

BOROUGH COUNCIL
BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA

ORDINANCE NO. 287 .

ADOPTION OF THE 1990 BOCA NATIONAL PROPERTY MAINTENANCE CODE,
AS MODIFIED.

(Duly Adopted September 11, 1991)

AN ORDINANCE ADOPTING "THE BOCA NATIONAL PROPERTY MAINTENANCE CODE/1990, THIRD EDITION", WITH CERTAIN CHANGES AS HEREIN SET FORTH, ESTABLISHING THE MINIMUM REGULATIONS 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 INSURE 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 STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF ALBURTIS.

WHEREAS, the Borough Council of the Borough of Alburttis, in order to provide for, promote, secure and maintain the public health, safety, and welfare, now desire to adopt an updated Property Maintenance Code, as modified herein, for application to buildings and housing within the Borough; and

WHEREAS, the Commonwealth of Pennsylvania has granted power and authority to the Borough and set forth procedures to adopt the aforesaid Code and regulations, appoint inspectors, and provide for enforcement and penalties for violations, by Sections 1202(24) and 3308 of the Borough Code (53 P.S. Section 46202(24) and 48308), and Sections 4101 through 4104 inclusive of the General Municipal Law Building Regulations (53 P.S. Section 4101-4104 inclusive);

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Alburttis, a Borough duly organized and

existing under the Borough Code and the laws of the Commonwealth of Pennsylvania, and located in Lehigh County, as follows:

§ 123-1. ADOPTION OF PROPERTY MAINTENANCE CODE; COPIES ON FILE.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of Alburtis, being marked and designated as "The BOCA National Property Maintenance Code, Third Edition, 1990" as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Alburtis, in the County of Lehigh, Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided, and shall be codified in the "Codified Ordinances of the Borough of Alburtis" as Chapter 123 Property Maintenance; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, amendments, insertions, deletions, modifications, and changes, if any, prescribed in Section 123-2 of this Ordinance.

Chapter 123

PROPERTY MAINTENANCE

§123-1. Adoption of Property Maintenance Code; Copies on File.

§123-2. Additions, Amendments, Insertions, Deletions, and Changes.

§123-3.A. Inconsistent Ordinances Repealed.

§123-3.B. Continuation.

§123-3.C. Saving Clause.

§123-3.D. Severability.

§123-4. Date of Effect and Enactment.

[HISTORY: Adopted by the Borough Council of the Borough of Alburdis on August 14, 1991, as Ordinance No. _____, approved _____, 1991.]

§ 123-2. ADDITIONS, AMENDMENTS, INSERTIONS, DELETIONS, MODIFICATIONS, AND CHANGES.

The BOCA National Property Maintenance Code is hereby amended and revised with the following additions, amendments, insertions, deletions, modifications and changes:

A. Article 1 ADMINISTRATION AND ENFORCEMENT, Section PM-100.0 GENERAL, SUBSECTION PM-100.1 TITLE (page 1, second line):
INSERT "the Borough of Alburdis" at the space indicated for "[NAME OF JURISDICTION]".

B. ARTICLE 1 ADMINISTRATION AND ENFORCEMENT, SECTION PM-109.0 VIOLATIONS, SUBSECTION PM-109.2 PENALTY (page 7):

(1) DELETE the text of this subsection in its entirety.

(2) INSERT in its place the following:

"PM-109.2 Penalty: Any person, firm or corporation, who shall violate any provision of this code shall, upon being found liable therefore before the District Justice or any

other court of competent jurisdiction, be subject to a civil penalty of not less than \$100.00 plus costs, including reasonable attorney's fees, nor more than \$1,000.00 plus costs, including reasonable attorney's fees, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate violation."

C. ARTICLE 3 GENERAL REQUIREMENTS, SECTION PM-302.0 EXTERIOR STRUCTURE, SUBSECTION PM-302.12 INSECT SCREENS (page 17, first line):

INSERT "April 1 to October 30" at the spaces indicated for "[DATE] to [DATE]".

