

COMMONWEALTH OF PENNSYLVANIA
(Public Utility Commission)

-----*
ANTONIO GEATTI :
Complainant, : Case No.:
vs. : C-2023-3043427
PPL ELECTRIC UTILITIES :
CORPORATION :
Respondent. : Volume 2
-----*

Pages 38 through 117 TELEPHONIC HEARING
Judge's Chambers
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Tuesday, March 26, 2024
Met, pursuant to notice, at 10:02 a.m.

BEFORE: THE HONORABLE CHARECE Z. COLLINS
Administrative Law Judge

INDEX TO EXHIBITS
Docket No.: C-2023-3043427
Hearing Date: March 26, 2024

EXHIBIT INDEX

NUMBER	FOR IDENTIFICATION	IN EVIDENCE
PECO'S EXHIBITS:		
4 (Demolition Notice)	50	69
8 (IPMC Statute)	69	70

PPL ELECTRIC

Exhibit 4

Notice of Imminent Danger

By order of Scott Township Building Code Official

EMERGENCY DEMOLITION ORDER

**THIS DEMOLITION ORDER WAS POSTED ON November 30, 2023
20 Shawnee Road, Bloomsburg, PA 17815**

Occupant/Owner of Record

Antonio Geatti
PO Box 4116
Bethlehem, PA. 18018

Description of Real Estate

20 Shawnee Rd.
Bloomsburg, PA. 17815
Columbia County,
Pennsylvania
PIN: 31 3D200600

Barry Isett & Associates, Inc. (BIA) is the appointed Building Code Official for Scott Township. On February 23, 2023, BIA along with the Scott Township Police executed an Administrative Search Warrant CS222, in accordance with Section 105.3 of this Ordinance, on the property located at 20 Shawnee Road, due to complaints filed with Scott Township. The observation was to investigate the overall condition of the deteriorating structure, and to determine the structural stability and overall condition of the building in regard to the safety of the surrounding structures and the safety of pedestrians.

The structure located at **20 Shawnee Rd.** is in **IMMINENT DANGER** of collapse and is an **EXTREME DANGER** to the public, occupants of the adjacent buildings, the surrounding structures and is in violation of the 2021 International Property Maintenance Code (2021 IPMC) as follows:

The above-mentioned property is in violation of **Scott Township Ordinance # 11-16-22C** and the sections of the **2021 International Property Maintenance Code (2021 IPMC)** as follows:

STATEMENT OF VIOLATIONS:

2021 INTERNATIONAL PROPERTY MAINTENANCE CODE

(2021 IPMC Section 111.1.5) Dangerous structure or premises. For the purpose of this code, any *structure or premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
2. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their

danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Description of Violation: Upon entering the structure numerous holes in the floor area were noted and mold is growing throughout the structure. The property is deemed unsafe and an attractive nuisance and should be demolished.

(2021 IPMC Section 111.2.1) Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes.

Description of Violation: The leaking roof has caused numerous electrical and switches and outlets to become rusted and unsafe. The building is deemed unsafe to have electric service and the code officer will have PPL disconnect the electric meter.

(2021 IPMC Section 113.1) General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

*Description of Violation: Upon executing the Administrative Search warrant the code officials have determined that the property is beyond repair and shall be demolished. There is mold throughout the structure and the floor has numerous holes in it. The roof is leaking and appears to have been leaking for an extended period causing the wooden beams to rot and become structurally deficient. The roof structure is dilapidated and sagging in certain locations. **Although the roof has been repaired, the rotting trusses were not addressed.***

(2021 IPMC Section 301.3) Vacant structures and land. 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's health or safety.

Description of Violation: The property is not being maintained in a clean, safe, secure, and sanitary condition. The building and premises constitute a blighted property to the neighborhood and community.

(2021 IPMC Section 302.4) Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. 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. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Description of Violation: The property is overgrown with weeds and vegetation in excess of 10 inches.

