

THE CITY OF JEANNETTE
Westmoreland County, Pennsylvania

BILL 12-02

ORDINANCE NO. 12-02

AN ORDINANCE FOR THE CITY OF JEANNETTE, ADOPTING THE 2012 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 THE CITY OF JEANNETTE; AND ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCE IN CONFLICT THEREWITH; AND AUTOMATICALLY ADOPTING EACH AND EVERY SUBSEQUENT UPDATE AND EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE OR SUCH REPLACEMENT CODES, AS SOON AS THEY ARE PUBLISHED, WITH EACH SUBSEQUENT UPDATE AND/OR EDITION AUTOMATICALLY REPLACING THE PRIOR UPDATE AND/OR EDITION.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the City of Jeannette,
Westmoreland County, Pennsylvania, and it is hereby ordained and enacted by the authority of the
same as follows:

SECTION 1.

That a certain document, three (3) copies of which are on file in the office of The City Clerk of the City of Jeannette, being marked and designated as the International Property Maintenance Code, 2012 edition, as amended from time to time, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Jeannette, 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 exiting 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, 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. Council hereby declares that the City hereby adopts each and every subsequent update and/or

edition of the International Property Maintenance Code, or such replacement codes, automatically, as soon as they are published by the International Code Council, with each subsequent update and/or edition automatically replacing the prior update and/or edition.

SECTION II. The following sections are hereby revised:

- (A) Section 101.1. Insert: [The City of Jeannette]. Additionally, the "City of Jeannette" shall be inserted wherever the words "Jurisdiction" or "Name of Jurisdiction" appear in brackets or are otherwise used in said Code.
- (B) Section 103.5. Insert: [The said Fee Schedule shall be as adopted by Resolution of Jeannette City Council, which Fee Schedule may be amended from time to time, also by Resolution].
- (C) Section 112.4. Insert: [First Amount Inserted: \$300.00; Second Amount Inserted: \$500.00].
- (D) Section 302.4. For: (jurisdiction to insert height in inches), insert [ten (10) inches].
- (E) Section 304.14. Insert [First Date Inserted: April 1; Second Date Inserted: October 1].
- (F) Section 602.3. Insert [First Date Inserted: October 1; Second Date Inserted: April 1].
- (G) Section 602.4 Insert [First Date Inserted: October 1; Second Date Inserted: April 1].
- (H) Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the City Solicitor.
- (I) The code official referred to in Section 103.2 and in all other sections of the code shall mean the Property Maintenance Officer of the City, his authorized representatives, Fire Chief and/or Captain, or Building Code Official.
- (J) Sections 104.4 and 104.5 are deleted and in place thereof, the following is added:

104.4 Right of Entry: In the discharge of his duties, the Property Maintenance Officer and/or his authorized agents and/or representatives, upon showing proper identification where/when requested, are hereby authorized to enter and inspect, between the hours of 9:00 A.M. and 8:00 P.M., any structure or premise in the Municipality other than a private residence occupied by the owner, or any portion of a private residence occupied by the owner thereof, to enforce the provisions of this Ordinance and of those other Applicable Codes and Ordinances. The assistance and cooperation of all other municipal offices, including police and fire departments, shall be available to the Property Maintenance Officer to assist in the performance of his duties and in securing right-of entry.

The Property Maintenance Officer and the owner, operator, or occupant or other person in charge of any structure or premises subject to the provisions this Ordinance may agree to an inspection by appointment at a mutually convenient time.

The owner, operator or occupant or other person in charge of any structure or premises shall give the Property Maintenance Officer entry and free access thereto and to every part of the structure or to the premises surrounding the structure.

If any owner, operator, or occupant or other person in charge fails or refuses to permit entry and free access to the structure or premises under his control, or to any

part thereof, with respect to any authorized inspection, the Property Maintenance Officer may, upon a showing that probable cause exists for the inspection, may file a complaint and may petition for and obtain an order directing compliance with the inspection requirements of this Ordinance from a Court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a Court Order.

(K) Section 106.3 is hereby amended to read as follows:

106.3 Prosecution of Violation: Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a Summary Offense or civil infractions 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 of 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.

(L) Section 106.4 is hereby amended to read as follows:

106.4 Penalty: Any person, firm, or corporation, who shall violate any provision of this code, shall, upon conviction thereof, be subject to a fine of no less than \$300.00 and no more than \$1,500.00, plus associated costs and fees, and/or imprisonment for no more than ninety (90) days. Every day that a violation of this code continues shall constitute as a separate offense.

(M) Section 111.2 (Board of Appeals), including 111.2.1 through 111.2.5, is deleted in its entirety.

(N) Section 704.3; All exceptions are deleted in its entirety.

(O) Section 704.4; All exceptions are deleted in its entirety.

(P) Section 302.8 is hereby amended as to not include any licensed, legally recognized commercial auto repair or auto sales, and/or fleet and company owned vehicles used by the commercial operations of the property.

SECTION III.

That in all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Ordinance. The code shall control in all cases where the state requirements are not as strict as those contained in this Ordinance.

SECTION III (a).

That Ordinance No. 96-8 of the City of Jeannette entitled the Property Maintenance Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV.

That the provisions of this Ordinance so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Ordinance, are intended as a constitution of such ordinances and codes and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to endure any right or penalty or punish any offense under the authority of any of the repealed ordinances.

SECTION V.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI.

That is any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, and such decision shall not affect the validity of the remaining portions of this ordinance. The City of Jeannette and it Council Members hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION VII.

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceedings impending in any court, or any rights required, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 'V' of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION VIII.

That this Ordinance and the rules, regulations, provisions, requirements, order and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

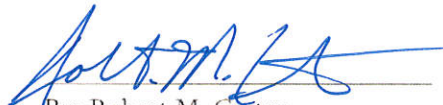
This Ordinance shall be effective on 4-11-12 and shall remain in force until modified, amended or rescinded by the City of Jeannette, Westmoreland County, Pennsylvania.

SECTION IX.

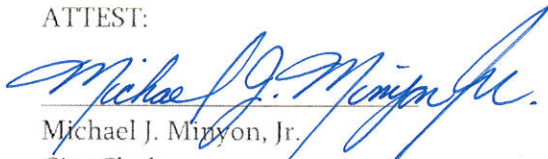
Any other ordinance or Section of such ordinance that references either Ordinance 96-8 or the BOCA National Property Maintenance Code shall be amended to substitute International Property Maintenance Code (IPMC) and/or the ordinance herein.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY A MAJORITY OF THE MEMBERS OF COUNCIL OF THE CITY OF JEANNETTE, AT A DULY ADVERTISED PUBLIC MEETING HELD ON THE 11th DAY OF APRIL, 2012.

THE CITY OF JEANNETTE:


By: Robert M. Carter,
Mayor and President of Council

ATTEST:


Michael J. Minyon, Jr.
City Clerk