

ORDINANCE NO. 108

AN ORDINANCE OF THE TOWNSHIP OF WHITE, BEAVER COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR RE-CONDITIONING AND/OR REMOVAL OF DILAPIDATED STRUCTURES AND ABATEMENT AND/OR REMOVAL OF UNHEALTHY AND UNSANITARY CONDITIONS AND PROVIDING AN ORDERLY SYSTEM THEREFOR; PROVIDING FOR PETITION FOR IMPROVEMENT AND/OR REMOVAL; AUTHORIZING THE BOARD OF SUPERVISORS TO ACT THEREON; PROVIDING FOR FORCEABLE REMOVAL AND/OR ABATEMENT; PROVIDING FOR APPEAL BY THE PROPERTY OWNER; PROVIDING FOR LIENS AND PENALTIES; AND, REVOKING INCONSISTENT ORDINANCES.

INTRODUCTION

WHEREAS, it is necessary for the general protection and welfare of the Township that certain building structures and facilities herein situate be reconditioned or removed from the property on which erected and/or constructed and that certain unhealthy and unsanitary conditions be abated or removed from the property on which located; and

WHEREAS, it is the desire of the Board of Supervisors of the Township of White, to establish an orderly system whereby the welfare of the Township can be thus promoted and the property rights of its individual citizens protected:

THEREFORE, BE IT ENACTED and ORDAINED by the Board of Supervisors of the Township of White, Beaver County, hereby as follows:

SECTION I

A. Whenever there shall exist in White Township, Beaver County, Pennsylvania, a vacant house, building, out-building, structure or facility which in the opinion of ten (10) or more residents of said Township is, by reason of its extreme state of disrepair and general condition, dangerous, prejudicial and detrimental to the public health, safety and welfare of the citizens of the Township then any ten (10) or more residents may submit a petition in writing to the Secretary of the said Township, which petition shall be presented to the Board of Supervisors at its next regularly scheduled meeting, requesting the Board to inspect the premises in question and make its own determination as to its general condition.

B. Whenever there shall exist in White Township an open cistern, cesspool or other unhealthy and/or unsanitary condition, which in the opinion of ten (10) or more residents of the Township is, by reason of its condition, dangerous, prejudicial and detrimental to the safety, public health and welfare of the citizens of the Township, then any such ten (10) or more residents may submit a petition in writing to the Secretary of the Township, which the petition shall be presented to the Board of Supervisors at its next regularly scheduled meeting, requesting the Board to inspect the open cistern, cesspool or other unhealthy and/or unsanitary condition on the premises where located and to make its own determination as to the general condition of the same.

SECTION II

Upon receipt of the petition, the Board of Supervisors shall make a personal and official inspection and examination of the subject property after first giving ten (10) days' written notice of its intention to so inspect by registered mail, if address of the owners of the property is known, or by posting the property ten (10) days in advance with at least three (3) notices of the time of the inspection if the address of the owner and/or owners of the property is not known, at which time at least a majority of the members of the Board must be present and make a determination as to whether the house, building, out-building, structure or other facility and/or open cistern, cesspool or any unhealthy and/or unsanitary condition situate upon the property in question is, by reason of its extreme condition or disrepair and dilapidation and/or unsanitary condition, dangerous, prejudicial and detrimental to the public health, safety and welfare of the citizens of White Township.

SECTION III

If, after viewing the property in question, the Board of Supervisors is of the opinion that the vacant house, building, out-building, structure or other facility in question or the open cistern, cesspool or other unhealthy and/or unsanitary condition upon the property in question is dangerous, prejudicial and detrimental to the public health, safety and welfare of the citizens of the Township, the Board shall adopt, by a majority vote of the entire Board of Supervisors, a resolution condemning the vacant house, building, out-building, structure or other facility or open cistern, cesspool, or other unhealthy or unsanitary condition thereupon situate as being dangerous, prejudicial and detrimental to the public health, safety and welfare of the citizens of the Township, and said resolution shall set forth therein the reasons upon which the Board bases its action.

SECTION IV

The White Township Board of Supervisors shall by, motion, direct the Secretary of the Township to give written notice to the owner or owners of said property, accompanied by a copy of the resolution adopted by the Board setting forth the action taken with regard to said house, building, out-building, structure or facility and/or open cistern, cesspool or other unhealthy and/or unsanitary condition situate upon the subject property, and shall contain an order to abate the same in a manner satisfactory to the Board within sixty (60) days from the mailing of the notice. Notice shall be given by the Secretary of the Township to the property owner or owners by registered mail, return receipt requested, if the whereabouts of the owner or owners is known. If the whereabouts of the owner or owners is not known, then notice shall be given by posting the premises with a copy of the resolution, together with notice to abate the condition existing as set forth in the resolution, and advertising three (3) conspicuous places and advertising a copy of the resolution together with notice to abate the conditions existing, one (1) time in a newspaper of general circulation in the community wherein the property is situate.

SECTION V

In the event the condition which is dangerous, prejudicial and detrimental to the public health, safety and welfare of the citizens of the Township has not been removed and/or abated within a period of ninety (90) days from the date of the service of notice, in the manner hereinabove provided for, of the action taken by the Board of Supervisors of the Township of White, Beaver County, then said Board shall be at liberty to take such action as it shall deem necessary to abate and/or remove the condition then existing upon the subject property which it has determined to be dangerous, prejudicial and detrimental to the public health, safety and welfare of the citizens of the Township. Such action may be taken either through the regular employees of the Township or by contract made for said purpose and the cost thereof shall be charged against the property together with a penalty of Thirty Five Hundred (\$3500.00) Dollars and a lien therefor be entered in accordance with the laws of the Commonwealth of Pennsylvania.

SECTION VI

The owner of record of said property or any other person allegedly claiming ownership or to be directly affected by such action shall have the right to appeal this action to the Board of Supervisors of the Township and to be heard before such body provided said party or parties shall file in the office of the Secretary of the Township, within twenty (20) days from the date of the mailing or first advertising of said notice, whichever the case shall be, as hereinbefore provided for, a written request for such hearing setting forth briefly the grounds therefor. Upon such request being properly made, a hearing thereon shall be set and notice of the time and place thereof shall be furnished all parties requesting such hearing, within fifteen (15) days after the request is filed; notice of said hearing to be given at the last known address of the party so requesting. After said hearing has been held, the decision of the Board of Supervisors relating thereto shall be furnished in writing to all parties who requested said hearing, and the Board of Supervisors may, by resolution, if it so desires, enter a further order amending or in any way changing the resolution of the Board as previously adopted. The owner or owners of record of said property or any other person allegedly claiming ownership of said property shall be given sixty (60) days following any such hearing to take the action required by the Board through its original resolution or any modification or change thereof made by resolution following the hearing.

SECTION VII

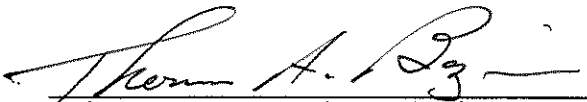
Nothing herein contained shall be construed to deny the right of any party aggrieved by the action herein provided for, to appeal to any Court of Competent jurisdiction in this Commonwealth, providing said appeal is not taken solely for the purpose of delay.

SECTION VIII

All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

ENACTED and ORDAINED into an Ordinance this 1st day of June, 2004 by the Board of Supervisors of the Township of White, County of Beaver, and Commonwealth of Pennsylvania.

SIGNED:


Thomas A. Bozic, Chairperson


Therese G. Pamer, Supervisor

Kathleen A. Porter, Supervisor

ATTEST:


Deborah A. Kaszer, Secretary