

**HATFIELD TOWNSHIP,  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 636**

**AN ORDINANCE OF THE TOWNSHIP OF HATFIELD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF HATFIELD CODE TO ADD A NEW CHAPTER 98 ENTITLED, “BUILDINGS, UNSAFE”, PROVIDING THAT WHERE THERE IS AN IMMINENT RISK OF PERSONAL INJURY OR DEATH CAUSED BY AN UNSAFE CONDITION OF A STRUCTURE, THAT THE TOWNSHIP CODE OFFICIAL MAY ENTER THE STRUCTURE AND MAKE THE CONDITION THEREOF SAFE OR DEMOLISH SAME; PROVIDING THAT A MUNICIPAL CLAIM OR LIEN FOR THE COST OF PERFORMING WORK TO MAKE THE STRUCTURE SAFE OR DEMOLISH IT MAY BE FILED AGAINST THE PROPERTY ON WHICH ANY SUCH UNSAFE STRUCTURE IS LOCATED; PROVIDING FOR THE PLACARDING OF ANY UNSAFE STRUCTURE; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Board of Commissioners of Hatfield Township has enacted the Hatfield Township Code which contains ordinances designed to protect the health, safety and welfare of the residents of Hatfield Township and the general public; and

**WHEREAS**, the Board of Commissioners has identified **and recognizes the need to identify** certain structures in Hatfield Township that present an imminent risk of personal injury or death due to their structural failure, potential collapse or lack of upkeep and maintenance, thus rendering them dangerous and unsafe to the residents of Hatfield Township and the general public; and

**WHEREAS**, the Board of Commissioners desires to authorize the Township’s code official to enter onto such property determined to be an imminent risk of personal injury or death, placard the structure as unsafe, and utilize whatever labor and materials are necessary to make such structure safe, or, if unable to make the structure safe, to demolish same; and

**WHEREAS**, the Board of Commissioners desires to authorize the appropriate Township officials to file a municipal claim or lien against the property on which any structure is located, which has had work performed on it in order to render the structure safe; and

**WHEREAS**, the Board of Commissioners desires to provide for the enforcement of these provisions and provide for penalties for violation of the provisions of this Ordinance;

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Commissioners of Hatfield Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. A new Chapter 98 is added to the Hatfield Township Code as follows:

## **Chapter 98**

### **BUILDINGS, UNSAFE**

#### **§98-1. Imminent risk or danger.**

Where there is imminent risk or danger of personal injury or death to a person due to an unsafe condition of a structure, as certified in writing by the Township engineer, the Township code official is authorized to enter onto the property on which such structure is located, after ensuring that the unsafe structure is not occupied, and to employ the necessary labor and materials to immediately remediate such unsafe condition. If, due to the extent of its unsafe condition, the structure cannot reasonably be made safe, the code official may demolish the structure or permanently close it off from access by the public.

#### **§98-2. Recovery of costs of labor and materials.**

The costs of labor and materials utilized by the code official to remediate the unsafe condition of a structure as set forth in §98-1 shall be recoverable by the Township by the filing of a municipal claim or lien against the property on which the affected structure is located.

#### **§98-3. Placarding.**

Upon entering a property to take action as authorized by this Chapter, the code official shall post all entrances to the structure with placards that read, "THIS STRUCTURE IS UNSAFE. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENTER THIS STRUCTURE EXCEPT FOR THE PURPOSE OF MAKING REQUIRED REPAIRS OR DEMOLISHING THE STRUCTURE." Upon a structure being rendered safe or demolished by the Township code official, such placards shall be removed.

#### **§98-4. Definitions.**

For the purposes of this Chapter 98, the following terms shall have the following definitions, unless the context clearly dictates otherwise:

A. **CODE OFFICIAL** – The Township official, or any duly authorized representative, who is charged with the administration and enforcement of the ordinances, resolutions, rules and regulations of Hatfield Township.

B. **STRUCTURE** – That which is built or constructed, or a portion thereof. A “Structure” shall include, but not be limited to, residential and non-residential buildings, sheds, garages, swimming pools, retaining walls, fences, and gazebos or other ornamental buildings.

C. **UNSAFE CONDITION** – A condition that makes a structure dangerous to the life, health or safety of any person, including, but not limited to, damage, decay, disrepair, dilapidation, structural unsoundness, and unsanitary conditions.

**§98-5. Enforcement.**

The Township code official and the Township Police Department are authorized to enforce the provisions of §98-3 of this Chapter in that no person shall disregard a placarded structure and enter into same without the express permission of the Township code official.

**§98-6. Penalties.**

Any person who shall violate §98-3 of this Chapter shall, upon being found guilty of a summary offense by a magisterial district judge with proper jurisdiction, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000, and, in default of the payment thereof, be sentenced to no more than 30 days imprisonment. Each day that a violation of §98-3 of this Chapter occurs shall constitute a separate offense.

II. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

III. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Hatfield Township Code.

IV. This Ordinance shall become effective five (5) days after its legal enactment.

**ENACTED and ORDAINED** this 27<sup>th</sup> day of June 2012.

**Attest:**

**BOARD OF COMMISSIONERS OF  
HATFIELD TOWNSHIP**

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Andrew S. Haines, Secretary

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Thomas C. Zipfel, President