

ORDINANCE NO. 1175

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WAYNESBORO BY ADDING A NEW CHAPTER, CHAPTER 202, ENTITLED “VACANT, ABANDONED, AND POTENTIALLY DANGEROUS STRUCTURES”.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. § 1202(5), authorizes the Borough to make regulations as may be necessary for the health, morals, general welfare, cleanliness, convenience, comfort, and safety of the Borough; and

WHEREAS, vacant, abandoned, or dangerous structures have the potential to create hazardous situations and pose significant risks within communities, particularly to first responders; and

WHEREAS, assessment, notice, and awareness of the dangerous nature of a building or structure may help lower the risk these structures present; and

WHEREAS, the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania deems it to be in the best interest of the health, safety, and welfare of the residents and visitors of the Borough to adopt standard regulations for the posting of dangerous structures.

THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: The Code of the Borough of Waynesboro is hereby amended by adding a Chapter 202, to be entitled “Vacant, Abandoned, and Potentially Dangerous Structures,” with the contents thereof to be as follows:

§ 202-1 Title.

This Chapter shall be known as, and may be cited as, the “Borough of Waynesboro Vacant, Abandoned, and Potentially Dangerous Structures Ordinance”.

§ 202-2 Purposes.

Vacant, abandoned, and potentially dangerous structures should be routinely evaluated in order to identify hazards and potential hazards and to provide emergency responders with vital information for use in the event of fire or other emergency in the building or structure. These

buildings and structures represent threats to public safety and first responders, attract criminal activity, and are unsightly.

§ 202-3 Scope.

The provisions of this Ordinance shall apply to all real property located within the Borough of Waynesboro.

§ 202-4 More Strict Standards to Apply.

In the event any provision of this Ordinance is inconsistent with a provision of any Chapter of the Code of the Borough of Waynesboro or state law, the provision applying the stricter standard shall apply.

§ 202-5 Definitions.

For the purposes of this Chapter, the following words, terms, phrases, and abbreviations shall have the meanings respectively ascribed to them by this section.

ABANDONED BUILDING

Structure that has been deserted, surrendered, forsaken, ceded, or relinquished or given up with intent of the owner to never resume owner's rights or interest.

CODE OFFICIAL

The person or persons authorized by the Borough to determine compliance with the provisions of this Ordinance and to enforce the same. The Code Official may be the borough manager, the building code officer, the zoning officer, the fire chief, or an agent or designee thereof.

DANGEROUS BUILDING/STRUCTURE

A building or structure classified as "Dangerous" pursuant to Section 202-8(B) of this Chapter. Dangerous buildings and structures shall only be entered with extreme caution. A dangerous building can be classified as such regardless of occupancy.

IMMINENT DANGER

A condition which could cause serious or life-threatening injury or death at any time.

OWNER

Any person, agent, operator, firm, corporation, partnership, trust, limited liability company, limited liability partnership, association, other entity, property management group, or fiduciary holding or having legal, equitable, or other interest in any real

property or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this Chapter in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer, trustee and other individual having an interest in the entity, controlling or otherwise. The term Owner shall also include Owner's Agent.

SEVERELY DANGEROUS BUILDING/STRUCTURE

A building or structure classified as "Severely Dangerous" pursuant to Section 202-8(C) of this Chapter. "Severely Dangerous" buildings and structures shall only be entered to respond to a known life hazard if conditions allow and no other interior operations are permitted.

STRUCTURE

Any human-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

VACANT BUILDING

A building, structure, or portion thereof, which has been unoccupied for a period of one hundred twenty (120) days or longer. Enforcement of this ordinance may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of unsanitary conditions, or other similar condition, is blighted, or otherwise falls under the condition generally described in Section 202-2 of this Chapter.

§ 202-6 Right of Entry.

Where it is necessary to make an inspection to carry out the provisions of this Ordinance, or whenever the Code Official has reasonable cause to believe that there exists in a structure upon the premises a condition that renders the structure dangerous to first responders within the meaning of this Ordinance, the Code Official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this Ordinance, 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, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused or if the Code Official is unsure of the occupancy status, the Code Official shall have recourse to the remedies provided by law to secure entry, including but not limited to obtaining an administrative search warrant.

§ 202-7 Assessment of Costs.

The Borough of Waynesboro shall assess costs and expenses of inspection and enforcement as authorized herein against the property owner if a property is determined to be “Dangerous” or “Severely Dangerous”. The Borough Council will establish a schedule of such fees from time to time by resolution. Failure of property owner to timely remit such payment may result in collections proceedings being initiated by the Borough against the property owner.

§ 202-8 Property Evaluation.

