

DEER LAKE BOROUGH
SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 78

AN ORDINANCE OF DEER LAKE BOROUGH,
SCHUYLKILL COUNTY, PENNSYLVANIA, ADOPTING THE INTERNATIONAL
PROPERTY MAINTENANCE CODE, WITH CERTAIN ENUMERATED ALTERATIONS,
AS THE PROPERTY MAINTENANCE CODE OF DEER LAKE BOROUGH,
AND PRESCRIBING PROCEDURES AND PENALTIES FOR VIOLATIONS.

WHEREAS, the Council wishes to regulate such maintenance in Deer Lake Borough to prevent buildings and housing from deteriorating into such a dilapidated condition so as to constitute blight, which could affect property values in Deer Lake Borough, and have a deleterious affect on the health of the residents of Deer Lake Borough;

NOW, THEREFORE, the following is hereby ORDAINED and ENACTED:

Section 1. This Ordinance shall be titled and may be referred to as the Property Maintenance Code of Deer Lake Borough.

Section 2. Deer Lake Borough hereby adopts, as amended below, the International Property Maintenance Code, as published by the International Code Council, 2006 edition, as the property maintenance code of Deer Lake Borough as authorized by 53 P.S. §66517.

Section 3. The following amendments are hereby made to the following sections of the International Property Maintenance Code as said Code shall be applicable in Deer Lake Borough:

A. Section 101.1: insert Deer Lake Borough.

B. Section 103.5: insert the following fee schedule: \$75.00 for initial inspection; re-inspection if not corrected \$75.00; second re-inspection if not corrected \$100.00; cost incurred by Deer Lake Borough for workers if non-compliant; cost incurred by Deer Lake Borough for contractors if non-compliant; cost incurred by Deer Lake Borough for materials if non-compliant. This fee schedule may be amended from time to time by resolution.

C. Section 104.1: amend to read as follows: Deer Lake Borough may appoint a code official from time to time by resolution to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

D. Section 106.3: substitute "summary offense" for any reference to "misdemeanor".

E. Section 106.4: amend to read as follows: Enforcement of this Ordinance may be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, owner, operator, occupant or tenant in violation of any provision of this Ordinance, upon conviction thereof, shall pay a fine of not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars per violation, and/or be sentenced to a term of imprisonment either upon conviction or for failure to pay a fine or costs for a time not exceeding thirty (30) days per violation. Any such person, owner, operator, occupant or tenant shall also pay court costs. Each day on which a violation of this Ordinance exists shall be considered a separate violation.

F. Section 106.5: amend to read as follows: The imposition of the penalties prescribed in Section 106.4 shall not preclude Deer Lake Borough from instituting appropriate equitable action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

G. Section 107.2: the notice form as stated in this section is adopted in its entirety except subpart 5, relating to informing the property owner of the right to appeal, which subpart shall only be required when a condemnation is sought under Section 108 or a demolition is sought under Section 110.

H. Section 108.6: amend to read as follows: The owner, operator or occupant of a building, structure, premises or equipment deemed unsafe or unfit for human occupancy or use by the code official shall abate or cause to be abated or corrected such conditions rendering the building, structure, premises or equipment unsafe or unfit either by repair, rehabilitation, demolition or other approved action. If the owner, operator or occupant fails to abate or correct such conditions within a reasonable time the code official may cause the abatement or correction to occur, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement or correction may be charged against the owner or the real estate upon which the building, structure, premises or equipment is located, and shall be a lien upon such real estate.

I. Section 111.1: amend to read as follows: Any person directly affected by a decision of the code official or a notice or order issued under this code relating to a condemnation under Section 108 or a demolition under Section 110 shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed with the Deer Lake Borough Secretary within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

J. Section 111.2: amend to read as follows: The board of appeals shall consist of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of Deer Lake Borough. The board shall be appointed by the Deer Lake Borough Council from time to time by resolution, and shall serve staggered and overlapping terms. The Council may, in its discretion, also appoint from time to time by resolution an independent solicitor to guide the appeals board in dealing with any legal issues arising in the course of the appeal.

K. Section 111.2.1: amend to read as follows: The Deer Lake Borough Council may appoint two or more alternate members, from time to time by resolution, who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

L. 111.2.4: amend to read as follows: The Deer Lake Borough Council shall designate, from time to time by resolution, a qualified person to serve as secretary to the board, who may be an employee of Deer Lake Borough. The secretary shall file a detailed record of all proceedings with the Deer Lake Borough Council.

M. 111.2.5: amend to read as follows: Compensation of members of the appeal board, the secretary of the appeal board, and the solicitor to the appeal board, if any, shall be provided for by Deer Lake Borough from time to time by resolution.

N. 111.4.1: amend to read as follows: The appeals board shall conduct a hearing consistent with requirements of due process, but strict compliance with rules of evidence shall not be required.

O. 111.5: amend to read as follows: A hearing shall be scheduled before the appeals board within sixty (60) days of the filing of the application for appeal. Any party may request a reasonable continuance of the hearing for good cause shown, and the appeals board shall decide any requests for continuance.

P. 111.6.1: amend to read as follows: Any hearing before the appeals board shall be stenographically recorded. The decision of the board shall be in writing with copies furnished to the appellant or his legal representative and to the code official, and shall be filed with the Deer Lake Borough Secretary. The decision shall be made within thirty (30) days of the final hearing, but no later than one hundred twenty (120) days from the date the appeal was filed, unless extension of these dates are agreed upon by both the appellant or his legal representative and the code official on the record at one of the hearings or in writing addressed to the appeals board. Failure to file a timely decision shall constitute a granting or sustaining of the appeal.

Q. 111.6.2: amend to read as follows: The code official shall take immediate action in accordance with the decision of the board, subject to the rights specified in Section 111.7 below.

R. 111.7: amend to read as follows: Appeals from the decision of the appeals board shall be made pursuant to the Local Agency Law.

S. 112.4: amend 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 conditions, commits a violation of this code and is subject to prosecution and penalties as provided in Sections 106.3 and 106.4.

T. 302.4: insert 12 inches.

U. Section 304.14: insert from April 15 to September 15.

V. Section 602.3: insert from October 15 to May 1.

W. Section 602.4: insert from October 15 to May 1.

Section 4. This Ordinance is meant to supplement, not supplant, any prior Ordinances of Deer Lake Borough. The remedies available through this Ordinance are in addition to any such remedies available through a prior Ordinance of Deer Lake Borough. Specifically, Deer Lake Borough Ordinance _____, and all subsequent amendments thereto, relating to the Pennsylvania Construction Code and the Uniform Construction Code, is/are intended to remain in effect and any overlapping application of this Ordinance and Ordinance _____ and its amendments shall be governed by the latter.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal or unenforceable, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed separate, distinct and independent from the remainder of this Ordinance, and such finding shall not effect the enforceability of the remainder of this Ordinance.

Section 6. This Ordinance shall take effect immediately or on the first day allowed by law, whichever is sooner, after enactment.

ORDAINED and ENACTED this 13TH day of MARCH, 2012.

ATTEST:


Secretary

COUNCIL OF
DEER LAKE BOROUGH





