



LEO S. LUTZ

Mayor

EVAN M. GABEL

Solicitor

HEATHER ZINK

Borough Council President

STEVEN KAUFHOLD

Borough Manager

COLUMBIA BOROUGH COUNCIL – WORKSHOP

Paul W. Myers Council Chambers

October 1, 2024 – 7:00 PM

FINAL AGENDA

NOTE: This meeting will be livestreamed on the [Borough's YouTube Channel](#).

1. Call to Order and Roll Call
2. Invocation or Moment of Silence
3. Pledge to the Flag
4. Announcements of Executive and Information Session
5. Additions, deletions, and reorganization of agenda
 - a. Consider approval of Agenda
6. Citizen Comments (Non - Agenda Items Only – 5 Minute time limit per person)

Civility and Decorum: *Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, foul language, personal insults, threats, and attacks or any conduct that disrupts the flow of business is out of order.*

7. Mayor Lutz/Chief Brommer
8. Workshop items:
 - a. Discuss bonus payment for Jake Graham for serving as interim Borough Manager
 - b. Review draft of nuisance ordinance
9. Borough Council Comments
 - a. Council Members
10. Next Meeting: At 7:00 PM on Tuesday, October 8, 2024, Council will hold a regularly scheduled meeting.
11. Announcements
12. Adjournment

If you are a person with a disability wishing to attend this meeting and require accommodation to participate in the meeting, please contact the Columbia Borough Office at (717) 684-2467 at least 24 hours prior to the meeting.



Nuisances

§ xx-101 Purpose and Intent; Index of Applicable Sections.

The purpose and intent of this Part is:

1. To protect the public against the unlawful activities, behavior and conduct herein defined, which constitutes a nuisance.
2. To protect the local residents use and enjoyment of their property against trespassing by the activities, conduct and behavior herein classified as a nuisance.
3. To protect the people against the health and safety menace and the expense incident to the activities, behavior and conduct herein classified as a nuisance, as defined according to **§ 10-102**.

§ xx-102 Definitions.

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future and past, words in the plural number include the singular number, and words in the singular number include the plural number, words in the feminine, masculine or neuter shall include words of the other two genders, and the word "shall" is always mandatory and not merely directory.

APPROVED VEGETATION

Vegetation that is edible or planted for some useful, legal, or ornamental purpose, and grass that is not of a height in excess as that specified in **§ 5-202**, Subsection 1D.

BOROUGH

The Borough of Columbia, which is located within Lancaster County, Pennsylvania.

BOROUGH COUNCIL

The Borough Council of the Borough of Columbia, Lancaster County.

DANGEROUS BUILDING, DANGEROUS BUILDINGS, DANGEROUS STRUCTURES AND DANGEROUS CONDITIONS

Buildings or structures or condition occurring on real property or structures or buildings that have any or all of the following defects; and, all such buildings, structures or conditions shall be deemed "dangerous":

- A. Any building, shed, fence or other structure, occupied or unoccupied, which due to faulty design or construction, failure to keep such structure in proper repair, lack of proper sanitary facilities, lack of adequate lighting or ventilation, inability to heat properly, improper management or any combination of these factors that as a result thereof has become or are so dilapidated, decayed, unsafe, blighted, overcrowded, unsanitary or are likely to cause fire, accidents, injury, or damage, so as to harm the health, morals, safety, or general welfare of the occupants, citizens of the Borough, or public at large.

- B. Those that have been damaged by fire, wind, rain, or the elements so as to become dangerous to the life, safety, and/or health of the occupants, citizens of the Borough, or the public at large.
- C. Those that have parts thereof that are so attached that they might fall and injure persons or property, the occupants, the citizens of the Borough, or the public at large.
- D. Dangerous conditions shall also include any quarry, sinkhole, accumulation of stagnant water, accumulation of materials, open pits or excavations or any other feature of any premises which is dangerous to public health, safety or welfare and which may cause or aid in the spread of disease or may cause injury to the occupants or any other persons. Such dangerous conditions within the Borough of Columbia are declared to be a nuisance.

ESTABLISHMENT

Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

KICK SCOOTER

A vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by resting one foot on the footboard and pushing the other against the ground.

