

## **CHAPTER 4**

### **BUILDINGS**

#### **Part 1**

##### **Property Maintenance Code**

- §4-101. Amendments**
- §4-102. Revisions**
- §4-103. Effectiveness**

#### **Part 2**

##### **Residential Rehabilitation**

- §4-201. Minimum Design Standards Adopted for Federally Sponsored Residential Rehabilitation Programs**
- §4-202. Certain Standards Mandatory; Others Optional**
- §4-203. Rehabilitation Permits Required**
- §4-204. Penalty for Violation**

#### **Part 3**

##### **Razing of Buildings**

- §4-301. “Person” Defined**
- §4-302. Permit Required**
- §4-303. Conditions for Razing Buildings**
- §4-304. Security Requirements**
- §4-305. Report of Completion of Work; Inspection; Effect of Failure to Comply With Requirements**
- §4-306. Time Limit for Commencing Work Under Permit**
- §4-307. Criminal Penalties**

## **BUILDINGS**

### **Part 4**

#### **Numbering of Buildings**

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

### **Part 5**

#### **Escrow of Fire Insurance Proceeds**

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

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

### **Part 6**

#### **Uniform Construction Code**

**§4-601. Purpose**

**§4-602. Adoption of Code**

**§4-603. Election to Administer**

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

**§4-605. Board of Appeals**

**§4-606. Fees**

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

**§4-608. Penalties**

## **Part 1**

### **Property Maintenance Code**

#### **§4-101. Amendments.**

That document on file with the Borough Secretary designated as the International Property Maintenance Code, 2009 Edition, is hereby adopted as the Property Maintenance Code of the Borough of Beaver, with the changes specified in §4-102.

(Ord. 787, 3/12/2013, §1)

#### **§4-102. Revisions.**

The aforesaid International Property Maintenance Code, 2009 Edition, is modified in the following aspects:

A. Section 101.1 is revised to read:

101.1 Title. This Part shall be known and may be cited as the “Property Maintenance Code of the Borough of Beaver.”

B. Section 101.4 is amended to read:

101.4 Severability. 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 particular application, the efficacy of the remaining provisions shall not be impaired.

C. Section 102.3 is amended to read:

102.3 Application of the other codes. Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the Uniform Construction Code, adopted under the Pennsylvania Construction Code Act (Act No. 45 of 1999, as amended).

D. Section 102.6 is amended to read:

102.6 Historic buildings. The provisions of this Part shall apply to structures designated as Contributing Resources in the Beaver Historic District Resource Inventory. Nothing in this Part shall alter or affect the obligations established by Chapter 11 of the Code of Ordinances, relating to Historic Preservation.

E. Section 103.5 is revised to provide:

## BUILDINGS

103.5 Fees. The fees for activities and services performed by the code official in carrying out his/her responsibilities under this code shall be in such amounts as established from time to time by resolution of the Borough Council.

- F. Section 106.3 is amended to read:

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with §107 shall be deemed guilty of a summary offense, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Borough may institute appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy or the structure in violation of the provision of this code or of the order or direction made pursuant thereto. Additionally, the Borough may correct or abate the violation and charge the cost thereof, plus penalty of 10%, to the owner, and place a lien on the real estate. Any such lien shall be collectable by the Borough as provided for all municipal liens.

- G. Section 106.4 is amended to read:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$300 nor more than \$1,000, and/or to imprisonment for a term not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- H. Section 106.5 is amended to read:

106.5 Abatement of violation. The imposition of penalties herein prescribed shall not preclude the Borough from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization or the building, structure or premises.

- I. Section 112.4 is revised to read:

112.4 Failure to Comply. Any person who shall continue work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$1,000. Each day that a violation continues shall constitute a separate offense.

- J. The first sentence of §302.4 is revised to read: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches.

- K. The first sentence of §304.14 is revised to read:

304.14 Insect screens. During the period from April 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

- L. Section 602 (pertaining to heating facilities and having five subsections) is deleted and is not adopted.
- M. Section 111 is revised to read:

#### SECTION 111 APPEALS

111.1 Purpose. The purpose of the Section is to establish an administrative process for appeals from notices of violation and/or orders issued by a code official.

111.2 Right of Appeal. A person aggrieved by a notice of violation and/or order issued by a code official shall have the right to appeal to the Board of Appeals.

111.3 Board of Appeals. The Code Enforcement Committee of Beaver Borough Council is hereby designated as the Board of Appeals to receive, hear, consider and decide appeals filed under this Section. The Chair or Acting Chair may, as necessary, appoint other members of Council to sit on particular appeals as needed where Committee members are unavailable, or unable to serve due to conflict. If the Chair of the Code enforcement Committee is unavailable or must not serve due to a conflict, the President of Council shall act as the Chair of the Board of Appeals. Such appointments shall be in a writing signed by the Chair or Acting Chair and be delivered to the Borough Manager and the parties and their counsel more than 48 hours prior to the hearing date for that particular hearing.

111.4 Appeal Procedure. The procedure for appeal to the Board of Appeals shall be as follows:

- (1) A written statement of appeal shall be delivered to the Borough Secretary at the Municipal Building.
- (2) A statement of appeal shall be filed as aforesaid within 20 days after the date of the notice of violation or order complained of.
- (3) A photocopy of the notice of violation or order complained of must be attached to the statement of appeal.

## BUILDINGS

- (4) A statement of appeal shall set forth the specific grounds or reasons why the decision or order in question is believed to be contrary to fact, contrary to law, unjust or otherwise improper.
- (5) A statement of appeal shall be accompanied by payment of an appeal filing fee of \$ 250 and a deposit in the amount of \$700 to defray the costs of newspaper advertising and stenographic recording and reporting of the public hearing before the Board of Appeals.

111.5 Board Proceedings. Upon the filing of an appeal as aforesaid, the Board of Appeals shall proceed in the following manner:

- (1) The Board shall promptly fix a date and time for hearing upon the appeal, and notify the appellant thereof by written notice.
- (2) All hearings before the Board shall be open to the public. Therefore, the Board shall cause appropriate “public notice” as defined in the Sunshine Act to be given.
- (3) All hearings before the Board shall be conducted in accordance with the Local Agency Law.
- (4) A code official and/or the Borough Engineer and/or the Borough Solicitor shall have the right to be heard on the factual and legal issues involved in the appeal.
- (5) Any person whose interests are affected by either the condition of the subject property, or the notice of violation or order complained of, shall be given the opportunity to be heard.
- (6) The appellant shall have the burden of proof on all issues of fact.
- (7) Upon completion of the submission of evidence and arguments, the Board shall recess the hearing and hold an executive session for deliberation. Upon completion of its deliberation, the Board shall reconvene the public hearing and take official action on the appeal.
- (8) After adjournment of the hearing, the Board shall promptly prepare a written adjudication and send it to the appellant by first-class mail.

[Ord. 803]

(Ord. 787, 3/12/2013, §2; as amended by Ord. 803, 2/10/2015, §1)

### **§4-103. Effectiveness.**

1. This Part shall be effective upon enactment.
2. [Reserved]. [Ord. 791]
3. While this Part is in effect, the effect of former Part 1 (entitled Dangerous Structures) of Chapter 4 of the Code of Ordinances (enacted by Ord. 737) shall be suspended.
4. In the event this Part ceases to have effect, the aforesaid Ord. 737 shall again take effect.

(Ord. 787, 3/12/2013, §3; as amended by Ord. 791, 12/10/2013, §1)





## **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

## BUILDINGS

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.

## BUILDINGS

- 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 Manager 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.

---

<sup>1</sup> Editor's Note: See 53 P.S. §7210.101 et seq.

## BUILDINGS

- 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.**

- 1. The Borough of Beaver supports the establishment by the Beaver County Regional Council of Governments of a Regional Board of Appeals in accordance with the Pennsylvania Construction Code Act, as amended.
- 2. The Borough of Beaver designates such Regional Board of Appeals to hear and decide all challenges to any decision made by the construction code official of the Borough.
- 3. The Borough, by virtue of its membership in the Beaver County Regional Council of Governments and through its appointed voting delegate, shall have a vote in the selection of qualified members of the Regional Board of Appeals.
- 4. To effectuate the provisions of this Part, this Borough shall enter into an Intergovernmental Cooperation Agreement with the Beaver County Regional Council of Governments.

(Ord. 741, 4/13/2004; as amended by Ord. 780, 10/9/2012, §1)

### **§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)

