

**WALKER TOWNSHIP  
HUNTINGDON COUNTY, PENNSYLVANIA  
DANGEROUS STRUCTURE ORDINANCE  
ORDINANCE NUMBER 2022-1**

THIS ORDINANCE shall be referred to as the "Walker Township Dangerous Structure Ordinance".

**§1. Purposes.**

The purposes of this Ordinance include, but are not limited to:

A. Providing for the identification of structures or parts of structures within the Township which, by virtue of their condition, are considered to be dangerous to the public health, safety and welfare;

B. Preventing dangerous structures from further deterioration;

C. Providing an orderly process according to law by which dangerous structures may be repaired, removed, demolished, and/or vacated;

D. Providing a procedure through which the repair, removal, demolition or vacation of a dangerous structure is accomplished by the Township while respecting the rights under the United States and Pennsylvania Constitutions of any person or entity to occupy, own or have any property interest in either the dangerous structure itself or the real property upon which the dangerous structure is located;

E. Promoting and protecting the health, safety and general welfare of residents of Walker Township and the public generally.

**§2. Definitions.**

Unless otherwise expressly stated, the following words used in this Ordinance shall have the meanings indicated below. The present tense includes the future tense; the singular number includes the plural number; the plural number the singular; and, the masculine gender includes the feminine and neuter genders:

**Board** - the duly elected Board of Supervisors of Walker Township, Huntingdon County, Pennsylvania.

**Building** - any structure having a roof, self-supported or supported by walls, columns or air pressure, which is fixed to the ground, whether permanently or otherwise, used or occupied or intended to be used or occupied for the shelter, housing, storage or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**Dangerous structure** - all structures, or parts thereof, which have any of the following defects:

(1) Structures which have been damaged by fire, wind, or any other cause to a degree which has rendered the structure dangerous to life, safety, general health or welfare of persons, whether occupying such structures or not; or

(2) Structures which have become deteriorated, decayed, unsafe, unsanitary, or which, by virtue of a violation of any Code, ordinance or law of any nature applicable to such structure, have become unfit for human habitation or are likely to cause accidents, sickness, or disease to the occupants thereof or any other person;

(3) Any parts, portions, extensions, etc., of any structure which by virtue of improper attachment or otherwise are or have become unsafe to such a condition that such portion, etc., may fall and/or collapse and injure or otherwise be deleterious to the health, safety, or general welfare of the occupants of the structure or any other person; and

(4) Those structures which by virtue of their general condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of any person, whether an occupier of the structure or otherwise.

**Structure** - any man-made object that has an ascertainable stationary location on or in land or water, whether or not affixed to the land; all buildings and other improvements to real property are hereby declared to be structures for purposes of this Ordinance.

**Township** - the Township of Walker, Huntingdon County, Pennsylvania.

### **§3. Dangerous Structures Declared to Be Nuisances.**

All Dangerous Structures as defined by this Ordinance are hereby declared to be public nuisances and shall be repaired, removed, demolished or vacated in accordance with this Ordinance.

### **§4. Preliminary Investigation and Procedures.**

1. Whenever it shall be reported to or come to the attention of any Township board member or any Township officer (as defined by the Township Code), or the Township Engineer that any structure - whether complete or in the process of construction - or any portion of such structure is in a dangerous condition, that person shall have a right to provide written notification to the Board of the dangerous condition; this written notification shall briefly describe the structure, the dangerous condition and the postal address of the property on which such structure is located.

2. Upon receipt of the written notification, the Board may order an investigation, examination and report to be made of the subject structure. The investigation ordered pursuant to this Section shall be undertaken by any one or more of the following individuals:
  - A. The Township Engineer;
  - B. The Zoning Officer;
  - C. The Code Enforcement Officer;
  - D. The Fire Marshall;
  - E. The Township Solicitor; and,
  - G. Any other person authorized by the Board.
  
