

**BOROUGH OF MT. OLIVER
ORDINANCE NO. 968**

**AN ORDINANCE OF THE BOROUGH OF MT. OLIVER, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 87
(CONSTRUCTION & MAINTENANCE CODES), ARTICLE V (PROPERTY
MAINTENANCE CODE) OF THE CODE OF THE BOROUGH OF MT. OLIVER.**

WHEREAS, Chapter 87, Article V of the Code of the Borough of Mt. Oliver authorizes the Borough of Mt. Oliver to regulate Property Maintenance; and

WHEREAS, the Council of the Borough of Mt. Oliver desires to update and amend Chapter 87, Article V to amend the adopted Property Maintenance Code and modify the standards found therein.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Mt. Oliver, and it is hereby ordained and enacted by and with the authority of the same that:

SECTION I: Chapter 87, Article V is hereby amended as follows:

§ 87-15 Adoption of Standards.

The Council of the Borough of Mt. Oliver hereby adopts the 2015 International Property Maintenance Code (“IPMC”). Copies of the IPMC may be examined during regular business hours at the Administrative Offices of the Borough of Mt. Oliver.

§ 87-16 Modification of Standards.

The following sections of 2015 International Property Maintenance Code is amended and revised, with additions, deletions and changes noted in the following respects:

- A. **Section 103. Department of Property Maintenance Inspection.** Delete the reference to “Department of Property Maintenance Inspection” and replace the deleted reference with a reference to “Property Maintenance Code Official.”

1. Revise Section 103.1 to read:

103.1. General. The official in charge of enforcing this Ordinance shall be known as the Code Official. The Code Official may be an individual or a

corporation or other organization providing Property Maintenance Code enforcement services.

2. Section 103.5, Fees, is revised to read:

103.5. Fees. Fees shall be as set forth in the Borough of Mt. Oliver Fee Schedule as adopted by Borough Council from time to time by resolution.

- B. **Section 106. Violations.** Delete Subsection 106.4, Violation Penalties, and replace it with the following:

106.4. Penalties. Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not more than one thousand (\$1,000) dollars. Each day that a violation continues shall constitute a separate offense.

- C. **Section 109.5. Costs of Emergency Repairs.** Costs incurred in the performance of emergency work may be paid by the Borough. The legal counsel of the Borough shall institute appropriate action against the property owner or agent of the premises where the unsafe structure is or was located for the recovery of such costs, plus attorney's fees, including but not limited to filing of municipal claims pursuant to 53 P.S. § 7107, et seq. for the cost of the emergency work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Borough in connection with the emergency work and the filing of the municipal claim.

- D. **Section 111, Means of Appeal.** Delete Sections 111.1, 111.2, 111.3, 111.4 and 111.5 in their entirety and replace them with the following:

111. Means of Appeal.

111.1. Application for Appeal. Any person aggrieved by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal, within twenty (20) days after the date of the decision, notice or order appealed from, to the Borough of Mt. Oliver Borough Council. The Borough Council may hear the appeal or may designate the Construction Code

Board of Appeals ("Board") which Board shall have jurisdiction to hear and rule on appeals filed hereunder. Such appeal shall be filed in writing, shall state the grounds for appeal, be accompanied by the required appeal fee, \$50.00 or such other fee as set under the Borough of Mt. Oliver Fee Schedule by Resolution, and shall be processed and heard in accordance with the Local Agency law and, if assigned to the Board, the procedural requirements of the Borough of Mt. Oliver Construction Code Board of Appeals Rules of Procedure and Operation, provided further that any substantive requirements of such Rules of Procedure and Operation applicable only to appeals under the Uniform Construction Code shall not apply to appeals under the Property Maintenance Code. All advertising and court reporter costs resulting from the appeal will be paid by the appellant prior to commencement of the appeal hearing.

111.2. All appeals under the Property Maintenance Code must be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not apply, that the requirements of this Code are satisfied by other means or that the strict application of the Code would cause an undue hardship due to the unique circumstances involving the property in question such that strict application of the Code would prevent the property owner or occupant from making reasonable use of the property.

111.3. The appeal tribunal may consider the following factors in deciding a claim of hardship:

111.3.1. Whether the owner or occupant has complied with prior orders or agreements covering maintenance of the property;

111.3.2. Whether the owner or occupant has a history of investment or improvement at the property;

111.3.3. Whether the cost of repair or compliance is reasonable in relation to the value of the property and the danger presented by the property;

111.3.4. Whether enforcement of the Code would result in a taking without compensation;

111.3.5. The length of time any violations have existed;

111.3.6. Degree of mitigation attempted;

111.3.7. Number and severity of violations at the property;

111.3.8. Visibility of violations from the street and neighboring properties;

111.3.9. Existence of similar conditions at neighboring properties;

111.3.10. Danger presented by the violations to children or the sick or elderly.

111.4. The appeal tribunal shall have no authority to waive requirements of the Property Maintenance Code except upon a finding of undue hardship made pursuant to Sections 111.1, 111.2 and 111.3.

111.5. The appeals board shall decide appeals based on the vote of a majority of a quorum of the board.

E. **Section 304, Exterior Structure, Section 304.14, Insect Screens.** Insert the words, "April 1 to October 31 in the spaces provided in the first sentence of this section."

F. **Section 308.2, Disposal of Rubbish.** Amend this section to read as follows:

308.2, Disposal of Rubbish. Both the owner and occupant of a structure shall be responsible for the

disposal of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

- I. **Section 308.3, Disposal of Garbage.** Amend this section to read as follows:

308.3, Disposal of Garbage. Both the owner and occupant of a structure shall be responsible for the disposal of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

SECTION II: All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION III: This ordinance shall take effect in accordance with applicable law.

ORDAINED AND ENACTED BY ORDINANCE NO. 968 into law this 21st day of May, 2018.

ATTEST:


Manager

BOROUGH OF MT. OLIVER

By: 
President of Council

Examined and approved by me, the Mayor of the Borough of Mt. Oliver, this 21st day of May, 2018.

By: 
Mayor