

**UNION BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1163**

AN ORDINANCE OF THE BOROUGH OF UNION BOROUGH, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, TO BE KNOWN AS THE DEMOLITION ORDINANCE; PROVIDING FOR AN APPLICATION, REQUIRED NOTIFICATIONS, THE REMOVAL OF DEBRIS AND SITE INSPECTIONS, THE DUMPING OF DEMOLITION RUBBLE, THE SEEDING OF A DEMOLITION SITE, AND INSURANCE REQUIREMENTS; ESTABLISHING TECHNICAL SPECIFICATIONS FOR DEMOLITION, PROVIDING FOR PROVISIONS PERTAINING TO VIOLATIONS AND PENALTIES THEREFORE, A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Borough of Union Borough (the “Borough”) Borough Council has found it necessary to regulate the demolition of nonresidential structures within the Borough to ensure that the resulting property has been restored to a state such that it may be more easily redeveloped, and that following such regulations would have the effect of increasing the safety, general welfare and cleanliness and beauty, convenience, comfort and safety of the residents, citizens and visitor of the Borough; and

WHEREAS, the Borough Code provides that the Borough may make regulations as may be necessary for the safety, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough, 8 Pa.C.S. §1202(4),

WHEREAS, the Borough Council has found that an ordinance governing the demolition of nonresidential structures within the Borough would be beneficial to the residents, citizens and visitors of the Borough.

NOW THEREFORE, this 22nd day of August, 2023, **BE IT ORDAINED AND ENACTED** by the Borough Council of the Union Borough, Erie County, Pennsylvania, the following:

Section 1. Recitals.

That the abovementioned recitals are incorporated herein as if more fully set forth.

Section 2. Demolition Permit Required.

A demolition permit is required to be received from the Borough prior to an owner taking steps to demolish, or cause to be demolished, or dismantle any structure with a primary use other than residential within the Borough.

Section 3. Demolition Application.

Prior to the issuance of a demolition permit, the contractor/owner must be in compliance with all code enforcement procedures and ordinances and must also submit the following information with the Application to the Borough Manager or designee:

1. A picture of all sides of the structure to be demolished.
2. A picture of the adjoining properties showing any structures affected by the demolition.
3. A picture of the Borough right-of-way.
4. A picture of the entire sidewalk.
5. A picture of the street in front of the structure being demolished.
6. Proof of insurance in accordance with this Ordinance.

The applicant is required to pay all applicable fees as charged by the Borough's designated Building Code Official and any fees charged by the Borough which may be adopted by Resolution of Borough Council from time to time.

Section 4. Demolition notification.

No less than three working days prior to start of the demolition, and after receipt of a demolition permit properly issued by the Borough, the contractor/owner shall notify the Borough Manager. The contractor/owner shall post a copy of the demolition permit visibly on the front door of the property.

Section 5. Removal of debris, cleaning, etc.

All rubbish and debris found on the site at the start of the work as well as that resulting from the demolition activities or deposited on the site by others shall be removed and legally disposed of by the contractor/owner, who shall keep the site and public rights-of-way clear at all times and safe for the public. Upon completion of the work, the contractor/owner shall remove all temporary construction equipment, salvaged materials, trash and debris of all kinds, leaving the entire site in a neat condition. Trash burning on the site is prohibited. With the consent of the Borough's designated Building Code Official, the contractor/owner may use suitable debris for specified fill. Perishable materials must not become a part of any fill placed or left on the site. The Borough's designated Building Code Official may determine the extent of any inspection which may be required to confirm that appropriate fill was utilized.

Section 6. Final inspection.

When the work of demolition and site clearance is substantially completed, the contractor/owner shall notify the Borough Manager or designee that the work will be ready for final inspection on a definite date and time containing the address, location of structure,

contractor/owner name, contractor/ owner phone number, and permit number which shall be stated in such notice.

Section 7. Dumping.

The contractor/owner will comply with the Pennsylvania Solid Waste Management Act, as amended. 35 P.S. § 6018.101 et seq. All demolition rubble shall be hauled to an approved landfill.

Section 8. Final grading.

