

CITY OF JEANNETTE

Westmoreland County, Pennsylvania

BILL NO. 05-02

ORDINANCE NO. 05-02

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 96-4, RELATING TO FIRE SAFETY INSPECTIONS PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS, AND PROVIDING FOR DUAL ENFORCEMENT OF PORTIONS THEREOF.

WHEREAS, The Council of the City of Jeannette adopted Ordinance No. 96-4 on June 12, 1996, and amendments thereto, requiring certain fire safety inspections to be conducted by the Fire Chief/Fire Marshall prior to the issuance of Occupancy Permits for certain structures within the City; and

WHEREAS, such Ordinance provides for the administration and enforcement of same; and

WHEREAS, the Council of the City of Jeannette, in order to streamline enforcement of such Ordinance and make provisions for the Code Enforcement Officer of the City of Jeannette to assist in the enforcement of same, desires to and hereby makes this amendment to Ordinance No. 96-4 to effectuate that purpose.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE COUNCIL OF THE CITY OF JEANNETTE, HEREBY ORDAINS AND ENACTS AS FOLLOWS:

1. Section III – Administration and Enforcement: Sub-section C. Violation/Abatement of Ordinance No. 96-4, is hereby amended to add the following paragraph:

C.1 – Enforcement by Code Enforcement Officer:

“Notwithstanding anything in the foregoing, in the event any person, corporation, entity or firm subject to permitting under this Ordinance, constructs, causes to be constructed, utilizes and/or occupies any premises subject to inspection under this Ordinance, without first obtaining all appropriate inspections, re-inspections or Occupancy Permits hereunder, shall be deemed in violation of this Ordinance. In event of such violation, the City of Jeannette Code Enforcement Officer shall send written Notice of such violation to the property owner. In the event any person, entity, corporation or firm fails to abate and take that corrective action set forth in the Notice issued by the Code Enforcement Officer within the time limits prescribed in such Notice for the abatement of same, such person, entity, corporation or firm shall be subject to the penalties set forth in this Ordinance. Nothing in this paragraph shall be deemed or construed to prevent the Fire Chief/Fire Marshall from issuing such Notices or Citations hereunder. Further, nothing in this paragraph shall be deemed or construed as enabling

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construed to prevent the Fire Chief/Fire Marshall from issuing such Notices or Citations hereunder. Further, nothing in this paragraph shall be deemed or construed as enabling the Code Enforcement Officer to perform those inspections or re-inspections required under this Ordinance, such inspections continuing to be the province of the Fire Chief/Fire Marshall.”

2. Section III – Administration and Enforcement, Sub-paragraph D (1) – Penalties for Violation, of Ordinance No. 96-4 is hereby amended to add the following paragraph:

“D (1)(a)-Penalties for Failure to Obtain Inspection, Re-inspection or Occupancy Permit:

“Any person who violates Section III (C.1) of this Ordinance and/or who fails to take corrective action as set forth therein, shall be guilty of a Summary Offense and, upon conviction thereof, shall pay a fine of not less than \$300.00 nor more than \$1,000.00 per violation, together with the costs of prosecution, and in default of such fine and costs, shall be imprisoned for a period of not less than thirty (30) nor more than ninety (90) days, or both, in accordance with 53 P.S. §37403 (60). Each day that a violation continues after due notice has been served shall constitute a separate and distinct offense, punishable as provided herein. Any summary citation issued pursuant to this Section or Section III (C.1) above may be enforceable and prosecuted by the Code Enforcement Officer of the City of Jeannette.”

3. All other provisions of Ordinance 96-4, as amended, not affected by this Ordinance, shall continue in full force and effect.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AT A PUBLIC MEETING HELD THE _____ DAY OF _____, 2005, AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE

BY:



Michael T. Cafasso, Mayor
and President of Council