

OFFICIAL
ORDINANCE #213

BOROUGH OF KOPPEL-OFFICIAL ORDINANCE NO.

AN ORDINANCE RELATING TO DWELLINGS LOCATED
IN THE BOROUGH OF KOPPEL WHICH ARE UNFIT
FOR HUMAN HABITATION; AND THE DUTIES OF
THE BOROUGH ENGINEER RELATING TO THE
ELIMINATION OF THE SAME.

The Council of the Borough of Koppel do ordain:

1. That the Borough Engineer of the Borough of Koppel be and is hereby designated as the officer to exercise the powers prescribed by the within ordinance.
2. That for the purpose of the within ordinance the Borough Engineer may determine that a dwelling is unfit for human habitation if they finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the Borough of Koppel; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, structural defects or uncleanness.
3. That whenever a petition is filed with the Borough Engineer by a public authority or by at least five residents of the municipality charging that any dwelling is unfit for human habitation as herein defined, or whenever it appears to the Borough Engineer (on his own motion) that any dwelling is unfit for human habitation, as herein defined, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Borough Council of Koppel at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner and parties in interest shall be given the

right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaints.

4. That if, after such notice and hearing, the Borough Council determines that the dwelling under consideration is unfit for human habitation, as herein defined, they shall state in writing their findings of fact upon the owner thereof and parties in interest an order, as follows:

(a) If the repair, alteration or improvement of the said dwelling can be made at a cost not in excess of fifty per cent of the value of the dwelling, said Borough Engineer shall require the owner, within a period of not more than ninety (90) days from the date of such order, to repair, alter or improve the said dwelling so as to render same fit for human habitation, as herein defined, or, at the option of the owner, to vacate and close the said dwelling.

(b) If the repair, alteration or improvement of the said dwelling can be made at a cost not in excess of fifty per cent of the value of the said dwelling, the Borough Engineer shall make an order requiring the owner to remove or demolish the said dwelling within ninety (90) days.

5. That if the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the Borough Engineer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed; that the Borough Engineer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words, "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.

6. That if the owner fails to comply with an order to remove or demolish the dwelling, the Borough Engineer may cause such dwelling to be removed or demolished.

7. That the amount of such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition shall be a

municipal lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the Borough Engineer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Court of Common Pleas by said Borough Engineer shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court, provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the Borough of Köppel to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, as provided by any law or ordinance.

8. That complaints or orders issued by the Borough Engineer pursuant to this ordinance, shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said Borough Engineer in the exercise of reasonable diligence, and the said officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the Borough of Koppel. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the recording officer of Beaver County.

9. That the Borough Engineer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following in addition to others herein granted; (a) to investigate the dwelling conditions in the Borough of Koppel in order to determine which dwellings therein are unfit for human habitation (b) to administer oaths,

affirmations, examine witnesses and receive evidence; (c) to enter upon premises for the purpose of making examination, provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; (d) to appoint and fix the duties of such officers, agents and employees as they deem necessary to carry out the purposes of this ordinance; and (e) to delegate any of their functions and powers under this ordinance to such officers and agents as they may designate.

10. That nothing in this ordinance shall be construed to abrogate or impair the power of the borough or any officer or department to enforce any provisions of its charter, or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this ordinance shall be in addition and supplemental to the powers conferred upon the borough by any other law or ordinance.

11. That if any clause, sentence, subdivision, paragraph, section or part of this ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section, or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

ADOPTED this 29 day of April, 1960.

Milton Mattioni
President of Council

ATTEST:

John [Signature]
Borough Secretary

EXAMINED and approved this 29 day of April, 1960.

Francis Bucky Barile
Burgess