

BILL NO.: 96-5

ORDINANCE NO. 96-8

AN ORDINANCE OF THE CITY OF JEANNETTE ADOPTING
THE BOCA NATIONAL PROPERTY MAINTENANCE CODE, 1996 EDITION,
AS AMENDED FROM TIME TO TIME, WITHIN THE CITY OF JEANNETTE;
ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND
MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES;
BY PROVIDING FOR 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 AND
DEMOLITION OF BUILDINGS AND STRUCTURES
UNFIT FOR HUMAN OCCUPANCY; ENTITLED
THE PROPERTY MAINTENANCE CODE.

Be it Ordained and Enacted, by the Council of the City of
Jeannette, Westmoreland County, Pennsylvania, at a regular
meeting thereof, held on the 9th day of October, 1996,
that:

WHEREAS, the Council of the City of Jeannette has adopted
the BOCA Basic Property Maintenance Code, Second Edition, 1981;
and

WHEREAS, the BOCA National Property Maintenance Code has
been recently amended, as published by the Building Officials
and Code Administrators International, Inc.; and

WHEREAS, Council has deemed said Amended Code to be an
effective measure to promote and protect the public health,
safety and welfare of the people of the City of Jeannette; and

WHEREAS, three (3) copies of said BOCA National Property Maintenance Code, Fifth Edition, 1996, are available in the office of the City Clerk, and additional copies are available for purchase.

NOW, THEREFORE, in consideration of the foregoing, and intending to promote the public health, safety and welfare of the people of the City of Jeannette, it is hereby Ordained and Enacted as follows:

SECTION I. - ADOPTION OF PROPERTY MAINTENANCE CODE:

The City of Jeannette hereby adopts and incorporates herein the BOCA National Property Maintenance Code, Fifth Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., as amended from time to time, and all technical regulations cited therein. Specifically excepted from adoption in this Ordinance are those Code provisions hereinafter referenced as deleted, modified, added or amended.

SECTION II. - DEFINITIONS:

In addition to the definitions set forth in §PM 202.0 of the BOCA National Property Maintenance Code, Fifth Edition, 1996, the following words used in the BOCA National Property Maintenance Code, Fifth Edition, 1996 (hereinafter referred to as "Property Maintenance Code") and this Ordinance shall have the following meanings:

"City", shall be construed to mean the City of Jeannette.

"Code Official", shall be construed to mean the Code Enforcement Officer of the City of Jeannette.

"The Department", shall be construed to mean the Office of Code Enforcement of the City of Jeannette.

"Property Maintenance Code", shall be construed to mean the BOCA National Property Maintenance Code, Fifth Edition, 1996, as published by the Building Officials and Code Administrators International, Inc.

SECTION III. - MODIFICATIONS TO THE BOCA NATIONAL PROPERTY

MAINTENANCE CODE, FIFTH EDITION, 1996:

A. The following definitions set forth in §PM 202.0 are hereby amended and redefined as follows:

"One Family Dwelling": A building containing one (1) dwelling unit occupied by members of a single family with no more than three (3) outsiders, if any, accommodated in rented rooms.

"Two Family Dwelling": A building containing two (2) dwelling units in which each living unit is accompanied by members of a single family with no more than three (3) outsiders, if any, accommodated in rented rooms.

B. The following definitions set forth in §PM 302.0 are hereby amended and redefined as follows:

"Exterior Property": The open space on the premises and on adjoining property under control of owners, operators, or occupants of such premises, including, but not limited to, the yard, porch areas, and driveways.

"Person": Shall be construed to mean any individual, firm, partnership, corporation, association, joint venture, institution, cooperative enterprise, owner, operator or occupant of real property, agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this Ordinance which prescribes a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

C. Section 303.3.1 is hereby added as follows:

Ordinance 72-13, providing for the removal of snow, ice, and other substances on sidewalks within the City is hereby incorporated into this Property Maintenance Code, amended as follows:

Section V. of the aforesaid Ordinance 72.13 is hereby repealed, and the penalties set forth in this Property Maintenance Code shall apply.

D. Sections PM-306.1 through 306.3.2, related to the accumulation and disposal of garbage and rubbish, are hereby deleted.

E. Section PM-306.1 is hereby added to read as follows:

Section PM 306.1 Accumulation of Garbage and Rubbish. All exterior property and premises, and the interior of every structure shall be in compliance with the City of Jeannette Garbage Ordinance (Ordinance 96-3)

F. Section PM 701.1 is hereby amended as follows:

Section PM 701.1: The provisions of the Fire Prevention Code of the City of Jeannette, Ordinance No. 96-4, adopted June 12, 1996, shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

G. Sections PM 701.2 through 707.1 are hereby deleted.

H. Section 303.8.1 is hereby added to read as follows:

The Junk Car Ordinance of the City of Jeannette, Ordinance No. 67-9, as amended by Ordinances 79-14 and 96-7, and as further amended from time to time, is hereby incorporated into this Property Maintenance Code.

