

ORDINANCE 1993-3

AN ORDINANCE 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.

1. Adoption of Property Maintenance Code.

That a certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of West Newton being marked and designated as: "THE BOCA NATIONAL PROPERTY MAINTENANCE CODE, 1990 EDITION" 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 West Newton, in the Commonwealth of Pennsylvania; and for the control of buildings and structures as herein provided; 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 of hereof, as if fully set out in this ordinance with the additions, insertions, deletions, and changes, if any, prescribed in Section three (3) of this Ordinance.

2. Sections of Inconsistent Ordinances Are Hereby Repealed.

That any ordinance of the Borough of West Newton found

to be in conflict with this Ordinance covering the "Property Maintenance Code" of the Borough of West Newton are herewith and are hereby repealed and this Ordinance shall be the sole ordinance governing structures in the Borough of West Newton.

3. **Additions, Insertions And Changes.**

For purposes of use within the Borough of West Newton, the BOCA National property Maintenance Code is amended and revised in the following respects:

Section PM-100.1: The name of the jurisdiction is the Borough of West Newton.

Section PM-104.3: Inspections is hereby amended to read as follows:

Inspections: In order to safeguard the safety, health and welfare of the public, at the discretion of Council, an Enforcement Agent or Agents may be appointed and authorized to enter structures or premises at any reasonable time for the purpose of making inspections and performing duties under this code.

Furthermore, prior to each and every change in ownership, use, tenancy, or occupancy of any existing structure or portion thereof, the owner, occupant, or other person in charge of the structure shall promptly notify the Borough Secretary in writing of changes in possession and/or ownership of real property in the Borough.

Section PM 109.2: Section PM 109.2 shall read as follows:

Penalty: Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than Twenty-Five (\$25.00) Dollars, nor more than Three Hundred (\$300.00) Dollars or imprisonment for

a term not to exceed Thirty (30) days, or both, or at the discretion of the court. Each day that the violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed to be a separate offense.

Section PM-111.1: Section PM 111.1 shall read as follows:

"Petition: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written Petition requesting such hearing and containing a statement of the grounds therefore within Twenty (20) days after the day the notice was served."

Section PM 111.2: Section PM 111.2 shall read as follows:

Appeals Board: In order to protect structures in the jurisdiction by vigorous enforcement of the provision of this code, there shall be and is hereby created a Code of Appeals Board, hereinafter referred to as the Board, consisting of three members plus an auxiliary member, all four being appointed by the Council of the Borough of West Newton.

Membership: The Appeal Board shall consist of three individuals who will initially be appointed for one, two and three year terms. Thereafter, as an individual is appointed, when the initial terms run out they shall all be appointed for three year terms and will have staggered completion dates. The Board at all times shall have at least one individual who has three years minimum experience in general contracting or is a licensed engineer or architect. The other two members of the Board need not have the above experience and the fourth member of the Board

shall be an alternate who will only vote when one of the regular members is unable to be present at that meeting or is unable to vote because of a ~~contract~~ ^{conflict} of interest or a similar situation.

Grading And Drainage: All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon. Stagnant water shall be determined as any accumulation that has not disbursed within seven (7) days of the last recorded local rainfall.

No premises shall have area drains discharging water into any sanitary sewer where there are separate systems.

Exception: Water retention areas and/or reservoirs approved by the code official.

Section PM 302.4: Section PM 302.4 should read as follows:

Foundation Walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare. No exterior foundation drain shall discharge water into any sanitary sewers where there are separate systems.

Section PM 302.6: Section PM 302.6 shall read as follows:

Roofs and Drainage: Roof water shall not discharge into any sanitary sewers where there are separate systems.

That the BOCA national Property Maintenance Code is amended and revised in the following respects:

Delete Section PM 301.8

Delete Section PM 302.10	Handrails-Guardrails (Outside)
Delete Section PM 302.12	Insect Screens
Delete Section PM 303.8	Handrails-Guardrail (Inside)
Delete Section PM 401.1	Habitable spaces-windows
Delete Section PM 402.0	Ventilation
Deletion Section PM 403.3	
Delete Section PM 403.8	Minimum ceiling heights
Deletion Section PM 404.5	
Delete Section PM 801.4.1	Containers
Delete Section PM 801.5	
Change Section 403.2	<u>Access from sleeping rooms:</u> Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces. Exception: Dwelling units that contain fewer than two bedrooms or family dwellings.
Change Section 403.4	<u>Water closet accessibility:</u> Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom unless in a family dwelling.
Change Section PM 302.6	<u>Roofs and drainage:</u> The roof and flashing shall be sound, tight and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portions of the building. Roof water shall not be discharged in a manner that creates a public nuisance and may not be discharged into sanitary sewers where there are separate sewers.
Change Section PM 601.1	<u>Insert: October 1 to April 30</u>
Change Section PM 601.2	<u>Insert: Oct 1 to April 30</u>
Change Section PM 704.5	All residential occupancies shall be provided with a minimum of one approved single-station smoke detector in the sleeping area, guest room or suite of a

hotel, motel, lodging house, boarding house or dwelling unit only when there is a change of occupancy, ownership or new construction. The detectors shall be located in accordance with the building code listed in Appendix A. When actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the individual room or unit.

Definition Change:

One Family Dwelling: A building containing one dwelling unit with not more people living in that unit than are defined under the term family.

Two Family Dwelling: A building containing two dwelling units with not more than the number of people that are defined under the term family in each unit.

Code Official: Shall be an individual who has experience and knowledge in building and construction.

4. **SAVING CLAUSE**

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to effect any suit or proceeding impending 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 Two (2) of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

5. **DATE OF EFFECT**

That the Borough Secretary shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from

and after its approval as required by law.

This ordinance shall take effect on the 10th day of MAY, 1993.

Armond N. Luzzi
Council President

Attest:
Samuel M. Fleckman
Secretary/Treasurer

EXAMINED AND APPROVED by me this 10th day of MAY, 1993.

George Thuransky
Mayor