The contractor/owner shall demolish and remove the exterior walls and basement floor. Upon demolition and removal of the remainder of the building, the contractor shall backfill and grade with a finish course of two-inch thickness of top soil. The final grade shall be four inches above the surrounding grade.

Section 9. Seeding.

1. The final grade shall be completed and graded to permit the mowing with a reel-type mower and the entire disturbed area shall meet the following:

(a) The top 18" of fill to the existing ground level shall be clean dirt that is free of rubble and vegetative matter. The site shall be left in a clean and aesthetic condition with backfill shaped so that it will be at the level of the surrounding terrain after settling.

(b) Final grading shall include two inches of topsoil and seeding with approved seed. Seeding shall be done per a seeding mix and application rate appropriate for the region and climate and as may be approved by the Borough's designated Building Code Official. For demolitions done between March 2 and Aug. 31, seeding shall be completed within three months of the demolition date. For demolitions done between Sept. 1 and March 1, seeding shall be completed by the subsequent May 1 or three months of the permit date, whichever is later. In the event any seeding fails within two years of the demolition, owner shall re-seed according to the regulations herein within 5 business days of notification or discovery of said failure, whichever is earlier.

Section 10. Sidewalks.

Sidewalks in the right-of-way along the property on which demolition is occurring must be left in a condition that does not violation any Borough ordinances or regulations pertaining to sidewalks.

Section 11. Insurance.

1. The contractor/owner shall carry or require that there be carried, workers' compensation insurance for all employees and all subcontractors engaged in work at the site, in accordance with Pennsylvania workers' compensation laws.

2. The contractor/owner shall carry or require that there be carried, manufacturer's and contractors' public liability insurance with minimum limits of \$1,000,000 to protect the contractor/owner and all subcontractors against claims for injury to or death of one, or more than one, person, because of accidents which may occur or result from operations under the contract. Such insurance shall cover the use of all equipment, including but not limited to excavating machinery, trenching machines, cranes, hoists, rollers, concrete mixers, and motor vehicles in the construction of the improvements embraced in this contract.

3. The contractor shall carry property damage liability insurance in an amount of not less than \$1,000,000 to protect both the contractor and all subcontractors from claims for property damage which might arise.

4. All insurance shall be carried with financially responsible insurance companies, licensed in the Commonwealth, and shall be kept in force until the contractor's/owner's work is completed and accepted by the Borough. The Borough shall be named as an additional insured on all insurance policies required under this section and shall be provided with proof of insurance prior to any demolition occurring.

Section 12. TECHNICAL SPECIFICATIONS FOR DEMOLITION

1. Demolition.

(a) Demolish masonry walls in small sections. Structural-steel, cast-iron, and heavy-timber framing members shall be removed individually and lowered carefully.

(b) During the progress of demolition and/or site clearance, the contractor/owner shall provide water and necessary connections and shall keep the work thoroughly wet to prevent the spread of dust.

(c) All basement floors and foundation walls and slabs are to be removed. If applicable, portions of the foundation may remain at the discretion of the Borough's designated Building Code Official.

2. Basement and other excavations.

(a) All basements and other excavations are to be backfilled, compacted and graded to four inches above the existing grade.

(A) Acceptable earth fill shall be free of clay, loam, glass, metal, herbaceous, combustible or unstable materials.

(B) Acceptable earth fill shall not include sand, but may include an approved sandy soil, or earth fill or a fill of equal quality approved by the Borough's designated Building Code Official.

3. Basement floors.

No backfilling of basement or cellar will be permitted until the floor and foundation walls are removed completely. Drilling of hole or dropping ball on portions of the floor will not be permitted. The use of paving breakers in a manner satisfactory to the Borough's designated Building Code Official is acceptable.

4. Backfilling - Authorization.

(a) All sanitary sewer connections shall be capped with an approved proper-fit, watertight plug prior to any backfilling, inspected and approved by the Municipal Authority of the Borough of Union City after having been capped. No backfilling of basement or cellar or foundation will be permitted until inspected and signed off by the Borough's designated Building Code Official. Any such backfilling that has not been inspected by the Borough's designated Building Code Official shall be removed at the contractor's/owner's own expense within a reasonable time after formal notice from the Borough.

