

BOROUGH OF SUGARCREEK,
VENANGO COUNTY, PENNSYLVANIA

ORDINANCE NO. 279 OF 2015

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK ADOPTING THE 2012 EDITION OF THE 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, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF SUGARCREEK; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING ORDINANCE NO. 245 OF 2006 OF THE BOROUGH OF SUGARCREEK AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, the Borough of Sugarcreek has the authority under, inter alia, 8 Pa. C. S. §32A04 to enact and enforce a property maintenance ordinance; and

WHEREAS, the Council of the Borough of Sugarcreek finds that it is necessary and desirable for the general health, safety and welfare of the residents of the Borough to enact this Ordinance.

BE IT ORDAINED AND ENACTED, by the Council of the Borough of Sugarcreek, Venango County, Pennsylvania (the "Borough"), and it is hereby ordained and enacted by the authority of the same:

Section 1: That certain document, three (3) copies of which are on file in the office of the Zoning Officer of the Borough, being marked and designated as the *International Property Maintenance Code*, 2012 Edition, as published by the International Code Council, be and is hereby adopted as the "Borough of Sugarcreek Property Maintenance Code" 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 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 International Property Maintenance Code on file in the office of the Zoning Officer of the Borough are hereby referred to, adopted and made a part hereof, as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes prescribed in this

Ordinance.

Section 2: For the purposes of this Ordinance, the *International Property Maintenance Code*, 2012 Edition, is hereby amended, revised or supplemented as follows:

(A) Section 101.1 Title is amended to read as follows:

“These regulations shall be known as the ‘Borough of Sugarcreek Property Maintenance Code’, hereinafter referred to as ‘this code’.”

(B) Section 102.3 Application of Other Codes is amended to read as follows:

“Repairs, additions or alterations of a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all other applicable laws, ordinances, codes, rules and regulations, including, without limitation, the Pennsylvania Construction Code, the Uniform Construction Code adopted under Section 301 of the Pennsylvania Construction Code and the Borough of Sugarcreek Zoning Code.”

(C) Section 103.1 General is amended to read as follows:

“The Department of Property Maintenance Inspection (‘the department’) is hereby created. The Zoning Officer of the Borough shall be in charge thereof and shall be referred to for the purposes of this code as the ‘code official’.”

(D) Section 103.5 Fees is amended to read as follows:

“The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in a fee schedule from time to time in effect as adopted, amended, supplemented and replaced by resolution of the Council of the Borough. All such fees shall be paid to the Treasurer of the Borough and deposited into the general appropriated funds of the Borough for the use of the Borough.”

(E) The first sentence of Section 104.2 Inspections is amended to read as follows:

“The code official shall make all of the required inspections, or shall accept reports of inspection by agencies or individuals appointed by the Borough Council.”

(F) Section 104.3 Right of Entry is amended to read as follows:

“Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official or any agency or individual appointed under Section 104.2 may enter, subject to constitutional standards in a similar manner as provided under 8 Pa. C. S. §3107 (relating to entry upon premises), and inspect any structure or premises at reasonable hours and in a reasonable manner, all as authorized under, inter alia, 8 Pa. C. S. §32A04(b).”

- (G) The first sentence of Section 106.3 Prosecution of Violation is amended to read as follows:

“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. Such offense shall be a strict liability offense, and, as specified in 18 Pa. C. S. §305, no culpability requirements shall apply with respect to such offense.”

- (H) Section 106.4 Violation Penalties is amended to read as follows:

“Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, and any person aiding, abetting or assisting in such violation, shall be guilty of a summary offense punishable by a fine not to exceed \$1,000.00 per violation or by imprisonment not exceeding thirty (30) days per violation, or both such fine and imprisonment, together with court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. Such offense shall be a strict liability offense, and as specified in 18 Pa. C. S. §305, no culpability requirements shall apply with respect to such offense. Each day that a violation continues after service of written notice of the violation, or after service of a summons, or after receipt of actual notice of violation otherwise provided, whichever first occurs, shall be deemed a separate violation, and violation of each applicable section of this code shall be deemed a separate violation. All fines and other sums under this Section shall be paid to the Treasurer of the Borough and deposited into the general unappropriated funds of the Borough for the use of the Borough.”

- (I) Section 111.2 Membership of Board is amended to read as follows:

“The board of appeals shall consist of the members of the Council of the Borough. The code official shall be an ex officio member of the board but shall have no vote on any matter before the board. The board may adopt rules of procedure for conducting its business and shall render all decisions

and findings in writing to the appellant with a duplicate copy to the code official. The copy of the decision mailed to the appellant shall state thereon, or on a statement attached thereto, the date of mailing. The code official shall take prompt action in accordance with the decision of the board.”

