

**Chapter 47**

**BUILDINGS, DANGEROUS OR RED-TAGGED**

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**[HISTORY: Adopted by the Board of Supervisors of the Township of Antis 8-3-1999 by Ord. No. 7-1999. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Garbage, rubbish and refuse — See Ch. 68.  
Nuisances — See Ch. 88.

**§ 47-1. Title.**

This chapter shall be known as the “Antis Township Red Tag Ordinance.”

**§ 47-2. Definitions; word usage.**

- A. For the purpose of interpreting the provisions of this chapter, the following words shall have the meaning or meanings ascribed:

**DANGEROUS OR RED-TAGGED PROPERTY** — All buildings or structures which have been determined by the Board of Supervisors, in accordance with the provisions of this chapter, to have any or all of the following defects:

- (1) Those buildings or structures which have been damaged by fire, wind or other causes so as to have become dangerous to the life, safety, morals or the general health and welfare of the occupants or the people of the Township of Antis;
- (2) Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary, vermin-infested, rat-infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein as well as other citizens of the Township of Antis;
- (3) Those buildings or structures which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property;
- (4) Those buildings or structures which, because of their general condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township of Antis.

**PERSON** — Any natural person or persons, corporation, partnership, association or any lawful entity.

- B. The use of the singular include the plural, and the use of any gender shall include all genders.

**§ 47-3. Red-tagged structures declared nuisances.**

All dangerous or red-tagged buildings or structures within the terms of § 47-2 of this chapter are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as hereinbefore and hereinafter provided.

**§ 47-4. Investigation procedures.**

- A. Whenever it shall be reported to or come to the attention of any township official that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous or red-tagged condition, such person having knowledge thereof shall report the same to the Township Ordinance Enforcement Officer or his designee, and he shall immediately cause an investigation and examination to be made of such building or structure. Such investigation and examination shall be made by the Ordinance Enforcement Officer or his designated representative. If said investigation and examination indicates that said building or structure is dangerous in accordance with the provisions of this chapter, a written report of such investigation and examination shall be submitted to the Board of Supervisors, specifying the condition of such building or structure and setting forth whether or in what respect the building or structure is dangerous and whether it is capable of being repaired or whether it should be demolished.
- B. It shall be unlawful for any person to refuse entrance to or to impede any township official or any other authorized individual in the investigation of any such building or structure under this chapter. The owner, occupant or operator of every building or structure within the township, or the person in charge thereof, shall give such official or authorized individual free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times

for the purpose of such investigation, upon display by such individual of proper identification.

**§ 47-5. Hearing procedures.**

Upon receipt of a report in accordance with § 47-4 of this chapter, the Board of Supervisors of Antis Township shall:

- A. Give written notice to the owner of said building or structure and to all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of Blair County to appear before the Board of Supervisors on the date specified in the notice to show cause why the building or structure reported to be a dangerous or red-tagged building should not be repaired, vacated, removed or demolished in accordance with the enforcement provisions set forth in this chapter;
- B. Hold a hearing and hear such testimony as the owner or any other person having an interest in said building or structure shall offer relative to the condition of said building or structure;
- C. Make written findings of fact from the testimony presented at said hearing as to whether the building in question is a dangerous or red-tagged building within the terms of § 47-2 of this chapter;
- D. Issue an order based upon said findings of fact demanding that the owner or other persons having an interest in said building repair, vacate or remove or demolish said building in accordance with the provisions of this chapter.

**§ 47-6. Standards for repair, vacation or demolition.**

The following standards shall be the basic guidelines to be followed by the Board of Supervisors in ordering the repair,

vacation or demolition of any building or structure pursuant to the provisions of this chapter:

- A. If the dangerous or red-tagged building or structure can be reasonably repaired so that it will no longer be in violation of the provisions of this chapter, the Board of Supervisors shall order that said building or structure be repaired.
- B. If the dangerous or red-tagged building or structure cannot be reasonably repaired so that it will no longer be in violation of the provisions of this chapter, the Board of Supervisors shall order that said building or structure be demolished.
- C. If the dangerous or red-tagged building or structure is in such condition so as to make it dangerous to the health, morals, safety or general welfare of its occupants, the Board of Supervisors shall have the authority to order said building or structure to be vacated.

