

**BOROUGH OF SMITHTON
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 230 OF 2022

AN ORDINANCE OF THE **BOROUGH OF SMITHTON** AMENDING ORDINANCE NO. 227 ADOPTING THE 2021 EDITION OF THE 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 STRUCTURE UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Borough of Smithton has adopted the International Property Maintenance Code by enacting Ordinance 227 of 2021; and

WHEREAS, the Borough has the ability to levy fines and penalties not exceeding \$1000.00 per violation under the powers granted to it by Section 3321 of the Pennsylvania Borough Code 8 Pa. C.S.A. § 3321; and

WHEREAS, the Borough has determined that amending Ordinance 227 regarding fines and penalties is necessary.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Smithton that:

Section 1. Ordinance No. 227 of 2021, Section 2, shall be amended as follows:

Section 106.4-Insert:

Violations and Penalties.

- a. Any person who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and, upon conviction thereof, shall be fined an amount not less than \$100 but not more than \$300.00 for a first offense in violation of this Ordinance, not less than \$301.00, but not more than \$700.00 for a second offense in violation of this Ordinance, and not less than \$701.00, but not more than \$1,000 for a third offense in violation of this ordinance, or in default of payment

thereof, may be confined to the Westmoreland County Correctional facility for a period not to exceed 90 days. Each day that a violation continues after due notice has been served in accordance with this section shall be deemed a separate offense and may be punishable by per diem penalty as provided hereunder.

Section 2. Repealer. Any and all Ordinances, amendments, and/or resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

Section 3. Severability. The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgement or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered illegal, invalid or unconstitutional. It is hereby declared the intent of the Borough of Smithton Council that this ordinance would have been adopted if such, illegal, invalid or unconstitutional clause, sentence or section had not been included therein.

Section 4. Effective Date. This ordinance shall be effective immediately upon final enactment.

ORDAINED AND ENACTED into law this 12th day of September, 2022.

Attest:


Jennifer Perry, Borough Secretary


Kevin Regotti, President of Council

I, the undersigned, Mayor of the Borough of Smithton, Westmoreland County, Pennsylvania, do hereby certify that I have reviewed and approved the within Ordinance this 12th day of September, 2022.


Christine Tutena, Mayor