

## CHAPTER 4

### BUILDINGS

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#### PART 1

##### **PERMITS**

##### **§ 4-101. Provision of Construction or Use Permit.**

Whenever it shall be the duty of the Zoning Officer of the Township of Lamar to issue permits for construction, use, occupancy or zoning permits, as required under the ordinances of the Township of Lamar, the Zoning Officer shall provide one type of sign or document, at least 6 inches by 9 inches in size, and to be entitled "Lamar Township's Construction, Use, Occupancy or Zoning Permit."

(Ord. 53-5-93, 5/10/1993, § 1)

##### **§ 4-102. Information Contained on Permit; Display Thereof.**

Upon determination by the Zoning Officer that such permit may be legally issued under the ordinances of the Township of Lamar, the Zoning Officer shall designate by appropriate words or markings on such permit the specific construction, use, occupancy, or zoning use permitted. Such permit shall be provided to permittee or displayed prominently on the side of the affected property facing the street or most traveled access to the property.

(Ord. 53-5-93, 5/10/1993, § 2)

##### **§ 4-103. Determination of Applicability of Permit; Permit Not Required for Certain Work.**

Before the issuance of any permit, the Zoning Officer shall determine whether the application applied to the erection, alteration or demolition of any structure, or repair thereof. In the case of repairs or normal maintenance work, no permit shall be required. In determining whether a particular project involves erection, alteration or demolition, as opposed to repair work or maintenance, the Zoning Officer shall make such determination based on the common usage and interpretation of such words. The determination of the officer shall be final.

(Ord. 56-5-93, 5/10/1993, § 3)

##### **§ 4-104. Occupancy Permit.**

No building or structure resulting from new construction shall be occupied for commercial, residential or industrial use prior

to issuance of an occupancy permit required by the Zoning Officer.

(Ord. 56-5-93, 5/10/1993, § 4)

#### § 4-105. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 56-5-93, 5/10/1993, § 5; as amended by Ord. 12/10/2001)

## PART 2

### DANGEROUS STRUCTURES

#### § 4-201. Definitions.

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:

(1) 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 the middle third of its base.

(2) 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 non-supporting enclosing or outside walls or covering.

(3) 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.

(4) 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.

(5) 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.

(6) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

(7) 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.

(8) Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.

(9) Those existing in violation of any provisions of the Building Code, Fire Prevention Code, or other ordinances of Lamar Township.

**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 or 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 or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION** - presence, with or around a dwelling, of any insects, rodents or other pests.

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

(1) Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof.

(2) 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 or non-combustible 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.

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. 9-3-2013, 9/3/2013, § 2-201)

#### **§ 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. 9-3-2013, 9/3/2013, § 2-202)

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

The following standards shall be followed in substance by the Zoning Officer of Lamar Township 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 Zoning Officer. The Zoning Officer shall remove such placard whenever the defect or defects upon which the placarding action was 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 Lamar Township 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. 9-3-2013, 9/3/2013, § 2-203)

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

1. Whenever it shall be reported to the Lamar Township Supervisors that any building or structure is in a dangerous condition, the Lamar Township Supervisors shall immediately cause an investigation or examination to be made of such structure 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 Zoning Officer shall issue a written notice to the person or persons responsible therefor. 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 Lamar Township, all notices shall be deemed to be properly served upon the owner, occupant or other persons 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 Lamar Township, 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 Real Estate Tax Assessment Office 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 Zoning Officer and testify as to the condition of dangerous buildings.

(Ord. 9-3-2013, 9/3/2013, § 2-204)

#### **§ 4-205. Hearings.**

1. Any person affected by a 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 Zoning Officer; provided, that such person shall file with the Zoning Officer 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 Zoning Officer 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 Zoning Officer shall sustain, modify or withdraw the notice. If the Zoning Officer 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 Zoning Officer within 10 days after such notice is served.

3. Any aggrieved party may appeal the final order to the Board of Supervisors in accordance with the provision of the Local Agency Law.

(Ord. 9-3-2013, 9/3/2013, § 2-205)

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

No person shall remove or deface the notice of dangerous building, except as provided in §4-203(3).

(Ord. 9-3-2013, 9/3/2013, § 2-206)

#### **§ 4-207. Emergency Cases.**

Whenever the Zoning Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of 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 Zoning 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 Zoning 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. 9-3-2013, 9/3/2013, § 2-207)

#### **§ 4-208. Abatement by Lamar Township.**

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

(Ord. 9-3-2013, 9/3/2013, § 2-208)

#### **§ 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 \$1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 9-3-2013, 9/3/2013, § 2-209)