

## **CHAPTER 4**

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**Part 1**  
**Dangerous Structures**

**§4-101. Purposes.**

The purposes of this Part are to:

- A. Safeguard public health, safety and general welfare.
- B. Preserve the value of property within the Borough of Beaver.
- C. Protect the municipal tax base by preventing the decline of property values.

(Ord. 737, 2/10/2004)

**§4-102. Interpretation.**

The provisions of this Part shall be interpreted according to the following principles:

- A. Words used in this Part which are not specifically defined in §4-103 shall have their common or ordinary meanings, as shown by a standard dictionary.
- B. The various provisions of this Part shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, either generally or in a particular application, the efficacy of the remaining provisions shall not be impaired.

(Ord. 737, 2/10/2004)

**§4-103. Definitions.**

As used in this Part, the following words and phrases shall have the meanings specified:

**BOROUGH** — the Borough of Beaver.

**BUILDING** — a roofed structure, enclosed by walls, intended or actually used for human occupancy or storage of personal property.

**DANGEROUS STRUCTURE** — a building or other structure in a state of damage, partial destruction, disrepair or deterioration so as to be unfit for human occupancy or otherwise unsafe for use by reason of:

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- A. Inadequate, defective or inoperative heating, ventilation, electrical, plumbing or sanitation systems or equipment;
- B. Lack of sound and effective exterior walls or roof covering to provide weather protection;
- C. Lack of structural integrity, including deteriorated or inadequate foundations, joints or vertical or horizontal supports;
- D. Broken, missing or inoperative windows or doors, constituting a hazardous condition or a potential attraction to trespassers;
- E. Infestation by rats, insects or other pests;
- F. Accumulation of combustible material of such quantity or quality as to pose a substantial fire hazard; or
- G. Presence of visible growth(s) of mold on ceilings, walls, floors or windows.

INOPERATIVE — not capable of currently functioning in the customary manner because of disassembly, damage, defect or lack of an essential component.

OCCUPANT — the person occupying or using a property.

OWNER — the person having legal title to a property.

PARTY IN INTEREST — a person having an equitable interest, shown by public record, in a property.

PERSON — any individual, partnership, corporation, association, institution, cooperative enterprise, government unit or agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment or civil penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROPERTY — any tract or parcel of land within the Borough.

STRUCTURE — anything constructed or built on or affixed to property, including but not limited to buildings, walls and fences.

(Ord. 737, 2/10/2004)

### **§4-104. Dangerous Structures Prohibited.**

It is unlawful for any person to create, maintain or permit to exist any dangerous structure within the Borough.

(Ord. 737, 2/10/2004)

**§4-105. Responsibility.**

1. The owner of a property shall be deemed responsible for its condition, even if not in occupancy thereof. Any agreement between an owner and a tenant or other occupant regarding maintenance or repair of the property shall not affect the application of this Part to the owner.
2. The occupant of a property shall likewise be deemed responsible for its condition. Any agreement between an occupant and the owner regarding maintenance or repair of the property shall not affect the application of this Part to the occupant.
3. If a property has more than one owner, each owner shall be deemed responsible for the condition of the property and shall be subject severally to the provisions of this Part.
4. If a property has more than one occupant, each occupant shall be deemed responsible for the condition of the property and shall be subject severally to the provisions of this Part.

(Ord. 737, 2/10/2004)

**§4-106. Inspections and Notices.**

1. The Code Enforcement Officer shall conduct property inspections on a regular basis to determine whether any condition exists which renders a structure dangerous.
2. Whenever an inspection discloses that a dwelling, building or structure has become dangerous, the Code Enforcement Officer may either commence a criminal proceeding, issue an enforcement notice, or both. The enforcement notice shall:
  - A. Be in writing;
  - B. Include a statement of the reason(s) it is being issued;
  - C. State a reasonable time to rectify the conditions constituting the danger or to remove and demolish the building or structure; and
  - D. Be served upon the owner, occupant and any party in interest.
3. An enforcement notice shall be sent by certified mail, return receipt requested, to the last known address of the owner, occupant and any party in interest. If the mailing is returned with the notation as refused or unclaimed, the notice shall be

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conspicuously posted on the subject property, and service shall be deemed to have occurred upon such posting.