D. ARTICLE 6 MECHANICAL AND ELECTRICAL REQUIREMENTS, SECTION PM-601.0 HEATING FACILITIES, SUBSECTION PM-601.1 RESIDENTIAL BUILDINGS (page 27, second paragraph, 4th line):

INSERT "October 1 to April 30" for the spaces indicated "[DATE] to [DATE]".

E. ARTICLE 6 MECHANICAL AND ELECTRICAL REQUIREMENTS, SECTION PM-601.0 HEATING FACILITIES, SUBSECTION PM-601.2 NON-RESIDENTIAL STRUCTURES (page 27, second line):

INSERT "October 1 to April 30" at the spaces indicated for "[DATE] to [DATE]".

F. ARTICLE 1 ADMINISTRATION AND ENFORCEMENT, SECTION PM-111.0 RIGHT TO APPEAL (pages 9 and 10):

(1) DELETE the text of this Section in its entirety.

(2) INSERT in its place the following:

"Any appeal from any decision of the Code Official shall be heard by the Borough of Alburtis Zoning Hearing Board, pursuant to and consistent with the practices and procedures established for or by the Board".

G. ARTICLE 3 - GENERAL REQUIREMENTS, SECTION PM-301.0 EXTERIOR PROPERTY AREAS, SUBSECTION PM-301.4 WEEDS (page 15):

(1) DELETE the text of this subsection in its entirety.

(2) INSERT in its place the following:

"Weeds and other plant growth on all premises and exterior property shall be maintained in accordance with Chapter 56 of the Codified Ordinances of the Borough of Alburtis, as amended from time to time."

H. ARTICLE 8 - RESPONSIBILITIES OF PERSONS, SECTION PM-801.0 SANITARY CONDITION, SUBSECTION PM-801.4 GARBAGE FACILITIES (page 35, 3rd and 4th lines):

DELETE "...an approved incinerator unit in the structure for the use of the occupants in each dwelling unit, ...".

I. ARTICLE 8 - RESPONSIBILITIES OF PERSONS, SECTION PM-802.0 EXTERMINATION, SUBSECTION PM-802.2 OCCUPANT (page 36, 1st, 2nd, and 4th lines):

CHANGE "occupant" to owner" wherever "occupant" appears in this subsection.

J. (1) Scope and Application: This modification shall apply only to those residential dwellings which are classified as "Residential Use Groups R-3 and R-4" by ARTICLE 3 USE GROUP CLASSIFICATION, SECTION 309.0 USE GROUP R, RESIDENTIAL USES, Subsections 309.4 Use Group R-3 Structures and 309.5 Use Group R-4 Structures (generally, one- or two-family dwelling units, and multiple single family dwellings) of "THE BOCA NATIONAL BUILDING CODE/1990", Eleventh Edition, a referenced standard in Appendix A of this Code.

(2) Affected Subsections: This modification shall apply only to the following specifically listed subsections of this Code:

(a) ARTICLE 1 - ADMINISTRATION AND ENFORCEMENT, SECTION PM-105.0 CONDEMNATION, SUBSECTION PM-105.2 UNSAFE STRUCTURE: (page 4);

(b) ARTICLE 1 - ADMINISTRATION AND ENFORCEMENT, SECTION PM-109.0 VIOLATIONS, SUBSECTION PM-109.1 UNLAWFUL ACTS: (page 7);

(c) ARTICLE 3 - GENERAL REQUIREMENTS, SECTION PM-300.0 GENERAL, SUBSECTION PM-300.2 RESPONSIBILITY: (page 15) for maintenance, occupancy, or use in compliance with requirements;

(d) ARTICLE 4 - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS, SECTION PM-400.0 GENERAL, SUBSECTION PM-400.2 RESPONSIBILITY: (page 10) to provide, maintain, occupy, or use in compliance with requirements;

(e) ARTICLE 5 - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS, SECTION PM-500.0 GENERAL, SUBSECTION PM-500.2 RESPONSIBILITY: (page 23) to provide, maintain, occupy, or use in compliance with requirements;

(f) ARTICLE 6 - MECHANICAL AND ELECTRICAL REQUIREMENTS, SECTION PM-600.0 GENERAL, SUBSECTION PM-600.2 RESPONSIBILITY: (page 27), to provide and maintain, occupy or use in compliance with requirements;