(2021 IPMC Section 302.8) Motor vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept, or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Description of Violation: There are numerous unregistered vehicles and motorcycles in various states of disrepair on the property.

(2021 IPMC Section 308.1) Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Description of Violation: There is an accumulation of garbage and debris consisting of household items on the exterior property.

(2021 IPMC Section 309.1) Infestation Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

Description of Violation: Numerous animals and rodents are being harbored on the property. Animal feces were noted both inside and around the structure.

CORRECTION ORDER

1. Contact the Code Official at 570-285-8197 upon receipt of this violation notice.
2. The above referenced property is deemed unsafe, unsanitary, and uninhabitable. The building is hereby ordered to be demolished.
3. The condemnation placards shall not be removed unless directed by Scott Township. Removal of legal notices or placards shall constitute a violation of Section 111.7.1 of this Ordinance.
4. In order to stop the scheduled Demolition.
5. Have a Structural Integrity Inspection done by a Structural Engineer or a Qualified and Licensed Inspector or Contractor and provide a copy of the report to Scott Township by **February 1, 2024.**
6. **DO NOT** do any construction or improvements until providing the above report and procure Building Permits from Scott Township.
7. All unlicensed or unregistered motor vehicles shall be removed from the premises by **February 1, 2024.**
8. All exterior rubbish and garbage shall be removed from the premises by **February 1, 2024.**
9. **IF THE ABOVE IS NOT COMPLIED WITH, SCOTT TOWNSHIP WILL PROCEED WITH DEMOLITION PROCESS ON MARCH 15, 2024.**

***Scott Township or its Designee is authorized to sell salvageable and or valuable materials if not removed by the property owner within the demolition timeline per Section 113.4 of this Ordinance.**

Failure to complete these requirements for your property may result in further legal action including citations filed with the District Magistrate for each violation and you will be subject to the penalty as provided by Section 109.4 of the 2021 IPMC.

(2021 IPMC Section 113.1) General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

Correction Order: *The structure located at 20 Shawnee Rd. is hereby ordered to be demolished on or after March 15, 2024. Unless you provide a signed report from a structural engineer stating the building can be repaired along with signed and sealed construction drawings depicting detailed repairs in accordance with the Pennsylvania Uniform Construction Code (PA UCC) by February 1, 2024. The hazardous conditions must be removed or corrected immediately to ensure the safety of the public. A building permit is required to demolish or repair the structure. Application shall be submitted to the Building Code Official prior to commencement of construction or repairs.*

(2021 IPMC Section 113.3) Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(2021 IPMC Section 113.4) Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Correction Order: Scott Township may at their discretion sell or salvage anything not removed from the structure within 30 days of this notice. Access to the property must be arranged with the Scott Township Police Department.

(2021 IPMC Section 111.6) Transfer of ownership. 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 has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation 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 and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Correction Order: *The property located at 20 Shawnee Rd. shall not be sold or transferred to another prior to full compliance of this notice, or prior to submitting a notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of a true copy of this notice and fully accepting the responsibility without condition for complying with said notice.*

A **building permit is required** to perform a demolition or for the construction to repair the structure and must be obtained from the designated Building Code Official.

(2021 IPMC Section 109.4) Violation Penalties. Any Person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(2021 IPMC Section 113.3) Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

RIGHT TO APPEAL

(2021 IPMC Section 107.2) Limitations of Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have the authority to waive the requirements of this code or the administration of this code.

RIGHT TO FILE A LIEN

(2021 IPMC Section 109.3) Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

If you should have any questions regarding the information contained in this memo, please do not hesitate to contact me at 570-285-8197.

Inspection and report conducted by:

Reviewed and concurred with report.



Chip Stalega BCO CZO

Tim Dow BCO

Property Maintenance Inspector
Code Services

Operations Manager Code Services

PPL Electric Exhibit 8

SCOTT TOWNSHIP
ORDINANCE FOR ADOPTION OF THE
INTERNATIONAL PROPERTY MAINTENANCE CODE

ORDINANCE NO.

