroy any number required to be displayed by this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 112, 9/5/1941, §6; as amended by Ord. 361, 4/8/1986*)

**PART 2**

**DANGEROUS STRUCTURES**

**§4-201. Definitions.**

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BUILDING**—an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

**DANGEROUS BUILDING**—all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public.
- E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin 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 sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.
- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public.
- H. Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.

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- I. Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of the Borough of Wormleysburg.

**DWELLING**—any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

**DWELLING UNIT**—any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

**EXTERMINATION**—control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

**GARBAGE**—animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION**—presence, within or around a dwelling, of any insects, rodents or other pests.

**OWNER**—person who, alone or jointly or severally with others:

- A. Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
- B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Part and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**PERSON**—any individual, firm, corporation, association or partnership, or other legal entity.

**PROPERTY**—a piece, parcel, lot or tract of land.

**RUBBISH**—combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

**STRUCTURE**—any thing constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

2. Whenever the words "dwelling," "dwelling unit," or "premises," are used in this Part, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 361, 4/8/1986)

**§4-202. Dangerous Buildings Declared Nuisances.**

All dangerous buildings within the terms of §4-201 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

(Ord. 361, 4/8/1986)

**§4-203. Standards for Repair, Vacation, or Demolition.**

The following standards shall be followed in substance by the Code Enforcement Officer of the Borough of Wormleysburg in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Code Enforcement Officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
- D. If a dangerous building is 50% or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Borough or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

(Ord. 361, 4/8/1986)

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### §4-204. Duties of Code Enforcement Officer.

1. The Code Enforcement Officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of §4-201 above.
2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Code Enforcement Officer shall issue a written notice to the person or persons responsible therefore. The notice:
  - A. Shall be in writing.
  - B. Shall include a statement of the reasons it is being issued.
  - C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
  - D. Shall be served upon the owner, or his agent, or the occupant, as the case may require.
    - (1) Except in emergency cases and where the owner, occupant, lessee, or mortgagee is absent from the Borough, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.
    - (2) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Borough, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.
  - E. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.
3. Appear at all hearings conducted by the Code Enforcement Officer and testify as to the condition of dangerous buildings.

(Ord. 361, 4/8/1986)



**§4-205. Hearings.**

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, may request and shall be granted a hearing on the matter before the Borough Council; provided, that such person shall file with the Borough Council a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. Upon receipt of such petition, the Borough Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 20 days after the day on which the petition was filed.
2. After such hearing the Borough Council shall sustain, modify or withdraw the notice. If the Borough Council sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Part shall automatically become an order if a written petition for a hearing is not filed with the Borough Council within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order of the Borough Council in accordance with the provisions of the Local Agency Law.

*(Ord. 361, 4/8/1986)*

**§4-206. Removal of Notice Prohibited.**

No person shall remove or deface the notice of dangerous building, except as provided in §4-203(C).

*(Ord. 361, 4/8/1986)*

**§4-207. Emergency Cases.**

Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Code Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Code Enforcement Officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

*(Ord. 361, 4/8/1986)*

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### **§4-208. Abatement by Borough.**

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Code Enforcement Officer within the time specified in the notice issued by the Code Enforcement Officer, the Code Enforcement Officer shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided. The Borough may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, in the manner provided by law.

*(Ord. 361, 4/8/1986)*

### **§4-209. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

*(Ord. 361, 4/8/1986)*

**PART 3**

**REMOVAL OF STRUCTURES**

**§4-301. Permit Required for Removal.**

Before any structure, to include a dwelling, building, shed or similar item, except as provided in §4-302 within the Borough of Wormleysburg can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove any structure shall not be issued until releases are obtained from the utilities or the Wormleysburg Borough, in the case of sewer, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Said releases shall be delivered to the Code Enforcement Officer prior to the issuance of the demolition or removal permit.

*(Ord. 306, 4/8/1977, §1; as amended by Ord. 361, 4/8/1986)*

**§4-302. Exceptions.**

Any structure, as defined in §4-301, which has a value of \$1,000 or less, as determined by the Code Enforcement Officer, which does not have utility service connections may be demolished or removed without the permit required under the terms of this Part.

*(Ord. 306, 5/12/1977, §2; as amended by Ord. 361, 4/8/1986)*

**§4-303. Adjoining Owners to Be Notified.**

Only when notice has been given by the owner or agent to the owners of adjoining lots and to owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the removal or demolition of a structure. Copies of said notices shall be given to the Code Enforcement Officer prior to the issuance of the permit.

*(Ord. 306, 5/12/1977, §3; as amended by Ord. 361, 4/8/1986)*

**§4-304. Care of Lot.**

Whenever a structure is demolished or removed, the lot shall be maintained free of all unsafe or hazardous conditions by the proper regulations of the lot, restoration of established grade and erection of any necessary retaining walls and fences.

*(Ord. 307, 5/12/1977, §4)*

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### **§4-305. Fee for Permit.**

When the owner or agent shall have complied with §§4-301 and 4-302 of this Part, an application may be made to the Code Enforcement Officer for the issuance of a demolition or removal permit. The fee for the demolition or removal of a structure shall be established from time to time by resolution of Borough Council.

(*Ord. 307, 5/12/1977, §5; as amended by Ord. 361, 4/8/1986*)

### **§4-306. Code Enforcement Officer to Determine Conformance.**

The Code Enforcement Officer shall issue a removal or demolition permit only after it has been determined that the proposed removal or demolition to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

(*Ord. 307, 5/12/1977, §6; as amended by Ord. 361, 4/8/1986*)

### **§4-307. Placard to Be Displayed.**

In addition to the demolition or removal permit, the Code Enforcement Officer shall issue a placard which shall be prominently displayed on the site and shall remain until final inspection has been made. This placard shall show the number of the demolition or removal permit, the date of issuance, the location of the structure and be signed by the Code Enforcement Officer.

(*Ord. 306, 4/12/1977, §7; as amended by Ord. 361, 4/8/1986*)

### **§4-308. Six Months to Begin Removal.**

Work on the proposed removal or demolition shall begin within 6 months after the date of issuance of the demolition or removal permit or the permit shall expire unless a time extension is granted in writing by the Code Enforcement Officer.

(*Ord. 306, 4/12/1977, §8; as amended by Ord. 361, 4/8/1986*)

### **§4-309. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 3 continues shall constitute a separate offense.

(*Ord. 306, 4/12/1977, §9; as amended by Ord. 361, 4/8/1986*)