

C O P Y

TOWNSHIP OF SUMMIT  
ERIE COUNTY, PENNSYLVANIA

UNSAFE BUILDING ORDINANCE  
ORDINANCE NO. 83-3

AN ORDINANCE GOVERNING THE REPAIR, DEMOLITION, REMOVAL OF ALL BUILDINGS AND STRUCTURES; KNOWN AS THE UNSAFE BUILDING ORDINANCE; PROVIDING FOR THE MAKING OF INSPECTIONS, ORDERS TO DEMOLISH; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF THE TOWNSHIP OF SUMMIT, ERIE COUNTY, PENNSYLVANIA, HEREINAFTER CALLED THE MUNICIPALITY, AS FOLLOWS:

Section 1.

- 1.1 The Unsafe Building Ordinance -- That a certain document three (3) copies of which are on file in the Office of the Secretary of the Township of Summit, being marked and designated as "The Unsafe Building Ordinance, Ordinance No. 83-3", be and is hereby adopted as an ordinance of the Township of Summit in the County of Erie, in the State of Pennsylvania; for the control of unsafe buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the Unsafe Building Ordinance, Ordinance No. 83-3 are hereby referred to, adopted and made part hereof, as fully set out in this ordinance.
- 1.2 Application -- The provisions set forth in this Ordinance, shall take effect ~~immediately~~ <sup>10</sup> days from the date of enactment of this Ordinance or any amendment thereto, and shall apply throughout the municipality.

Section 2. UNSAFE BUILDINGS -- All buildings or structures which have any of the following defects shall be deemed unsafe buildings:

- 2.1 Buildings or structures whose interior walls or other vertical structural members list, lean, or buckle to such an extent that block line passing through the center of gravity falls outside of the middle third of its base.
- 2.2 Buildings or structures which, exclusive of the foundation, show thirty (30%) percent or more of damage or deterioration of the supporting members, or fifty (50%) percent or more of damage or deterioration of the nonsupporting interior or outside walls or covering.

- 2.3 Buildings or structures 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.
- 2.4 Buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to life or safety of the occupants or to others in the vicinity.
- 2.5 Buildings or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.
- 2.6 Buildings or structures having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other means of access and egress.
- 2.7 Buildings or structures, parts of which are so attached that they may fall and injure members of the public or cause damage to property.

Whenever any building, structure, or part thereof or appurtenance thereto, is found to be an unsafe building, The Board of Supervisors shall give written notice to the owner, lessee, tenant, occupant and/or agent, describing the unsafe condition and ordering the abatement thereof within the period specified in the notice. Failure to comply with the order contained in the notice within the time period specified shall be deemed a violation of this ordinance and a penalty of \$25.00, plus costs and expenses may be imposed on said owner, lessee, tenant, occupant and/or agent. Each day of said violation shall constitute a separate offense and separate violation, each separate offense subject to a \$25.00 penalty. All penalties paid under the terms of this ordinance shall be payable to the Treasurer of Summit Township.

Section 3. REPAIR, VACATION, OR DEMOLITION OF BUILDINGS -- All unsafe buildings as herein defined are declared to be public nuisances and shall be repaired, vacated, or demolished, pursuant to the notice and order of the Board of Supervisors under Section 1 or Section 2 of this ordinance, in accordance with the following standards, or as otherwise provided in this ordinance:

- 3.1 If the unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered to be repaired.
- 3.2 If the unsafe building is in such condition as to make it dangerous to health, safety, moral or general welfare of the occupants of the building or structure, it shall be ordered to be vacated.

- 3.3 If the unsafe building is fifty (50%) percent damaged, decayed or deteriorated from its original value, or if it cannot be repaired so that it will no longer exist in violation of the provisions of this ordinance, it shall be demolished.
- 3.4 If the unsafe building, whether or not vacant, has not been repaired in accordance with the notice and order of the Board of Supervisors, and if it is in such condition as to make it dangerous to the health, safety morals or general welfare of its occupants or of the public, and the vacation of the building would not eliminate such condition, it shall be ordered to be demolished.
- 3.5 If a vacant, unused building is so dilapidated or in such a state of disrepair that it constitutes a danger to the safety of the children, morals of the community, or the general welfare of the neighborhood, it shall be ordered to be demolished.

