

THE BOROUGH OF WEST EASTON

ORDINANCE NO. 894

AN ORDINANCE OF THE BOROUGH OF WEST EASTON, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER WITH ALL FUTURE EDITIONS, AMENDMENTS, AND SUPPLEMENTS.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of the Borough of West Easton and to promote the safe and reasonable continued maintenance of all Properties and Premises within the **Borough**; and

NOW THEREFORE, THE BOROUGH COUNCIL OF THE BOROUGH OF WEST EASTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That a certain document, one (1) copy of which is on file in the office of the Administration of the Borough of West Easton, being marked and designated as the *International Property Maintenance Code, 2009* edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of West Easton, 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; providing 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 West Easton Borough 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 revised:

Section 101.1 Insert: *West Easton Borough, Pennsylvania*

Section 102.3 Shall read as: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable editions of the most current edition of the adopted Pennsylvania Uniform Construction Codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance.

Section 103.5 Insert: Fees assessed by the Borough of West Easton for the administration, inspection and issuance of permits undertaken pursuant to this chapter shall be established by the governing body by resolution from time to time.

Section 106.3 Shall read as: 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. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a fine of not less than \$200.00 dollars up to \$1000.00 as well as imprisonment not to exceed limits as imposed by the courts.

Insert Section as: Section 107.7 Extensions. Recipients of a violation notice may provide written request for extension to date of compliance. The written request shall contain

1. *Date of request*
2. *Current address of recipient*
3. *Signature of recipient*
4. *Valid reason for request*
5. *Acknowledge and accept violation notice as true and accurate without exception.*

*The written request shall be reviewed and **approved** by the code official and the Borough Manager or his/her designee, thereafter a written determination will be forwarded by the Code Official.*

Section 111.1 Shall read as: Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written **application for appeal is filed *no later than 7 business days* after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.**

Section 112.4 Shall read as: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$350.00 dollars or not more than \$1000.00 dollars per occurrence.

Section 302.4 Insert: 10 inches

Section 302.8 Shall read as: Except as provided for in other regulations, *no inoperative, unlicensed or unregistered* motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of *vehicles, portions or parts* is prohibited unless conducted inside an *approved* spray booth.

Exception:

A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area **designed and approved for such purposes.**

Section 303.1 Shall read as: Swimming **pools, spas and hot tubs** shall be maintained in a clean and sanitary condition, and in good repair.

Section 303.2 Shall read as: *Swimming pools, hot tubs, spas or similar receptacles capable to retain water of 24 inches (610 mm) in depth or greater* shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception:

Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

Insert Section as: **304.13.1 Window, skylight and door frames coverings.** *No exterior skylight, window or door of any structure facing toward or visible from the public right of way shall be covered with plywood or other non-approved materials longer than 60 days. After 60 days, all temporary coverings that face or are visible from the public way, shall be removed, and the window, skylight or door shall be restored.*

Section 304.14 Insert: *March 1st to October 1st*

Section 602.3 Shall read as: Every owner and operator of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period *from the point in which interior temperatures within the structure may require heat to maintain not less than 68°F in all habitable rooms, bathrooms and toilet rooms.*

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *international Plumbing Code*.
2. In areas where the **average monthly temperature is above 30°F (-1°C)** a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 Shall read as: Indoor occupiable work spaces shall be supplied with heat during the period *from the point in which interior temperatures within the structure may require heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.*

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Insert Section as: Section 607 inactive Electric. *Electrical equipment, appliances, appurtenances or wiring that is not in use, inactive, or damaged shall be properly removed in its entirety or properly terminated and clearly labeled as inactive from all points of potential use.*

Insert Section as: Section 705 Carbon Monoxide. *Every dwelling unit or property containing a fuel fire appliance shall have a minimum of one carbon monoxide detector or alarm installed on each floor level. Carbon monoxide detectors shall be installed in accordance with their listing.*

Section 3. That Ordinance No. 568 of the **Borough** of West Easton entailing BOCA Property Maintenance and all other ordinances 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 West Easton 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 and phrases be declared unconstitutional.

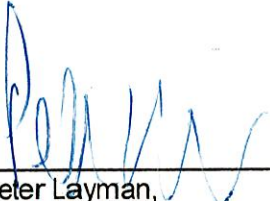
Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby 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 Council President of West Easton Borough 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 within *three business days* from and after the date of its final passage and adoption.

ORDAINED AND ENACTED this 14th day of November, 2011


BOROUGH COUNCIL
BOROUGH OF WEST EASTON
COUNTY OF NORTHAMPTON
PENNSYLVANIA



Peter Layman,
Solicitor



Kelly Gross,
Council President



Gerald W. Gross,
Mayor