MINOR

Any person under the age of 18 years.

MOTOR VEHICLE

Any vehicle that is self-propelled and any trailer or semi-trailer designed for use with such vehicles.

MOTORIZED SCOOTER

A vehicle consisting of a footboard mounted on two wheels and a long steering handle, propelled by a small motor. This vehicle is considered a motor vehicle under the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq., and shall be subject to regulations governing motor vehicles.

NUISANCE

Generally defined as the unreasonable, unwarrantable, or unlawful use of public or private property that causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident of the Borough in the enjoyment of his reasonable rights as a person or in the reasonable use of his property.

OFFICIAL BOROUGH TIME

Eastern Standard Time, except during such periods as Eastern Daylight Savings Time may be set as the official time of the Commonwealth of Pennsylvania by the state or federal law when the latter shall be the official Borough time.

OPERATOR

Any individual, firm, association, partnership, or corporation operating, managing, or

conducting any establishment; and, whenever used in any clause or prescribing a penalty the term "operator," as applied to associations or partnerships, shall include the members and partners thereof and, as applied to corporations, shall include the officers thereof.

OWNER

A person owning, leasing, occupying or having charge of any property.

PARENT

Any natural parent of a minor, as herein defined, or a guardian, or any adult person responsible for the care and custody of a minor. When used in this Part, "parent" shall mean one or both parents.

PERSON

Any natural person, firm, partnership, association, corporation, company, club, copartnership, society, or any organization of any kind.

PRIVATE PROPERTY

Any property held by private interests which is used primarily for business, commercial, retail, office space, business park, religious, multifamily or recreational purposes. This shall also include the sidewalks contained within the private property, parking lots, alleys and parking facilities for these private property areas.

PROPERTY

Any plot, tracts, premises or parcel of land, with or without improvements thereto, owned or occupied within the Borough of Columbia.

PUBLIC PROPERTY

Any property owned or maintained by the Borough of Columbia or any other public entity or public utility within the police power jurisdictional boundaries of the Borough of Columbia including public streets, highways, road, sidewalk, alley, trail, park, playground, public building, or lot.

ROLLER BLADES or ROLLER SKATES

Any footwear or device which may be attached to the foot or footwear, to which wheels are attached, including wheels that are in line and where such wheels may be used to aid the wearer in moving or propulsion.

SKATEBOARD

A vehicle propelled by human power and gravity consisting of material or portion of material formed in thin firm sheet with wheels attached to the underside.

SNOW

Any precipitation depositing any accumulations on the streets including snow, sleet, hail, ice and freezing rain.

§ xx-103 General Nuisances.

A. Nuisances Declared Illegal.

(1) A person or owner shall not cause, conduct, permit, tolerate, or otherwise allow any nuisance on property that they own, possess or exercise control over. Nuisances, including but not limited to the following, are hereby declared to be illegal:

(a) Storing or accumulating the following:

- (i) Garbage. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or to permit to remain anywhere in the Borough any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container; excepting that a mulch and/or compost heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of reasonable sensitivity. Such items may not be maintained and accumulated on a property in excess of 30 days.
- (ii) Refuse/Rubbish. Combustible trash, including paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood, furniture, bedding, noncombustible trash, including metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste, street rubbish, including street sweeping, dirt, catch-basin dirt, and contents of letter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops. Except in a covered container, it shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the Borough. Such items may not be maintained and/or accumulated on a property in excess of 30 days.
- (iii) Ashes. Cooled residue from fire used for cooking and for heating buildings.
- (iv) Junk material including, but not limited to, unused or abandoned machinery, equipment, appliances, and all forms of waste and refuse of any type of materials, including scrap metal, glass, industrial waste and other salvageable materials, unless for resale, that can be seen from any public highway, road, street, avenue, lane or alley that is maintained by the Borough, or by the Commonwealth of Pennsylvania.

(2) Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley, or from any property into or upon any adjoining property.

