

## Chapter 178

### PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Borough Council of the Borough of Linesville 7-13-2010 by Ord. No. 300. Amendments noted where applicable.]

#### GENERAL REFERENCES

Uniform construction codes — See Ch. 100.  
Nuisances — See Ch. 150.  
Solid waste — See Ch. 211.

Streets and sidewalks — See Ch. 218.  
Junked or abandoned vehicles — See Ch. 247.

#### § 178-1. Adoption of International Property Maintenance Code by reference.

The International Property Maintenance Code, 2006 Edition, as published by International Code Council, is hereby adopted as the Property Maintenance Code of the Borough of Linesville for the regulation of property, buildings and structures and the provisions, regulations, standards and terms of said International Property Maintenance Code are incorporated herein by reference as though fully set forth in this chapter except as set forth hereafter.

#### § 178-2. General additions, insertions and changes to International Property Maintenance Code.

The following sections of the International Property Maintenance Code adopted hereunder are modified as follows:

- A. Section 101.1. Title. Insert: "Borough of Linesville."
- B. Section 101.2. Scope. Insert the following at the end of this paragraph: "Provided, however, that the code provisions regarding interior standards shall not be applicable to owner-occupied single-family dwellings existing at the time of passage of this chapter unless or until the owner-occupied single-family dwelling is altered and/or an addition is added to said owner-occupied single-family dwelling. For purposes of this code, the term

'owner-occupied single-family dwelling' shall mean a detached dwelling unit and the lot on which the dwelling stands is one which is designed for, and not occupied by, more than one family and is owner-occupied."

- C. Section 103.2. Insert the following at the end of the paragraph: "The Code official shall be appointed annually by resolution of Borough Council."
- D. Section 103.5: Insert "Fees shall be those currently in force or such as may be adopted or modified from time to time by resolution of the Borough Council."
- E. Section 304.14. Insert: "May 1 to November 1."
- F. Section 602.3. Insert "October 1 to May 31."
- G. Section 602.4. Insert "October 1 to May 31."
- H. Delete Section 102.4.
- I. Section 103.1, General, is modified by adding: "The officer referred to herein as the Code Official shall be the Linesville Property Maintenance Code Official."
- J. Section 302.4. Insert "Six inches."
- K. Section 302.8. Substitute the following language under Exception: "A vehicle of any type is permitted to be stored, to undergo major overhaul, including body work, provided that such work or storage is performed inside a structure of a similarly enclosed area designed and approved for such purposes."
- L. Section 303.2. Change "24 inches" to "48 inches."
- M. Section 304.3. Delete "alphabet letters" and substitute "three inches" for "four inches."

**§ 178-3. Changes to Section 104.3 of International Property Maintenance Code.**

There is added to Section 104.3 of the International Property Maintenance Code, entitled "Inspections," the following:

"The Code Official shall inspect any building, structure or premises which are the subject of complaints made by any person including police, firemen or other Borough officials, to determine whether there exists an unsafe or unfit structure, unsafe equipment, or other violation of this Code; or condition which the Code Official has reasonable cause to believe may constitute an unsafe or unfit structure, unsafe equipment, or violation;

"The Code Official shall make a report of all inspections of any premises, building or structure or condition found to be an unsafe or unfit structure or unsafe equipment or other violation. This report shall include, among other things, the dates and times of inspection, persons in attendance, description of premises inspected, description of conditions warranting action, reference to photos or videotapes, and any other significant details or facts."

**§ 178-4. Changes to Section 107, Notices and Orders.**

There is added to Section 107.1, Notice to Persons Responsible, the following: "Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner and the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Persons responsible shall include tenants or other persons in possession or control of the premises."

**§ 178-5. Modify Section 111, Means of Appeal.**

Section 111 of the International Property Maintenance Code, entitled "Means of Appeal," is hereby modified as follows:

- A. Section 111.1 Application for appeal. Substitute "10 days" for "20 days."
- B. The following Sections 111.9-111.14 are added to Section 111:

**111.9. Disqualification of Member:** A member shall not hear an appeal in which that member has any personal, professional, or financial interest.

**111.10. Notice of Appeal:** An appeal shall be taken by filing a written notice thereof on a form prescribed by the Borough Council setting forth the reason for the appeal and payment of fees as established from time to time by resolution of the Borough Council.

**111.11. Hearing:** The Board of Appeals shall hold a public hearing on the appeal within 30 days of the filing of the appeal pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S.A. §§ 551-555, and amendments thereto. If a stenographic record is requested by any party or required for any reason, reasonable stenographic fees shall be paid 1/2 by the Borough and 1/2 by the appellant, who shall pay in advance a deposit toward stenographic fees in an amount designated by the Borough.

**111.12. Board Decision:** Board action may be taken by two members of the three members Board of Appeals. The Board of Appeals may affirm, reverse or modify a decision of the Code Official.