(Ord. 737, 2/10/2004)

### **§4-107. Hearings; Appeals.**

1. Any person affected by an enforcement notice may request a hearing on the matter before the Borough Council by delivering to the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within 10 days after the date the notice was served. Upon receipt of such petition, the Borough Secretary shall set a time and place for the Council hearing and shall 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 30 days after the day on which the petition was filed.
2. After such hearing, the Council shall either sustain, modify or withdraw the notice. If the Council sustains or modifies such notice, it shall be deemed to be an order. Any enforcement notice served pursuant to this Part shall automatically become a final order if a written petition for a hearing is not filed with the Borough Secretary within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code.

(Ord. 737, 2/10/2004)

### **§4-108. Criminal Penalties.**

1. Offense defined.
  - A. Any person who violates §4-104 of this Part is guilty of a summary offense.
  - B. Each day a violation is continued shall be deemed a separate offense.
2. Penalties. A person convicted of an offense under this section shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus all costs of prosecution, or, in default of payment, to undergo imprisonment for not less than 10 nor more than 30 days.

(Ord. 737, 2/10/2004)

**§4-109. Borough Remedies.**

1. In addition to the criminal penalties provided for in §4-108 above, the Borough shall have the right to remove the dangerous structure if the responsible person refuses or fails to do so. In so acting, employees or contractors of the Borough shall have the authority to enter the subject property.
2. In addition to the criminal penalties provided for in §4-108 above, the Borough shall have the right to obtain equitable relief by a civil action in court.
3. All remedies of the Borough pursuant to state law and this Part shall be nonexclusive and cumulative, so that the pursuit of any particular course of action shall not constitute an election of remedies. Remedies may be pursued simultaneously or consecutively and in such number or order as the Borough sees fit.

(Ord. 737, 2/10/2004)

**§4-110. Enforcement Costs.**

1. The Borough shall be entitled to recover from the person or persons responsible for a dangerous structure all expenses paid or incurred by the Borough relating to the abatement thereof and the enforcement of this Part. Such expenses shall include but not be limited to:
  - A. Costs of inspections or investigations.
  - B. Costs of preparing and mailing notices, orders or other documents.
  - C. Costs of necessary repairs or demolition and removal of debris.
  - D. Attorneys' fees relating to preparation for and attendance at any legal proceedings.
  - E. Court costs.
  - F. An additional amount of 10% of the total of all other expenses, as a penalty.
2. Such costs shall be collected by the Borough in the manner provided by state law for the collection of municipal claims, or by a civil court action, as the Borough may see fit.

(Ord. 737, 2/10/2004)



## Part 2

### Residential Rehabilitation

#### **§4-201. Minimum Design Standards Adopted for Federally Sponsored Residential Rehabilitation Programs.**

The minimum design standards for rehabilitation for residential properties, as set forth in HUD Handbook No. 4940.4 prepared by Program Participants and HUD staff in September of 1973, are hereby adopted by reference as the required minimum design standards for federally sponsored rehabilitation of existing residential properties within the Borough. Those standards shall not be required for any other building or rebuilding or rehabilitation except those federally sponsored. A copy of those minimum design standards is filed in the office of the Manager in the Municipal Building and may be examined during business days, Monday through Friday, between the hours of 9:00 a.m. to 4:00 p.m.

(Ord. 603, 8/14/1979, §1)

#### **§4-202. Certain Standards Mandatory; Others Optional.**

The minimum design standards set forth in HUD Handbook No. 4940.4, referred to in §4-201 and identified in that handbook as “required provisions,” shall be deemed mandatory as to all work of rehabilitation undertaken pursuant to a federally sponsored program. Design standards set forth in that Handbook No. 4940.4 and identified in it as “guides” shall be deemed optional on the part of program participants.

