

CODIFIED ORDINANCES OF WHITE OAK
PART SEVENTEEN - BUILDING AND HOUSING CODE

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CODIFIED ORDINANCES OF WHITE OAK
PART SEVENTEEN - BUILDING AND HOUSING CODE

ARTICLE 1701
BOCA Building Code

1701.01	Adoption of Building Code.	1701.03	Definitions.
1701.02	Insertions and changes.	1701.04	Saving clause.

CROSS REFERENCES

Building regulations generally - see 53 P.S. Sec. 46202(24)

Building permits required - see B. & H. 1711.01 et seq.

1701.01 ADOPTION OF BUILDING CODE.

A certain document, one or more copies of which are on file in the Office of the Borough Secretary, entitled "The BOCA Basic Building Code, Ninth Edition, 1984" as published by the Building Officials Conference of America, Inc., is hereby adopted as the Building Code of the Borough; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA Basic Building Code, Ninth Edition, 1984, are hereby referred to, adopted and made a part hereof, as if fully set out in this article. Any and all subsequent editions and supplements to the BOCA Basic Building Code issued by the Building Officials Conference of America, Inc., shall automatically supplement this article and become a part hereof without further action by Council.

(Ord. 2281. Passed 9-16-85.)

1701.02 INSERTIONS AND CHANGES.

Wherever a fee or other monetary payment is provided for in the Code, the specific amount thereof shall be the current prevailing rate already in effect in the Borough. The Borough Engineer and/or Borough Manager, with the approval of Council, may, from time to time, change such rate or rates, and establish new rates in any situation where none are presently provided for.

(Ord. 2281. Passed 9-16-85.)

1701.03 DEFINITIONS.

(a) Wherever the word "Municipality" is used in the Code, it means the Borough.

(b) Wherever the term "Corporation Council" is used in the Code, it means Council.

(Ord. 2281. Passed 9-16-85.)

1701.04 SAVING CLAUSE.

Nothing in this article or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any Act or Ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. 2281. Passed 9-16-85.)

**ARTICLE 1711
Building Permits**

1711.01	Building permit application.	1711.04	Landscaping plans and specifications.
1711.02	Building plans.	1711.05	Building activities requiring permits.
1711.03	Site plans and/or plot plans.	1711.06	Permit and fee schedule.

CROSS REFERENCES

BOCA Building Code - see B. & H. Art. 1701
Building in flood plain areas - see B. & H. Art. 1721

1711.01 BUILDING PERMIT APPLICATION.

(a) General. Any person, persons, or corporation desiring to erect, construct, reconstruct, place or remodel or alter any building or buildings within the limits of the Borough shall furnish the Building Inspector of the Borough, three copies of a full and complete set of construction drawings and specifications, together with a landscaping and plot plan of the same, which shall remain the property of the Borough. The Building Inspector shall refer all plans, other than for single-family residential buildings, to the Planning Commission, who together with its Consulting Engineer shall review and approve the plans before a building permit shall be issued. No permits to erect, construct, reconstruct, place, remodel or alter any building shall be granted by the Building Inspector unless such construction plans, specifications, landscaping plans and plot plans are in conformity with the ordinances of the Borough and Acts of the Assembly of the Commonwealth of Pennsylvania.

All plans referred to the Planning Commission for review and approval shall be prepared by and bear the seal of a Registered Professional Engineer or Architect, except that plot plans may be prepared by a Registered Land Surveyor; licensed to practice in the Commonwealth of Pennsylvania.

(b) Plan Approval. To assure architectural and landscaping integrity, prior approval by the Planning Commission will be required of the user's site plan, landscaping and construction plans, sign design (including supporting structure) and contemplated improvements. Plans should show, among other things, the location of the main and accessory structures on the site and in relation to one another, the exterior building materials and colors to be used in construction; traffic circulation features within the site; the location of vehicular access onto the site; the height and bulk of structures; the provision for automobile parking spaces; the provision for other open space on the site; the landscaping, paving, fences, and walls on the site; and the display of signs. The plans should include color renderings of selected elevated views. In considering plans submitted, the developer shall show due concern with the safety and convenience of traffic movement both within the site covered and in relation to access streets, as well as the harmonious and beneficial relation of structures and users on the site with other properties in the area.

