

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 18-19

ORDINANCE NO. 18-18

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 12-02; ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES; 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; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE; PROVIDING FOR THE DEMOLITION OF EXISTING NONCOMPLIANT STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 141A04, affords the City of Jeannette with the power to “enact a property maintenance ordinance, including a standard or nationally recognized property maintenance code or a change or variation” and “by reference, incorporate a standard or nationally recognized property maintenance code or a variation or change, published and printed in book form, without setting forth the text of the code in the ordinance”; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 11018.13, affords the City of Jeannette with the power to “enact, by reference to a standard or nationally recognized code, all or a portion of the standard or nationally recognized code as an ordinance of the city”; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power to “prohibit and abate public nuisances”;

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures; or (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs.”

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Adoption and Incorporation of 2015 International Property Maintenance Code. 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*, 2015 edition, as published by the International Code Council, be and 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the City of Jeannette are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. Additions, Insertions, Deletions, and Changes. The following sections of the Property Maintenance Code are hereby revised in their entirety to read as follows:

(a) Section 101.1 Title. These regulations shall be known as the Property Maintenance Code (or International Property Maintenance Code) of the City of Jeannette, Westmoreland County, Pennsylvania, hereinafter referred to as “this code.”

(b) Section 202 (with respect to the following definitions):

Code official. The property maintenance code officer(s) of the City, his or its authorized representatives, the fire chief of the City, the fire captain of the City, and building code official of the City.

Person. An individual, corporation, partnership, limited liability company, limited liability partnerships, association, entities, property management groups, or any other group acting as a unit. To the maximum extent provided by law, when used in this Ordinance in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest or decision-making authority in the entity, controlling or otherwise.

Legal officer or Legal representative. The office of the City solicitor or such other attorney or firm so appointed for purposes of administering, enforcing, or representing the City in connection with this Ordinance and any actions or appeals related thereto.

(c) Section 103.5 Fees. The fees for activities and services performed by the City or the department in carrying out its responsibilities under this code shall initially be as indicated in the following schedule, and as may be subsequently amended or revised by ordinance or resolution of City Council:

Abatement Charges:

1. *Vegetation Cutting: \$300 per incident under five man (5) hours.*
2. *Rubbish Removal: \$300 per incident under five man (5) hours.*
3. *Road Clearing or Special Treatment: \$300 per incident under two (2) hours.*
4. *Any service provided by The City's employees in addition to, or over the hours of the above mentioned, will be billed at \$200 per hour plus material charges and a 10% service fee.*
5. *Contracted Services: Cost to the City plus 10% service charge.*

Appeal Fees:

<i>Single Family Dwellings</i>	<i>\$150.00 per premises</i>
<i>Multi-Family Dwellings</i>	<i>\$150.00 per premises, per dwelling unit</i>
<i>Commercial Buildings</i>	<i>\$150.00 per premises, per unit</i>

(d) Section 104.3 Right of entry. In the discharge of his duties, the property maintenance officer or his authorized agents or representatives, upon showing proper identification where or when requested, are hereby authorized to enter and inspect between the hours of 9:00 A.M. and 4:00 P.M. any structure or premise in the City 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 of 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 premises, including, without limitation, the area surrounding the structure or contained within such premises.

If any owner, operator, or occupant, or other person in charge of any structure or premises fails or refuses to permit entry and free access to the structure or premises or any part thereof, including, without limitation, the area surrounding the structure or contained within such premises, with respect to any authorized inspection, the property maintenance officer may, upon a showing that probable cause exists for the inspection, file a complaint and 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.

(e) Section 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 to be 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 of 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.

(f) Section 106.4 Violation penalties. Any person who shall violate a provision of this code, or any adopted City building code, or fail to comply herewith, or with any of the requirements hereof, shall be guilty of a summary offense and shall be subject, upon conviction, to a fine of not less than Three Hundred and 00/100 Dollars (\$300.00) or more than One Thousand and 00/100 Dollars (\$1,000.00), plus costs, or, after a final hearing, sentenced to a term of incarceration or imprisonment not to exceed ninety (90) days. Each day that a violation continues after due notice, as provided in this code, has been served shall be deemed a separate violation or offense for the purpose of computing fines and penalties and for determining a term or terms of incarceration or imprisonment, which may be imposed consecutively.

(g) Section 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall, upon the payment of any requisite appeal fee or fees, have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(h) Section 111.2 Membership of board. The board of appeals shall consist of the Board of Health of the City of Jeannette.

(i) Section 111.2.1 through Section 111.2.5 are deleted in their entirety.

(g) Section 112.4 Failure to comply. 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 Three Hundred and 00/100 Dollars (\$300.00) or more than One Thousand and 00/100 Dollars (\$1,000.00), plus costs, or, after a final hearing, or sentenced to a term of incarceration or imprisonment not to exceed ninety (90) days.

(h) Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. All noxious, harmful, or injurious weeds shall be prohibited on all premises and exterior property. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

Upon the failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employer of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property and any unpaid costs shall constitute a lien against the property.

(i) Section 304.14 Insect screens. During the period from April 1st to October 1st every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(j) Section 602.3 Heat supply. Every owner or operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heating during the period from October 1st to April 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(k) Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 1st to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(l) Section 704.2.2, Exceptions are deleted in their entirety.

(m) Section 704.2.3, Exceptions are deleted in their entirety.

Section 3. Supplemental Nature. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of the 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 4. Repealer. Ordinance 12-02 of the City of Jeannette, as amended, known as the 2012 International Property Maintenance Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Jeannette hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 6. Continuing Proceedings, Rights, Liabilities, and Causes of Action. Nothing in this Ordinance or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights, acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character related thereto be lost, impaired, or affected by this Ordinance.

Section 7. Publication. The City Clerk of the City of Jeannette is hereby ordered and directed to cause this Ordinance to be published.

Section 8. Effective Date. This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 8th day of November, 2018.



CITY OF JEANNETTE

By: Curtis J. Antoniak
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon
Michelle Langdon
City Clerk