

**Chapter 35**  
**BUILDING CONSTRUCTION**

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[HISTORY: Adopted by the Board of Supervisors of the Township of Haines 9-14-1987 by Ord. No. 7A. Amendments noted where applicable.]

GENERAL REFERENCES

Numbering of buildings — See Ch. 38.  
Floodplain management — See Ch. 48.

Sewers — See Ch. 59.  
Signs — See Ch. 62.

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ARTICLE I  
General Requirements

§ 35-1. Definitions.

Certain words and terms used in this article are defined for the purpose thereof as follows:

**BUILDING or STRUCTURE** — Anything enclosing an area of five square feet or more constructed or erected, the use of which demands a location on the soil or attachment to something located in or on the soil.

**COMMERCIAL OR INDUSTRIAL BUILDING** — Any building or structure designed, built or altered for use entirely or in part for commercial or industrial purposes.

**FAMILY** — A single person occupying a dwelling unit and maintaining a household; or two or more persons related by blood or marriage occupying a dwelling unit living together and maintaining a common household; or, not more than three unrelated persons occupying a dwelling unit, living together and maintaining a common household.

**MULTIPLE FAMILY DWELLING UNIT** — Any building which is designed for separate but contiguous dwelling units and is occupied in whole or in part as a home or residency by two or more families.

**PRIVATE GARAGE** — A building or structure or any part thereof used appurtenant to a dwelling house primarily for the storage of motor vehicles.

**ROADS** — Roads and road right-of-way include all lands established by dedication, usage, township ordinances or laid out upon township plans as highways, and shall be synonymous with “streets,” “avenues,” “highways,” “parkways” and other terms commonly applied to public highways.

**SINGLE-FAMILY DWELLING UNIT** — Any building which is designed for or occupied in whole or in part as a home or residence by a single family with one head of the household.

**§ 35-2. Building permits.**

- A. No excavation for or construction of a dwelling, structure, private garage, commercial or industrial building to be erected or moved; and no excavation or construction altering or enlarging a dwelling, structure, private garage, commercial or industrial building, which, when completed, will change the exterior dimensions of the dwelling, structure, private garage, commercial or industrial building, shall be begun until or unless the person excavating, constructing, erecting or moving the same shall have first obtained a permit therefor. A change in the exterior dimensions shall include porches, patios, lean-tos and other attachments to the main structure. Such permits shall be issued by the Enforcement Officer or other designated township official, provided that the plot and plan accompanying the application for the building permit indicated that the construction, alteration or enlargement will conform to the requirements of this article.
- B. The fees for a building permit, payable to the township shall be based on the estimated costs of the proposed construction, excavation or alteration as determined by the Enforcement Officer or other designated township official at the rate set forth in the Township Fees Resolution adopted by the Board of Supervisors from time to time.<sup>1</sup> [Amended 11-7-1988 by Ord. No. 7B<sup>2</sup>]
- C. Notwithstanding Section 7 of the Pennsylvania Sewage Facilities Act 537,<sup>3</sup> no person, firm or corporation shall modify or convert an existing building (either residential or commercial), dwelling or housing unit to a building (either residential or commercial), dwelling or housing unit which is designed or intended to include, contain or house family units, residences, dwelling sites or commercial purposes, larger in number than existing prior to the modification or conversion of said existing building (either residential or commercial) dwelling or housing unit without first obtaining a permit indicating that the existing individual or community sewage disposal system is sufficient to and capable of

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<sup>1</sup> Editor's Note: The Fees Resolution is on file in the township offices.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>3</sup> Editor's Note: See 35 P.S. § 750.7.

treating the sewage which shall be produced from the conversion modification of said existing building (residential or commercial) dwelling or housing unit. Prior to the issuance of said permit the Sewage Enforcement Officer shall carry out and perform such tests and evaluations as deemed necessary to determine if the proposed conversion or modification will generate more sewage than the existing individual or community sewage disposal system can properly treat pursuant to and in compliance with the provisions of this article, the Act and the standard rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Environmental Resources.

- D. Each application for a building permit shall be accompanied by a plot in duplicate, showing the actual dimensions of the lot to be built upon, the size and location of the building to be erected or, in the case of a building already in existence which is being altered or enlarged, its present size and its contemplated size at the completion of the alteration or enlargement, together with a set of plans in duplicate of the construction, excavation, alteration or enlargement, as the case may be, and any other information necessary for the Enforcement Officer or other designated township official to determine whether or not the requirements of this article will be satisfied with respect thereto. A file of such applications and plots and plans, together with a notation indicating whether or not a permit was issued therefor, shall be kept in the office of the Enforcement Officer or other designated township official.
- E. After the issuance of a permit for any construction as covered by this article and before any excavation or construction shall be begun, the permit for said construction shall be posted conspicuously at the front of said construction, and the permit shall remain posted until the construction is completed.
- F. A building permit shall be valid until two years after the date of issue. Within this period, the construction of the building and the lot finished grading must be completed. If construction is not completed to the satisfaction of the Township Board of Supervisors within two years after date of issue, the permit may be revoked or altered or penalties may be invoked according to § 35-10 of this article.