(Ord. 2032. Passed 11-19-79.)

1988 Replacement

2007 Replacement

1711.02 BUILDING PLANS.

Any application for a building permit shall be accompanied by a complete set of construction plans showing the details of construction, including the foundation details and wall sections. Roof loadings shall be designated to carry a minimum live load of forty pounds per square foot. Elevation views shall show the types of construction material to be used on all of the exterior wall surfaces. The Building Inspector shall not issue a building permit to any applicant unless all approvals have been secured from the Planning Commission and proof of satisfactory compliance of the Pennsylvania Department of Labor and Industry's Fire and Panic Code is provided.

(Ord. 2032. Passed 11-19-79.)

1711.03 SITE PLANS AND/OR PLOT PLANS.

Any application for a building permit shall also be accompanied by a plot plan of the premises. Such plot plan shall include:

- (a) Location plan showing the general relationship of the property to Borough roads, County roads and Legislative routes.
- (b) A plan of the property drawn to scale, showing the actual dimensions of the lot to be built upon. If this lot is separate from other parcels on the same property, a small scale plan should be provided indicating the location of the lot to be built upon with respect to the rest of the property.
- (c) The exact size and location of the building on the lot and accessory buildings to be erected shall be shown.
- (d) Location of the required building set back line and location of buildings on property adjacent to the property to be improved.
- (e) Names and addresses of the owner or owners.
- (f) Name and addresses of the registered engineer or surveyor who prepared the plan.
- (g) North point; date and graphic scale.
- (h) Existing and proposed contours at no greater than five foot intervals and bench mark or datum to which the building elevations refer. All contour elevations shall be based on the National Geodetic Vertical Datum.
- (i) Names of owners of any adjacent properties.
- (j) All streets, utilities and improvements adjoining the property, serving the property or through the property.
 - (1) Street shall show name, right of way widths and cartway widths.
 - (2) General drainage plan for storm water and/or storm sewers. Calculations for sizing of storm sewers shall be provided upon request of the Borough Engineer.
 - (3) Proposed water, sanitary sewage, electric, gas or other possible utilities serving the lot. Include the location of valves, curb boxes, fire hydrants, vaults, manholes, poles, etc.
 - (4) Proposed designation parking stalls, parking lots and traffic circulation for the site, including ingress and egress.

(Ord. 2032. Passed 11-19-79.)

1988 Replacement

2007 Replacement

1711.04 LANDSCAPING PLANS AND SPECIFICATIONS.

(a) Any application for a building permit shall also be accompanied by a plan showing the proposed landscaping of the premises in addition to the other items required to be submitted with the application for a building permit. Proposals for landscaping may be shown on the site plan. The plan shall show what improvements and landscaping are to be completed on the entire premises and shall provide as a minimum requirement, ground cover of grass, plants or artificial materials on the portion of the premises not occupied by any building, driveway or parking area, excluding any portion of the premises left in its natural wooded state and not disturbed during construction and kept free of junk, debris, dangerous, objectionable or noxious matter. The requirements for landscaping shall be completed and growing within one year after completion of the building.

(b) All streets, driveways and parking areas on property used for purposes other than single-family residences shall be surfaced with concrete, bituminous asphalt, brick or other similar material. (Ord. 2032. Passed 11-19-79.)

1711.05 BUILDING ACTIVITIES REQUIRING PERMITS.

The following activities require permits:

- (a) Decks.
 - (b) Porches.
 - (c) Room additions.
 - (d) Interior remodeling. (Only if there are structural changes or changes in use).
 - (e) Swimming pools. (Above and below ground).
 - (f) Carports.
 - (g) Driveways.
 - (h) New construction.
 - (i) Demolition.
 - (j) Relocation.
- (Res. 2798. Passed 5-16-88.)

1711.06 PERMIT AND FEE SCHEDULE.**(a) Building Permit Fees.**

Residential:	(Defined as single and two family homes) \$25.00 minimum or \$.10 per square foot, whichever is higher. Square footage determined as finished living space based on outside dimensions including stairwells, bathrooms and closets.
Commercial:	(Including multiple family dwellings) \$50.00 minimum or \$.35 per square foot, whichever is higher. Square footage determined as gross building space based on outside dimensions including storage rooms, closets, and bathrooms.

