

BOROUGH OF SYKESVILLE
ORDINANCE 7/05/22

**AN ORDINANCE OF SYKESVILLE BOROUGH
PROVIDING FOR THE REPAIR, VACATION
AND/OR DEMOLITION OF UNSAFE BUILDINGS**

§ 1. Definition.

As used in this chapter, the following terms shall be interchangeable and have the meanings indicated:

DANGEROUS OR DILAPIDATED BUILDINGS; UNSAFE BUILDINGS;

All buildings or structures which have any or all of the following defects:

- A. Those whose interior or exterior walls or other vertical structural members lean, list or buckle to such an extent that they are 3% or more of their longitudinal dimension from being vertically plumb or horizontally straight.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the surrounding member or members or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or coverings.
- C. Those which have improperly distributed loads upon the floors, roofs or walls as a result of settlement or decay in which any structural member is overloaded or has insufficient strength to be reasonably safe.
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Borough of Sykesville.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary 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, morals, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of evacuation.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Borough.
- J. Those buildings existing in violation of any provision of the Building Code of this Borough or in violation of the Fire Prevention Code or other ordinances of this Borough.

§ 2. Unsafe Building Committee; Repair, Vacation or Demolition of Buildings.

A. There is hereby established an Unsafe Building Committee which shall consist of the following persons: the Building Inspector, police officer[s], and two (2) members of Borough Council who shall be appointed by the Council President.

B. The following standards shall be followed in substance by the Unsafe Building Committee or assistants specially designated thereto and the Borough Council in ordering repair, vacation or demolition of Unsafe Buildings:

1. If the dangerous or dilapidated building can be repaired as determined by based on the findings of a member of the Unsafe Building Committee and Borough Council as provided for herein, so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

2. If the dangerous or dilapidated building, is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, based on the findings of a member of the Unsafe Building Committee and Borough Council as provided for herein, it shall be ordered to be vacated.

3. In any case where a dangerous or dilapidated building cannot reasonably be repaired, where it is determined that the cost of such repairs would exceed 100% of the current market value of such building, based on the findings of a member of the Unsafe Building Committee and Borough Council as provided for herein, it shall be Ordered to be demolished. In determining current market value, the Committee and/or Council may use the real estate valuation factors set forth by the State Tax Equalization Board, by using the reciprocal common level ratio value for the building value as is listed on the current county tax assessment records.

§ 3. Declaration of nuisances.

All dangerous buildings within the terms of § 1 of this chapter are hereby declared to the public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

§ 4. Duties of Unsafe Building Committee.

The members of the Unsafe Building Committee or assistants specially designated thereto shall:

A. Upon reasonable and probable cause, inspect or cause to be inspected any structures for the purpose of determining whether any conditions exist which render such places dangerous buildings within the terms of § 1 of this chapter, and obtain search warrants, if necessary, to inspect buildings suspected to be in violation of this Chapter.

B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter.

C. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Department of this Borough as suspected of existing in violation of the terms of this chapter.

D. Issue report(s) to the Solicitor and Council regarding any buildings determined to be unsafe under the provisions of § 1, containing: (1) the identity and location of said building; (2) information concerning identity and contact information of the record owner, real estate tax and assessments status of the property; (3) identity of any known or suspected tenants or other occupants; (4) a description of the building and a statement of the particulars which make the building or structure a dangerous building; and (5) an order requiring the building to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.

E. Report to the Solicitor to notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the deed registration files of the Borough and/or the Recorder of Deeds of the County of Jefferson of any building found by the Unsafe Building Committee to be a dangerous building within the standards set forth in § 1 of this chapter that the owner must vacate, repair and/or demolish said building in accordance with the terms of the notice and this chapter.

F. The mortgagee, agent or any other persons who have an interest in said building as shown by the land records of the deed registration files of the Borough and/or the Recorder of Deeds of the County of Jefferson may, at their own risk, repair, vacate or demolish said building or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do or have done the work or act required by the notice provided for herein.

G. Report to the Borough Council any building found by the Committee to be a dangerous building within the standards set forth in § 1, and any noncompliance with the notice provided for in Subsections D, E and F hereof.

H. Appear at all hearings conducted by the Borough Council, in person or by a designated assistant, and testify, present reports and other evidence as to the condition of dangerous buildings.

I. Place a notice on all dangerous buildings reading as follows:

THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE UNSAFE BUILDING COMMITTEE. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN TO THE OWNER, OCCUPANT, LESSEE, MORTGAGEE OR AGENT OF THIS BUILDING AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID BUILDING AS SHOWN BY THE LAND RECORDS OF THE DEED REGISTRATION FILES FOR THE BOROUGH AND/OR THE RECORDER OF DEEDS OF THE COUNTY OF JEFFERSON. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH.

§ 5. Duties of Borough Council.

The Borough Council shall:

A. Upon receipt of a report from a member of the Unsafe Building Committee or assistants specially designated thereto as provided for in § 4D hereof, instruct the solicitor to give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the deed registration files of the Borough and/or the Recorder of Deeds of Jefferson County to appear before Council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in § 4D

B. Hold a hearing and hear such testimony and receive such evidence as the Unsafe Building Committee, or assistants specially assigned thereto, or the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the deed registration file of the Borough and/or the Recorder of Deeds of the County of Jefferson shall offer relative to the dangerous building.

