

**FAWN GROVE BOROUGH  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO.: 2004-   2**

**AN ORDINANCE PROHIBITING DANGEROUS  
STRUCTURES AND CONDITIONS IN THE BOROUGH  
OF FAWN GROVE AND PROVIDING PENALTIES FOR  
VIOLATION OF SAID PROHIBITION.**

IT IS HEREBY ENACTED AND ORDAINED, by the Borough Council of Fawn Grove Borough, York County, Pennsylvania, as follows:

**DANGEROUS STRUCTURES**

Section 1. TITLE. This Ordinance shall be known as the "Fawn Grove Borough Dangerous Structures Ordinance."

Section 2. DEFINITIONS.

DANGEROUS BUILDINGS - as used in this Ordinance is hereby defined to mean and include:

- A. Any building, shed, fence or other manmade structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures.
- B. Any building, shed, fence or other manmade structure which because of faulty construction, age, lack of proper repair or other cause is especially liable to fire and constitutes or creates a fire hazard.
- C. Any building, shed, fence or other manmade structure which by reason of faulty construction or any cause is liable to cause injury or damage by collapsing or by collapse or fall of any part of such structure.
- D. Any building, shed, fence or other manmade structure which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

DANGEROUS CONDITION - any quarry, sinkhole, accumulation of water, accumulation of materials or other feature of any premises which is dangerous to

the public health because of such feature and which may cause or aid in the spread of disease or injury to the house of the occupants of said premises or of neighboring premises or structures.

Any such dangerous building or dangerous condition within the Borough of Fawn Grove is hereby declared to be a nuisance.

Section 3. PROHIBITION. It shall be unlawful to maintain or permit the existence of any dangerous building or dangerous condition in the Borough of Fawn Grove and it shall be unlawful for the owner, occupant or person in custody of any dangerous building or maintains the dangerous condition or permits the same to remain dangerous or to occupy any such building or permit it to be occupied while it is or remains dangerous.

Section 4. ABATEMENT.

1. Whenever it shall be reported to the Mayor that any dangerous building or dangerous condition exists, the Mayor shall immediately cause an investigation or examination to be made of such building or condition by the Borough Engineer. If such investigation or examination indicates such building or condition to be dangerous as defined in this Part, the Engineer shall report the same in writing to the Mayor specifying the exact matter of such condition and setting forth in such report whether and in what respect he considers such building or condition to be dangerous, and if so, whether such building or condition is capable of being properly corrected or whether it should be removed.
2. In the event that the Mayor finds such building or condition to be dangerous as provided in subsection (1) above, he shall cause written notice thereof to be served upon the owner of the premises and upon the occupant thereof? if any, by registered mail, return receipt requested, or by personal service. Such notice shall state that the building or condition has been declared to be dangerous and that such danger must be removed or remedied by repairing or altering the building or condition or by demolishing it and that the danger must be remedied within 10 days. Such notice may be in the following terms:

“To \_\_\_\_\_(owner, occupant of premises) of premises known and described as \_\_\_\_\_

"You are hereby notified that \_\_\_\_\_  
(describe building or condition) on the premises above mentioned has been declared a nuisance and a dangerous building or dangerous condition after inspection by \_\_\_\_\_

"The causes for this decision are \_\_\_\_\_  
(Here insert the facts as to the dangerous building or dangerous condition).

"You must remedy this condition or demolish the building within 10 days of the date of this letter or the Borough of Fawn Grove will proceed to do so, and the cost thereof will be assessed upon you."

3. Anyone receiving notice that a dangerous building or dangerous condition exists upon premises that they own or occupy shall have the right to appeal such decision of the Mayor within 10 days of the service of such notice by filing with the Council of the Borough of Fawn Grove, through the Borough Secretary, written notice of their appeal. Upon receipt of said notice by the Council of the Borough of Fawn Grove, it shall, within 30 days of said receipt, establish a place, date and time for a hearing to be held on said matter, at which time the appeal shall be heard by the Borough Council.
4. If the person or persons receiving the notice as called for in subsection (2), above, have not complied with or have not taken an appeal from the determination of the Mayor of the finding that a dangerous building or dangerous condition exists within 10 days from the time when this notice is served upon this person by registered mail or personal service, the Borough of Fawn Grove, through its employees, may proceed to remedy the condition or to demolish the building.

Section 5. FIRE LIMITS.

1. Any frame building or structure within the limits of the Borough of Fawn Grove which has or may be damaged by fire, decay or other causes to the extent of 50% of its value shall be tom down and removed or rebuilt with new or undamaged material, in accordance with the provisions of the Pennsylvania Uniform Construction Code, where applicable.
2. Upon written notice by the Borough Engineer to the effect that such building has been so damaged filed with the Borough Secretary, said Secretary shall notify the owner or occupant, if any, of the premises of the receipt of such notice.
3. The Secretary of the Borough shall thereupon cause written notice of this determination to be served upon the Council of the Borough of Fawn Grove at its next regularly scheduled meeting.
4. The Council of the Borough of Fawn Grove shall then appoint three persons to determine whether or not such building or structure has been damaged to the extent of 50% of its value.

5. A copy of the notice of the appointment of this board of three persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail at his last known address.

6. Such notice shall be in substantially the following form:

"To \_\_\_\_\_

"You are hereby notified that the Borough Council of the Borough of Fawn Grove has determined that the building owned by you located at (its described location) has been damaged by fire, decay or otherwise, to the extent of 50% of its value, that a Board of three persons has been appointed to verify this finding, which said Board will hold its first meeting at on the day of \_\_\_\_\_, 200 at the hour of o'clock at which time it will determine whether or not this finding is correct.

If this finding is verified by the Board, you must tear down and remove the said building or rebuild it with new or undamaged materials."

7. If this finding is verified by the Board of three members and it determines that the building in question has been damaged to the extent of 50% of its value, it shall be the duty of the owner to tear down and remove the said building within 20 days after the finding of such Board, or to remodel it to comply with the requirements of the Borough and it shall be unlawful to occupy or permit the occupancy of such building after such finding until it is so remodeled.

Section 6. FAILURE TO ABATE. In the event that any owner or occupant shall neglect, fail or refuse to comply with any notice required by this Ordinance within the period of time stated therein, the Borough authorities may remove or correct any such dangerous building or dangerous condition and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such owner or occupant in the manner authorized by law.

Section 7. PENALTY FOR VIOLATION. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to 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 30 days. Each day that a violation continues shall constitute a separate offense; provided, notice to the offender shall not be necessary in order to constitute an offense.

Section 8. REPEALER. Any prior ordinance or part thereof which is inconsistent with the provisions contained herein is hereby repealed.