Building Permit Fees (Cont.)

Fences:	\$10.00
Sheds and Gazebos:	\$10.00
Carports:	\$10.00
Driveways:	\$10.00
Porches:	\$10.00
Swimming Pools:	\$10.00
Mobile Homes:	\$30.00
Occupancy Permits	\$20.00 new buildings \$10.00 additions/changes
Signs:	
up to 6 sq/ft.:	\$10.00
10-20 sq/ft.:	\$15.00
20-30 sq/ft.:	\$20.00
30 sq/ft. up:	\$40.00
Temporary	\$15.00

(b) Zoning Fees.

Planning Commission/ Zoning Hearing Board:	\$100.00* applicable fee (Payable only once)
Zoning Amendment:	\$150.00
Lien Letter:	\$10.00
Flood Plain Letter:	\$5.00
Zoning Map:	\$1.00
Zoning Ordinance:	\$15.00
Subdivision Ordinance:	\$5.00

(c) Environmental Fees.

Grading, Filling and Excavating:	\$25.00 up to 2000 cubic yards, then additional 1000 cubic yards. \$250.00 engineering inspection fee for 3,500 cubic yards and up.
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(c) Environmental Fees (Cont.)

Timbering:	\$50.00 per acre of select tree cutting. \$250.00 engineering inspection fee. Road bonding in an amount consistent with current PADOT standards.
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(d) Development Fees.

Subdivision Application	
Subdivision (small):	\$100.00*
Subdivision (other):	\$500.00*
	(these amounts are in addition to any other application fees)
Site Development: (Commercial Only)	\$200.00 plus \$150.00 per acre of land to be developed.

*Does not include developer agreement costs or advertising costs.
(Res. 3022. Passed 12-18-95.)

(e) Miscellaneous.

Tax certification letters - each parcel (Res. 3336. Passed 1-19-04.)	\$30.00
Return check fee (Res. 3349-A. Passed 4-19-04.)	\$25.00

**ARTICLE 1721
Occupancy Permit Requirements**

1721.01	Definitions.	1721.05	Fees.
1721.02	Duties of owner.	1721.99	Penalty.
1721.03	Inspection requirements.		
1721.04	Additional requirements pertaining to residential rental units.		

CROSS REFERENCES
Building permits - see B. & H. Art. 1711

1721.01 DEFINITIONS.

For the purpose of this article, the following terms shall have the meanings hereinafter designated.

- (a) **BOROUGH** – The Borough of White Oak, Allegheny County, Pennsylvania.
- (b) **CODE** – Any Code or ordinance adopted, enacted and/or in effect in and for the Borough of White Oak concerning fitness for habitation or construction, maintenance, operation, occupancy, use or appearance of any structure. Included within, but not limited by this definition are the following: Borough of White Oak Planning and Zoning Ordinances as well as all other Borough ordinances pertaining to standards for dwellings within the Borough of White Oak, the Uniform Construction Code as adopted by the Borough of White Oak and including the International Property Maintenance Code as adopted by the Borough of White Oak.
- (c) **CODE ENFORCEMENT OFFICER** – The duly appointed Code Enforcement Officer having charge of the Office of Code Enforcement of the Borough of White Oak and any assistants or deputies thereof. In appropriate circumstances this is intended to include police.
- (d) **COMMON AREA** – In multiple-unit establishments (either residential or commercial), space which is not part of a single unit but is shared with other occupants of the unit whether they reside in the units or not. Common areas shall be considered as part of the structure for purposes of this article.