C. Make written findings of fact from the testimony and evidence offered pursuant to Subsection B as to whether or not the building in question is a dangerous building within the terms of § 1 hereof.

D. Issue an order based upon findings of fact made pursuant to subsection C commanding the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the deed registration file of the Borough and/or the Recorder of Deeds of the County of Jefferson to repair, vacate or demolish any building found to be a dangerous building within the terms of this chapter, provided that any person so notified shall have the privilege either of vacating or repairing or demolishing said dangerous building. If the Order so issued is an Order to vacate and/or demolish said Unsafe Building, Council may direct the appropriate municipal department(s) to remove all unlawful occupants and secure the building against unauthorized entry

E. If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection D hereof within 10 days, the Council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in § 2 of this chapter and shall, with the assistance of the Borough Solicitor, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien and/or to be recovered in a suit at law against the owner.

F. Report to the Borough Solicitor the names of all persons not complying with the order provided for in Subsection D.

§ 6. Violations and penalties.

The owner, occupant or lessee in possession of any building who shall fail to comply with any notice or order to repair, vacate, or demolish, any such dangerous building given by any person authorized by this chapter or any regulation issued thereunder shall be liable for civil penalties as provided herein, and may be charged with a summary offense and shall, upon conviction before any District Magistrate of the Commonwealth of Pennsylvania, be subject to a fine of not more

than not less than \$1,000.00 nor more than \$2,500.00, plus costs of prosecution, and/or imprisonment in the County of Jefferson jail for a period of not more than 90 days. Costs of attorney fees shall include the Borough's attorneys' fees as authorized by Pennsylvania law and/or the Borough Code. The imposition of penalty(s) for any violation(s) shall not excuse the violation or permit the same to continue; and all such person(s) shall be required to correct or remedy such violation(s) or defects within a reasonable time; and when not otherwise specified, each 30 days that prohibited conditions are maintained shall constitute a separate offense. The penalties contained in this section are in addition to any other remedies provided by this chapter or other law.

§ 7. Duties of Borough Solicitor.

The Borough Solicitor shall:

A. Cause all written notices provided for herein to be sent to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the deed registration files of the Borough and/or the Recorder of Deeds of Jefferson County to appear before Council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in § 4D.

B. Appear at all hearings before Borough Council in regard to dangerous buildings.

C. Assist with the drafting of written findings of fact and order(s) pursuant to instructions given by Borough Council following hearings held under § 5.

D. Prosecute all persons failing to comply with the terms of the notices provided for herein in § 4E and F and the order provided for in § 5D.

E. Bring suit to collect all municipal liens, assessments or costs incurred by the Borough Council in repairing or causing to be vacated or demolished dangerous buildings.

F. Take such other legal action as is necessary to carry out the terms and provisions of this chapter.

§ 8. Emergency action.

In cases where it reasonably appears that there is immediate danger to life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished, the Unsafe Building Committee or assistants specially designated thereto shall report such facts to the Borough Council, and the Borough Council shall cause the immediate repair, vacation or demolition of such dangerous building. The cost of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in § 5E hereof.

§ 9. Service of notice.

Except emergency cases, all notices or orders provided for herein shall be personally served, or sent by first class and certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the land records of the deed registration files of the Borough and/or the Recorder of Deeds of the County of Jefferson 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. Acceptance of personal service and/or signature on a certified mail return receipt shall be deemed adequate service. Wherein certified mail is returned unclaimed, but first-class mail has not been returned to the sender, service shall be presumed. Where desirable, the notices and orders provided for herein may be served in the same manner a summons is served in the courts of general jurisdiction.

§ 10. Nonliability of Borough.

No officer, agent or employee of the Borough of Sykesville shall render himself personally liable for any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Borough of Sykesville as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Borough Solicitor until the final determination of the proceedings therein.

§ 11. Fire Department report.

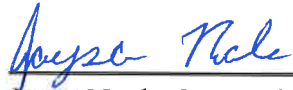
The Fire Department of the Borough may designate a committee from its membership, who shall make a report, in writing, to the any member of the Unsafe Building Committee of all buildings or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter.

§ 12. Police Department report.

All employees of the Police Department shall make a report, in writing, to any member of the Unsafe Building Committee of any building or structures which are, may be or are suspected to be dangerous buildings within the terms of this chapter. Such reports must be delivered by any member of the Department to the Borough Secretary within 24 hours of the discovery of such buildings by any employee of the Police Department.

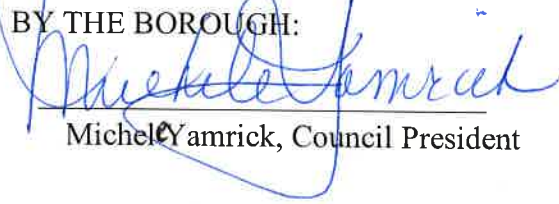
ENACTED AND ORDAINED THIS 5th day of July, 2022

ATTEST:



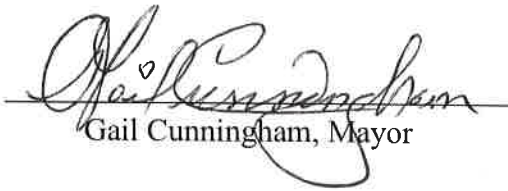
Jaysa Neale, Borough Secretary

BY THE BOROUGH:



Michele Yamrick, Council President

Read and approved by me this 5th day of July, 2022



Gail Cunningham, Mayor