

ORDINANCE NO. 321

An Ordinance of the Borough of Clymer, County of Indiana, Commonwealth of Pennsylvania, adopting the 2006 edition of *International Property Maintenance Code*, regulating and 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 ensure 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 existing structures in the Borough of Clymer; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 217 of the Borough of Clymer and all other ordinances and parts of the ordinances in conflict therewith.

Being ordained and enacted by the Borough Council of the Borough of Clymer, Indiana County, Pennsylvania, it is hereby ordained and enacted as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Borough Secretary of the Borough of Clymer, being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Clymer for regulating and 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 ensure 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of the Property Maintenance Code on file in the office of the Borough of Clymer are hereby referred to adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 2. The following sections are hereby amended:

Section 101.1. Insert "The Borough of Clymer."

Section 103.5. Fee Schedule – Insert "Property improvement fee is Twenty Dollars (\$20.00) for improvements over Five Hundred Dollars (\$500.00)".

Section 106.3. Prosecution of Violation – Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed to be guilty of a civil infraction. If the notice of violation is not complied with, the code official shall institute the appropriate proceedings with the district justice to collect any civil penalties assessed. In addition, the code official can proceed at law or in equity to restrain, correct or abate any violation, or to remove or terminate the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 106.4. Violation penalties. Any person who shall violate a provision of this code, or fail to comply herewith, or with any of the requirements thereof, shall be assessed with an administrative fine in the amount of no less than Twenty-Five Dollars (\$25.00) and no more than Three Hundred Dollars (\$300.00) for each code violation. If the violation continues after due notice has been served, each subsequent day shall be deemed a separate offense and such violation shall be prosecuted at the appropriate district justice. Any administrative fines that are not appealed in a timely manner shall be subject to

collection through the district justice office together with reasonable attorney fees and expenses.

Section 107.4 Section 107.4 should be deleted and the following substituted: Penalties. The penalties assessed shall be in accordance with Section 106.4. In the event that any person fails to file a timely appeal or to pay any administrative fine, such fine may be collected by an action at the district justice.

Section 111.2 Membership of the Board - The Board of Appeals shall consist of a minimum of three members who are residents of the Borough of Clymer, but who are not employees of the Borough of Clymer. Code official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by Borough Council and shall serve staggered and overlapping terms.

Section 111.6 Board Decision - The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

Section 302.1 After all exterior property and premises, the following shall be added "including the entire lot for the premises".

Section 302.4. 6 inches in height

Section 302.8 Notwithstanding any other provisions of this Ordinance, no action shall be taken against any repair shop, collision shop, towing operation, or similar commercial facility dealing with the towing and repairing of vehicles unless the inoperative, unlicensed, or unregistered vehicle is parked, kept, or stored on the premises for a period in excess of six (6) months. Any of the aforementioned entities or any other person may request in writing from Borough Council an extension of six (6) months to comply with the Ordinance, providing such written request must be made prior to the expiration of the initial six-month period. A satisfactory basis must be provided for the request for an extension.

Section 303.2 The following language shall be substituted for the first sentence: Private swimming pools, hot tubs and spas, containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches in height (1219 mm) above the finished ground level on all sides of the pool.

Section 304.14. April 15 to November 1

Section 602.3 November 1 to April 15

Section 602.4 November 1 to April 15

Section 3. The following shall be added to the Ordinance as Section 705. There shall be no burning permitted in the Borough unless approved by Borough Council or pursuant to a permit issued by Borough Council.

Section 4. That Ordinance No. 217 of the Borough of Clymer Property Maintenance Code Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect 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 this section of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. That if any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough of Clymer hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. The Borough of Clymer is hereby ordered and directed to cause this Ordinance to be published.

Section 7. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

ORDAINED AND ENACTED this 4th day of October, 2006.

Attest:

BOROUGH OF CLYMER


Secretary

By 
President of Council

APPROVED this 4th day of October, 2006.


Mayor

