

**BOROUGH OF SMITHTON
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 227 OF 2021

AN ORDINANCE OF THE **BOROUGH OF SMITHTON** 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.

The Council of the Borough of Smithton does ordain as follows:

SECTION 1: That a certain document, three (3) copies of which are on file in the office of the Borough Secretary, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Smithton, (HEREINAFTER "BOROUGH") in the State of Pennsylvania 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; provided for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the BOROUGH hereby referred to, adopted, and made party 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 revised:

Section 101.1 Insert: Smithton Borough

Section 103.5 Insert: All fees assessable by the Borough for the administration and enforcement undertaken under this Ordinance and the Code, shall be established by Borough Council by resolution from time to time.

Section 106.4-Insert:

Violation 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 \$300.00 but not more than \$1,000.00, 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.
- b. It shall be unlawful for any person considered a habitual offender under this Ordinance to own, use or occupy any structure regulated by the Property Maintenance Code of Smithton Borough in conflict with or in violation of the Provisions of said Property Maintenance Code as adopted by this Ordinance. Any person who shall violate this subsection shall be guilty of a summary offense and upon conviction shall be punished by a fine of \$1,000.00 OR imprisonment not exceeding 90 days in the Westmoreland County Correctional Facility or alternative form of incarceration, or by both fine AND imprisonment, in the discretion of the Court.
- c. In addition to the penalties provided herein, the Court may order a period of probation, order that any violation be abated by the Defendant or by the Borough at Defendant's expense, and/or order periodic inspections of the property by the Borough at the cost of the Defendant.

- d. As used in this Chapter and Section, the following terms shall have the meanings indicated:

HABITUAL OFFENDER: Any person who shall be convicted of or who shall have judgement entered against them for three separate and distinct violations of the Property Maintenance Code of Smithton Borough within a twenty-four-month period shall be considered an habitual offender. Said person's status as an habitual offender shall extend for a period of one year from the first conviction or judgement establishing such habitual offender status.

PERSON: Any individual, partnership, firm, corporation, association or other legal entity of whatsoever kind and nature. The person shall include the owner(s), tenant(s), lessee(s), occupant(s) and/or person(s) in charge of or using the property.

Section 112.4 Insert: (\$300.00 dollars) and (\$1,000.00 dollars.)

Section 302.4 Insert: (six (6") inches)

Section 304.14 Insert: (May 1st to October 1st)

Section 602.3 Heat supply - Insert: (October 31st to March 31st)

Section 602.4 Occupiable work spaces - Insert: (October 1st to March 31st)

SECTION 3: Any ordinances of the Borough in effect at the present time that are in conflict herewith or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 Council 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 or phrases be declared unconstitutional.


SECTION 5: 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 Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6: That the Borough Secretary is hereby ordered and directed to cause this ordinance to be published.

SECTION 7: That 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 five days from and after the date of its final passage and adoption. **It is the intention of the Borough Council to adopt and enact the latest and most current version of the International Property Maintenance Code without having to periodically amend this Ordinance to do so.**

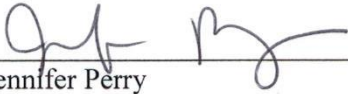
ORDAINED AND ENACTED into law this 9th day of August 2021.

ATTEST: Borough of Smithton


Fred Foster
President of Council

FRED Foster
9 AUG 2021


Christine Tutena
Mayor


Jennifer Perry
Secretary/Treasurer