(3) Draining or flowing, or allowing to drain or flow, any water or drainage from within a dwelling situate upon property along a public highway, road, street, avenue, lane, or alley in the Borough into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

- (4) Burning of tires, tar products or garbage.
- (5) Permitting any grass or weeds or any vegetation whatsoever not edible or planted for some useful or ornamental purpose to grow or remain upon such premises that exceed 11 inches in height.
- (6) Permitting or allowing any well or cistern to be, or remain, uncovered.
- (7) Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.
- (8) Any noise or other disturbance that occurs continuously or intermittently for an extended period, which annoys or disturbs a reasonable person of normal sensitivities, including, without limitation:
 - (a) The loud playing of radios, televisions, amplifiers, and other sound devices so as to be heard beyond the boundaries of the property from which that same shall emanate.
 - (b) The operation of gasoline powered lawn mowers, chain or electric sawing, outside construction, excavation, or well drilling before 7:00 a.m., nor after 8:00 p.m., the emptying of dumpsters or other trash containers before 7:00 a.m.
 - (c) Any other activity, conduct, use, or condition of a property that shall cause annoyance or discomfort beyond the boundaries of such property, which disturbs a reasonable person of normal sensitivities.

B. Duty to Serve Notice.

- (1) It shall be the duty of Borough Council to serve or cause to be served a notice upon any owner who is in violation of the provisions of Subsection **1** and to demand the abatement of the nuisance within 20 days. Provided, however, if the violation requires immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof and demand the immediate abatement of the nuisance. Notice shall be served in one of the following manners:
 - (a) By making personal delivery of the notice to the owner.
 - (b) By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence.
 - (c) By fixing a copy of the notice to the door at the entrance of the property in violation.
 - (d) By mailing a copy of the notice to the last known address of the owner by certified mail.
- (2) The owner shall not be entitled to written notice pursuant to Subsection **1B(1)** for any subsequent or similar violations of Subsection **1** that occur within 365 days of the service

of the first notice. The first notice shall be deemed to be ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.

C. Penalty for Violation. Enforcement of Subsection **1** of this Part shall be as follows:

- (1) Enforcement thereof shall be by an action before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 454 (relating to trial and summary cases). The Borough Council hereby sets a criminal fine at no less than \$100 and no more than \$1,000 per violation, plus the costs of prosecution, including reasonable attorneys' fees, and the costs of any removal, repair or alteration as described below in Subsection **1C(2)**, and, in default of payment of such fine and costs, to undergo imprisonment of not more than 30 days.
- (2) The Borough Council may direct the removal, repair, or alteration of any nuisance as defined herein, as the case may be, to be done by the Borough and to certify the costs thereof to the Borough Solicitor, and the cost of such removal, repairs or alterations, together with a penalty of 10%, shall be a lien upon such property from the time of such removal, cutting, repairs and/or alterations, which date shall be determined by the certificate of the person doing such work, and filed with the Borough Secretary.
- (3) The Borough, by means of a complaint in equity, may compel the owner of the property to comply with the tenors of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.
- (4) Each day's continuance of a violation of any provision of Subsection **1** shall constitute a separate offense.

D. Storage of Certain Motor Vehicles Prohibited.

(1) Unlawful to Abandon a Motor Vehicle for Certain Period of Time.

- (a) The storage of certain motor vehicles, as further described in this Chapter **10**, Part **1**, § **10-103**, Subsection **2**, of the Borough of Columbia Code of Ordinances, is hereby declared to be a nuisance. It shall be unlawful for any owner or person to park or store on any street, or in the open on any property, all of the following for a period longer than 15 days:
 - (i) Any motor vehicle, or the parts thereof, which is not in running condition, and which is left or stored in the open.
 - (ii) Any motor vehicle, or the parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his ownership, possession and control, without resting ownership in any other person.
 - (iii) Any motor vehicle disabled by reason of an accident.
 - (iv) Any motor vehicle that is inoperable on public property.

(b) The failure of any motor vehicle to bear a current state registration or a current official state inspection emblem shall be prima facie evidence that such motor vehicle is abandoned under the above provisions and is violative of this section, except that each property shall be allowed one motor vehicle having a legal Pennsylvania title for restoration or hobby purposes and state inspection or registration tags shall not be required, provided the said vehicle is stored in the rear yard area, covered or protected by a barricade or fence so that children cannot play on or around said motor vehicle.