I. Ordinance No. 61-6 is hereby repealed, and the terms of §PM 303.4 of the Property Maintenance Code and this Ordinance shall hereafter apply to weeds and plant growth.

J. Section 303.9 is hereby added to read as follows:

Furniture: Furniture designed, manufactured, sold, or intended solely for indoor use shall 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.

K. Section 508.2 is hereby added to read as follows:

Ordinance 74-13, providing for the removal of roof and surface drains from the sanitary sewer system of the City of Jeannette, is hereby incorporated into this Property Maintenance Code.

L. Section PM 107.2 is hereby amended to read as follows:

Section PM 107.2 Form of Notice. Such notice prescribed in §107.1 shall:

1. Be in writing.
2. Include a description of the real estate on which the violation exists, which description is sufficient for identification of the property.
3. Set forth the violation(s) and the reason(s) why the notice is being issued.
4. Specify the name(s) of the person(s) responsible therefore, if known by the Code Official, and the name(s) of the owner(s) of the real estate or structure involved.
5. Include an order for corrective action with regard to the violation.
6. State the date of the order and the number of days therefrom required for compliance with it.
7. Include notice of penalties and/or the City's alternative remedies in the event of non-compliance with the order.
8. Contain the signature of the Code Enforcement Officer.

M. Section PM 106.2 Penalty, shall be amended to read as follows:

Section PM 106.2 Penalty - Any person who shall violate a provision of this Code shall be guilty of a summary offense, and upon conviction thereof, be subject to 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 30 days nor more than 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.

N. Section PM 702.1 is hereby added, to provide:

Section PM 702.1: In the event that any provision of this Property Maintenance Code shall conflict with the provisions of the Fire Prevention Code of the City of Jeannette (Ordinance No. 96-4), the provisions of the Fire Prevention Code of the City of Jeannette shall prevail.

SECTION IV. - ADDITIONAL REMEDIES:

1. In addition to the penalties and remedies set forth within the Property Maintenance Code adopted herein, the City of Jeannette may, pursuant to 53 P.S. §37403 (16), institute proceedings to enforce this Ordinance in a Court of Equity, by way of an action to require the removal of any nuisance or dangerous structure.

2. Nothing in this Ordinance shall be construed to preclude the City's right to remove, abate, suspend, alter, or otherwise prevent or avoid a nuisance, by way of action of the Board of Health, pursuant to 53 P.S. §37320 et seq.

3. Nothing in this Ordinance shall preclude the City's ability to permit the Mayor to present a Petition to the Court of Common Pleas, declaring property to be a public nuisance, and to have a Board of Viewers appointed, pursuant to 53 P.S. §39140 et seq.

4. Any violation of the terms of this Ordinance and the Property Maintenance Code incorporated herein, shall be deemed a public nuisance and detrimental to the continuing health, safety and well-being of the residents of the City of Jeannette. Any proceeding or remedy engaged in by the City to

restrain, correct, remove or abate such nuisance or violation shall include, in addition to claims for reimbursement for expenses incurred by the City associated with restraint, correction, removal or abatement, a demand for reasonable attorney's fees incurred in such proceeding pursuant to 53 P.S. §7106, et seq., as amended from time to time.

SECTION V. - SAVING CLAUSE:

Nothing in this Ordinance, or in the Property Maintenance Code adopted herein, shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any Act or Ordinance repealed as set forth in Section VII of this Ordinance, nor shall any legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION VI. - SEVERABILITY:

The provisions of this Ordinance shall be severable and, in the event that a Court of competent jurisdiction determines that any provision of this Ordinance shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend or abridge any of the provisions of the Constitution of the United States or of this Commonwealth, or any law or regulation of the United States or of this Commonwealth, or Act of the Assembly heretofore or hereafter passed.

SECTION VII. - REPEALER:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION VIII. - SHORT TITLE:

This Ordinance shall be entitled "The Property Maintenance Code."

SECTION IX. - EFFECTIVE DATE:

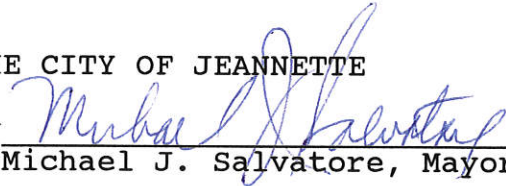
This Ordinance shall become effective in ten (10) days.

ATTEST:



THE CITY OF JEANNETTE

By



Michael J. Salvatore, Mayor