### **§ 35-3. Lot size; parking requirements.**

The minimum requirements as to lot areas for a dwelling house or other building to be built or erected shall be as follows:

- A. Lots with private wells and septic tanks.
  - (1) Lots where private wells and septic tanks are provided shall have a minimum width of 100 feet at the building line and right-of-way and a minimum area of 20,000 square feet for each single-family dwelling or the area required by the Pennsylvania Sewage Facilities Act No. 537, whichever is greater.
  - (2) Lots containing a multiple-family dwelling and served by private wells and septic tanks shall have a minimum area of 10,000 square feet for each family dwelling unit

or the area required by the Pennsylvania Sewage Facilities Act No. 537,<sup>4</sup> whichever is greater.

- B. Lot served by either public water or sanitary sewers.
- (1) Lots served by either public water or sanitary sewers shall have a minimum width of 80 feet at the building line and right-of-way and a minimum area of 10,000 square feet for each single-family dwelling or the area required by the Pennsylvania Sewage Facilities Act No. 537, whichever is greater.
  - (2) Lots containing a multiple-family dwelling and served by either public water or sanitary sewers shall have a minimum width of 80 feet at the building line and right-of-way and a minimum area of 7,500 square feet for each multiple-family dwelling unit or the area required by the Pennsylvania Sewage Facilities Act No. 537, whichever is greater.
- C. Lots where both public water and sanitary sewers are provided.
- (1) Lots where both public water and sanitary sewers are provided shall have a minimum width of 75 feet at the building line and right-of-way and a minimum area of 7,500 square feet for each single-family dwelling or the area required by the Pennsylvania Sewage Facilities Act No. 537, whichever is greater.
  - (2) Lots containing a multiple-family dwelling and served by either public water or sanitary sewers shall have a minimum width of 75 feet at the building line and right-of-way and a minimum area of 5,000 square feet for each family dwelling unit or the area required by the Pennsylvania Sewage Facilities Act No. 537, whichever is greater.
- D. Two parking spaces shall be provided for standard size automobiles off the right-of-way and with access to the right-of-way for a single-family dwelling and for each unit of a multiple-family dwelling.
- E. Exceptions. If the land affected be an unplotted lot with area or frontage less than that stated herein and held under separate ownership at the time of adoption of this article shall have the area and frontage requirements stated herein waived, but the area must satisfy requirements of the Pennsylvania Sewage Facilities Act No. 537.
- F. That portion of a lot on which is located the right-of-way for a road shall not be included in determining the minimum area requirements of a lot.

#### **§ 35-4. Building setbacks.**

- A. Buildings erected or to be erected, altered or enlarged shall not be placed so that any portion of the structure shall be nearer to the edge of the road right-of-way than 40 feet on a primary state highway or more than 30 feet on all other roads, except that where an existing building within 150 on both sides of the location of the proposed building is closer to the highway or road right-of-way than the distance specified herein, this closer distance shall constitute the minimum setback for the proposed building; however, in no event shall

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<sup>4</sup> Editor's Note: See 35 P.S. § 750.1 et seq.

the proposed building be closer to the highway or road right-of way than 10 feet. [Amended 11-6-1989 by Ord. No. 7C]

- B. Buildings erected or to be erected, altered or enlarged shall not be placed nearer to a side of the property line than eight feet, except for a lot recorded or held under separate ownership at the time of the adoption of this article having less than 56 feet, this setback shall be decreased one foot for each three feet of width less than 50 feet; except under no circumstances shall the setback be less than six feet.
- C. A dwelling to be erected, altered or enlarged on a lot on which there previously exists one or more dwellings shall be so located that the aforesaid lot can be subdivided in a manner consistent with § 35-3 of this article and in such a manner consistent with the minimum setback regulations set forth in Subsections A and B of this section.

**§ 35-5. Dwelling size.**

- A. The foundation of a single-family dwelling or a multiple-family dwelling shall cover a minimum area of 500 square feet.
- B. The floor space of a multiple-family dwelling unit shall be a minimum of 500 square feet for each unit.
- C. The maximum height of a flat-roofed dwelling shall be 20 feet above the highest existing grade contiguous to the dwelling. The maximum height of a dwelling with a roof other than flat shall be 25 feet above the highest existing grade contiguous to the dwelling.

**§ 35-6. Foundations.**

- A. Foundations are required for all dwellings, structures and other buildings, which foundation walls and other permanent supports shall be carried not less than three feet below the finish grade ground level.
- B. Foundations under dwellings shall be solid-faced masonry wall.

**§ 35-7. Siding required.**

No dwelling, private garage, commercial building or industrial building shall be left standing without a permanent siding recognized and approved by the National Board of Fire Underwriters for more than 24 months.

**§ 35-8. Mobile homes, trailers and appurtenances.**

- A. All setback provisions of § 35-4 above shall apply to any mobile home or trailer used as a home or residence or for commercial purposes. All of the foregoing provisions of this article shall apply to mobile homes and trailers.

- B. The construction or alteration of any storage building used as an adjunct to or in conjunction with a mobile home or trailer used as a home or residence shall be subject to the provisions of this article.

