OFFICIAL

BOROUGH OF ETNA

ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1289

"AN ORDINANCE OF THE BOROUGH OF ETNA, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1271 OF 1999 BY PROVIDING FOR THE ADOPTION OF THE 2000 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AUTOMATICALLY ADOPTING ALL REVISIONS OF SAID CODE AS PUBLISHED.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Etna that Ordinance 1271 of 1999 is hereby amended in the following particulars:

ORDINANCE 1271 of 1999 which presently reads:

OFFICIAL

BOROUGH OF ETNA

ORDINANCE NO.1271

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS 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 STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Etna as follows:

SECTION 1. That a certain document, three (3) copies of which are on file in the office of the Secretary/Manager of the Borough of Etna, being marked and designated as "The International Property Maintenance Code, First Edition, 1999" as published by the Building Officials and

Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Etna, in the State of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code 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. That Ordinance Number 1271 of the Borough of Etna entitled The International Property Maintenance Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. 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 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 4. That The International Property Maintenance Code adopted by Section 1 is hereby changed by enactment, repeal or amendment of provisions, which changes are on the following pages, with the location in the code for the page noted by the heading "Change(s) -Page(s)".

Changes - Pages

Chapter 1

ADMINISTRATION

The heading of Section 103 on Page 1 is hereby amended to read:

PROPERTY MAINTENANCE INSPECTION.

Section 103.1 on Page 1 is hereby amended to read:

103.1 General. A property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

Section 103.6 on Page 2 is hereby amended to read:

103.6 Fees. The fees for activities and services required by this code shall be established by Resolution by the Council of the Borough of Etna.

Section 104.2 on Page 2 is hereby amended to read:

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

Section 109.4 on Page 4 is hereby amended to read:

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible once approval is received from the Borough Secretary/Manager.

Section 110-DEMOLITION on Pages 4-5 is hereby amended as follows:

Section 110.3 on Page 4 is hereby amended to read:

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, once approval is received from the Borough Secretary/Manager, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is

located and shall be a lien upon such real estate.

Section 110 is also hereby amended by adding the following sub-sections:

110.5 Permit for Demolition. The application for a permit to demolish or remove any building, structure, part thereof or appurtenance thereto shall satisfy the Code that such demolition or removal shall be done in such matter as to prevent any hazard to adjoining properties or to any persons using any public thoroughfare abutting upon the property on which the building or structure is situated. The Code Official shall have authority to require that any barricades or other safeguards deemed necessary be erected and maintained in a safe condition during the progress of the work. If, after demolition of a building or structure or part thereof, any depression on the lot may be deemed to constitute a hazard to life or limb, the Code Official shall have the authority to require such depression to be filled or otherwise made safe or barricaded in such a manner as to eliminate such hazard. If, after issuance of a permit to demolish or remove a building, structure, part thereof or appurtenance thereto, it is found that the work of demolition or removal is not being performed in a safe manner, the Code Official shall have authority to revoke such permit. Any work of demolition or removal performed after such revocation shall be a violation of this code.

110.5.1 Waiting period. Upon receipt of an application for a demolition permit for any structure (except those to be demolished by the Borough of Etna) the Code Official shall notify adjacent property owners, community groups, community development corporations and the councilpersons in whose district the affected property lies, of the application for demolition. The permit applicant shall be responsible for posting a Placard of Intent to Demolish, in a conspicuous location fifteen (15) days in advance of beginning demolition work. Immediately following the fifteen (15) day posting period, a demolition permit will be issued.

110.5.2 Service connections. Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

110.5.2.1 Notice to adjoining owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

110.5.2.2 Lot regulations. Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of

the necessary retaining walls and fences in accordance with the provisions of the building code.

Section 111.2 on Page 5 is hereby amended to read:

111.2 Membership of board. The board of appeals shall consist of three (3) members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Borough of Etna. The 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 the chief appointing authority.

Section 111.3 on Page 5 is hereby amended to read:

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within sixty (60) days of the filing of an appeal, or at stated periodic meetings.

Section 111.4.1 on Page 5 is hereby amended to read:

> **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

Section 111-MEANS OF APPEAL on Page 5 is hereby amended by adding the following sub-section:

> **111.4.1.1 Outside services.** The board shall have the authority to hire experts (e.g., engineers or architects) if required in the performance of its duties. However, the Borough Secretary/Manager must be advised prior to taking this action so that proper procedures can be followed.

Section 111.6 on Page 5 is hereby amended to read:

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. The board shall render a written decision with forty-five (45) days of the hearing.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Section 504 on Page 15 entitled PLUMBING FACILITIES AND FIXTURE REQUIREMENTS is hereby deleted due to the fact that Plumbing systems are regulated, approved and inspected in accordance with the Allegheny County Health Department, Plumbing Division.

Section 505 on Pages 15-16 entitled WATER SYSTEM is hereby deleted due to the fact that Water systems are regulated, approved and inspected in accordance with the Allegheny County Health Department, Water Division.

Section 506 on Page 16 entitled SANITARY DRAINAGE SYSTEM is hereby deleted due to the fact that Sanitary Drainage systems are regulated, approved and inspected in accordance with the Allegheny County Health Department, Sanitation Division.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

Section 602 on Page 17 entitled HEATING FACILITIES is hereby deleted due to the fact that Heating systems are regulated, approved and inspected in accordance with the Allegheny County Health Department, Heating Division.

SECTION 5. That the Secretary/Manager of the Borough of Etna shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force on January 1, 2000.

is hereby amended to read as follows:

OFFICIAL

BOROUGH OF ETNA
ORDINANCE NO.1271

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS 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 STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Etna as follows:

SECTION 1. That a certain document, three (3) copies of which are on file in the office of the Secretary/Manager of the Borough of Etna, being marked and designated as "The International Property Maintenance Code, 2000" as published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Etna, in the state of Pennsylvania, and all future revisions of same as published and authorized by the aforementioned publisher; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code 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 4 of this ordinance.

SECTION 2. That all other ordinances or parts of ordinances of the Borough of Etna in conflict herewith are hereby repealed.

SECTION 3. 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 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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SECTION 5. That the Secretary/Manager of the Borough of Etna shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force on July 16, 2003 2002

ORDAINED AND ENACTED THIS 16 day of July, 2002, by the Council of the

(d) The size of meters to be installed shall be the same size as the service line unless written authority is granted by the Superintendent of the Borough Water Plant to use a smaller meter.

(e) This Ordinance authorizes the Council of the Borough of Etna to change the metered water rates by Resolution in the future.

ORDAINED AND ENACTED this 16 day of 2002, 2002, by the Council of the Borough of Etna and to become effective as of July 1, 2002.

By: Peter Ramage
Peter Ramage
President of Council

Attest:
Mary Ellen Ramage
Mary Ellen Ramage
Secretary Manager

EXAMINED AND APPROVED by me this 16 day of July, 2002.

William Dougherty
William Dougherty, Mayor