

RESOLUTION NO. 2018-017

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NEWBURG, CUMBERLAND COUNTY, PENNSYLVANIA, ACKNOWLEDGING THAT THE RESIDENTIAL STRUCTURE AT 205 WEST MAIN STREET IS A PUBLIC NUISANCE AND DANGEROUS STRUCTURE WHICH THREATENS THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND AUTHORIZING THE CODE ENFORCEMENT OFFICER AND SOLICITOR TO TAKE ANY ACTIONS NECESSARY TO BRING THE PROPERTY INTO COMPLIANCE WITH APPLICABLE ORDINANCES AND CODES INCLUDING LEGAL ACTION IF NECESSARY

WHEREAS, the Borough of Newburg (the "Borough") is empowered by the Borough Code, 8 Pa.C.S.A. § 1202(4), to prohibit and remove any public nuisance or dangerous structures; and

WHEREAS, Ordinance No. 2016-02 of the Borough of Newburg declares nuisances and dangerous structures to be illegal; and

WHEREAS, the Code Enforcement Official of the Borough of Newburg has observed that the residential structure located at 205 West Main Street, Newburg, Pennsylvania 17240 (the "Structure") is a public nuisance and dangerous structure in violation of Ordinance No. 2006-02 of the Borough of Newburg; and

WHEREAS, the Structure is in a general state of disrepair and the structural integrity of the Structure is inadequate; and

WHEREAS, the Code Enforcement Officer has provided notice to the owner of the Structure of the violations of Ordinance No. 2016-02 on numerous occasions; and

WHEREAS, the Structure threatens the general health, safety, and welfare of the community and the general condition of the residential Structure constitutes a public nuisance and a dangerous structure in violation of Ordinance No. 2006-02 of the Borough of Newburg.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Newburg does hereby resolve as follows:

1. The above recitals are incorporated herein by reference.
2. The deteriorated and dilapidated condition of the Structure at 205 West Main Street is a public nuisance and dangerous structure which threatens the general health, safety, and welfare of the community.
3. The exterior of the Structure is a public nuisance and in such a dilapidated condition that it is unfit for human habitation which also threatens the general health, safety, and welfare of the community and occupants of the Structure.

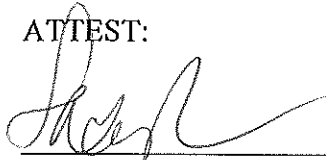
4. The Borough of Newburg Code Enforcement Officer and Solicitor are hereby authorized to take any actions necessary to bring the Property into compliance with the applicable Borough ordinances, including the following actions, which are reasonably necessary to abate the public nuisance, are taken:

- a. **AUTHORIZE ACTION AT LAW OR EQUITY AS NECESSARY TO ALLOW BOROUGH TO ABATE THE PUBLIC NUISANCE AND DANGEROUS STRUCTURE:** Authorize the Borough Solicitor to commence an action at law or equity in the event the property owner fails to abate the public nuisance and dangerous Structure so that the public nuisance and dangerous Structure can be abated by the Borough as provided for in 8 Pa.C.S.A. § 32A03.
- b. **SECURE THE STRUCTURE FROM UNAUTHORIZED OCCUPANCY:** Authorize the Borough Solicitor to commence action to prevent unauthorized occupancy of the Structure and take any other action necessary to prevent further deterioration or violation.
- c. **CHARGE OF COSTS:** If the Borough abates the public nuisance or dangerous Structure, the Borough will charge the property owner for the costs of abating the public nuisance and dangerous Structure as well as any other expenses incurred by the Borough to abate the public nuisance or dangerous Structure to the extent permitted by law. If the bill is not promptly paid, the Borough will file a lien against the property.

5. This Resolution shall take effect immediately.

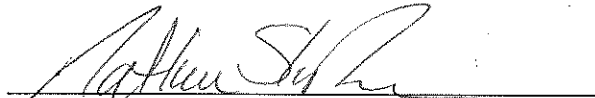
BE IT DULY RESOLVED by the Newburg Borough Council at its regularly convened meeting held on the 15 day of October, 2018.

ATTEST:

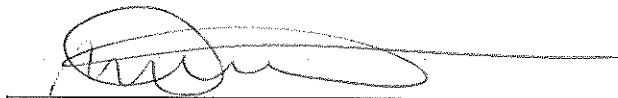


Sara Rhine,
Secretary

BOROUGH OF NEWBURG



Nathan Shoemaker,
Council President



Melissa Negley,
Mayor

Approved this 15 day of October, 2018.