

Chapter 93

PROPERTY MAINTENANCE

§93-1. PURPOSE.

§93-3. ADOPTION OF STANDARDS; AMENDMENTS AND MODIFICATIONS.

§93-2. AUTHORITY FOR ADOPTIONS.

§93-4. CONFLICT OF LAWS.

[**HISTORY: Originally adopted by the Council of the Borough of Delmont by Ord. No. 96-9. Comprehensive restatement and re-adoption by the Council of the Borough of Delmont by Ordinance No. 2008-2 on July 8, 2008, as amended and restated through 2010. Additional restatement and e-adoption by Ordinance No. 2017-6 on December 12, 2017]**

§93-1. PURPOSE.

The purpose of this chapter is to enact rules and regulations specifically established by the International Code Council, or any successor thereto, with respect to maintaining clear and specific property maintenance requirements with specific required property improvement provisions relating to all buildings located within the Borough of Delmont and to compel compliance with said Code.

§93-2. AUTHORITY FOR ADOPTIONS.

The Pennsylvania Borough Code specifically authorizes the adoption of a standard or nationally recognized property maintenance code or any variations or changes or parts thereof as the local property maintenance regulations pursuant to 8 Pa. C.S.A. § 32A04.

§93-3. ADOPTION OF STANDARDS; AMENDMENTS AND MODIFICATIONS.

- A. The entire International Code Council 2015 International Property Maintenance Code is enacted as a Borough Ordinance within the municipal boundaries of the Borough of Delmont.
- B. Amendments and modifications to the aforesaid 2015 International Property Maintenance Code shall be as follows:
 1. Administration:
 - a. Amend Section 101.1, "Title," to read as follows:

These regulations shall be known as the Property Maintenance Code of the Borough of Delmont, hereinafter referred to as "this Code."

- b. Amend Section 103.5, "Fees," to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth from time-to-time by Resolution of Council.
- c. Amend Section 106.4, "Violation Penalties, to read as follows:

Any person who shall violate a provision of this Code, or fail to comply therewith, shall be prosecuted within the limits provided by state or local laws, and shall be subject to penalties as set forth in Chapter 74, Section 74-5, of the Delmont Borough Code.
- d. Delete Sections 111.1 through and including 111.8. Amend by adding the following:

Section 111. Means of Appeal.
Any person or entity shall have the right of appeal of a decision of the Borough Code Officer to Borough Council for a public hearing where evidence and documentation shall be presented. The Borough, within 30 days of said hearing, shall provide Findings of Fact and a written Decision. The Appellant shall thereafter have 30 days to appeal to the local District Court from the Decision of the Code Official and/or the Borough. The District Court shall review the Appellant's claim, that the true intent of the Code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of the Code do not fully apply, or an equally good or better method of compliance can be established.
- e. Amend Section 112.4, "Failure to Comply," to read as follows:

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 \$500.00 or more than \$1,000.00, plus all court costs ad cost of prosecution, including the Borough's reasonable attorneys' fees incurred in prosecution.

2. General Requirements:

- a. Amend the first sentence of Section 302.4, "Weeds," to read as follows:
 - 1. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6") inches.
 - 2. The remainder of Section 302.4 shall remain in force and unchanged.

- b. Insert into Section 304.14, "Insect Screens," the period of time shall be from May 15 through September 15.
3. Mechanical and Electrical Requirements:
- a. Insert into Section 602.3, "Heat Supply," the period of time shall be from September 15 through May 15.
 - b. Insert into Section 602.4, "Occupiable Workspaces," the period of time shall be from September 15, through May 15.

§93-4. CONFLICT OF LAWS.

Nothing herein shall repeal or adversely affect any of the provisions of the Uniform Construction Codes as the same have been adopted by and remain in effect in the Borough of Delmont in accordance with the Pennsylvania Uniform Construction Code Act.