(Ord. 603, 8/14/1979, §2; as amended by Ord. 621, 12/14/1983)

#### **§4-203. Rehabilitation Permits Required.**

1. No work of rehabilitation shall be undertaken within or upon a residential structure until a permit has been issued by the Zoning Officer. The permit shall be styled “residential rehabilitation permit”. Those permits may not be transferred or assigned.
2. No rehabilitation permit shall issue except upon prior application being made or joined in upon by the Beaver County Redevelopment Authority. All such applications shall show the name of the owner of the premises, their location, the tax parcel number of the premises, the rehabilitation work which is intended, and the estimated capital value of the proposed work. The application shall be accompanied by such other information as is deemed necessary by the Zoning Officer to determine compliance with the terms of the Zoning Ordinance [see Chapter 27, Zoning]. The application and all required or requested accompanying matter shall be submitted in triplicate and shall be signed and sworn to by the applicant. One

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complete set shall be returned to the applicant on approval or rejection of the requested permit; one copy shall be retained in the files of the Zoning Officer; the remaining copy shall be transmitted to the Redevelopment Authority of the County of Beaver for enforcement and compliance purposes.

3. No work of rehabilitation shall be undertaken unless the permit issued by the Zoning Officer shall first be posted prominently upon the permitted premises. The failure or neglect of the applicant to prominently post the permit and maintain the same throughout the duration of the permitted work shall be a violation of this Part 2. Duplicate permits may be issued by the Zoning Officer. Loss or substantial destruction or defacement of any posted permit must be promptly reported within 24 hours after that event or the discovery of it, Saturdays, Sundays and legal holidays excepted.
4. All permits shall expire upon the completion of the work authorized by them or within one year from the issuance of the permit, whichever event shall first occur. A permit shall expire if the work authorized in it is not commenced within 180 days from the date the permit was issued.

(Ord. 603, 8/14/1979, §3)

### **§4-204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense.

(Ord. 603, 8/14/1979, §4; as amended by Ord. 621, 12/14/1983)

**Part 3**

**Razing of Buildings**

**§4-301. "Person" Defined.**

The word "person," as used in this Part 3, shall mean any natural person or persons, association, partnership, firm or corporation.

(Ord. 519, 7/9/1968, §1)

**§4-302. Permit Required.**

No person shall cause or permit any building to be razed or partly razed upon any property owned by that person, or upon any ground rented by him, without first having obtained a permit therefor. The permit shall be issued by the Borough Manager upon the filing of an application specifying the razing procedure and the payment of a fee in the amount prescribed in the schedule of municipal fees established by resolution of the Borough Council.

(Ord. 519, 7/9/1968, §2; as amended by Ord. 740, 2/10/2004)

**§4-303. Conditions for Razing Buildings.**

The person who razes or partly razes any building under a permit granted under §4-302 shall comply with all provisions of the law and with all other ordinances of the Borough which are not inconsistent with the provisions of this Part 3 and shall also comply with all of the following provisions:

- A. If the water service to the building is to be discontinued, the street must be opened and the water line disconnected from the main water line, in compliance with §4-304.
- B. If the sewer line is to be discontinued, it must be properly plugged on the property side of the curb.
- C. The person razing or partly razing a building shall carry liability insurance in the amount of \$50,000 to \$100,000, and the same must be exhibited to the Borough Solicitor before the work begins, and that person shall also secure workers' compensation insurance and any other insurances required by law.
- D. The person razing or partly razing a building, as aforesaid, shall secure the services of a professional exterminator and is required to fumigate the premises prior to razing in order to guarantee that rats and other vermin are eliminated.