Section 4. CONDEMNATION OF BUILDINGS

- 4.1 In the event of failure to comply with the notice or order of the Board of Supervisors under Section 2 of this ordinance, or in the event that an unsafe building under Section 1 of this ordinance constitutes an immediate hazard to life, limb or property, or in the event the building comes within the provisions of Section 2 of this ordinance, the Board of Supervisors shall prepare a notice of condemnation describing the unsafe conditions which have caused the building or structure to become an unsafe or otherwise dangerous building and ordering the abatement of such conditions in accordance with Section 2.
- 4.2 Discontinuance of Occupancy -- After issuance of a notice of condemnation, the Board of Supervisors shall have authority to revoke any certificate of occupancy which may previously have been issued for the building or structure affected thereby. If no certificate of occupancy had previously been issued the Board of Supervisors shall have authority or order the discontinuance of any or all occupancies in said building or structure. After notice or revocation or notice ordering the discontinuance of occupancy or copies of such notice have been sent to the owner, lessee, tenant, occupant or agent of said building or structure, the continued occupancy of the building or structure shall be a violation of this Code and the owner and all occupants shall be in violation thereof. If any condemned portion of a building constitutes or contains an exit which is required by law or ordinance or is, in the opinion of the Board of Supervisors, a necessary means of

gress, the continued occupancy of said building after revocation of the certificate of occupancy or issuance of an order to discontinue the occupancy shall be in violation of this Code, whether or not any other portion of said building is in unsafe condition. If the building, structure, part thereof or appurtenance thereto shall have been made safe, the Board of Supervisors shall re-issue or renew any certificate of Occupancy which may have been revoked or, upon application, shall issue a new certificate.

4.3 Authority for Abatement and Recovery of Cost thereof -- If, after expiration of the time specified in the notice of condemnation, the owner, agent, or person in charge or control has not abated the unsafe condition described in said notice and has not appealed to the Court of Common Pleas, as provided for by law, the Board of Supervisors shall have authority to abate said unsafe condition by repairing, removing or demolishing said building, structure, part thereof or appurtenance thereto at the expense of the Township Summit, the cost thereof to be recovered by the Township from said owner in an action of law in the Court of Common Pleas. When such suit with statement of claim and description of the premises is filed by the Township, the Prothonotary shall index it upon the judgment docket and the Township shall have a lien for the amount of said claim against said premises.

4.4 Methods of Abatement -- In abating any dangerous condition cited in a notice of condemnation, the Board of Supervisors shall have the authority to decide whether the building, structure, part thereof or appurtenance thereto shall be repaired, removed or razed. If he shall decide to raze said building or structure and the owner thereof has not, within thirty (30) days after condemnation, notified the Board of Supervisors in writing that he desires to have all parts, appurtenances and materials removed therefrom placed on the lot, the Board of Supervisors shall have authority to allow the person, firm or corporation performing the work of demolition to retain any or all such parts, appurtenances and materials as payment or part payment for the razing of the building or structure. If such parts, appurtenances and materials are placed on the lot, the owner shall be required to use or dispose of them within ninety (90) days after completion of the demolition and shall be responsible for any unsafe condition arising from their storage on the lot.

Section 5 ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH  
BE AND THE SAME ARE HEREBY REPEALED

Section 6 SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECIDED BY THE COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THIS ORDINANCE AS A WHOLE OR ANY PART THEREOF, OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.

ENACTED AND ORDAINED THIS 6th DAY OF September, 1983

John W. Colvin  
Township Supervisor

Richard Blessinger  
Township Supervisor

Rita C. Hays

ATTEST:

Phyllis J. White  
Secretary