**§ 35-9. Board of Adjustment.**

A Board of Adjustment is hereby established which shall consist of all the Board of Township Supervisors. This Board shall have the powers, upon cause shown, to change or modify any decision made by the Enforcement Officer or other designated township official, which will, in its opinion, better effectuate the provisions of this article.

**§ 35-10. Violations and penalties.<sup>5</sup>**

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

**ARTICLE II  
Dangerous Structures**

**§ 35-11. Definitions; word usage.**

- A. As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BUILDING** — An independent structure having a roof supported by columns or walls, resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

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

- (1) 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 of the middle third of its base.
- (2) Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering.

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
- (5) Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin-infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- (6) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.
- (7) Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.
- (8) Those which because of their location are unsanitary or otherwise dangerous to the health or safety of the occupants or the public.
- (9) Those existing in violation of any provision of the Building Code, Fire Prevention Code or other ordinances of the township.

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

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

**EXTERMINATION** — Control and elimination of insects, rodents or other pests by eliminating their harborage places; removing or making inaccessible materials that may serve as their food; poisoning; spraying; fumigating; trapping; or by any other recognized and legal pest elimination methods.

**GARBAGE** — Animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**INFESTATION** — Presence, within or around a dwelling, of any insects, rodents or other pests.

**OWNER** — Person who, alone or jointly or severally with others shall:

- (1) Have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and with rules and regulations adopted pursuant thereto to the same extent as if he or she were the owner.

PERSON — Any individual, firm, corporation, association or partnership or other legal entity.

PROPERTY — A piece, parcel, lot or tract of land.

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

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

- B. Whenever the words “dwelling,” “dwelling unit” or “premises” are used in this article, they shall be construed as though they were followed by the words “or any part thereof.”

**§ 35-12. Dangerous buildings declared nuisances.**

All dangerous buildings within the terms of § 35-11 of this article are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

**§ 35-13. Standards for repair, vacation or demolition.**

The following standards shall be followed in substance by the Township Enforcement Officer or other designated township officer 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 to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer or other designated township official. The Enforcement Officer or other designated township official shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
- D. If a dangerous building is damaged or decayed to an extent of 50% or more or is deteriorated from its original condition, if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this article, or if a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished, provided, that the cost of repairs to rectify or remove the conditions constituting the nuisance exceed 50% of the market value of the building at the time demolition is proposed.

**§ 35-14. Duties of Enforcement Officer.**

- A. The Enforcement Officer, designated township official, or Township Board of Supervisors shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of § 35-11 above.
- B. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Enforcement Officer, designated township official or Township Board of Supervisors shall issue a written notice to the person or persons responsible therefor. The notice:
- (1) Shall be in writing.
  - (2) Shall include a statement of the reasons it is being issued.
  - (3) Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
  - (4) Shall be served upon the owner or his agent or the occupant as the case may require.
    - (a) Except in emergency cases and where the owner, occupant, lessee or mortgagee is absent from the township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building if a copy thereof is served upon him personally or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the commonwealth.
    - (b) Except emergency cases, in all other cases where the owner, occupant, lessee or mortgagee is absent from the township, all notices or orders provided for herein shall be sent by certified mail to the owner, occupant and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, 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.
  - (5) May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with the rules and regulations adopted pursuant thereto.
- C. The Enforcement Officer or other designated township official shall appear at all hearings conducted by the Enforcement Officer or Township Board of Supervisors and testify as to the condition of dangerous buildings.

**§ 35-15. Hearings.**

- A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the Enforcement Officer or other designated township official, provided, that such person shall file with the Enforcement Officer or other designated township

official a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Enforcement Officer or other designated township official shall set a time and place for such 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 20 days after the day on which the petition was filed.

- B. After such hearing, the Enforcement Officer or other designated township official shall sustain, modify or withdraw the notice. If the Enforcement Officer or other designated township official sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed with the Enforcement Officer or other designated township official within 10 days after such notice is served.
- C. Any aggrieved party may appeal the final order to the Township Board of Supervisors in accordance with the provisions of the Local Agency Law.<sup>6</sup>

#### **§ 35-16. Removal of notice.**

No person shall remove or deface the notice of dangerous building, except as provided in § 35-13C.

#### **§ 35-17. Emergency cases.**

Whenever the Enforcement Officer or other designated township official finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but, upon petition to the Enforcement Officer or other designated township official, shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this article have been complied with, the Enforcement Officer or other designated township official shall continue such order in effect or modify or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

#### **§ 35-18. Failure to comply.**

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Enforcement Officer or other designated township official within the time specified in the notice issued by the Enforcement Officer or other designated township official, the Enforcement Officer or other designated township official shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinabove provided. The township

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<sup>6</sup> Editor's Note: See 2 Pa.C.S.A. § 551 et seq., § 751 et seq.

may collect the cost of such repair, vacation or demolition, together with a penalty of 10% of such cost, in the manner provided by law.

**§ 35-19. Violations and penalties.<sup>7</sup>**

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

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<sup>7</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).