- (e) **DISRUPTIVE CONDUCT** – Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident or behavior constitute a criminal offense, or that perpetrated, caused or permitted the commission of disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrence.
- (f) **DWELLING** – A building having one or more dwelling units.
- (g) **DWELLING UNIT** – A room or group of rooms within a dwelling and forming a single unit and used for living and sleeping purposes, having its own cooking facilities and a bathroom with a toilet, bathtub and/or shower.
- (h) **LANDLORD** – One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a unit.
- (i) **MANAGER** – An adult individual designated by the owner of a structure. The manager shall be the agent of the owner for service of process and receiving notices or demands and to perform the obligation of the owner under this article and under rental agreements with occupants.
- (j) **OCCUPANCY PERMIT** – The permit issued to the owner of a unit or structure under this article which is required for the lawful rental and/or occupancy of a unit or structure.
- (k) **OCCUPANT** – An individual who resides in a unit or structure whether or not the individual is the owner of the unit or structure thereof, with whom a legal relationship with the owner or landlord of the unit or structure is established by a written lease or by the laws of the Commonwealth of Pennsylvania.
- (l) **OWNER** – One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a unit or structure.
- (m) **OWNER-OCCUPIED DWELLING UNIT** – A dwelling unit in which the owner resides on a regular, permanent basis.
- (n) **PERSON** – A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.
- (o) **PREMISES** – Any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more units or structures is located.
- (p) **RENTAL UNIT** – A residential structure occupied by any person under a rental agreement.
- (q) **RENTAL AGREEMENT** – An agreement between owner/landlord and occupant/tenant.
- (r) **TENANT** – An individual who resides in or is the owner of a business within a unit or structure, whether or not he or she is the owner thereof with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania (see Occupant).
(Ord. 3481. Passed 5-21-07.)

1721.02 DUTIES OF OWNER.**(a) General.**

- (1) It shall be the duty of every owner to keep and maintain all units and structures in compliance with all applicable Codes and provisions of all other applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition.
- (2) It shall be the duty of every owner to apply for an occupancy permit upon the construction, re-occupancy and change in occupancy of every residential unit in the Borough of White Oak.

(b) Designation of Manager.

- (1) Every owner of residential property who is not a full-time resident of the Borough of White Oak, or a resident elsewhere within fifteen miles from the Borough of White Oak, shall designate a manager who shall reside within fifteen miles of the Borough of White Oak.
- (2) If the owner of residential property is a corporation, a manager shall be required if any officer of the corporation does not reside within the aforesaid distance. The officer shall perform the same function as a manager.
- (3) If the owner of residential property is a partnership, a manager shall be required if a partner does not reside in the aforesaid distance. Said partner shall perform the same function as a manager.
- (4) The manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligations of the owner under this article and under rental agreements with occupants.
- (5) The identity, address and telephone number(s) of a person who is designated as Manager hereunder shall be provided by Owner or Manager to the Borough, and such information shall be kept current and updated as it changes.

(c) Maintenance of Premises.

- (1) The owner of residential property shall maintain the premises in compliance with the applicable codes of the Borough of White Oak and shall regularly perform all routine maintenance, including lawn mowing, ice and snow removal, and shall promptly make all repairs necessary to fulfill its obligation.
- (2) The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the owner and occupant must be in writing. Such agreement may be entered into between the owner and occupant only if:
 - A. The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and
 - B. The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

- (3) In no case shall the existence of any agreement between owner and occupant relieve any owner of any responsibility under this ordinance or other ordinances or codes for maintenance of premises.
(Ord. 3481. Passed 5-21-07.)

1721.03 INSPECTION REQUIREMENTS.

(a) All residential structures, whether owner-occupied or rental units, single-family, two family or multi-family dwellings, shall be bound by these requirements. Each unit in a two-family dwelling or multi-family dwelling shall be treated separately by this ordinance and each shall require its own occupancy permit.

(b) All residential dwelling units must be inspected by the Borough of White Oak and brought up to current code standards prior to a change in the person or persons occupying the dwelling unit.

(c) The property owner or agent for the property shall make application to the Borough of White Oak on a Borough supplied form and return it to the Borough along with the required application fee.

(d) The Borough shall conduct an inspection of the premises and shall make note of all deficiencies from the applicable codes pertaining to residential structures within the Borough of White Oak. If the dwelling unit is found to be in compliance with the aforementioned codes, then the property owner or agent shall be issued an Occupancy Permit for the dwelling unit.