(2) A motor vehicle shall not be considered abandoned or otherwise violative of the provisions of this section if it is in an enclosure as is reasonably calculated to prevent children from playing on or about such motor vehicle.

E. Duty to Serve Notice.

(1) It shall be the duty of Borough Council to serve or cause to be served a notice upon any person who is in violation of the provisions of Subsection **2** and to demand the abatement of the nuisance within 15 days. Notice shall be served in one of the following manners:

(a) By making personal delivery of the notice to the owner of the property or the owner of the motor vehicle, which ever is applicable.

(b) By handing a copy of the notice at the residence of the owner of the property or owner of the motor vehicle, which ever is applicable, to a family member for which he resides, but if no adult member of the family is found, then to an adult person who is in charge of such residence.

(c) By fixing a copy of the notice to the door at the entrance of the residence of the owner of the motor vehicle in violation.

(d) By mailing a copy of the notice to the last known address of the owner of the property or the owner of the motor vehicle, which ever is applicable, by certified mail.

(2) There shall not be required written notice pursuant to Subsection **2B(1)** for any subsequent or similar violations of Subsection **2** that occur within 365 days of the service of the first notice. The first notice shall be deemed to be ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.

F. Violations and Penalties.

(1) If the person so served does not abate the nuisance within 15 days, he shall be guilty of an offense and, upon conviction thereof before the magisterial district judge, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs of prosecution, including reasonable attorneys' fees, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(2) Each day's continuance of a violation of a provision of Subsection **2** shall constitute a separate offense.

- G. Abatement Procedure. If the person served with notice under this section does not abate the nuisance within 15 days, the Borough Council may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense of the abatement shall be charged and collected from said person in a manner provided by law, either by the filing of a municipal lien or claim by the institution of an action in assumpsit or by relief by bill in equity. The recovery of such cost and expense may be in addition to any other penalties imposed under this section.
- H. Use of Skateboards, Rollerblades, Kick Scooters and Motorized Scooters. The use of skateboards, rollerblades, kick scooters, and motorized scooters in certain situations, as further described in this Chapter **10**, Part **1**, § **10-103**, Subsection **3**, of the Borough of Columbia Code of Ordinances, is hereby declared to be a nuisance.
- (1) Prohibited Locations. It shall be unlawful to operate any vehicle, including, but not limited to, motor vehicles and motorcycles, on or upon any sidewalk or any of park grounds, tennis courts, or recreational fields owned or operated by the Borough within the Borough.
- (2) Prohibited Times. It shall be unlawful for any person to engage in skateboarding or ride upon, or propel any skateboard, rollerblade, or kick scooter upon any public thoroughfare, street or sidewalk in the Borough:
- (a) Between sunset and sunrise on any day.
- (b) At any other time when, due to insufficient light, or unfavorable atmospheric conditions, persons are not clearly discernible from a distance of 100 feet.
- (c) Regulation of Persons Engaged in Skateboarding, Rollerblading, or Propelling a Kick Scooter to Traffic-control Devices and Regulations.
- (3) A person engaged in skateboarding, rollerblading, or propelling a kick scooter shall obey the instructions of a police officer or other Borough designee or representative authorized to direct, control or regulate traffic.
- (4) A person engaged in skateboarding, rollerblading, or propelling a kick scooter shall obey traffic and pedestrian control signals as provided under Pennsylvania Motor Vehicle Code, §§ 3112 (relating to traffic-control signals) and 3111 (relating to pedestrian control signals), 75 Pa.C.S.A. §§ 3112, 3111.
- I. Right-of-Way to Pedestrians. The person engaged in skateboarding, rollerblading, or propelling a kick scooter shall yield the right-of-way to any pedestrian and may not overtake or pass a pedestrian while riding upon or propelling the skateboard, rollerblades, or kick scooter. The operator of such skateboard shall dismount from the skateboard and shall pass or overtake a pedestrian on foot, or wait until the pedestrian passes, prior to remounting the skateboard.
- J. Right-of-Way to Motor Vehicles. No person engaged in skateboarding, rollerblading, or propelling a kick scooter shall suddenly leave a curb, sidewalk, berm or street or any other place of safety and ride upon or propel any skateboard, rollerblades or kick scooter into or

toward the path of a vehicle which is so close as to constitute a hazard. Where there are no pedacycle lanes, persons engaged upon skateboarding, rollerblading, or propelling a kick scooter upon a roadway shall ride as near to the right of the roadway as practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.

- K. Ramps and Devices. No person shall place a ramp, half-pipe or other structure used for skateboarding, rollerblading or propelling a kick scooter in a public thoroughfare, street, upon a sidewalk or municipal parking lot within the Borough.
- L. Violations and Penalties. Any person, who shall violate any of the provisions of this Part shall upon conviction thereof:

(1) First Offense. The skateboard, rollerblades or kick scooter used in violation of this Part shall be impounded by the Police Department of the Borough for a period not exceeding 15 days. If the person violating this Part is a minor, in addition to the confiscation of the skateboard, rollerblades or kick scooter as aforementioned, the Borough Police shall notify the parents, guardian, or other person having legal custody of said minor of the violation of this Part and the impounding of the skateboard, rollerblades or kick scooter. In addition, said individual shall be provided with a copy of this Part.

(2) Second and/or Subsequent Offense. The skateboard, rollerblades, or kick scooter of any person violating the provisions of this Part for the second and/or subsequent time shall be impounded by the Police Department of the Borough for a period not exceeding 30 days and said person shall, upon conviction, be sentenced to pay a fine of \$15 per violation and costs. In the event said person is a minor, the skateboard, rollerblades or kick scooter of said minor shall be impounded by the Police Department of the Borough for a period not exceeding 30 days and the parent, upon conviction, be sentenced to pay a fine of \$15 and costs for each violation.

M. Motorized Scooter.

- (1) A motorized scooter that is registered, titled, inspected, and insured may be operated on the roadways and highways of Pennsylvania.
- (2) A motorized scooter that is unregistered, untitled, uninspected and/or fails to pass inspection shall only be operated on private property.
- (3) Penalties and violations are set forth in the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. § 101 et seq.

N. Curfew.

- (1) The violation of curfew, as further described in this Chapter **10**, Part **1**, § **10-103**, Subsection **4**, of the Borough of Columbia Code of Ordinances, is hereby declared to be a nuisance. No minor shall remain in or upon any public place or any establishment between the hours of 11:00 p.m. and 6:00 a.m.
- (2) The provisions of this section shall not apply to any minor accompanied by a parent, or to any minor who is engaged in gainful lawful employment during the curfew hours.

- (3) No parent shall permit any minor to remain in or upon any public place or any establishment between the hours of 11:00 p.m. and 6:00 a.m., official Borough time.
- (4) No operator of an establishment or their agents or employees shall permit any minor to remain upon the premises of said establishment between the hours of 11:00 p.m. and 6:00 a.m., official Borough time.
- (5) The provisions of this section shall not apply to any operator of an establishment or their agents or employees with regard to a minor employed by the operator and engaged in gainful lawful employment by the operator during the curfew hours.

O. Enforcement and Penalties.

- (1) Any property owner or Borough official who finds a minor violating any provisions of section of this Part may obtain information from such minor as to his name and address, age, and the name of his parent or parents and file a complaint with the Borough enforcement officer and/or police. The minor shall thereupon be instructed to proceed to his home forthwith. The information obtained from the minor shall be mailed to the parent or parents of the minor advising of the violation of this Part.
- (2) Any person violating any of the provisions of this Part shall be subject to the following penalties:
 - (a) First offense: warning to parent.
 - (b) Second offense: \$100 fine to parent.
 - (c) Third and subsequent offenses: \$500 fine to parent. Plus all costs of prosecution, including, but not limited to attorneys' fees and, in default of payment, to undergo imprisonment for a term not to exceed 30 days.
- (3) The above penalties may be collected by suit or summary proceeding brought in the name of the Borough before any magisterial district judge. Each day in which such person shall violate the provisions of this Part shall be deemed as a separate offense.

P. Snow Removal.

- (1) The failure of any citizen or entity to properly remove snow from his sidewalk, as further described in this Chapter **10**, Part **1**, § **10-103**, Subsection **5**, of the Borough of Columbia Code of Ordinances, is hereby declared to be a nuisance. It shall be unlawful for any owner of any property to fail to remove snow from his sidewalk. This subsection shall take effect for snow accumulation of two inches or more within any twenty-four-hour period. The owner of the property shall have a period of 24 hours from when the snow stopped falling to comply with the provisions of this section.
- (2) No individual shall be permitted to shovel, blow, plow, or otherwise deposit snow onto any street after the street has been plowed, and no individual shall shovel, blow, plow, or otherwise deposit or cause to be deposited snow upon or against any fire hydrant.

Q. Written Notice to Violator Required.

- (1) It shall be the duty of Borough Council to serve or cause to be served a notice upon any person who is in violation of the provisions of Subsection 5 and to demand the abatement of the nuisance within 12 hours. Notice shall be served in one of the following manners:
 - (a) By making personal delivery of the notice to the owner.
 - (b) By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence.
 - (c) By fixing a copy of the notice to the door at the entrance of the property in violation.
- (2) The owner shall not be entitled to written notice pursuant to Subsection 5(C)(1) for any subsequent or similar violations of this Subsection 5 that occur within 120 days of the service of the first notice. The first notice shall be deemed to be ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.

R. Penalty for Violation. Enforcement of **Subsection XXX** of this Part shall be as follows:

- (1) Enforcement thereof shall be by an action before a magisterial district judge in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 454 (relating to trial and summary cases). The Borough Council hereby sets a criminal fine in the amount of \$100 per violation, plus the costs of prosecution, including reasonable attorneys' fees, and the costs of any removal, as described below in Subsection 5D(2), and, in default of payment of such fine and costs, to undergo imprisonment of not more than 30 days.
- (2) The Borough Council may direct the removal of the snow as a nuisance as defined herein, as the case may be, to be done by the Borough and to certify the costs thereof to the Borough Solicitor. The cost of such removal, together with a 10% penalty, shall be a lien upon such property from the time of such removal, which date shall be determined by the certificate of the person doing such work, and filed with the Borough Secretary.
- (3) The Borough, by means of a complaint in equity, may compel the owner of the property to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.
- (4) Each day's continuance of a violation on any provision of this section shall constitute a separate event.

S. Dangerous Buildings as Nuisances.

- (1) All dangerous buildings are hereby declared to be public nuisances and shall be repaired,

vacated or demolished in accordance with the terms and conditions of this subsection.

- (2) Each day a nuisance in the form of a dangerous building continues to exist, after notice is given that said dangerous building is to be repaired, vacated or demolished, shall constitute a separate offense in violation of this Part.
- (3) Standards for Repair, Vacation or Demolition of Dangerous Buildings. The following standards shall be utilized when remedying dangerous buildings pursuant to this Part:
 - (a) If the dangerous building can be repaired through reasonable efforts, then it shall be ordered repaired.
 - (b) If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, then it shall be ordered vacated and repaired.
 - (c) If the dangerous building cannot be repaired, then it shall be ordered to be demolished.
 - (d) If the dangerous building exists in violation of the terms of this subsection or any other ordinance of the Borough, ordinance of the County of York, or Statute of the Commonwealth of Pennsylvania, then it shall be ordered demolished.
- (4) Identification of Dangerous Buildings and Notification of Owner.
 - (a) Any official designated by the Borough Council from time to time (collectively the "enforcement officer") is empowered to enforce this subsection.
 - (b) If a structure or building is reported to the enforcement officer or the enforcement officer otherwise becomes aware of such a building or structure, then the enforcement officer shall investigate the building or structure to determine if it is a dangerous building. If it is a dangerous building, the enforcement officer shall prepare and serve upon the owner of such dangerous building an enforcement notice pursuant to the terms and provisions herein ("enforcement notice").
- (5) The enforcement notice required by this subsection shall be served in one of the following manners:
 - (a) By making personal delivery of the notice to the owner of such dangerous building.
 - (b) By handing a copy of the notice at the residence of the owner of the dangerous building to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence.
 - (c) By fixing a copy of the notice to the doors at the entrances of the dangerous building.
 - (d) By mailing a copy of the notice to the last known address of the owner of the dangerous building by certified mail.