3. The investigation report ordered by the Board pursuant to subsection 2 shall be in writing and shall contain sufficient information to permit the Board to determine whether the structure which is the subject of the investigation is in a dangerous condition as defined by this Part and shall:
  - A. Specify the exact condition of the structure;
  - B. State in what respect the structure is dangerous;
  - C. State whether the structure is capable of being repaired or whether it has deteriorated to such a condition as to warrant its removal, demolition or vacation.
  
4. Upon receipt of the report required by subsection 3, the Board shall commence the hearing procedures in accordance with §5.

**§5. Notice Procedures.**

1. Upon receipt of the report required by §3, the Board shall give written notice of the report pursuant to subsection 2.
  
2. The written notice required by subsection 1 shall be served upon the following:
  - A. The owner of record of the premises;
  - B. Any occupant of the premises;
  - C. Any mortgagee; and,
  - D. Any lessee, agent, or other person or entity having any interest of any nature whatsoever in the property on which the structure is located.
  
3. For purposes of determining the owner of record of any property subject to the provisions of this Ordinance, the Board shall secure from the Office of the Recorder of Deeds of Huntingdon County, Pennsylvania, or any title or abstract company authorized to do business in Pennsylvania, a copy of any deed or other indenture for the subject property and shall ascertain

the existence of any mortgagee from the office of the Recorder of Deeds or the title or abstract company.

4. Service of the notice shall be made by any form of mail requiring a receipt signed by any person identified in subsection 2 above or that person's authorized agent. Service shall be complete upon delivery of the mail. If the mail is returned with the notation by the U.S. Postal authorities that the addressee refused to accept the mail, the Board shall have the right of service by mailing a copy of the notice to the person at the same address by regular mail, postage prepaid, with the return address of the Township appearing thereon. Service by ordinary mail shall be considered complete if the mail is not returned to the Township within 10 days after mailing.
5. In addition to the requirement pertaining to mailing of the notice, the notice may be personally served upon any adult occupant of the dangerous structure.
6. The notice required by subsection 1 shall also be affixed to the dangerous structure.
7. The notice required by subsection 1 shall be substantially in the following form:

**NOTICE**

*To the owners, occupiers, and all other persons having an interest in this property:*

*The structure or a portion of it on this property has been determined to be dangerous by the Board of Supervisors of Walker Township, Huntingdon County, Pennsylvania. The Walker Township Board of Supervisors will hold a hearing to determine whether this structure should be vacated and/or repaired and/or removed and/or demolished.*

*The hearing be held at \_\_\_\_\_ p.m., prevailing time, on \_\_\_\_\_, 20\_\_\_\_, at the Walker Township Municipal Building. The hearing will be held in accordance with the provisions of the Pennsylvania Local Agency Law, the Act of April 28, 1978, P.L. 202, 2 Pa.C.S.A. 551 et seq., as amended. You may be represented by legal counsel at this hearing. You should take this notice to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

*Lawyer Referral Service  
Huntingdon County Bar Association  
Court Administrator  
Huntingdon County Courthouse  
Huntingdon, PA 16652*

*(814) 643-5078*  
*or*  
*Pennsylvania Lawyer Referral Service*  
*(800) 692-7375*

**§6. Hearing Procedures and Adjudication.**

1. The public hearing shall be conducted by the Township Board of Supervisors, and the hearing shall be held by the Board not less than 30 days after service of the notice required by §5.1.
2. The hearing to be held by the Board, and any adjudication rendered by the Borough Council pursuant thereto, shall be held in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A. 551 et seq., as amended.
3. At the conclusion of the last hearing required by this Ordinance, the Board shall issue an adjudication. The adjudication shall be in writing, shall contain findings of fact, reasons for the adjudication, conclusions of law, and an order.
4. The adjudication and order required by subsection .3 shall be rendered by the Board within 60 days after the close of the record, but this time may be extended by any party with the consent of the Board.
5. The adjudication and order of the Board shall be served upon all parties or their attorney of record by first class regular mail, postage prepaid.
6. Any order issued as part of the adjudication above may contain provisions requiring the subject structure or any portion thereof to be repaired, removed, demolished, or vacated, or may contain such other directive as the Board shall deem appropriate in order to protect the public health, safety and welfare.
7. Any appeal of the adjudication and order issued by the Board shall be filed with the Court of Common Pleas of Huntingdon County within 30 days after the date of any such adjudication and order.

