

ORDINANCE NO. 9 OF 1991

AN ORDINANCE AMENDING THE HOUSING CODE ORDINANCE OF NEWPORT TOWNSHIP, ORDINANCE NO. 1975-6 BY PROVIDING FOR A RIGHT OF ENTRY FOR INSPECTION OF PREMISES AND THE CONDEMNATION OF UNSAFE STRUCTURES.

WHEREAS, the Board of Commissioners of the Township of Newport has determined that new provisions should be added to the Housing Code of Newport Township (Ordinance 1975-6) in the interest of the health, safety and welfare of its residents, and;

WHEREAS, the Board of Commissioners has determined that this objective should be accomplished by amending Ordinance 1975-6, Section 2;

NOW THEREFORE, the Board of Commissioners of the Township of Newport enact and ordain:

Section 2. Additional Deletions and Changes

ARTICLE 2. Right of Entry for Inspection.

A. In the discharge of his duties, the Code Enforcement Office or his authorized representative, upon showing proper identification where requested, is hereby authorized to enter and inspect, at any reasonable hour, any structure or premises in the township to enforce the provisions of this chapter and of those other applicable codes and ordinances. The assistance and cooperation of all other township officials, including the Police and Fire Departments, shall be available to the Code Enforcement Officer to

assist in the performance of his duties and in securing the right-of-entry.

B. The Code Enforcement Officer and the owner, operator or occupant or other person in charge of any structure of premises, subject to the provisions of this chapter, may agree to an inspection by appointment at a mutually convenient time.

C. The owner, operator or occupant or other person in charge of any structure or premises shall give the Code Enforcement Officer entry and free access thereto and to every part of the structure or to the premises surrounding the structure.

D. Where the Code Enforcement Officer is refused entry or is otherwise impeded in the performance of his duties he may, upon affidavit, apply to the Magistrate of the township for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that violation of this chapter exists on the premises, and if the Magistrate is satisfied as to the matter set forth in the said affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the violation may exist.

ARTICLE 3. Condemnation of Unsafe Structures.

A. Generally, Dwellings or multifamily dwellings shall be condemned as dangerous structures or unsafe for human habitation as provided in this section.

B. Dangerous structures. If all or part of any building or structure, accessory structure or appurtenances thereto (including, among others, a fence) or the equipment for the operation thereof (including, among others, the heating plant, plumbing, electric wiring and fire-extinguishing apparatus) shall be found, in the opinion of the Code Enforcement Officer, to be in unsafe condition, i.e., dangerous to life, limb or property, he shall proceed to have the same condemned.

C. Structures unfit for human occupancy. Whenever the Code Enforcement Officer finds that any dwelling or multifamily dwelling constitutes a hazard to the safety, health or welfare of the occupants or to the public because it lacks maintenance; or is damaged, decayed, dilapidated or is in disrepair, unsanitary, vermin-infested or rodent-infested, or because it lacks the sanitary facilities or equipment or otherwise fails to comply with the minimum provisions of this chapter, but has not yet reached such state of complete disrepair as to be condemned as a dangerous structure, he may declare such dwelling or multifamily dwelling as unfit for human habitation and order it be vacated within a reasonable time as determined by the Code Enforcement Officer.

D. Posting of notice. Any dwelling or multifamily dwelling declared as unfit for human habitation shall be posted with a placard by the Code Enforcement Officer. The placard shall include the following:

(1) Name of Township.

(2) The name of the authorized department having jurisdiction.

(3) The chapter and section of th Code under which it is issued.

(4) An order that the dwelling or multifamily dwelling when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn.

(5) The date the placard is posted.

(6) A statement of the penalty for defacing or removal of the placard.

E. Form of notice. Whenever the Code Enforcement Officer has declared a dwelling unfit for human habitation, he shall give notice to the owner of such declaration and placarding of the dwelling or mutifamily dwelling as unfit for human habitation. Such notice shall:

(1) Be in writing.

(2) Include a description of the real estate sufficient for identification.

(3) Include a statement of the reason or reasons why it is being issued.

(4) State the time to correct the conditions, such time not to exceed sixty (60) days.

(5) State the time occupants must vacate the dwelling

units.

F. Service of notice. Service of the notice to vacate shall be as follows: by delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or by certified or registered mail addressed to the owner at his last known address with postage prepaid thereon; or by posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

G. Removal of placard or notice. No person shall deface or remove the placard from any dwelling or multifamily dwelling which has been declared or placarded as unfit for human habitation except by authority in writing from the Code Enforcement Officer.

H. Vacating of declared building. In the case of any dwelling or multifamily dwelling which has been declared and placarded as unfit for human habitation by the Code Enforcement Officer, it shall be unlawful for any owner or operator to let to any person for human habitation such dwelling or dwelling unit; and no person shall occupy any dwelling or multifamily unit which has been declared or placarded by the Code Enforcement Officer as unfit for human habitation after the date set forth in the placard.

I. Occupancy of building. No dwelling or multifamily dwelling which has been declared or placarded as unfit for human habitation, can be occupied until written approval is secured from the

enforcement officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the declaration and placarding action were based have been eliminated.

J. Report notice to vacate. The Enforcement Officer shall furnish a copy of each notice to vacate a building to the Chief of the Fire Department , the Police Chief and any other designated official of the township concerned therewith.

K. Abatement of violations. When, upon reexamination, after the expiration of the time for compliance, the Code Enforcement Officer finds that the violations have not been corrected, he is authorized to cause such dwellings to be repaired, altered, improved or demolished or razed.

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I. Cost of repairs, alterations, improvement, closing,
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removal and demolition. The amount of the cost of such repairs, alterations or improvements or vacating and closing or removal or demolition when done by order of the Enforcement Officer shall be a municipal lien against the real property upon which cost was incurred. Nothing in this section shall be construed to impair or limit in any way the power of the township to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

REPEALER

All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

Encated and Ordained at a regular meeting of the Board of
Commissioners of the Township of Newport held the _____ day of
November, 1991.

JOSEPH DELUCA,

Chairman

ATTEST:

JOHN ELMY, SECRETARY