**111.13. Appeals to Court:** An appeal from a decision of the Board of Appeals may be taken by an aggrieved person in accordance with the Pennsylvania Local Agency Law, 2 Pa. C.S.A. §§ 751-754, and amendments thereto.

**111.14. Administration:** Unless there is a pending appeal, the Code Official shall act in accordance with the decision of the Board of Appeals.

**§ 178-6. Addition of new Section 112 and 113 to International Property Maintenance Code.**

There are hereby added to the International Property Maintenance Code, hereby adopted, new Sections 112 and 113 as follows:

**112.0. Hearing Procedures for Unsafe and Unfit Structures Requiring Vacation or Demolition:** No action shall be taken by the Borough of Linesville to have a dangerous structure demolished, removed or vacated without following the procedures listed below:

**112.1.** Upon receipt of a report by the Code Official that there is an unsafe or unfit structure or hazardous condition of the structure or premises which has not been corrected after notice and opportunity, and the Code Official shall have determined to vacate the structure or to demolish and remove the structure to avoid serious risk of harm or injury to occupants or to the public, the Borough shall give written notice in a manner consistent with the requirements of this code.

**112.2.** After serving notice, then, in the event that any affected person shall bring an appeal as provided under Section 111 of the code and Section 5 of this chapter, the Board of Appeals shall hold a public hearing pursuant to public notice to review the investigation of the building as performed by the Code Officer and other representatives and/or experts appointed by Council, and hear such testimony as the owners, responsible persons or any other person having an interest in said premises, shall offer relative to the alleged dangerous conditions.

**112.3.** Following the hearing, the Board of Appeals shall make written findings of fact from the testimony and evidence offered at the hearings as to whether or not the building in question is an unsafe or unfit structure within the terms of this code. The Board of Appeals shall issue an order based upon the findings of fact demanding the owners and persons responsible, or any other person having an interest in said building to repair, vacate or demolish any building found to be an unsafe or unfit structure within the terms of the code. The Board of Appeals shall forthwith cause written notice of its findings of fact and order to be served upon the owners and responsible persons, in accordance with the provisions of this code.

**113.0. Enforcement Remedies and Penalties:** If any person or persons shall maintain a structure, equipment or premises in violation of this Code, fail to comply with notices and orders lawfully issued under this Code, or in any other manner violate the provisions of this Code, they shall be subject to the following penalties or remedial action by the Borough which shall supplement and amend Section 106 of the International Property Maintenance Code:

**113.1.** Any person who fails to comply with any or all of the requirements or provisions of this code or who fails or refuses to comply with any notice or order of the Code Official or any other authorized representative of the Borough shall be guilty of a summary offense and, upon conviction, shall pay a fine not to exceed \$1,000 per violation, plus costs of prosecution, including court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. In default of such payment, such person shall be imprisoned for a period not to exceed 30 days. Each day or portion thereof that a violation is found to exist shall constitute a separate offense. Each section of the code which his being violated shall also constitute a separate offense. <sup>1</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**113.2.** If the owners or responsible persons fail to comply with any notice or order issued by the Code Official or Board of Appeals after hearing in accordance with the provisions of this code, to repair, vacate or demolish any dangerous structure within the time established in the order, the Borough may cause such unsafe or unfit structure or other dangerous condition to be repaired, vacated or demolished and the debris removed by the Borough, as the circumstances may warrant, and collect the costs of such repairs, vacation, or demolition, together with reasonable attorney fees and costs, and a penalty of 10% from the owners or responsible persons. The Council may collect these costs and charges by a suit at law against the owners and responsible persons or may file a municipal lien against the lands on which the subject structure was located, or both. The recovery of such costs and expense, together with the penalty, may be in addition to other penalties imposed in this code.

**113.3.** In the event that after notice and opportunity to correct the situation, violations continue unabated without any remedial action, or are determined to constitute a public nuisance, or in the event it is determined that the condition creates an immediate and substantial danger to the public, the Borough Council may institute an action in equity or at law to abate the nuisance and obtain such other relief as it is appropriate, including but not limited to an order:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- (3) To require the removal of work in violation; or
- (4) To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

**113.4.** The Borough may take any appropriate action to recover any penalties or costs imposed including instituting suit for collection, executing on the judgment, or filing a municipal claim and lien for any amounts due.

**113.5.** The remedies provided herein for the enforcement of this code, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Borough.

#### **§ 178-7. Maintenance of code for public use.**

The Borough shall maintain copies of the International Property Maintenance Code, 2006 Edition, at the office of the Borough Housing Inspection, which shall be available for public use, inspection and copying during regular business hours. The Borough shall make these materials available upon reasonable request. The Borough may charge reasonable copying charges to the person requesting copies.

#### **§ 178-8. Repeal of inconsistent ordinances.**

Any ordinance or parts of ordinances inconsistent or in conflict with this chapter and the International Property Maintenance Code are hereby repealed.