**§7. Elements to Be Considered.**

The Board, in preparing the order accompanying the adjudication, shall consider whether:

- A. The evidence presented during the hearing is sufficient to permit the Board to conclude that the dangerous structure can be repaired so that it will no longer be in violation of the provisions of this Ordinance, so that the

Board may order the dangerous structure to be repaired; or,

- B. The evidence presented during the hearing is sufficient to permit the Board to conclude that the dangerous structure or any portion thereof is in such a condition that it is dangerous to the health, safety, or general welfare of the occupant or occupants thereof, so that the Board may order that the dangerous structure to be vacated immediately; or,
- C. The evidence presented during the hearing is sufficient to permit the Board to conclude that the dangerous structure cannot be reasonably repaired, so that the Board may order the dangerous structure to be demolished.

#### **§8. Enforcement Procedures.**

- 1. When an adjudication and order become final, and if no appeal to the Court of Common Pleas of Huntingdon County or other appellate court is then pending, and the owner, occupant, mortgage, lessee, or other person or entity having any interest of any nature in a dangerous structure fails to comply with the order issued by the Board, or any provision thereof, the Board shall be and is hereby empowered to cause such structure or portion thereof to be repaired, removed, demolished or vacated and all costs (including attorney's fees) and expenses of any such repair, removal, demolition or vacation (together with an administrative charge of 10 percent) may be charged against the real property on which the structure is situate as a municipal lien or municipal claim.
- 2. In addition to the right of the Township to recover all costs and expenses by means of a municipal lien or municipal claim pursuant to subsection 1, the Township shall have the ability to recover such costs in an action at law or in equity against any and all persons or entities identified in §5.2, it being the specific intent of the Board that the provisions of this Section shall be in addition to the rights of the Township set forth in subsection 1.

#### **§9. Emergency Situations.**

- 1. In any case where it reasonably appears to the Board that there exists an immediate danger to the life, safety or health of any person by virtue of the existence of a "Dangerous Structure" or any portion thereof as defined in this Ordinance, the Board may, but need not be obligated to, cause immediate repair, removal, demolition or vacation of any dangerous structure.
- 2. Upon a determination that an emergency case exists, the Board shall undertake to notify by the best means possible any person or entity identified in §5.2.



3. All costs and expenses of any emergency repair, emergency removal, emergency demolition or emergency vacation of any dangerous structure or portion thereof shall be recovered by the Township in accordance with §8.

**§10. Penalties.**

In addition to any other provision of this Part, any persons or entity who or which shall fail to comply with the order issued by the Board pursuant to §6 shall be subject to proceedings before a magisterial district judge and, upon a determination of that person or entity's failure to comply with the order shall be subject to a civil penalty not exceeding \$1,000.00, together with costs, including attorney's fees.

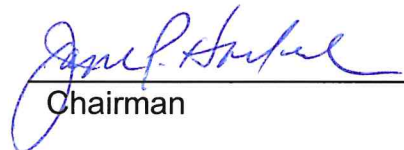
**§11. Repealer.**

Any other ordinance found to be inconsistent with this Ordinance is deemed to be repealed. Otherwise, all other applicable provisions of other ordinances shall be deemed to be supplemental and may be relied on in addition to the remedies employed in this Ordinance.

**§12. Enactment Date.**

This Ordinance shall be effective five (5) days after its enactment.

**DULY** adopted by the Board of Supervisors of Walker Township, Huntingdon County, PA this 15 day of March, 2022.

  
Chairman

ATTEST:

  
Township Secretary