

August 13, 2012

Theodore Brackett  
427 Charles Street  
Pittsburgh PA 15210

RE: 818 Wallace  
Wilkinsburg PA 15221  
232-N-146

Mr. Brackett:

The above-referenced property constitutes a public nuisance. Chapter 125 of the Wilkinsburg Codified Ordinances defines a public nuisance as "Any structure or building within the Borough of Wilkinsburg that, as a result of a deteriorated condition, constitutes a danger to public health, safety or welfare; or constitutes an attractive nuisance to children; or, as a result of neglect, nonrepair, fire or other casualty or act of God, is capable of collapse; or, as a result of a deteriorated condition, may cause injury to persons or property, or has remained in a state of neglect or disrepair for a period of one (1) year or longer."

The Borough's Building Code Official has determined that the above-referenced property constitutes a danger to public health, safety and welfare; constitutes an attractive nuisance to children; is capable of collapse; may cause injury to persons or property; and, has remained in a state of neglect or disrepair for a period of one (1) year or longer.

The following violations of the 2009 International Property Maintenance Code exist:

**108.1.1 Unsafe structures**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**Findings of the inspection are as follows:**

Due to its dilapidated condition, the property is unsafe and not fit for human habitation.

**108.1.3 Structure unfit for human occupancy**

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**Findings of the inspection are as follows:**

The structure is in a state of disrepair so as to constitute it as unsafe. Garbage and overgrowth on the property encourages vermin. Verified with Water Company the water service is off.

**301.3 Vacant structures and land**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**Findings of the inspection are as follows:**

The structure is vacant and has not been maintained. Protective measures have not been taken to property secure the structure. The basement door remains open.

**302.4 Weeds.**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

**Findings of the inspection are as follows:**

Weeds and plant growth are in excess of 10 inches.

**304.2 Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and

corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement

**Findings of the inspection are as follows:**

Exterior surfaces are not maintained in good condition. There is peeling, flaking and chipped paint on the structure. Window frames are rotten and missing in several windows.

**304.4 Structural members**

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**Findings of the inspection are as follows:**

The rear deck structural members have rotted and the deck is in danger of collapse.

**304.6 Exterior walls**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**Findings of the inspection are as follows:**

There are loose and rotten areas on the exterior walls which are not weatherproof.

**304.7 Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**Findings of the inspection are as follows:**

Roof drains, gutters and downspouts have not been maintained and are disconnected or missing in areas.

**304.10 Stairways, decks, porches and balconies.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads

**Findings of the inspection are as follows:**

Owner has allowed the rear deck to become less than safe by allowing the deck and ceilings to become rotten and in the first stage id dilapidated and will become into

collapse. This contributes to a blighted property. The rear deck area is in a state of disrepair to the extent that collapse may be imminent.

#### **304.11 Chimneys and towers**

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

##### **Findings of the inspection are as follows:**

The chimney is not structurally safe, sound or in good repair. There is loose and missing brick and mortar.

#### **304.12 Handrails and guards**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

##### **Findings of the inspection are as follows:**

The handrails and guards on the front and rear porches are in poor condition and not capable of supporting normally imposed loads.

#### **304.13.1 Glazing.**

All glazing materials shall be maintained free from cracks and holes.

##### **Findings of the inspection are as follows:**

Multiple windows on the structure are broken.

#### **Section 106.4 Violation penalties**

Section 106.4 Penalty: Any person who shall violate a provision of the code shall, upon conviction thereof, be subject to a fine of not less than \$100 or more than \$500 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation(s) has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation(s) have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation(s) issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation(s) and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation(s).

The Commonwealth of Pennsylvania passed a law in 2010 which became effective in April, 2011, called the Neighborhood Blight Reclamation and Revitalization Act. The law allows the Borough of Wilkinsburg to collect costs related to code violations through private asset attachment after a judgment, decree or order is entered by a court of competent jurisdiction. This means that the Borough may take action against any assets you hold in order to enforce municipal codes, collect fines and costs associated with the violations and to recover costs the Borough has incurred to abate dangerous property conditions. The Borough may seek judgment against any property owned by you which includes realty, personalty and assets in bank accounts.

You are to immediately commence the required repairs or demolish the structure. Should you fail to commence the repairs within ten (10) days of the date of this notice, the Borough will effectuate the repairs and seek to attach your private assets for those costs. If it is your intention to demolish the structure, you are to contact the Department of Code Enforcement immediately to submit a plan and provide a date certain for completion. You may contact the Department at 412-244-2923.

Sean Gramz  
Director of Code Enforcement  
Wilkinsburg Borough

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