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- E. The person razing or partly razing, as aforesaid, shall be required to control all dust by proper soaking, or wetting, or otherwise, to keep the area as free from dust as possible.
- F. No burning shall be permitted on the premises.
- G. All materials and debris are required to be hauled away from the area in covered trucks so as to prevent the littering of streets and highways.
- H. No ditch may be left open for a period of more than 24 hours.
- I. All backfilling must be thoroughly tamped with the property backfill.
- J. The contractor and all the property owners are jointly and severally responsible for furnishing barricades and flares and the operation of them for the protection of the public in and about the operation of the work.
- K. Where there is an opening on any paved street or alley, the surface of that street or alley must be replaced on top of a minimum of eight inches of concrete and that concrete must extend 18 inches over the original width of the ditch. The paved surface over the concrete shall correspond to the same material as exists in the balance of the street. In all cases, the total depth of paving must equal or exceed the existing base and top. All the above work must be completed as outlined within a ninety-six-hour period from the time of the street opening.
- L. The property owner must obtain a Pennsylvania Department of Transportation permit when required.
- M. It is the property owner's responsibility to notify all utility companies (gas, electric, telephone, etc.) prior to excavation.
- N. All work shall be completed within five days after its commencement.

(Ord. 519, 7/9/1968, §3; as amended by Ord. 740, 2/10/2004)

### **§4-304. Security Requirements.**

1. Before a permit may be issued, the applicant must deposit with the Borough a sum of money in an amount prescribed in a schedule established by resolution of the Borough Council. Such deposit may be made in the form of cash, money order, certified check, or bank cashier's or treasurer's check. Upon inspection of completed work to the satisfaction of the Borough Manger or Borough Engineer, the security deposit shall be returned to the person who made it, less deductions for any corrective work done by or for the Borough.

2. Before a permit may be issued, the applicant must sign a performance bond and indemnity agreement in the form prescribed by the Borough.

(Ord. 519, 7/9/1968, §4; as amended by Ord. 740, 2/10/2004)

**§4-305. Report of Completion of Work; Inspection; Effect of Failure to Comply With Requirements.**

Upon completion of the work, the holder of the permit shall report the completion to the Borough Manager. The Manager may, after completion, or at any time during the course of the work, cause an inspection of the building to be made; and if there is evidence that any requirement of the law or of this Part 3 has not been complied with, the proper officers of the Borough shall commence prosecution under that law, or this Part 3, to secure compliance.

(Ord. 519, 7/9/1968, §5)

**§4-306. Time Limit for Commencing Work Under Permit.**

If any work authorized by any permit has not commenced within a period of 30 days after its issuance, the Borough Manager shall require the permit holder to relinquish that permit, and the permit shall become invalid.

(Ord. 519, 7/9/1968, §6)

**§4-307. Criminal Penalties.**

1. Offense defined.
  - A. Any person who violates any provision of this part is guilty of a summary offense.
  - B. Each day a violation is continued shall be deemed a separate offense.
2. Penalties. A person convicted of an offense under this section shall be sentenced to pay a fine of not less than \$300 nor more than \$600, plus all costs of prosecution, or, in default of payment, to undergo imprisonment for not less than 10 nor more than 30 days.

(Ord. 519, 7/9/1968, §7; as amended by Ord. 621, 12/14/1983; and by Ord. 740, 2/10/2004)



**Part 4**

**Numbering of Buildings**

**§4-401. Houses and Improved Lots to be Numbered.**

All houses and improved lots shall be numbered in accordance with the provisions of this Part 4.

- A. The numbers on all streets running north and south shall run from First Street North, the even numbers on the left-hand side of the street, the first right-hand number on each and every street running north and south beginning at First Street, shall be the same as the number of the street marking the southern boundary of the block or square multiplied by 100.
- B. The streets marking the southern boundary of the blocks or squares running north shall be First, Second, Third, Fourth, Fifth, Sixth and Seventh Streets. The numbers on all streets running east and west shall run from the Bridgewater Borough line west, the even numbers on the right-hand and the odd numbers on the left-hand side of the street, the first right-hand number on each and every street running east and west beginning at the Bridgewater Borough line shall be 100; at Wilson Avenue 200; at Beaver Street 300; at Elk Street 400; at Market Street 500; and at Raccoon Street 600.
- C. The manner of numbering houses and laying off or spacing of unimproved lots shall be as follows: a number shall be given to each and every 20 feet of street frontage.
- D. The placing of all numbers shall be under the supervision and to the satisfaction of the Secretary and shall be subject to all reasonable restrictions and requirements as Council shall from time to time ordain.

