

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO.: 04-02

ORDINANCE NO. 04-03

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 96-8, AND THE BOCA NATIONAL PROPERTY MAINTENANCE CODE, 1996 ADDITION, TO IMPLEMENT PROCEDURES FOR THE REMOVAL OF FURNITURE DESIGNED, MANUFACTURED, SOLD OR INTENDED SOLELY FOR INDOOR USE THAT IS STORED ON THE EXTERIOR OF PREMISES WITHIN THE CITY OF JEANNETTE.

WHEREAS, the Council of the City of Jeannette previously Ordained and Enacted Ordinance No. 96-8, as an Ordinance of the City of Jeannette which, among other things, adopts the BOCA National Property Maintenance Code, 1996 edition; and

WHEREAS, Ordinance No. 96-8, Section III, sub-paragraph J, adds Section 303.9 to the aforesaid BOCA National Property Maintenance Code, which Section provides as follows:

“Furniture: Furniture designed, manufactured, sold, or intended solely for indoor use, should not be stored on exterior property and premises, except in an enclosed porch, structure or similarly enclosed area designed for such purpose. For the purpose of this section ‘storage’ shall mean kept on exterior property or premises for a period in excess of three (3) days.”

and

WHEREAS, the Council of the City of Jeannette desires to make and enact further amendments to Ordinance No. 96-8 and Section 303 of the BOCA National Property Maintenance Code referenced above, to provide additional provisions and remedies associated with the removal of such furniture from the exterior premises; and

WHEREAS, the following amendments are made to further the public health, safety and well-being.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE DOES HEREBY ORDAIN AND ENACT THE FOLLOWING:

1. City of Jeannette Ordinance No. 96-8 and the BOCA National Property Maintenance Code, 1996 Edition, is hereby amended to add the following sub-sections to Section 303 of such Code and to include same within Ordinance No. 96-8:

SECTION 303.10

In the event furniture described in Section 303.9 is stored on the exterior of property or premises for a period in excess of three (3) days, the Code Enforcement Officer of the City of Jeannette shall send notice to both the property owner and any known tenant on the property that such furniture is being stored or maintained on the exterior of such property in violation of this Ordinance. Such notice shall prescribe a reasonable period of time, not to exceed ten (10) days within which the owner or tenant must make arrangements for the removal of such furniture.

SECTION 303.11

The Notice referenced in Section 303.10 above shall be given to the property owner by regular mail sent to the last know address of the owner as maintained in the Office of the Treasurer of the City of Jeannette for real property tax purposes. Notice shall be given to any tenant by conspicuously posting notice of such removal upon the property.

SECTION 303.12

In the event the tenant and/or property owner fails to remove or cause the removal of such furniture from the exterior of said property within the time period set forth in the above Notice, then the City may, at its discretion, cause the removal of such furniture from the exterior of said property and charge the property owner and/or tenant for the cost of such removal.

The cost and/or charge associated with removal shall be consistent with those costs associated with removing items of bulky waste under the City of Jeannette Garbage Ordinance No. 96-3.

The failure to remove or cause the removal of such furniture from the exterior of the property within the time period prescribed in the Notice shall be a violation of Ordinance No. 96-8 and subject the violator to those penalties referenced therein.

SECTION 303.13

The City of Jeannette may collect any charge associated with the removal of such furniture referenced above by initiating a civil action against the property owner and/or tenant, through the filing of a municipal claim or lien under the City of Jeannette Municipal Claims Collection Practices Ordinance and/or existing state law or through any restitution permissibly payable in summary criminal proceedings..

SECTION 303.14

The remedies provided in the foregoing sections are cumulative. Nothing contained herein shall be deemed and/or construed to prevent the City from enforcing the terms and conditions of this Ordinance through the penalty provisions provided in Ordinance No. 96-8, or pursuing any other remedy it may have, at law or in equity, associated with the enforcement of this Ordinance.

SECTION 303.15

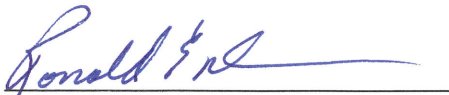
The terms of this section are severable. In the event any term or provision set forth herein is declared to be void or invalid, then its remaining provisions shall continue in full force and effect.

2. All other Ordinances or parts of Ordinances inconsistent with the within amendments are hereby repealed and the terms and conditions of the within amendments shall be deemed to supercede same.


THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE 12th DAY OF May, 2004 AND SHALL TAKE EFFECT IMMEDIATELY.

THE CITY OF JEANNETTE

ATTEST:



Ronald E. Dinsmore

By: 

John J. Kistic, Mayor