

## **Chapter 90**

### **BUILDINGS, DANGEROUS**

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**[HISTORY: Adopted by the Board of Supervisors of the Township of West Deer 1-5-1987 by Ord. No. 172; amended in its entirety at time of adoption of Code 1-22-1997 by Ord. No. 265 (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Building construction — See Ch. 88.  
Property maintenance — See Ch. 166.**

**§ 90-1. Inspection.**

The Building Inspector of the Township of West Deer, or his or her designated representative, shall inspect all buildings or structures, whether they are under construction or have been completed, within the Township of West Deer deemed to be a nuisance or dangerous structure. For purposes of this chapter, any structure or building found to be in violation of Chapter 88,

Building Construction, as amended and adopted by the Township of West Deer, shall be deemed to be a nuisance or dangerous structure.<sup>1</sup>

**§ 90-2. Report.**

After such investigation or inspection, a report shall be made, in writing, to the Board of Supervisors of the Township of West Deer specifying the exact condition of the structure, in what respect the structure is deemed to be dangerous or a nuisance and whether such structure is capable of being properly repaired or whether it should be removed.

**§ 90-3. County Health Department recommendations.**

In lieu of or in addition to the provisions of §§ 90-1 and 90-2 of this chapter, the Board of Supervisors of the Township of West Deer may submit a request to the Allegheny County Health Department to investigate and examine the buildings and structures within the Township of West Deer and to make recommendations with respect thereto.

**§ 90-4. Notice to repair or remove.**

- A. If a building or other structure is deemed to be a nuisance or dangerous structure, the Township Code Enforcement Officer shall forthwith cause written notice to be personally served upon the owner of such building or structure, if the owner resides in the township, or upon the agent of such owner if such agent has a residence or place of business within the township. Such notice shall fully set forth all violations of Chapter 88, Building Construction, and shall require the owner of the building or structure to commence the repair or removal of such structure within 15 days of receipt of said notice; and to complete such

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1. Editor's Note: Ord. No. 341, adopted 9-7-2005, provided for: "utilizing the Pennsylvania Uniform Construction Code as the referenced building code to determine unsafe structures for demolition."

repair or removal within 30 days thereof, provided that, in any case where the notice prescribes the repair of any structure only, the owner thereof shall have the option to remove such structure instead of making the repairs thereto, within the same time limit.

- B. If the notice required in § 90-4A hereof cannot be personally served upon the owner of a nuisance or dangerous structure or his or her designated agent, such notice shall be sent to the owner or his or her designated agent by registered mail at the last known address therefor.

**§ 90-5. Appeal.**

Any owner, or his or her designated agent, may appeal the determination of the Board of Supervisors or other designated agent, within 15 days of the receipt of the notice contained in § 90-4A of this chapter. Such appeal shall be in writing and must be received by the Township Code Enforcement Officer or by registered mail within the prescribed time period.

**§ 90-6. Public hearing.**

Upon the filing of a proper appeal, the Township Board of Supervisors shall call a public meeting within 20 days from the filing of such appeal and shall duly advertise the date and place of such meeting and shall notify all owners or agents who have filed a proper appeal, by registered mail, of the date and place of the meeting. At such meeting, all owners or their agents shall have the opportunity to be heard, and the Board of Supervisors of the Township of West Deer shall render a final decision based upon the report of the Board of Supervisors, as well as all other testimony presented. Such decision shall be final and binding upon the owners or their designated agents. Notice of such decision shall be sent by the Township Code Enforcement Officer to the owner or his or her designated agent by registered mail. All proceedings shall be stayed pending the

determination of an appeal by the Township Board of Supervisors.

**§ 90-7. Violations and penalties.**

If the owner of any nuisance or dangerous structure to whom a notice to repair or remove has been sent fails to commence to repair or remove such structure or fails to file an appeal within 15 days of such notice, such owner shall be deemed to be in violation of the provisions of this chapter and, upon a summary conviction thereof, shall be fined not more than \$1,000 and costs of prosecution, provided that each day's continuance of the violation of the provisions of this chapter shall constitute a separate offense and the violator shall be fined not more than \$1,000 per day for each day that he or she is in violation of this chapter.

**§ 90-8. Removal by township; costs.**

If the owner of any nuisance or dangerous structure to whom a notice to remove such structure has been sent fails to commence such removal within 15 days from the date of such notice, the Board of Supervisors for the Township of West Deer shall be empowered to cause such removal to be commenced and completed by the township or by a designated agency or agent of the township, and the costs and expenses shall be borne by the owner of such structure and shall be collected by summary proceedings or in the manner provided for the collection of municipal claims(s) or by an action in assumpsit or in equity without the filing of a municipal claim(s). All costs shall include, but not be limited to, all legal fees, administrative costs, demolition costs, a penalty of 10% of all costs and interest at the rate of 6% per annum from the date of completion of removal of said structure.