(e) If deficiencies are found, the Borough shall re-inspect the property after notification that all deficiencies are corrected by the owner or agent. If all deficiencies are found to be corrected, the owner or agent shall be issued an Occupancy Permit for the structure.

(f) No dwelling unit may be sold, leased, rented or otherwise re-inhabited prior to the issuance of a occupancy permit after the occupants or tenants legally residing in the premises at the time of the adoption of this ordinance vacate the premises.

(g) No one or two family or multi-family rental dwelling unit shall be required to be inspected more than once every year regardless of the number of changes in the persons occupying the unit.

(h) Interior corridors of all multi-family dwelling whose units share common interior corridors are subject to inspection and code compliance at the same time as the inspection of the first unit in the structure requested for inspection.
(Ord. 3481. Passed 5-21-07.)

1721.04 ADDITIONAL REQUIREMENTS PERTAINING TO RESIDENTIAL RENTAL UNITS.

(a) Within ten days after receipt of written notice from the Code Enforcement Officer that an occupant of a “regulated rental unit” has violated a provision of this article, including and engaging in disruptive conduct, the owner shall take immediate steps to remedy the violation and take steps to assure that there is not a reoccurrence of the violation.

(b) Within twenty days after receipt of a notice of violation, the owner shall file with the Code Enforcement Officer a report on a form provided by the Borough, setting forth what action the owner has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs.

(c) The Code Enforcement Officer shall review the report and, if adequate steps have been taken and the plan is adequate to address future violations, shall approve the plan. The owner then shall, on his or her own initiative, enforce the plan and failure to do shall be a violation of this article.

(d) In the event that a second violation occurs within a year involving the same occupant or occupants, the Code Enforcement Officer may direct the owner to evict the occupants who violated this Ordinance and not to permit the occupant to occupy the premises during the subsequent licensing period.
(Ord. 3481. Passed 5-21-07.)

1721.05 FEES.

From this date hereafter, each application for an occupancy permit shall be accompanied by check, cash or money order in the amount described hereinafter:

- (a) An occupancy permit requested in conjunction with the sale or transfer of ownership of a residential dwelling unit shall require a fee in the amount of forty dollars (\$40.00) plus any costs which may be required by the Pennsylvania Department of Labor and Industry.
- (b) An occupancy permit requested in conjunction with the change of occupancy of a rental unit within the Borough of White Oak shall require a fee in the amount of forty dollars (\$40.00) plus any costs which may be required by the Pennsylvania Department of Labor and Industry.
- (c) In the event deficiencies are found during an inspection and said deficiencies are found not to have been corrected during the re-inspection referred to in Section 1721.03(e) above, a fee of forty dollars (\$40.00) shall be charged for each re-inspection performed by the Borough subsequent to the first re-inspection.
(Ord. 3481. Passed 5-21-07.)

1721.99 PENALTY.

Any individual, person, officer or agent of any firm, partnership, corporation or other entity who violates or causes to be violated any of the provisions of this article, shall, upon conviction, pay a fine of three hundred dollars (\$300.00). Each day that a violation continues after service of notice of a violation shall be deemed a separate expense.
(Ord. 3481. Passed 5-21-07.)

**ARTICLE 1741
Unsafe Structures**

1741.01	Dangerous building defined.	1741.07	Emergency cases.
1741.02	Standards for repair; vacation or demolition.	1741.08	Where owner absent from the Borough.
1741.03	Dangerous buildings as nuisances.	1741.09	Administrative liability.
1741.04	Duties of Building Inspector.	1741.10	Duties of the fire companies.
1741.05	Duties of Council.	1741.11	Duties of Police Department.
1741.06	Duties of the Borough Solicitor.	1741.99	Penalty.

CROSS REFERENCES

Power to enact and enforce building and plumbing regulations
 see - Borough Code Sec. 1202(17),(24), 53 P.S. Sec. 46202
 (17),(24)
 BOCA Building Code - See BLDG. Art. 1701

1741.01 DANGEROUS BUILDING DEFINED.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- (b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) or damage or deterioration of the non-supporting interior or outside walls covering.
- (c) Those which have improperly distributed loads upon the floors or roofs in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Borough.
- (e) Building or structures which have become or are so dilapidated, decayed or unsafe that they are unfit for human habitation or are likely to cause injury to occupants or to others in the vicinity.

