

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 339

(Duly Adopted September 25, 1996)

AN ORDINANCE ADOPTING “THE BOCA® NATIONAL PROPERTY MAINTENANCE CODE/1996”, WITH CERTAIN MODIFICATIONS, AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF ALBURTIS, SUPERSEDING THE 1990 EDITION OF THE BOCA® CODE; REESTABLISHING AND AMENDING THE MINIMUM REGULATIONS 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 INSURE 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 STRUCTURES; AND PROVIDING PENALTIES FOR VIOLATIONS.

**WHEREAS**, the Borough of Alburdis is empowered to enact, amend, and repeal property maintenance codes under Section 1202(24) of the Borough Code, 53 PA. STAT. ANN. § 46202(24) *et seq.*; and

**WHEREAS**, Borough Council adopted the 1990 edition of the BOCA® National Property Maintenance Code, with certain modifications, on September 11, 1991 by Ordinance No. 287; and

**WHEREAS**, BOCA® has recently issued the 1996 edition of its National Property Maintenance Code; and

**WHEREAS**, Borough Council desires to update the Borough’s Property Maintenance Code by adopting the 1996 edition of the BOCA® National Property Maintenance Code, with certain modifications;

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

**§ 1. Adoption of Property Maintenance Code.** A certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of Alburdis, being marked and designated as “The BOCA National Property Maintenance Code, Fifth Edition, 1996” as published by the Building Officials and Code Administrators International, Inc. (and incorporated herein by reference), and as modified by the additions, insertions, and changes set forth in Section 2 of this Ordinance, is hereby adopted as the Property Maintenance Code of the Borough of Alburdis, Lehigh County, Pennsylvania.

**§ 2. Additions, Insertions, and Changes.** The 1996 BOCA National Property Maintenance Code is modified as follows for purposes of the Property Maintenance Code of Borough of Alburdis (with insertions indicated by double underlining and deletions indicated by ~~stricken through~~ type):

(a) **Name of Jurisdiction.** PM-101.1 (relating to Administration—General—Title) is modified as follows:

These regulations shall be known as the Property Maintenance Code of ~~{NAME OF JURISDICTION}~~ the Borough of Alburdis, hereinafter referred to as “this code.”

(b) **Penalties.** PM-106.2 (relating to Administration—Violations—Penalty) is modified as follows:

Any *person* who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not less than ~~{AMOUNT}~~ One Hundred Dollars (\$100.00) nor more than ~~{AMOUNT}~~ One Thousand Dollars (\$1,000.00) or imprisonment for a term not to exceed ~~{NUMBER}~~ thirty (30) days, or both, at the discretion of the court, plus costs. In default of the payment of the fine and costs, a convicted *person* shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(c) **Appeals.** PM-111.2 through 111.7 (relating to Administration—Means of Appeal—Membership of the board; Notice of meeting; Open hearing; Postponed hearing; Board decision; and Court review) are deleted in their entirety and replaced with the following new PM-111.2:

**PM-111.2 Board of appeals.** The Board of Appeals under this Code shall be the Borough of Alburdis Zoning Hearing Board, which shall conduct appeals under this Code in accordance with its ordinary practices and procedures.

(d) **Weeds.** PM-303.4 (relating to General Requirements—Exterior Property Areas—Weeds) is deleted in its entirety. *See* Chapter 56 of the Code of the Borough of Alburdis, as amended from time to time, for treatment of this subject matter.

(e) **Insect Screens.** PM-304.15 (relating to General Requirements—Exterior Structure—Insect screens) is modified as follows:

During the period from {DATE} April 1 to {DATE} October 31, every door, window and other outside opening utilized or required for *ventilation* purposes serving any structure . . . .

(f) **Garbage Facilities.** PM-306.3.1 (relating to General Requirements—Rubbish and Garbage—Disposal of garbage—Garbage facilities) is modified as follows:

The *owner* of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each *dwelling unit*; ~~an approved incinerator unit in the structure available to the occupants in each dwelling unit~~; or an approved leakproof, covered, outside *garbage* container.

(g) **Heat Supply for Residential Structures.** PM-602.2.1 (relating to Mechanical and Electrical Requirements—Heating Facilities—Residential buildings—Heat supply) is modified as follows:

Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling unit*, *rooming unit*, *dormitory* or guestroom on terms, either express or implied, to furnish heat to the *occupants* thereof shall supply sufficient heat during the period from {DATE} October 1 to {DATE} April 30 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

(h) **Heat Supply for Nonresidential Structures.** PM-602.3 (relating to Mechanical and Electrical Requirements—Heating Facilities—Residential buildings—Heat supply) is modified as follows:

Every enclosed occupied work space shall be supplied with sufficient heat during the period from ~~{DATE}~~ October 1 to ~~{DATE}~~ April 30 to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

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**§ 3. Repealer; Continuation.** Ordinance No. 287 (adopted September 11, 1991), Chapter 123 of the Code of the Borough of Albury (as adopted by Ordinance No. 287), and any other ordinances or parts of ordinances in conflict with this Ordinance are repealed. However, nothing in this Ordinance (including the material incorporated herein by reference) 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 ordinance or provision repealed by this Ordinance. To the extent the provisions of the Property Maintenance Code of the Borough of Albury, as enacted by this Ordinance, are the same as the provisions of the Property Maintenance Code of the Borough of Albury as in effect immediately before the adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of the pre-existing ordinance and Code provisions and not as a new enactment.

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, this 25th day of September, 1996, in lawful session duly assembled.

BOROUGH COUNCIL  
BOROUGH OF ALBURDIS

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Steven R. Hill, President

Attest:

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Louise Stahley, Secretary

**AND NOW**, this 25th day of September, 1996, the above Ordinance is hereby APPROVED.

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Ronald J. DeIaco, Mayor

*{The full text of the 1996 BOCA® National Property Maintenance Code is on file in the Office of the Secretary of the Borough of Alburdis.}*