The Code Official shall have the right to inspect any and all vacant or abandoned buildings and structures located within the Borough of Waynesboro. In addition, the Code Official shall have the right to inspect any occupied structure that the Code Official determines may contain or create imminent danger to the public or first responders. Upon completion of the inspection, the Code Official shall evaluate and classify the building as follows:

- A. **Not Dangerous.** If the Code Official determines that an inspected building or structure poses no unusual structural hazard, the premises shall be categorized as “Not Dangerous”. An abandoned or vacant building classified as “Not Dangerous” shall be re-inspected at intervals deemed appropriate by the Code Official to determine if conditions have changed.
- B. **Dangerous.** If an inspection by the Code Official reveals any of the following hazards, the premises shall be categorized as “Dangerous” and posted as such in accordance with Section 202-9 of this Chapter:
 - (1) Interior stairs in disrepair
 - (2) Minor holes in floor
 - (3) Defects in truss roof or floor assembly
 - (4) Unusual heavy load on roof / roof structure defects
 - (5) Maze-like floor plan
 - (6) Limited exit/egress points that do not meet building code requirements
 - (7) Unusual fire load due to condition or accumulation in structure
 - (8) Exposed electrical wires
 - (9) Open ceilings
 - (10) Open studs/walls
 - (11) Any other hazards as determined by Code Official

A building classified as “Dangerous” shall only be entered with extreme caution.

- C. **Severely Dangerous.** If an inspection by the Code Official reveals any of the following hazards, the premises shall be categorized as “Severely Dangerous” and posted as such in accordance with Section 202-9 of this Chapter:

- (1) Large holes in floors
- (2) Open shaft ways/elevators
- (3) Load bearing walls missing or structurally compromised
- (4) Structurally unsound roof(s)
- (5) Structurally unsound floors/walls
- (6) Unstable chimneys
- (7) General structural instability

A building classified as “Severely Dangerous” shall only be entered for the purpose of responding to a known life hazard if conditions allow. All other interior operations should be avoided.

§ 202-9 Posting of Dangerous Buildings.

Upon a determination by the Code Official that a structure is “Dangerous” or “Severely Dangerous”, the Code Official shall post a placard on the premises in accordance with the following:

- A. **Placards.** Any structure determined by the Code Official to be “Dangerous” or “Severely Dangerous” in accordance with Section 202-8 of this Ordinance shall be posted with a placard.
- B. **Placard Location.** Placards shall be applied on the front of the building or structure and shall be visible from the street.
- C. **Placard Size and Color.** Placards shall be 24 inches by 24 inches in size with a red background, white reflective stripes, and a white reflective border. The stripes and border shall have a minimum width of 2 inches.
- D. **Placard Date.** Placards shall bear the date of their application and the date of the most recent inspection.
- E. **Placard Symbols.** The design of the placards shall use the following symbols:

- (1) The following symbol shall mean that the building or structure has been classified as “Dangerous” and should only be entered with extreme caution:



- (2) The following symbol shall mean that the building or structure has been classified as “Severely Dangerous” and should only be entered for the purpose of responding to a known life hazard:



- F. The use of these placards shall be informational only and shall not in any way limit the discretion of on-scene first responders.

§ 202-10 Appeals.

If a property owner desires to dispute the determination that his/her building or structure is “Dangerous” or “Severely Dangerous”, such property owner may appeal the determination to the Uniform Construction Code (UCC) Board of Appeals within twenty (20) days of the date of placard posting.

§ 202-11 Placard Removal.

It shall be a violation of this Chapter for any individual to remove, or cause to be removed, a placard posted under this Chapter from the premises without the written authorization of the Code Official.

§ 202-12 Violations and Penalties.

Any person or persons, partnership, firm, or corporation that violates any provision of this Chapter, or fails to comply with any provision thereof, shall, upon conviction thereof, for each and every such violation or failure to comply, be sentenced to pay a fine of not more than \$1,000.00 and costs of prosecution. Each day’s violation or failure to comply, after notice thereof by the Borough, shall constitute a separate violation or failure to comply.

SECTION 2: Repealer. All provisions of previous ordinances of the Borough of Waynesboro which are contrary to this Ordinance are expressly repealed.

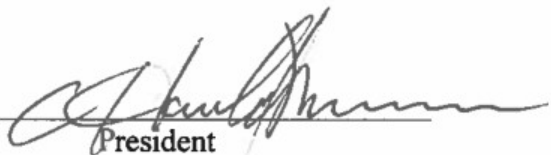
SECTION 3: Savings Clause. In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION 4: Severability. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

SECTION 5: Effective Date. This Ordinance shall become effective upon adoption.


ENACTED, ORDAINED, AND APPROVED this 21st day of August 2019.

Waynesboro Borough Council

By: 
President

ATTEST:


Secretary


Mayor of the Borough of Waynesboro