

Ordinance # 2009-06

**Borough of Coaldale**

AN ORDINANCE OF THE BOROUGH OF COALDALE, SCHUYLKILL COUNTY, PENNSYLVANIA, CONSOLIDATING CERTAIN PRIOR ORDINANCES, AND ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN ENUMERATED ALTERATIONS, AS THE BUILDING CODE OF COALDALE BOROUGH.

WHEREAS, Coaldale Borough has adopted, with certain revisions enumerated therein, the International Property Maintenance Code as published by the International Code Council as the Property Maintenance Code of Coaldale Borough; and

WHEREAS, Coaldale Borough has amended by further revising certain provisions of the International Property Maintenance Code as they apply to Coaldale Borough; and

WHEREAS, further tri-annual updates of the International Property Maintenance Code have been published by the International Code Council since the enactment of Ordinance No.; and

WHEREAS, Coaldale Borough desires to make further amendments to the International Property Maintenance Code as enacted in Coaldale Borough, consolidate all prior Ordinances relating to the International Property Maintenance Code into this one Ordinance for the sake of convenience, and adopt the most recent edition of the International Property Maintenance Code (as published by the International Code Council in 2009) as the Property Maintenance Code of Coaldale 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 the Borough of Coaldale.

SECTION 2. Coaldale Borough hereby adopts, as amended below, the International Property Maintenance Code, as published by the International Code Council, 2009 edition, as the building code of Coaldale Borough as authorized by 53 P.S. §46202(24).

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 Coaldale Borough:

Section 101.1:        Insert:  
  
                          Borough of Coaldale.

Section 103.5:        Insert:  
  
                          Schedule of permit fees; The fees for activities and services performed by this department in carrying out its responsibilities under this code shall be in accordance with the Fee Schedule as established by the Borough of Coaldale, by Resolution.

Section 104.1: Amend to read as follows:

Coaldale 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.

Section 106.2:        Amend to read as follows:

Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

Section 106.3:        Substitute “summary offense” for any reference to “misdemeanor”.

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. The Coaldale Borough Solicitor may assume charge of the prosecution. Any person in violation of any provision of the 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 court costs to include the municipal solicitor fees. Each day on which a violation of this Ordinance exists shall be considered a separate violation.

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.

Section 107.3: Amend to read as follows:

Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally.
2. Sent by certified and first class mail to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

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.

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 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.

Section 111.2: Amend to read as follows:

Membership of board. The board of appeals shall consist of the

members of the Coaldale Board of Appeals. The code official shall be an ex-officio member but shall have no vote on any matter before the board.

Section 111.2.1: Amend to read as follows:

The Coaldale 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.

Section 111.2.4: Amend to read as follows:

The Coaldale 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 the Borough. The secretary shall file a detailed record of all proceedings with the Coaldale Borough Council.

Section 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 Coaldale Borough Council from time to time by resolution.

Section 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.

Section 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.

Section 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 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 date 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.

Section 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.

Section 111.7: Amend to read as follows:

Appeals from the decision of the appeals board shall be made pursuant to the Local Agency Law.

Section 112.4: Insert:

One Hundred (\$100.00) Dollars and One Thousand (\$1,000.00) Dollars.

Section 302.3: Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Section 302.4 Insert:

10 inches.

Section 303.3 Amend to read as follows:

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud, overhanging trees, shrubs, and other debris which obstruct walkways shall be maintained free of hazardous conditions. Removal of snow and/or ice is to be accomplished so that a walkway of at least three (3) feet in width shall be cleared along the entire extent of such sidewalk within twenty four (24) hours after the same has ceased to fall or to be formed.

Section 304.14 Amend to read as follows:

Every door, window and other outside opening required for ventilation of food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved

tightly fitting screens of not less than 16 mesh per inch (16 mesh fitting screens of not less than 16 mesh per inch (16 mesh per 26 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 602.3

Insert:

from October 1<sup>st</sup> to May 15<sup>th</sup>.

Section 602.4

Insert:

from October 1<sup>st</sup> to May 15<sup>th</sup>.

Section 705

Addition of the following section:

Any residential rental unit as defined as any dwelling unit or structurally enclosed area including or limited to be used as the living quarters for one or more individuals and not occupied by the owner thereof shall have installed adjacent to any sleeping area a carbon monoxide (CO) detector. The provisions relating to the source of power set forth in Section 704.3 above shall apply to carbon monoxide detectors.

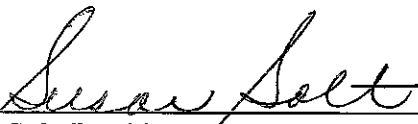
SECTION 4. All prior Ordinances inconsistent with any provision of this Ordinance are repealed to the extent necessary to give effect to the provisions of this Ordinance. Since this Ordinance is meant to consolidate all prior Ordinances relating to the International Property Maintenance Code, all other International Property Maintenance Code Ordinances of the Borough of Coaldale are specifically repealed.

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.

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

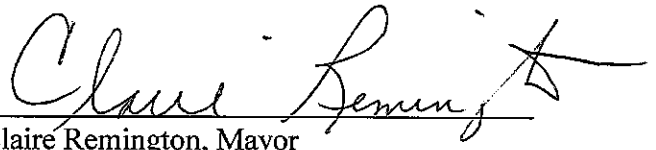
ORDAINED this 8<sup>th</sup> day of September, 2009.

**BOROUGH OF COALDALE**

BY:   
Susan Solt, President

**ATTEST:**

  
Louise Lill, Secretary

  
Claire Remington, Mayor