- (J) Subsections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5 are deleted in their entireties.
- (K) The last sentence of Section 111.4 Open Hearing is amended to read as follows:

“A quorum shall consist of a majority of the board then in office.”
- (L) Subsection 111.4.1 Procedure is deleted in its entirety.
- (M) Section 111.6 Board Decision and Subsections 111.6.1 and 111.6.2 are deleted in their entireties.
- (N) Section 111.7 Court Review is amended to read as follows:

“Any person, whether or not a previous party to the appeal, shall have the right to file a further appeal to the Court of Common Pleas of Venango County, Pennsylvania, to correct errors of law made by the board of appeals in its decision. Such an appeal shall be filed within thirty (30) days after the date written notice of the decision of the board of appeals is mailed to the appellant.”
- (O) Section 111.8 Stays of Enforcement is amended to read as follows:

“Appeals of notices and orders (other than Imminent Danger notices) to the board of appeals or to the Court of Common Pleas of Venango County, Pennsylvania, shall stay the enforcement of the notice and order until the appeal is decided by the board of appeals or the Court, as the case may be.”
- (P) Section 112.4 Failure to Comply is hereby amended to read as follows:

“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 for the penalties prescribed in Section 106.4.”
- (Q) The definition of “PERSON” in Section 202 is amended to read as follows:

“PERSON. An individual, corporation, partnership, limited liability company, any other entity, any other group acting as a unit, an executor, administrator, trustee, receiver or other representative or fiduciary. Whenever the word ‘person’ is used in any portion of this code prescribing a penalty or fine, as to a partnership, limited liability company, or any other group, the word shall include each of the partners or other members thereof, and as to a corporation or similar entity shall include the officers, agents or members thereof who are responsible for any violation.”

(R) Section 302.2 Grading and Drainage is hereby amended to read as follows:

“All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon, with the exception of approved retention areas and reservoirs. All approved retention areas and reservoirs, including, without limitation, wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and ponds of a similar nature shall be enclosed by a fence or other structure to prevent access thereto by the public.”

(S) Section 302.4 Weeds is hereby amended to read as follows:

“All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height: (a) within the area of twenty-five (25) feet surrounding the exterior walls of each building on real estate located in any residential, commercial or industrial zoning district; (b) within the area of twenty-five (25) feet surrounding the primary residence building on real estate located in any agricultural zoning district; and (c) within the area located between the exterior wall of any building that is subject to Subsections (a) or (b) nearest to a public road and the cartway of that public road to a width equal to the width of such exterior wall. The areas referred to in Subsections (a) and (b) above shall be reduced to the extent that the area would include real estate in which the owner of the subject property has no ownership interest. All noxious weeds shall be prohibited. All heavy growth of weeds that impairs the health or safety of persons or property is prohibited. 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. All trees and shrubs shall be trimmed as necessary to prevent safety hazards to pedestrian or vehicular traffic.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, the owner

or agent 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 employee of the Borough shall be authorized to enter upon the property that is in violation and cut and destroy the weeds growing thereon in the prescribed areas. The code official shall have the authority and discretion to retain services to enter upon the property that is in violation and cut and destroy such weeds. All costs of such cutting and destruction shall be paid by the owner or agent responsible for the property. ”

(T) Section 302.7 Accessory Structures is hereby amended to read as follows:

“All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair, and any accessory structure that presents a safety or health hazard to persons or property may be deemed a nuisance.”

(U) Section 302.8 Motor Vehicles is hereby amended to add a Subsection thereto to read as follows:

“302.8.1 Used Vehicle Parts and Tires. No used vehicle parts or tires shall be kept or stored on any premises outside of an enclosed structure.

Exception: Business enterprises regularly engaged in the repair of motor vehicles or the sale of used vehicle parts if in compliance with all other applicable regulations, including, without limitation, the Borough’s zoning code, and if such keeping or storage does not constitute a nuisance.”

(V) Section 302 Exterior Property Areas is hereby amended to add an additional Section thereto to read as follows:

“302.10 Fire Hydrant Obstruction. Unobstructed access for firefighting personnel to fire hydrants shall be maintained at all times, including, but not limited to, maintaining a three-foot open space around each fire hydrant.”

(W) The last sentence of Section 304.7 Roofs and Drainage is hereby amended to read as follows:

“Roof water shall not be discharged, or permitted to be discharged, in a manner that creates or permits a safety or health hazard or a public nuisance.”

(X) The dates referred to in Section 304.14 Insect Screens shall be from April 1 to December 1.

(Y) Section 506.1 General is hereby amended to add a sentence thereto to read as follows:

“No person shall permit sanitary sewage or drainage to create a safety or health hazard to persons or property by reason of inadequate or improper construction, maintenance or manner of discharge.”

(Z) Section 507.1 General is hereby amended to read as follows:

“Drainage of roofs and paved areas, yards and courts and other open areas on a premises shall not be discharged in a manner that violates any other applicable regulation or that creates a nuisance. No person shall permit storm drainage to create a safety or health hazard to persons or property by reason of inadequate or improper construction, maintenance or manner of discharge. No person shall permit roof gutters, drains or any other drainage system designed and constructed to transport storm water to be discharged into any sanitary sewage system or on to the property of another person. Basement floor drains are allowed to discharge storm water into a sanitary sewage system provided that such drains are properly installed, connected and maintained.”

(AA) The dates referred to in Section 602.3 Heat supply shall be from October 1 to May 31.

(BB) The dates referred to in Section 602.4 Occupiable work spaces shall be from October 1 to May 31.

Section 3: Ordinance No. 245 of 2006 and all other ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance or the *International Property Maintenance Code*, 2012 Edition, as adopted by this Ordinance, are hereby repealed insofar as the same affect this Ordinance.

Section 4: In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Council of the Borough that the remainder of this Ordinance shall be and remain in full force and effect.

Section 5: This Ordinance shall become effective on April 15, 2015.

APPROVED this 15th day of April, 2015.

ATTEST:

BOROUGH OF SUGARCREEK

Borough Secretary

By _____
President of Council

By _____
Mayor

Voting For:

Voting Against: