

CHAPTER 4

BUILDINGS

See Chapter 5, Code Enforcement, for Building Code

Part 1

Building Demolition

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Part 1

Building Demolition
[53 P.S. §4101: 53 P.S. §46202(5)]

§101. Short Title. This Part shall be known as the "Demolition Ordinance". (Ord. 957, 10/13/1986)

§102. Definitions. The following words and terms as used in this Part shall have the meanings indicated unless a different meaning clearly appears from the context:

BOROUGH - The Borough of Scottdale of Westmoreland County, Pennsylvania and its designated agents. In context of this particular Part, designated agent shall include but not be limited to the Borough Code Enforcement Officer, the Borough Engineer, Borough Manager and the Borough Mayor.

BUILDING - an independent structure having a roof supported by columns or walls resting on its own foundation including but not limited to a dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

CONTROLLED BURNING - any destruction of a dangerous building by the members of the various fire companies servicing the Borough of Scottdale through setting of a fire therein for the express purpose of furthering the skills and training of said fire department members: said fire being set under the conditions of safety which are set forth in this Part and said fire being set only after all proper procedures under this Part have been followed to make certain that said dangerous building is unrepairable and a proper candidate under this Part for demolition.

DANGEROUS BUILDING - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

A. Those buildings with interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

B. Those buildings, exclusive of the foundation, which show damage or deterioration to thirty-three percent (33%) of the supporting member or members or damage or deterioration to fifty percent (50%) of the non-supporting and closing or outside walls or covering;

C. Those buildings which have improperly distributed loads upon the floors or roofs or which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

D. Those buildings which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the general public;

E. Those buildings which are so damaged, dilapidated, decayed, unsafe, unsanitary or vermin infested or which so utterly failed to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;

F. Those buildings which have parts thereof which are so attached that they may fall and injure property or members of the public;

G. Those buildings which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the general public;

H. Those buildings which because of their location are unsanitary or otherwise dangerous, to the health or safety of the occupants or the public;

I. Those buildings having significant sags and deflection in floor joists, roof rafters, floor and roof beams and other structural members which would indicate that those specific structural members may not have adequate strength to resist tensile, compressive and fiber bending stresses induced under normal loading conditions.

J. Those buildings having significant bows (horizontal deflection) and/or cracks, voids, etc., of the basement and foundation walls which by their existence, create a dangerous situation.

K. Those buildings having numerous electrical wiring deficiencies such as overcircuited, unapproved receptacles in bathroom areas, faulty wiring and connection, improperly fused circuit panels, and an abundance of extension cord wiring serving fixtures due to the lack of approved electrical outlets. Also, those buildings having single strand wiring throughout the majority of the structure including living areas.

L. Those buildings existing in violation of any provision of the Building Code, Fire Prevention Code or other Ordinances of the Borough of Scottdale.

DWELLING* - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EXTERMINATION - Control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible trails that may service their food, poisoning, spraying, fumigating, trapping and by other recognized and legal pest elimination methods.

GARBAGE - animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - presence within or around a building of any insects, rodents or other pests.

* Footnote: Whenever the words "Dwelling", "Dwelling Unit" or "Premises" are used in this Part, they shall be construed as though they were followed by the words "or any part thereof".

OWNER - a person, who, alone or jointly or severally with others:

A. Shall have legal title to any dwelling, or dwelling unit with or without accompanying actual possession thereof; or

B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix or guardian of the estate of the owner.

Any such person representing the actual owner should be bound to comply with the provisions of this Part and with the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON - any individual, firm, corporation, association or partnership, or other legal entity.

PLACARD - official written notice by the Borough of the dangerous condition of certain premises which is posted publicly on said dangerous premise site (See Section 107(1)).

PROPERTY - a piece, parcel, lot or tract of land.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

STRUCTURE - anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharfs, billboards, signs and walks.

(Ord. 957, 10/13/1986)

§103. Dangerous Buildings Declared a Nuisance. All dangerous building within the terms of §102 of this Part are hereby declared public nuisances and shall be repaired, vacated or demolished as herein provided. (Ord. 957, 10/13/1986)

§104. Standards for Repair, Vacation and Demolition. The following standards shall be followed in substance by the Borough in ordering repair, vacation or demolition.

1. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.

3. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the Borough. The Borough shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.

4. If a dangerous building is fifty percent (50%) or more damaged or decayed, or deteriorated from its original condition: a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any Ordinance of the Borough of Scottsdale or Statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished.

5. If a dangerous building must be removed through demolition because said building cannot be reasonably repaired to bring it in conformance with the terms of this Part, specific criteria for removal of said building must be set. In particular, the Borough has passed certain specifications, copy of which is available from the Borough Secretary, which outline the conditions for demolition and site clearance and the various instructions to bidders if it is necessary to have individuals bid for removal of the building, must carry the requisite insurance as outlined in the Part prior to beginning to demonstrate an ability to perform demolition within the standards and customs of the general demolition business as outlined in the specifications mentioned herein.

It is expected that every demolition action which involves the leaving intact of a party wall adjacent to the building to be demolished, whether said demolition be arranged by the owner of the dwelling, building or structure or whether it be through emergency demolition work, said demolition work shall provide specifications for the insulating of the remaining party walls and the covering of the exterior of said party walls as follows:

A. Frame walls shall be insulated with standard three and one-half (3-1/2) inch fiberglass bats with a vapor barrier and covered over with exterior siding or veneer of like kind and quality as that of the existing building attached to the party wall or which otherwise fits the general nature and character of the neighborhood.

B. Masonry walls shall be insulated with one (1) inch rigid urethane panels and covered with an exterior covering which is the same as the building attached to the party wall or which otherwise fits the nature and character of the surrounding building in the neighborhood. All insulation materials are to be installed in accordance with the respective manufacturer's installation procedure.

(Ord. 957, 10/13/1986)

§105. Duties of the Borough.

1. Whenever it shall be reported to the Borough that any dwellings, buildings or structures, completed or in the process of construction, are in a dangerous condition, the Borough shall immediately cause an investigation and examination to be made of any such structure by the Borough. If such investigation or examination indicates that said property contains a dangerous building as defined in §102, the Borough shall report in writing, specifying the exact condition of said dangerous building and shall set forth in such report whether and in what respects the Borough considers such structure to be dangerous, if at all, and if so determined to be dangerous, whether such building is capable of being properly repaired or whether it should be removed as a dangerous building.

2. Whenever said inspection discloses that a dwelling, building or structure constitutes a dangerous building and has become a public nuisance, the Borough or their designated agents shall issue a written notice to the person or person(s) responsible for said building. Such notice: a) shall be in writing; b) shall include a statement of the reasons why said notice is being issued; c) shall state that the owner of such dwelling, building or structure shall commence the repair or removal of such building within ten (10) days of the mailing of said notice to said owner and shall require the owner to complete such repair within thirty (30) days from the date of the mailing of said notice. It is expressly provided that in all cases where the written notice sets forth the specific repairs necessary to bring the dwelling, building or structure in conformance with this Part, the owner thereof shall have the option to remove such structure, instead of making repairs thereto, within the time limit set forth herein; d) shall be served upon the owner or his agent, or the occupant as the case may require:

A. Except in emergency cases and where the owner, occupant, lessee or mortgagee is absent from the Borough of Scottsdale, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if the owner, occupant or other person having interest in the dangerous building is served with such notice by any other method authorized or required under the laws of the Commonwealth of Pennsylvania.

B. Except emergency cases, in all other cases when the owner, occupant, lessee or mortgagee is absent from the Borough of Scottsdale, all notices or Orders provided herein shall be sent by certified mail to the owner, occupant and all other persons having interest in said building, as shown by the records of the Westmoreland County Recorder of Deeds, with said notices or Orders being sent to the last known address of each interested party, and a copy of such notice be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting of said dangerous building shall be deemed adequate service and the dates appearing on said mailing and/or posted documents shall control regarding the reasonable time set forth herein for completing the repair or removal of said dwelling, building or structure.

C. Said notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.

3. The designated agents of the Borough including the Borough Manager, Borough Engineer or other agents responsible for the enforcement of this Part will appear at all hearings conducted by the Borough of Scottsdale and testify as to the conditions of the dangerous buildings if said testimony is deemed necessary by the Borough or the Hearing Board as designated under the Code Enforcement provision of the Borough of Scottsdale Ordinances.

4. Any repairs performed on a dangerous building by an owner or his designated agent in an attempt to abate an existing violation of this Part shall be performed in compliance with the relevant terms and conditions of the BOCA Code as adopted by ordinance in the Borough of Scottsdale and the owner shall obtain all required state and local permits required for the effecting of repairs on said dangerous building before commencing said repairs. The Borough shall be required to determine that all required permits and permit fees have been paid by the owner before any repairs are commenced on said building.

5. Before any repairs are commenced on any existing dwelling, building or structure deemed to be dangerous under the provisions of this Part, the owner of said dwelling, building or structure shall submit proof of insurability regarding Workmens Compensation and liability insurance of the general contractor and/or sub-contractors commencing work on such structure and shall name the Borough as additional insureds on said policies. If such proof or coverage is not satisfactory to the Borough then the owner may be required to post a liability bond in an amount sufficient to protect the Borough against loss in the event that such loss should occur during the repair period set forth herein or otherwise in an amount to be determined by the Borough.

(Ord. 957, 10/13/1986)

§106. Hearings.

1. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Part, may request and shall be granted a hearing on the matter before the Code Hearing Board; provided, that such person shall file with the Borough, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served as per the provisions set forth above. Upon receipt of such petition, the Borough shall set a time and place for such hearing and should give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than twenty (20) days after the day in which the petition was filed.

2. After such hearing, the Code Hearing Board, shall sustain, modify or withdraw the notice. If the Borough or Hearing Board sustains or modifies such notice, it shall be deemed an Order. Any notice served pursuant to this Part shall automatically become an Order if a written petition for a hearing is not filed with the Borough within ten (10) days after such notice is served.

3. Any aggrieved party may appeal the final Order of the Borough and/or Hearing Board to the Court of Common Pleas of Westmoreland County in accordance with the provisions of the local agency law.

(Ord. 957, 10/13/1986)

§107. Contents of Notice and Removal of Notice Prohibited.

1. After inspection and determination by the Borough that a building is in fact a dangerous building a placard containing the following notice shall be placed conspicuously on the dangerous building and shall read as follows:

THIS STRUCTURE HAS BEEN CONDEMNED AS UNSAFE AND/OR UNFIT FOR HUMAN OCCUPANCY OR USE. ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE SCOTTDALE BOROUGH BUILDING OFFICIAL. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENTER THIS STRUCTURE EXCEPT FOR THE PURPOSE OF MAKING THE REQUIRED REPAIRS OR FOR THE PURPOSE OF DEMOLISHING THE SAME. THIS NOTICE IS TO REMAIN ON THIS STRUCTURE UNTIL IT IS REPAIRED OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN THE OWNER, OCCUPANT, LESSEE, MORTGAGEE OR AGENT OF THIS STRUCTURE, AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID STRUCTURE AS SHOWN BY THE LAND RECORDS OF THE RECORDER OF DEEDS OF WESTMORELAND COUNTY. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH.

2. No person shall remove or deface the notice of a dangerous building except as provided in §104(3) herein.

(Ord. 957, 10/13/1986)

§108. Emergency Cases.

1. Whenever the Borough finds that an emergency exists which requires immediate action to protect public health, it may, without notice or hearing, issue an Order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency.

Notwithstanding the other provisions of this Part, such Orders shall be effective immediately. Any person to whom such Order is directed shall comply therewith immediately, but upon petition to the Code Hearing Board as per §106 of this Part, said person shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings of whether the provisions of this Part have been complied with, the Code Hearing Board shall continue such Order and effect, or modify, or revoke it. The cost of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.
(Ord. 957, 10/13/1986)

§109. Abatement by the Borough. If the owner, occupant, mortgagee or lessee fails to comply with the Order of the Borough and/or Hearing Board within the time specified in the notice issued by the Borough or in the Order issued by the Hearing Board, the Borough shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided. The Borough of Scottsdale may collect the cost of such repair, vacation or demolition together with a penalty of ten percent (10%) of such costs in the manner provided by law and shall contact the Borough Solicitor and authorize him to so collect the same forthwith.

If the Borough so undertakes to cause such buildings or structures or dwellings to be repaired, vacated or demolished, the Borough shall post the following UNSAFE STRUCTURE - FINAL NOTICE designation signed by the Borough at the site of demolition with a copy to be sent by certified mail to the last known address of the owner, occupant, mortgagee or lessee of said property and such building shall remain posted for at least ten (10) days after the date of mailing of the notice to the last known address of the said owner, occupant, mortgagee or lessee and said notice shall contain the following language:

UNSAFE STRUCTURE - FINAL NOTICE

THE BOROUGH OF SCOTTDALE HAS PLACED A CONDEMNATION ORDER ON YOUR BUILDING AT _____.

TO DATE, NO ACTION HAS BEEN TAKEN TO COMPLY WITH SAID ORDER AND NOTICE, TO WIT: "CAUSE SAID STRUCTURE TO CONFORM TO ORDINANCE REQUIREMENTS OR HAVE SAME DEMOLISHED AND REMOVED."

THEREFORE, THE BOROUGH OF SCOTTDALE, THROUGH ITS REPRESENTATIVES OR OTHERWISE, SHALL CAUSE THE STRUCTURE TO BE DEMOLISHED AND ABATE THE UNSAFE CONDITION. EXPENSES INCURRED BY THE BOROUGH IN DOING SO SHALL BE COLLECTED FROM YOU THROUGH APPROPRIATE LEGAL PROCEEDINGS AND/OR BY THE ENTRY OF THE LIEN AGAINST YOUR PROPERTY.

YOU ARE ADVISED THAT DEMOLITION OF THE STRUCTURE WILL PROCEED WITHIN TEN (10) DAYS OF THE MAILING DATE WHICH APPEARS ON THIS NOTICE AND YOU SHOULD REMOVE ANY ARTICLES OF VALUE FROM SAID PROPERTY WITHOUT DELAY.

THE BOROUGH, IF IT UNDERTAKES TO DEMOLISH OR REPAIR SAID BUILDING, SHALL KEEP A COST SHEET OUTLINING THE COSTS INCURRED BY THE BOROUGH FOR EMERGENCY DEMOLITION PROCEDURES. THE COST SHEETS SHALL BE IN THE SAME FORM AS THE COPY WHICH IS ATTACHED HERETO AND LABELED EXHIBIT "B". THE BILL FOR ABATEMENT BY THE BOROUGH SHALL BE DETERMINED FROM THIS COST SHEET FOR PURPOSES OF COLLECTION OF THE SAME FROM THE OWNER OF THE PROPERTY IN WHICH THE DEMOLITION TAKES PLACE.

THE BOROUGH, AFTER FOLLOWING THE NOTICE PROCEDURES SET FORTH HEREIN, SHALL ENTER INTO AN AGREEMENT WITH A PARTICULAR CONTRACTOR AFTER FOLLOWING THE SPECIFIC BID INSTRUCTIONS WHICH ARE SET FORTH IN THE GENERAL SPECIFICATIONS SHEET, A COPY OF WHICH IS ATTACHED HERETO, MADE A PART HEREOF AND LABELLED EXHIBIT "A".

THE CONTRACTOR'S AGREEMENT WHICH SHALL BE ENTERED INTO SHALL BE IN SUBSTANTIALLY THE SAME FORM AS THAT WHICH IS ATTACHED HERETO, MADE A PART HEREOF AND LABELED EXHIBIT "C".

(Ord. 957, 10/13/1986)

§110. Controlled Burning of Buildings by the Borough Fire Department. If after proper notification and hearing, if necessary, it is decided that a particular building is to be demolished and if said building, dwelling or structure is to be demolished by the Borough of Scottsdale or by the individual owning the building, dwelling or structure, and if it is determined that certain conditions regarding the safety, health and welfare of the Borough residents can be met while at the same time providing an opportunity for the Borough Firemen to engage in a training exercise through a controlled burning of said building, then with permission of the owner of the premises and/or the Borough, the Borough Firemen shall engage in demolition of said building, structure or dwelling through a controlled burning of the same.

No controlled burning of any building, dwelling or structure shall be engaged in by the owner and/or the Borough or Borough personnel if any danger to the health, safety and welfare of the Borough residents is presented by the undertaking of such action.

All necessary safety precautions in preparation for the actual burning of the premises and the cleaning up of the site shall be supervised by the Borough Fire Chief who shall determine the number of companies who shall participate in such burning and also the number and amount of equipment and time when such burning should take place so as to insure that the health, safety and welfare of the Borough residents is promoted to the fullest extent.

(Ord. 957, 10/13/1986)

§111. Use of Federal or State Money. In the event Federal or State moneys are used in demolition projects as described herein, then the Ordinance and any Federal or State regulations will be required to be followed to carry out said demolition. (Ord. 957, 10/13/1986)

§112. Penalties. Any person who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00); and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense. (Ord. 957, 10/13/1986)