(b) Compaction shall be in twenty-four-inch maximum lift increments.

5. Disposition of material - Dumping site.

The contractor/owner must observe all laws and ordinances governing the disposal of debris. The contractor/owner is hereby notified that burning on the site will not be allowed. Public safety.

6. Open basements shall be properly backfilled or fenced off before securing the job for the day. Fires and burning of salvage is prohibited at all times. The area of disturbance shall be protected by a four-foot orange plastic barrier fence or approved equivalent at the end of each workday.

7. Traffic.

(a) The contractor/owner shall not close or obstruct public or private rights-of-way unless specifically authorized by the Borough Public Works Department, and shall so conduct the operation as to minimize the interference with same.

(b) If traffic or public parking is obstructed, it shall be the duty of the contractor/owner to contact the Borough Public Works Department with a temporary traffic control plan of the affected streets in the demolition area. Such traffic plan shall locate all signs, cones, flags, flashers, barricades and other safety devices, for the control of traffic, which the contractor/owner proposes to use as per PennDOT Publication 213 for Temporary Traffic Control Guidelines.

(c) This plan must meet the requirements of the Borough Public Works Department and, further, must have the approval at least three working days prior to the start of any construction or demolition which will in any way affect the movement of traffic.

(d) It shall be the contractor's/owner's responsibility to supply, put in place and maintain all such traffic-control devices on the approved traffic control plan.

(e) In accordance with PennDOT Publication 213 (as may be revised) for Temporary Traffic Control Guidelines, any sign that is meant to control traffic during the nighttime hours must be externally illuminated (ordinary street lighting is not regarded as meeting this requirement) or reflectorized. If reflectorized, both the legend, if other than black, and the background shall be reflectorized.

(f) At times it might be necessary to warn approaching traffic of construction or demolition work some several blocks in advance of the site itself to allow for proper control and any necessary detours. These advance warning signs also are the responsibility of the contractor/owner and must meet with the approval of the Borough Public Works Department.

(g) The Borough Public Works Department must be notified and grant approval for the blocking of any street parking.

8. Cleanup.

The contractor shall leave the site, walkways and adjacent streets in a neat and clean condition that is safe for the public. The area of disturbance shall be protected by a four-foot orange plastic barrier fence or approved equivalent at the end of each workday.

9. Time for completion.

The contractor shall have 30 working days, after the start of the demolition, in which to complete the project. This includes demolition, debris removal, fill, grading and seeding. An extension may be granted by the Borough Manager or designee.

10. Violations and penalties.

Any person, firm, or corporation who violates any provision of this article shall, upon conviction thereof, be subject to a fine of not more than \$600 per day, per violation. The fine for each uncorrected and continual violation for a single property shall not exceed \$5,000 unless the violation is found to pose a threat to public health, safety or property. If the uncorrected violation is found to pose a threat to public health and safety and exceeds the allotted 30 days of the notice to rectify the violation, the property owner may be subject to a criminal fine of not more than \$1,000, and/or imprisonment of up to 90 days.

Section 13. Repealer.

Any ordinances, rules of resolutions, or parts or ordinances, rules or resolutions, in conflict herewith shall be, and the same are hereby repealed.

Section 14. Severability.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such

invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 15. Effective Date.

This Ordinance shall be effective upon approval by the Mayor and all calendar years thereafter unless repealed or modified by Ordinance of the Borough Council.

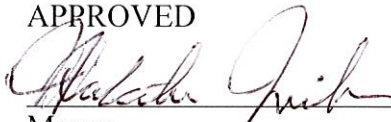
DULY ORDAINED AND ENACTED this 22nd day of August 2023, by the Borough Council of the Borough of Union Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:


Cindy Wells, Secretary


Riley Cross, President

APPROVED


Mayor

I certify that the above is a true copy of the Borough of Union Borough, Erie County, Pennsylvania, Ordinance No. 1163 adopted by the Union Borough Council on August 22nd, 2023 and advertised in the Corry Journal on August 11th, 2023.


Union Borough Secretary

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