(g) ARTICLE 6 - MECHANICAL AND ELECTRICAL REQUIREMENTS, SECTION PM-602.0 ELECTRICAL FACILITIES, SUBSECTION PM-602.3 ELECTRICAL SYSTEM HAZARDS: (page 29), requirement to correct defects to eliminate hazards;

(h) ARTICLE 7 - FIRE SAFETY REQUIREMENTS, SECTION PM-700.0 GENERAL, SUBSECTION PM-700.2 RESPONSIBILITY: (page

31), to provide, maintain, occupy, or use in compliance with requirements;

(i) ARTICLE 9 - HAZARD ABATEMENT IN EXISTING BUILDINGS, SECTION PM-900.0 GENERAL, SUBSECTION PM-900.5 RESPONSIBILITY: (page 37), to provide and maintain in compliance with requirements.

(3) Effect of Modification: The foregoing listed specific subsections of this Code shall be applied, interpreted, modified, and enforced so that the owner shall be required to repair, rebuild, provide, maintain, or replace existing deteriorated, missing, or unsafe components, as the circumstances may be, only in accordance with the following provisions of this modification, and in accordance with ARTICLE 1 - ADMINISTRATION AND ENFORCEMENT, SECTION PM-103.0 APPROVAL, Subsection PM-103.2 Modifications (page 2) of this Code.

(4) When: Either in an emergency situation, or upon written complaint or notice by any Emergency Management Services personnel, including but not limited to fire departments, police, rescue squads, paramedics, ambulance squads, etc.

(5) Component Standards: The components shall be either "in kind", or else their functional equivalent, so that the basic design shall remain substantially similar, updated to contemporary standards.

(6) Exception: Components for historical buildings, as identified and classified by ARTICLE 5 - GENERAL BUILDING

LIMITATIONS, SECTION 513.0 SPECIAL HISTORIC BUILDINGS AND DISTRICTS (pages 74-75) of THE BOCA NATIONAL BUILDING CODE/1990", Eleventh Edition, a referenced standard in Appendix A of this Code, need not be updated to contemporary standards.

(7) Unsafe: "Unsafe" shall be as defined by the provisions of ARTICLE 1 - ADMINISTRATION AND ENFORCEMENT, SECTION PM-105.0 CONDEMNATION, SUBSECTION PM-105.2 UNSAFE STRUCTURE: (page 4) of this Code.

§123-3.A. INCONSISTENT ORDINANCES REPEALED.

All other Ordinances, Chapters, or Codes or parts of Ordinances, Chapters or Codes in conflict herewith in whole or in part are hereby repealed, but only to the extent of such conflict.

123-3.B. CONTINUATION.

The provisions in this chapter and of the Code and Ordinance hereby adopted, insofar as they are the same as those Chapters, Ordinances, and/or Codes in force immediately prior to the enactment of this Chapter, Code, and Ordinance, are intended as a continuation of such Ordinances, Chapters, and Codes, and not as new enactments.

§123-3.C. SAVING CLAUSE.

This Ordinance, Chapter, and the BOCA National Property Maintenance Code hereby adopted shall not be construed to affect any suit or proceeding now pending in any court, or any rights acquired, accrued, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby

repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any individual or entity of any character be lost, impaired or affected by this Ordinance, Code, or Chapter.

§123-3.D. SEVERABILITY.

If any provision of this Code, Chapter, or this Ordinance or the application thereof is held invalid, the invalidity shall not affect any other provisions or applications of this Code, Chapter, or this Ordinance, and the remaining provisions and applications shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

§123-4. DATE OF EFFECT AND ENACTMENT.

That the Secretary of the Borough of Alburtis shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of final passage and approval of this Ordinance.

ENACTED AND ORDAINED this 11 day of September, 1991 at a public meeting in lawful session duly assembled.

ATTEST:

BOROUGH OF ALBURTIS
BOROUGH COUNCIL

Louise M. Staub
LOUISE M. STAUB, Secretary

BY: Carlton R. Raines
CARLTON R. RAINES, President

AND NOW, this 11 day of September, 1991, the above ORDINANCE is hereby approved.

Ronald DeIaco
RONALD DEIACO, Mayor