- (f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.
- (g) Those, which have inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other means of access and egress.
- (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (i) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this Borough.
- (j) Those, which have been abandoned by the owner and because of abandonment, could become dangerous to the health, safety or general welfare of the public.
- (k) Those buildings existing in violation of any provision of the Building Code of the Borough, or in violation of the Fire Prevention Code, or other ordinance of this Borough. (Ord. 3278. Passed 11-18-02.)

1741.02 STANDARDS FOR REPAIR; VACATION OR DEMOLITION.

The following standards shall be followed in substance by the Building Inspector/Code Enforcement Officer, or assistants specially designated thereto, and Council in ordering repair, vacation, or demolition:

- (a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (b) If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.
- (c) If the "dangerous building" is fifty percent (50%) damaged, decayed or deteriorated from its original value, or if it cannot be repaired so that it will no longer exist in violation of the provisions of this article, or if it is a fire hazard existing or erected in violation of the provisions of this article or of the Fire Prevention Code, it shall be ordered to be demolished.
- (d) If the "dangerous building" whether or not vacant, has not been repaired in accordance with the notice and order of the Building Inspector/Code Enforcement Officer and if it is in such condition as to make it dangerous to the health, safety, moral or general welfare of its occupants or of the public, and the vacation of the building would not eliminate such condition, it shall be ordered to be demolished.
- (e) If a vacant, unused building, is so dilapidated or in such a state of disrepair that it constitutes a danger to the safety of children, the morals of the community, or the general welfare of the neighborhood, it shall be ordered to be demolished. (Ord. 3278. Passed 11-18-02.)

1741.03 DANGEROUS BUILDINGS AS NUISANCES.

All "dangerous buildings" within the terms of Section 1741.01 are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided. (Ord. 3278. Passed 11-18-02.)

1741.04 DUTIES OF BUILDING INSPECTOR.

The Building Inspector/Code Enforcement Officer, or assistants specially designated thereto, shall:

- (a) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial manufacturing, or loft buildings for the purpose of determining whether any condition exists which renders such places a "dangerous building" within the terms of Section 1741.01.
- (b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (c) Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire company or police department of this Borough as probably existing in violation of the terms of this article.
- (d) Inspect annually buildings in the Borough to determine whether they are "dangerous buildings" within the terms of Section 1741.01.
- (e) Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building as shown by the Recorder of Deeds of the County of Allegheny, of any building found by him to be a "dangerous building" within the standards set forth in Section 1741.01, that:
 - (1) The owner must vacate, or repair, or demolish the building in accordance with the terms of the notice and this article.
 - (2) The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession;
 - (3) The mortgagee, agent, other persons having an interest in such building as shown by the land records of the Recorder of Deeds of the County of Allegheny, may at his own risk, repair, vacate or demolish the building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty days, as may be necessary to do, or have done, the work or act required by the notice provide for herein.
- (f) Set forth in the notice provided in subsection (e)(3) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building" and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding thirty days, as is reasonable.
- (g) Report to Council any non-compliance with the "notice" provided for in subsections (e) and (f) hereof.
- (h) Appear at all hearings conducted by Council, and testify as to the condition of "dangerous buildings."
- (i) Place a notice on all "dangerous buildings" reading as follows:

“THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING BY THE BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER, OR ASSISTANTS, SPECIALLY DESIGNATED THERETO. THIS NOTICE IS TO REMAIN ON THIS BUILDING UNTIL IT IS REPAIRED, VACATED, OR DEMOLISHED IN ACCORDANCE WITH THE NOTICE WHICH HAS BEEN GIVEN THE OWNER, OCCUPANT, LESSEE, MORTGAGEE OR AGENT OF THE BUILDING, AND ALL OTHER PERSONS HAVING AN INTEREST IN SAID BUILDING AS SHOWN BY THE RECORDER OF DEEDS OF THE COUNTY OF ALLEGHENY. IT IS UNLAWFUL TO REMOVE THIS NOTICE UNTIL SUCH NOTICE IS COMPLIED WITH.”

(Ord. 3278. Passed 11-18-02.)

1741.05 DUTIES OF COUNCIL.

Council shall:

- (a) Upon receipt of a report of the Building Inspector/Code Enforcement Officer, or assistants specifically designated thereto, as provided for in Section 1741.01(g) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the Recorder of Deeds of Allegheny County, to appear before Council on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with statement of particulars set forth in the Building Inspector's/Code Enforcement Officer's notice provide for herein in Section 1741.01(f).
- (b) Hold a hearing and hear such testimony as the Building Inspector/Code Enforcement Officer, or assistants specially assigned thereto, or the owner, occupant, mortgagee, lessee, or any other person having an interest in the building as shown by the Recorder of Deeds of the County of Allegheny, shall offer relative to the "dangerous buildings".
- (c) Make written findings of fact from the testimony offered pursuant to subsection (b) hereof as to whether or not the building in question is a "dangerous building" within the terms of Section 1741.01 hereof.
- (d) Issue an Order based upon findings of fact made pursuant to subsection (c) hereof commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building as shown by the Recorder of Deeds of Allegheny County, to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this article and provided that any person so notified, except the owners, shall have the privilege either of vacating or repairing the "dangerous building" but having an interest in the building as shown by the Recorder of Deeds may demolish "dangerous building" at his own risk to prevent the acquiring of a lien by the Borough against the land upon which the "dangerous building" stands, as provided in subsection (e) hereof.
- (e) If the owner, occupant, mortgagee, or lessee fails to comply with the Order provided for in subsection (d) hereof within ten (10) days, Council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in Section 1741.02 and shall, with the assistance of the Borough Solicitor, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien, or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the Borough, Council shall notify the Borough Solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.
- (f) Report to the Borough Solicitor the names of all persons not complying with the order provided for in subsection (d) hereof.
(Ord. 3278. Passed 11-18-02.)

1741.06 DUTIES OF THE BOROUGH SOLICITOR.

The Borough Solicitor shall:

- (a) Prosecute all persons failing to comply with the terms of the notices provided for herein in Section 1741.01(e) and (f) and the order provided in Section 1741.04(e) and (f) and the order provided in Section 1741.05(d).
 - (b) Appear at all hearings before Council in regard to "dangerous building".
 - (c) Bring suit to collect all municipal liens, assessments, or costs incurred by Council in repairing or causing to be vacated or demolished "dangerous buildings".
 - (d) Take such other legal action as is necessary to carry out the terms and provisions of this article.
- (Ord. 3278. Passed 11-18-02.)

1741.07 EMERGENCY CASES.

In cases where it reasonably appears that there is immediate danger to life or safety of any person unless a "dangerous building" as defined herein, is immediately repaired, vacated, or demolished, the Building Inspector/Code Enforcement Officer, or assistants specially designated thereto, shall report such facts to Council and Council shall cause the immediate repair, vacation or demolition of such "dangerous building". The cost of such emergency repair, vacation, or demolition of such "dangerous building" shall be collected in the same manner as provided in Section 1741.04(e).

(Ord. 3278. Passed 11-18-02.)

1741.08 WHERE OWNER ABSENT FROM THE BOROUGH.

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the Borough, all notices or Orders provided for herein shall be sent by Certified Mail to the owner, occupant, lessee, mortgagee and all other persons having an interest in such building as shown on the land records of the Recorder of Deeds of the County of Allegheny, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. Where desirable, the notices and orders provide for herein may be served in the same manner a summons is served in the courts of general jurisdiction.

(Ord. 3278. Passed 11-18-02.)

1741.09 ADMINISTRATIVE LIABILITY.

No officer, agent, or employee of the Borough shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. Any suit brought against any officer, agent or employee of the Borough as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the Borough Solicitor until the final determination of the proceedings therein. (Ord. 3278. Passed 11-18-02.)

1741.10 DUTIES OF THE FIRE COMPANIES.

The officers of the fire companies of the Borough shall make a report in writing to the Building Inspector/Code Enforcement Officer of all buildings or structures which are, may be, or are suspected to be "dangerous building" within the terms of this article. Such reports must be delivered to the Building Inspector within twenty-four hours of the discovery of such buildings
by an officer of the fire company.

(Ord. 3278. Passed 11-18-02.)

1741.11 DUTIES OF THE POLICE DEPARTMENT.

All employees of the Police Department shall make a report in writing to the Building Inspector of any building or structures, which are, may be, or are suspected to be "dangerous buildings" within the terms of this article. Such reports must be delivered to the Building Inspector within twenty-four hours of the discovery of such buildings by any employee of the Police Department.

(Ord. 3278. Passed 11-18-02.)

1741.99 PENALTY.

(a) The owner, occupant, or lessee in possession of any building who shall fail to comply with any notice or order to repair, vacate or demolish any such "dangerous building" given by any person authorized by this article to give such notice or order, or who violates any of the provisions of this article, or any regulations issued thereunder, shall upon conviction before the District Justice of the Borough, be subject to a fine not exceeding three hundred dollars (\$300.00) and costs, and in default of payment of the fine and costs shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding thirty days. Violations on

separate days shall be considered separate violations. The provisions for penalties contained in this article are in addition to any other remedies provided by this article.

(b) Any person removing the notice provided for in Section 1741.04 hereof, shall upon conviction be fined not exceeding three hundred dollars (\$300.00) and costs, for each offense, and in default of payment of the fine and costs shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding thirty days.

(Ord. 3278. Passed 11-18-02.)

ARTICLE 1751
Lighting for Community Protection.

1751.01 Lighting poles required.

1751.02 Number; size; location.

CROSS REFERENCES

Required improvements for Subdivision Regulations -
see P. & Z. Art. 1389
Design standards - see P. & Z. Art. 1391

1751.01 LIGHTING POLES REQUIRED.

Those persons and/or companies who perform land development in the Borough in areas where there are no utility poles which can accommodate lights for proper public protection shall be required to install at their expense such poles for community lighting as required by the Borough.

(Ord. 1356. Passed 12-17-73.)

1751.02 NUMBER; SIZE; LOCATION.

The number, location, size and specifications for such poles shall be designated by the Borough Engineer or other official designated by Borough Council.

(Ord. 1356. Passed 12-17-73.)

ARTICLE 1761
Pennsylvania Construction Code

1761.01 Adoption.

1761.01 ADOPTION.

(a) The Borough of White Oak hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § §7210.101-7210.1103, as amended from time to time, and its regulations.

(b) The Uniform Construction Code, contained in 34 Pa Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of White Oak.

(c) Administration and enforcement of the Code within the Borough shall be undertaken in any of the following ways as determined by the governing body of the Borough of White Oak from time to time by resolution:

- (1) By the designation of an employee of the Borough of White Oak to serve as the municipal code official to act on behalf of the Borough;
- (2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of White Oak;
- (3) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement;
- (4) By entering into a contract with another municipality for the administration and enactment of this Act on behalf of the Borough of White Oak;
- (5) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwellings units and utility and miscellaneous use structures.

(d) A Board of Appeals shall be established by resolution of the governing body of the Borough of White Oak in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

- (e) (1) All building code ordinances or portions of ordinances which were adopted by the Borough of White Oak on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the 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 ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
- (3) All relevant ordinances, regulations and policies of the Borough of White Oak not governed by the Code shall remain in full force and effect.

(f) Fees assessable by the Borough of White Oak for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.
(Ord. 3353. Passed 5-17-04.)

ARTICLE 1771
International Property Maintenance Code

1771.01 Adoption.

1771.02 Severability.

CROSS REFERENCES
BOCA Building Code - see B. & H. 1701.01 et seq.

1771.01 ADOPTION.

That certain document, three (3) copies of which are on file in the office of the Code Enforcement Officer of the Borough of White Oak, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of White Oak in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and all provisions contained therein are hereby adopted except to the extent that said provisions may conflict with other Borough ordinances and regulations in which event said other Borough ordinances and regulations shall supersede the aforementioned International Property Maintenance Code, 2006 edition. (Ord. 3480. Passed 5-21-07.)

1771.02 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Borough hereby declares that it would have passed this article, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 3480. Passed 5-21-07.)