

**ARTICLE IV
CODE OFFICIAL**

§61-401. **General.** The Code Official is hereby authorized and directed to enforce the provisions of this Chapter.

§61-402. **Inspections.**

A. The Code Official shall make all of the required inspections or may accept reports of inspections by approved agencies or individuals.

B. **Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of this Chapter, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this Chapter, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Chapter, provided that if such structure or premises is occupied the Code Official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

§61-403. **Notices and Orders.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Chapter.

A. **Notice to Person Responsible.** Whenever the Code Official determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred notice shall be given in the manner prescribed in this Section to the person responsible for the violation. *Notices for condemnation procedures shall also comply with Section 61-305.*

B. **Form.** Notices shall be in accordance with all of the following:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises into compliance with the provisions of this Chapter.
- (5) Inform the recipient of their right to file an appeal, in writing, with the Borough within the specified time frame and failure to timely request an appeal in writing will be deemed a waiver of the appeal.
- (6) Include a statement of the Borough's right to file a lien upon the premises.

C. **Method of service.** Notices shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address; or
- (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

§61-404. **Unauthorized Tampering.** Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.

§61-405. **Emergency Measures.**

A. **Imminent Danger.** When, in the opinion of the Code Official, there is imminent danger due to a hazardous condition, including but not limited to the failure or collapse of a structure which endangers life, or a structure or part of a structure has fallen and life is endangered by the occupation of the structure, or there is actual or potential danger to the occupants or those in the proximity of a structure because of explosives or explosive fumes, or vapors or the presence of toxic fumes, gases or materials, or the operation of defective or dangerous equipment, or conditions pose a significant threat to public health or safety the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the structure.

B. **Temporary Safeguards.** Notwithstanding other provisions of this Chapter, whenever, in the opinion of the Code Official, there is imminent danger due to a hazardous condition, council may order the necessary work to be done, including but limited to the boarding up of openings to render such structure temporarily safe whether or not the legal procedures have been instituted, and may cause such other action to be taken as council deems necessary to meet such emergency.

C. **Emergency Repairs.**

(1) Notwithstanding other provisions of this Chapter, whenever, in the opinion of the Code Official, there is imminent danger due to a hazardous condition, council may order the necessary emergency repairs to be done, whether or not the legal procedures have been instituted, and may cause such other action to be taken as council deems necessary to meet such emergency.

(2) For the purposes of this Section, council may employ the necessary labor and materials to perform the required work as expeditiously as possible.

D. Costs of Emergency Repairs. Costs incurred in the performance of such emergency repairs authorized by council shall initially be paid by the Borough and reimbursed in full by the owner. Council may direct the solicitor to institute appropriate action against the owner of the premises where the structure is or was located or the real estate upon which the structure is located for the recovery of such costs or collected as otherwise provided by law.

E. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Chapter.

§61-406. Demolition.

A. General. The Code Official shall order the owner of a structure, which in the Code Official's judgment is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the Code Official shall order the owner to demolish and remove such structure, or board it up until future repair. Boarding the structure up for future repair shall not extend beyond one (1) year, unless approved by council.

B. Failure to Comply. If the owner fails to comply with a demolition order within the time prescribed, council may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the owner or the real estate upon which the structure is located or otherwise as provided by law.

C. Salvage Materials. When any structure has been ordered demolished and removed, council shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

§61-407. Stop Work Order.

A. Authority. Whenever the Code Official finds any work required by this Chapter being performed in a manner contrary to the provisions of this Chapter or in a dangerous or unsafe manner, the Code Official is authorized to issue a stop work order.

B. Issuance. A stop work order shall be in writing and shall be given to the owner, the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited

work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

C. **Emergencies.** Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work.

D. **Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for the penalties provided by this Chapter.

§61-408. **Transfer of Ownership.** It shall be unlawful for the owner of any premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease, or otherwise dispose of such premises to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§61-409. **Closing Structures and Public Ways.** When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the structure and public ways from being utilized.