

ORDINANCE NO. 634

**AN ORDINANCE ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY AND MAINTENANCE CODE, 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 IN THE BOROUGH OF MONT ALTO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH.**

BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE BOROUGH OF MONT ALTO, FRANKLIN COUNTY, PENNSYLVANIA:

SECTION 1: That a certain document, three (3) copies of which are on file in the office of the Borough of Mont Alto, 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 Borough of Mont Alto 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 an all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Mont Alto are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2:

A. The following sections are hereby revised:

Section 101.1. Insert:	Borough of Mont Alto, Franklin County, Pennsylvania
Section 103.5. Insert:	Set from time to time by resolution adopted by the Borough Council.
Section 302.4. Insert:	Six (6) inches.
Section 304.14. Insert:	May 1 <sup>st</sup> to October 1 <sup>st</sup>
Section 602.3. Insert:	October 1 <sup>st</sup> to April 30 <sup>th</sup>
Section 602.4. Insert:	October 1 <sup>st</sup> to April 30 <sup>th</sup>

B. The following sections of the International Property Maintenance Code, 2015 edition are hereby amended as follows:

Section 106.4. Delete in its entirety and replace with the following:

Violation Penalties: Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any of the provisions of this Ordinance shall, upon conviction hereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) dollars and the costs of prosecution, and, in default of payment of such fines and costs, to imprisonment for not more than Ninety (90) days. Provided, however, each day's violation shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

C. The following sections are hereby added to the International Property Maintenance Code, 2015 edition:

Add Section 109.7. Abatement by the Borough. If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Code Enforcement Officer within the time specified in the notice issued by such person and no petition for a hearing is filed within 15 days thereafter, or following a hearing by the Borough of Mont Alto, the order is sustained thereby, the Code Enforcement Officer or Borough Council shall cause such building or structure to be repaired, vacated or demolished as determined by the Borough of Mont Alto in accordance with the standard herein provided. The Borough of Mont Alto may collect the cost of such repair, vacation or demolition together with a penalty of ten (10%) percent of such cost plus attorney's fees incurred by the Borough regarding the same, in the manner provided by law, or the Borough of Mont Alto may seek injunctive relief in a court of competent jurisdiction pursuant to the Pennsylvania Rules of Civil Procedure.

Add Section 110.5. Excavation to be refilled. After removal of said building or structure, any excavation thereunder shall be refilled with earth or other suitable material to match the existing ground level.

Add Section 111.4.2. Duties of the Code Enforcement Officer. The Code Enforcement Officer shall appear at all hearings as directed by Borough Council to testify regarding the condition of properties found to be in violation or found to be a nuisance.

SECTION 3: Any and all ordinance or parts of ordinances in conflict herewith are repealed.

SECTION 4: 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 Borough Council 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 5: That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending 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 3 hereof; nor shall any just or legal right or remedy of any character be lost, impaired or affected hereby.

SECTION 6: That 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 May 1, 2016 from and after the date of its final passage and adoption.

Ordained and enacted into an Ordinance this 2nd day of May, 2016.

BOROUGH OF MONT ALTO

ATTEST:

Patricia A. Kozak  
Secretary

Paul W. De  
President of the Town Council

Approved this 2nd day of May, 2016.

Donald Whitmore  
Mayor