(Ord. 90, 12/30/1904)



**Part 5**

**Escrow of Fire Insurance Proceeds**

**§4-501. Statutory Procedures Adopted.**

The procedures set forth in Subsections (a), (b), (c) and (d) of Section 508 of the Insurance Company Law of 1921 [as amended, 40 P.S. §638] are hereby authorized for fire loss claims on structures in the Borough of Beaver.

(Ord. 670, 7/12/1994, §1; as amended by Ord. 672, 12/13/1994, §1)

**§4-502. Administrative Officer Designated.**

The Borough Manager is designated as the municipal officer authorized to carry out the duties involved in the escrow procedures.

(Ord. 670, 7/12/1994, §1)



**Part 6**

**Uniform Construction Code**

**§4-601. Purpose.**

The purposes of this Part are to:

- A. Promote the general health, safety and welfare of the citizens of this Borough.
- B. Comply with the requirements of the Pennsylvania Construction Code Act (Act No. 45 of 1999)<sup>1</sup> and the regulations promulgated pursuant thereto by the Pennsylvania Department of Labor and Industry.

(Ord. 741, 4/13/2004)

**§4-602. Adoption of Code.**

The Uniform Construction Code contained in Chapters 401 to 405 of Title 34 of the Pennsylvania Code, as amended from time to time, is hereby adopted and incorporated herein as the municipal building code of the Borough of Beaver.

(Ord. 741, 4/13/2004)

**§4-603. Election to Administer.**

The Borough of Beaver hereby elects to administer and enforce the provisions of the Uniform Construction Code.

(Ord. 741, 4/13/2004)

**§4-604. Administration and Enforcement.**

The Uniform Construction Code shall be administered and enforced within this Borough in any of the following ways, as determined by resolution adopted by the Council:

- A. By the designation of an employee of the Borough to serve as the construction code official to act on behalf of the Borough.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough.

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<sup>1</sup> Editor's Note: See 53 P.S. §10101 et seq.

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- C. By agreement with one or more other municipalities for the joint administration and enforcement of the Code through an intergovernmental cooperation agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of the Code on behalf of this Borough.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan reviews, inspections and enforcement as to structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 741, 4/13/2004)

### **§4-605. Board of Appeals.**

There shall be a Board of Appeals established by resolution adopted by the Council in conformity with the requirements of the Uniform Construction Code.

(Ord. 741, 4/13/2004)

### **§4-606. Fees.**

A schedule of fees relating to the administration and enforcement of the Uniform Construction Code shall be established by resolution adopted by the Council.

(Ord. 741, 4/13/2004)

### **§4-607. Effect on Other Provisions.**

1. All building code ordinances or portions of ordinances which were adopted by this Borough on or before July 1, 1999, and which equal or exceed the requirements of the Uniform Construction Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of said Code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Uniform Construction Code are hereby amended to conform with the comparable provisions of said Code.
3. All relevant ordinances, regulations and policies of this Borough not governed by the Uniform Construction Code shall remain in full force and effect.

(Ord. 741, 4/13/2004)

**§4-608. Penalties.**

1. Offense defined.
  - A. Any individual, firm or corporation that violates any provision of this Part commits a summary offense.
  - B. Each day or portion thereof that a violation continues shall be considered a separate offense.
2. Fine. A person convicted of an offense under this section shall be sentenced to pay a fine of not more than \$1,000, plus all costs of prosecution.

(Ord. 741, 4/13/2004)