**§ 47-7. Enforcement procedures.**

If any building or structure is deemed to be a dangerous or red-tagged building pursuant to the provisions of this chapter, written notice shall be served upon the owner, occupants and all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of the County of Blair:

- A. The notice required by this § 47-7 shall be served upon the owner, occupants and all other persons interested in said building or structure by sending said notice by certified or registered mail to such individual at his last known address.
- B. The notice shall identify the building or structure deemed to be dangerous or red-tagged and contain a statement of the particulars which made this building or structure dangerous and shall contain an order from the Board of Supervisors requiring said building or structure

to be repaired and/or vacated and/or demolished; provided that in any case where the notice includes an order to repair said building or structure, the owner thereof shall have the option to remove or demolish such building or structure in lieu of making the repairs thereto.

C. Said notice shall require any person notified and ordered to repair, vacate or demolish any such building or structure to commence the work or act required by the notice within 10 days of such notice and to complete the required work or act within 30 days thereof. The Board of Supervisors may, at its discretion and upon presentation to said Board of evidence of good cause, grant extensions of time for the commencement and completion of such work or act required by the notice.

D. In addition to the written notice to be served as aforesaid, the Board of Supervisors shall cause a notice to be placed upon any building or structure determined to be in a dangerous red-tagged condition, which notice shall read substantially as follows:

“This building has been found to be a dangerous or red-tagged building by the Board of Supervisors of the Township of Antis. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner and other persons interested in this building. It is unlawful to remove this notice until compliance is made under the provisions contained in the notice given to the above-named party. This notice is posted upon this building in accordance with the Antis Township Red Tag Ordinance.”

E. Any person who has been notified pursuant to the terms of this chapter to repair or demolish any building or structure which has been determined to be in a dangerous or red-tagged condition, shall immediately apply for and obtain from the Township of Antis the necessary permit to repair or demolish said building or

structure. A fee as established from time to time by the Board of Supervisors shall be charged by the Township of Antis for such permit.

**§ 47-8. Violations and penalties.**

- A. Any person who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous or red-tagged building issued pursuant to the provisions of this chapter or any regulation or order issued thereunder shall, upon conviction before a District Justice, be subject to a fine not exceeding \$1,000 and costs and, in default of payment of the fine and costs, shall be subject to imprisonment in the Blair County Jail for a period not exceeding 90 days; provided that each day's continuance of a violation shall constitute a separate offense. Penalties contained in this chapter are in addition to any other remedies provided by this chapter.
- B. Any person removing the notice provided for in § 47-7D hereof shall, upon conviction before the District Justice, be subject to a fine not exceeding \$1,000 and costs for each offense and, in default of payment of the fine and costs, shall be subject to imprisonment in the Blair County Jail for a period not exceeding 90 days.
- C. If the owner, occupant or any other person having an interest in any dangerous or red-tagged building or structure, as shown by the land records of the Recorder of Deeds of the County of Blair, fails to comply with any notice or order to repair, vacate or demolish any such building or structure within 30 days from the date of said notice or order, the Board of Supervisors is empowered to cause such building or structure to be repaired, vacated or demolished by the township and to cause the costs of such repair, vacation or demolition, together with a penalty of 10%, to be charged against the land on which the building existed as a municipal lien or to recover such costs in a suit at law against the owner or other such person having an interest in the building,

provided that the recovery of such cost and expense, together with the aforesaid penalty, may be in addition to the penalty imposed in Subsections A and B of this § 47-8.

**§ 47-9. Emergency cases.**

In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous or red-tagged building, as defined herein, the Board may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous or red-tagged building shall be collected in the same manner as provided for in § 47-8C.

**§ 47-10. Responsibility for compliance.**

In the event that the owner of a building or structure, which has been determined to be a dangerous or red-tagged building within the provisions of this chapter, conveys said building or structure in any manner or method, whether by sale, lease or otherwise, said owner shall still be responsible for compliance with the provisions of this chapter; and it is the intent of this chapter that the person acquiring said building or structure, shall be jointly and severally liable with the owner for compliance with this chapter.