11-16-22 C

AN ORDINANCE OF SCOTT TOWNSHIP ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE 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 THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN SCOTT TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO. 1-1995 OF SCOTT TOWNSHIP AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, Scott Township, on October 10, 1995, adopted Ordinance No.1-1995 creating a Property Maintenance Code for the Township; and

WHEREAS, Scott Township desires to update its Property Maintenance Code in order to protect the health, safety, general welfare and the property of the inhabitants of Scott Township, Columbia County, Pennsylvania.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Township Supervisors of Scott Township as follows:

Section 1. Adoption of Property Maintenance Code.

That a certain document, three (3) copies of which are on file in the office of Scott Township, being marked and designated as the *International Property Maintenance Code*, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Scott Township, Columbia County, in the Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the 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 the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Scott Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any,

prescribed in Section 2 of this ordinance. As successor editions of the *International Property Maintenance Code* are published, such successor editions and additions, insertions, deletions and changes thereto may be adopted by Resolution of the Township Supervisors.

Section 2. Revisions, Amendments and Additions to International Property Maintenance Code.

A. The following sections of the International Property Maintenance Code, 2021 edition, are hereby revised, as follows:

Section 101.1. Insert: **Township of Scott**

Section 103.1. Insert: **The Third-Party Building Inspector, appointed at reorganization meeting**

Section 302.4. Insert: **Ten (10) Inches**

Section 304.14. **DELETE SECTION**

Section 307. **Handrails and Guardrails**

CHAPTER 4. DELETE SECTION

CHAPTER 5. DELETE SECTION

Section 602.3. Insert: **October 1st to April 30th Section**

602.4. Insert: **October 1st to April 30th**

Section 606 & 607 **DELETED**

B. The following sections are hereby added to the International Property Maintenance Code, 2021 edition:

Section 109.5.

Abatement by the Township. If the owner, occupant, mortgagee or lessee fails to comply with the violation letter of the third-party Building Inspector or the Scott Township Zoning/Codes Officer within the time specified in the notice issued by such person and no appeal for a Hearing is filed within thirty (30) days thereafter, the violation notice is sustained thereby, the third-party Building Inspector or the Scott Township Zoning/Codes Officer may cause such building or structure to be repaired, vacated or demolished as determined by Scott Township in accordance with the standards hereinbefore provided. Scott Township may collect the cost of such repair, vacation or demolition together with a penalty of ten (10%) percent of such cost-plus attorney fees incurred by the Township regarding the same, in the manner provided by law, or Scott Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

Section 3. Repealer.

That Ordinance No.1-1995 of Scott Township entitled Scott Township of Property Maintenance Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Township Supervisors of Scott Township hereby declares that it would have passed this ordinance, 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.

Section 5. That nothing in this ordinance or in the Property Maintenance 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 as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Appeals. Appeals from a determination of the Township's third-party Building Inspector or the Scott Township Zoning/Codes Officer shall be brought before the Magisterial District Court for a hearing and final adjudication. Appeals shall be filed within 30 days after a notice of determination by the Township's third-party Building Inspector or the Scott Township Zoning/Code Officer is issued.

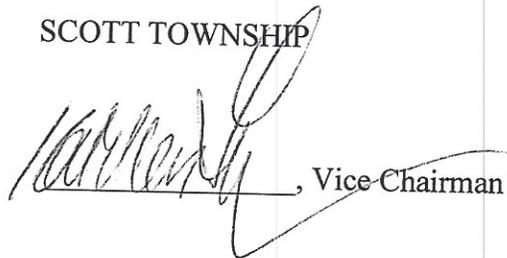
Section 7. Effective Date. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on November 16th 2022, from and after the date of its final passage and adoption.

ORDAINED AND ENACTED BY THE SUPERVISORS OF SCOTT TOWNSHIP THIS 16th DAY OF November, 2022.

ATTEST:

 , Secretary

SCOTT TOWNSHIP

 , Vice Chairman