

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

Borough Council as the Property Maintenance Appeals Board of Appeals of the Borough of South Connellsville, and shall serve staggered and overlapping terms.

**Section 112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable 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, or sentenced to a term of incarceration or imprisonment not to exceed ninety (90) days.

**Section 302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious, harmful, or injurious weeds shall be prohibited on all premises and exterior property. 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 the failure of the owner or agent having charge of a property to cut and destroy weeds or plant growth after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 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 or plant growth growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property and any unpaid costs shall constitute a lien against the property.

**Section 304.14 Insect screens.** During the period from April 15th to October 15th every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**Section 304.17 Guards for basement windows.** Every basement window that is openable shall be closed and locked or supplied and installed with rodent shields, storm windows or other approved protection against entry of rodents.

**Section 308.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers as described in the ordinances or regulations of the Borough of South Connellsville, including, without limitation, the Borough's Quality of Life Ordinance or mandatory garbage ordinance. Every owner of a structure shall provide for garbage service for the occupants of such structure in



accordance with the ordinances or regulations of the Borough of South Connellsville and applicable law.

**Section 602.3 Heat supply.** Every owner or operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heating during the period from October 1st to April 30 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

**Section 602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 30 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**Section 3. Repealer.** All other ordinances or parts of ordinances in conflict herewith, including, without limitation, Ordinance 297, are hereby repealed.

**Section 4. Severability.** 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 Borough of South Connellsville 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. Continuing Proceedings, Rights, Liabilities, and Causes of Action.** Nothing in this Ordinance or in the International 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 effected or cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character related thereto be lost, impaired, or affected by this Ordinance.

**Section 6. Publication.** The Borough Secretary of the Borough of South Connellsville is hereby ordered and directed to cause this Ordinance to be published.


**Section 7. Effective Date.** 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 immediately from and after the date of its final passage and adoption.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the Borough Council of the Borough of South Connellsville at a duly advertised public meeting held on the 9 day of May, 2022.

BOROUGH OF SOUTH CONNELLSVILLE

By:   
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President of Council

ATTEST: (SEAL)

  
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Borough Secretary

