

BOROUGH OF SOUTH CONNELLSVILLE
FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022 - 328

AN ORDINANCE OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES; 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; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; PROVIDING FOR THE DEMOLITION OF EXISTING NONCOMPLIANT STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE 297 AND ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 32A04(a), affords the Borough of South Connellsville with the power to enact “a property maintenance ordinance and may incorporate a standard or nationally recognized property maintenance code, or any variations or changes or parts of the code, published and printed in book form, without incorporating the text of the code in the ordinance”; and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(4), affords the Borough of South Connellsville with the power “to prohibit and remove any nuisance or dangerous structure on public or private grounds, including, but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles and obstructions or nuisances in the streets of the borough”;

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(5), affords the Borough of South Connellsville with the power “to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough”;

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1203, affords the Borough of South Connellsville with the power to “make and adopt all ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth as may be expedient or necessary for the proper management, care and control of the borough and its finances and the maintenance of peace, good government, safety and welfare of the borough and its trade, commerce and manufactures.”

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of South Connellsville, Fayette County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Adoption and Incorporation of 2021 International Property Maintenance Code. A certain document, three (3) copies of which are on file in the Office of the Borough Secretary of the Borough of South Connellsville, 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 the Borough of South Connellsville, Fayette County, Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings, and structures; 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; providing for the condemnation of buildings and structures unfit for human occupancy and use; providing for the demolition of existing noncompliant structures; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Borough Secretary of the Borough of South Connellsville are hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, with the additions, insertions, deletions, and changes, prescribed in Section 2 of this Ordinance.

Section 2. Additions, Insertions, Deletions, and Changes. The following sections of the Property Maintenance Code are hereby revised in their entirety to read or be deleted as follows:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code (or International Property Maintenance Code) of the Borough of South Connellsville, Fayette County, Pennsylvania, hereinafter referred to as “this code.”

Section 103.1 Code Compliance Agency. Property Maintenance Inspection Services, LLC, and any code enforcement officer of the Borough are appointed by the Borough Council of the Borough of South Connellsville to act as the official code enforcement official or agency.

Section 103.2 is deleted in its entirety.

Section 103.3 is deleted in its entirety.

Section 202 General Definitions (with respect to the following definition):

Person. An individual, corporation, partnership, limited liability company, limited liability partnerships, association, entities, property management groups, or any other group acting as a unit. To the maximum extent provided by law, when used in this Ordinance in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest or decision-making authority in the entity, controlling or otherwise.

Section 103.5 Fees. The fees for activities and services performed by the Borough or the department in carrying out its responsibilities under this code shall initially be as indicated in the

following schedule, and as may be subsequently amended or revised by ordinance or resolution of Borough Council:

Site Inspections for Corrections of Violation Fees:

<i>Single Family Dwellings</i>	<i>\$70.00 per visit</i>
<i>Multi-Family Dwellings</i>	<i>\$70.00 per visit, per dwelling unit</i>
<i>Commercial Buildings</i>	<i>\$70.00 per visit, per unit</i>

Other Inspections Fees:

<i>Flat Fee</i>	<i>\$60.00 per visit, per unit</i>
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Violation or Nuisance Abatement Charge:

<i>Hourly Rate Charge</i>	<i>\$80.00 per hour (subject to a minimum charge of \$300.00)</i>
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Appeal Fees:

<i>Single Family Dwellings</i>	<i>\$150.00 per premises</i>
<i>Multi-Family Dwellings</i>	<i>\$150.00 per premises, per dwelling unit</i>
<i>Commercial Buildings</i>	<i>\$150.00 per premises, per unit</i>

<i>Administrative Fee</i>	<i>10% of cost</i>
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Section 106.4 Violation penalties. Any person who shall violate a provision of this code, or any adopted Borough building code, or fail to comply herewith, or with any of the requirements hereof, shall be guilty of a summary offense and shall be subject, upon conviction, to a fine of not less than Five Hundred and 00/100 Dollars (\$500.00) or more than One Thousand and 00/100 Dollars (\$1,000.00), plus costs, or, after a final hearing, sentenced to a term of incarceration or imprisonment not to exceed ninety (90) days. Each day that a violation continues after due notice, as provided in this code, has been served shall be deemed a separate violation or offense for the purpose of computing fines and penalties and for determining a term or terms of incarceration or imprisonment, which may be imposed consecutively.

Section 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall, upon the payment of any requisite appeal fee or fees, have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. 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 the requirements of this code are adequately satisfied by other means.

Section 111.2 Membership of board. The board of appeals shall consist of not less than three members who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the