- (6) The owner shall not be entitled to written notice pursuant to Subsection 6D for any subsequent or similar violations of this subsection that occur within 365 days of the service of the first notice. The first notice shall be deemed to be ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.
- (7) The enforcement notice shall identify the dangerous building(s), contain a statement of the particulars that make the building or structure a dangerous building, and include an order requiring the property owner or owners to put the dangerous building in such a condition so as to conform with the terms of this Part.
- (8) In any case where the notice prescribes the repair of any dangerous building, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time period provided.
- (9) If the owner is of the opinion that the enforcement officer's determination of the structure or building as a dangerous building is incorrect, then the owner may seek and obtain a verification from a professional engineer or architect, licensed in the Commonwealth of Pennsylvania, that the building or structure is either habitable or structurally sound. Said verification must be obtained and provided to the enforcement officer within the time period prescribed by the enforcement notice. The enforcement officer shall review the verification, and if the enforcement officer deems it acceptable, the enforcement officer shall consider the owner to be in compliance with this Part until a change in circumstances.
- (10) Such enforcement notice shall require any owner notified to commence the work or act required by the notice within 30 days of the receipt of such notice and to complete such repair no later than 90 days from the receipt of said notice or to complete such vacation or demolition no later than 60 days from the date of receipt of said notice.
- (11) The enforcement officer shall cause to be placed on all dangerous buildings a notice reading substantially as follows: "This building has been found to be a dangerous building by Borough of Columbia, Lancaster County, Pennsylvania. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice that has been given to the owner or owners of the building. It is unlawful to remove this notice until compliance is made under the terms contained in the notice served upon the previously mentioned party."

T. Penalties.

- (1) Any person who shall fail to comply with any enforcement notice or order to repair, vacate or demolish any dangerous building shall, upon conviction thereof, before a magisterial district judge, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus the costs of prosecution, including reasonable attorneys' fees 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 of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

- (2) The fines and penalties provided for herein shall be in addition to any other such fines and penalties provided for by law.
- (3) Any owner who fails to comply with any notice or order to repair, vacate or demolish any dangerous building within 30 days of receipt of such notice, by such failure, does empower the Borough to cause such building or structure to be repaired, vacated or demolished by the Borough and to cause the cost of such repair, vacation or demolition, together with the penalty of 10%, to be charged upon the land upon which the building exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner.
- (4) As an alternative to effecting the repair, vacation or demolition of any dangerous building, the Borough may also seek an order from the Court of Common Pleas of Lancaster County, Pennsylvania, which order shall consist of equitable relief in the form of an injunction requiring the owner to remedy the condition caused by the dangerous building. In such case, the Borough may proceed and request equitable relief without the necessity of posting bond. Moreover, the Borough shall be entitled to recover all costs incurred, including reasonable attorneys' fees.

U. **Emergency Cases.** In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous building, then the Borough shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected as provided for by this section.

§ xx-104 Enforcement.

The provisions of this Part shall be enforced by any Columbia Borough Code Official, or other enforcement officer so appointed by the Borough Council, or by any police officer having authority within the Borough of Columbia.

§ xx-105 Appeals.

If the owner decides to appeal the determination of the enforcement officer pursuant to Chapter **10**, Part **1**, hereof, then they shall do so within 10 days of their receipt of the enforcement notice by filing a notice of appeal with the Borough Council. Upon receipt of said notice, the Borough Council shall schedule a hearing within not less than 10 and no more than 45 days from the date of such notice. At the hearing, the owner shall offer testimony and evidence relating to the habitability or structural soundness of the building. Within 45 days of the such hearing, the Borough Council shall make written findings of fact from the testimony and evidence offered pursuant to the hearing as to whether or not the building or structure in question is a dangerous building. If the Borough Council determines that a nuisance exists, then it shall order the person or entity that has allowed such nuisance to exist on their property to remedy it within a reasonable amount of time from the date of the decision of the Borough Council, as determined by the Borough Council. As part of such a hearing before the Board, the owner shall be entitled to all due process rights granted to individuals pursuant to the Local Agency Law, 2 Pa.C.S.A. § 751 et seq. Any appeal shall be subject to a fee as may be set by Borough Council from time to time.