

PROPERTY MAINTENANCE CODE ORDINANCE

ORDINANCE NO. 217

AN ORDINANCE ADOPTING THE BOCA BASIC PROPERTY MAINTENANCE CODE; ESTABLISHING STANDARDS ESSENTIAL TO MAKE DWELLINGS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION; GOVERNING THE CONDITIONS OF PROPERTY AND BUILDINGS TO BE USED FOR OCCUPANCY INCLUDING THE CONDITION OF EXTERIOR PROPERTY AREAS, AND THE EXTERIOR AND INTERIOR OF STRUCTURES; ESTABLISHING MINIMUM STANDARDS FOR BASIC FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS; ESTABLISHING INSTALLATION, MAINTENANCE, AND OCCUPANCY REQUIREMENTS; REQUIREMENTS FOR LIGHT AND VENTILATION AND FOR SAFETY FROM FIRE; AND FIXING CERTAIN RESPONSIBILITIES OF OWNERS AND OCCUPANTS OF DWELLINGS; AUTHORIZING THE INSPECTION OF DWELLINGS AND THE CONDEMNATION OF DWELLINGS UNFIT FOR HUMAN HABITATION.

BE IT ORDAINED and enacted by the Borough of Clymer, Indiana County, Pennsylvania (hereinafter referred to as the Municipality) as follows:

SECTION 1 - ADOPTION OF PROPERTY MAINTENANCE CODE

- 1.1 BOCA Basic Property Maintenance Code - There is hereby adopted in its entirety by the Municipality copies of which are on file in the office of the Municipality, that certain Code known as the "BOCA Basic Property Maintenance Code, First Edition 1978 as amended through the effective date of adoption of this Ordinance and as published by the Building Officials and Code Administrators International, Inc., save and except such portions as are hereinafter deleted, modified, or amended.
- 1.2 Effective Date of Enactment - The provisions set forth in this Ordinance shall take effect on the date of adoption of this Ordinance in accordance with the _____ Municipal Code of Pennsylvania.

SECTION 2 - MODIFICATIONS MADE IN CODE

- 2.1 Deletions - The following sections of the "BOCA Basic Property Maintenance Code" herein adopted are hereby deleted in their entirety:
 - 2.1A - Section PM 101.1 Validity
 - 2.1B - Section PM 101.2 Saving Clause
 - 2.1C - Section 106.5 - Transfer of Title
- 2.2 Revisions - The following sections of the BOCA Basic Property Maintenance Code are hereby revised to read as follows:
 - 2.2A Section PM 100.1 - Title - The "name of the jurisdiction" referred to in this section shall be Borough of Clymer.
 - 2.2B Section PM 104.1 - Duties and Powers of Code Officials - It shall be the duty and responsibility of the Code Official of the Municipality and/or his authorized representative to enforce the provisions of this Ordinance and of the Property Maintenance Code herein adopted.

- 2.2C Section PM 109.2 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 ten (\$10.00) Dollars nor more than three hundred (\$300.00) dollars or imprisonment for a term not to exceed (30) days, or both at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Where, in the course of his enforcement duties, the Code Enforcement Officer finds a recurring existing condition in the existing structures of the Municipality which constitutes a violation in the strict provisions or application of this Ordinance which violation, if corrected would not substantially serve to further the purpose of this Ordinance in protecting the public health, safety, and welfare, and where the elimination of said violation would constitute a practical difficulty or unnecessary hardship because of the special conditions existing in the Municipality, said Code Enforcement Officer shall advise and inform the Board of Appeals of the presence of such special conditions. In providing such advice and information the Code Enforcement Officer shall give consideration to the special physical characteristics of existing older dwellings in the Municipality which might require extensive structural alterations to conform with the strict provisions of application of this Code.

- 2.2D Section PM 110.0 - Right to Appeal - All matters relating to appeals in connection with the BOCA Basic Property Maintenance Code herein adopted, shall be processed in accordance with the provisions contained in Building Code Ordinance No. 214 and the BOCA Basic Building Code adopted therein.
- 2.2E Section PM 111.4 - Restraining Action - The number of days referred to in this section shall be thirty (30).
- 2.3 Additions - There are hereby added the following new sections to the "BOCA Basic Property Maintenance Code herein adopted:
- 2.3A Section 302.4.8 - Approved Means of Egress - Every dwelling unit shall have one or more approved means of egress, with minimum head room of six feet six inches, leading to safe and open space at ground level and every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress with minimum head room of six feet six inches, leading to safe and open space at ground level, as required by the laws of this State and this Municipality.

SECTION 3 - General Provisions

- 3.1 Saving Clause - Nothing in this Ordinance or in the BOCA Basic Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. No right or remedy of any character shall be lost, impaired, or affected by this Ordinance.
- 3.2 Validity - The invalidity of any section or provision of this Ordinance conflicting with the provisions of this Ordinance be, and the same is hereby repealed, insofar as the same affects this Ordinance.
- 3.3 Conflict of Ordinance - Any ordinance or part of ordinance conflicting with the provisions of this ordinance be, and the same is hereby repealed insofar as the same affects this ordinance.

3.3 Short Title - This Ordinance, together with the "BOCA Basic Property Maintenance Code" adopted herein shall be known and may be cited as the "Housing Code of the Municipality."

ORDAINED AND ENACTED INTO LAW THIS 16 day of
JULY, 1981.

MUNICIPALITY

BY: *William P. [Signature]*

ATTEST:

Melanie Willard
BY:

Approved this 16 day of JULY, 1981.

BY: *Dorment [Signature]*
Mayor