

ORDINANCE NO. 179

AN ORDINANCE REQUIRING THE REMOVAL OR REPAIR OF UNSAFE OR DANGEROUS BUILDINGS OR STRUCTURES BY THE OWNERS THEREOF OR BY THE BOROUGH AT THE EXPENSE OF SUCH OWNERS FOR FAILING OR REFUSING TO DO SO, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough of Cokeburg, Washington County, Pennsylvania, as follows:

Section 1. Whenever it shall be reported to the Borough Secretary that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous and unsafe condition, the Borough Secretary shall immediately cause an investigation and inspection of such buildings or structures by a Board of Viewers consisting of three members, two of whom will be council members and one a builder or contractor. The Board of Viewers shall make an investigation and inspection of such building or structure and shall file a written report with the Borough Secretary, if such investigation or inspection indicates such structure to be unsafe or dangerous in any respect, specifying the exact condition of such building or structure, setting forth in said written report whether and in what respect they consider such building or structure to be unsafe or dangerous, and, if so whether such building or structure is capable of being properly repaired or whether it should be removed as an unsafe or dangerous building or structure. The Borough Secretary upon receipt of said written report of the Board of Viewers, shall report the same to the Council and the Mayor.

Section 2. The term unsafe building or structure or portion thereof shall include buildings or structures or portions thereof structurally unsafe; unstable; unsanitary; inadequately provided with exit facilities; constituting a fire hazard; partially destroyed by fire or wind; unsuitable or improper for the use or occupancy to which they are put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or by partial burning; or otherwise dangerous to life or property.

Section 3. If any structure is reported by the Borough Secretary to Council, as provided in the first section of this Ordinance, to be in unsafe or dangerous condition, the Council shall, upon appropriate affirmative motion, cause written Notice to be served upon the owner of such building or structure. Such Notice shall require the Owner of such building or structure to commence the repair within ten (10) days of such Notice and to complete repair of any building or structure within thirty (30) days thereof. **PROVIDED:** In any case where the Notice prescribes the repair of any building or structure, the owner thereof shall have the option to remove such building or structure instead of making repairs thereto, within the time limit.

Section 4. The Notice required by the Third section of the Ordinance shall be served personally upon the owner of a building or structure, if such owner resides in the Borough, or upon the agent of such owner, if such agent has a residence or business within the Borough. If neither the owner nor the agent thereof can be served within the Borough as hereby provided, such Notice shall be sent to the owner of such building or structure by Certified Mail, at the last known address thereof.

Section 5. If the owner of any unsafe or dangerous structure to whom or which a Notice to repair or remove such building or structure shall be sent under the provisions of this Ordinance, fails to commence or to complete such repair or removal within the time limits prescribed by such Notice, he shall be guilty of a violation of this Ordinance, and, upon conviction thereof, shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution.

Section 6. If the owner of any unsafe or dangerous structure to whom or which a Notice to repair or to remove such structure shall be sent under the provisions of this Ordinance, fails to commence or to complete such repair or removal within thirty (30) days after conviction for violation of this Ordinance, the Borough shall be empowered to cause such work of repair or removal to be commenced and/or completed, and the cost and expense thereof, with a penalty of twenty five percent (25%), shall be collected from the owner of such building or structure

in the manner provided by law. **PROVIDED:** The recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed as provided in Section 5 of the Ordinance.

Section 7. All ordinances and parts of ordinances inconsistent herewith are hereby repealed. Ordinance NO. 93 is specifically repealed, hereby.

ORDAINED AND ENACTED this 10th of MAR, 1999

ATTEST:

Peter Ladisic
President of Council

Sally Kloushek
Borough Secretary

APPROVED this 10th of MAR, 1999.

Bernard M. Lubinski
Mayor