

ORDINANCE NO. 2007-02

AN ORDINANCE OF THE BOROUGH OF LANSFORD AMENDING THE CODE OF ORDINANCES AND ADOPTING THE 2006 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 STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF LANSFORD; PROVIDING FOR THE ISSUANCE OF PERMITS, AND COLLECTION OF FEES THEREFOR, AND REPEALING ORDINANCE 98-3 OF THE BOROUGH OF LANSFORD, COMMONWEALTH OF PENNSYLVANIA, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREIN.

THE BOROUGH COUNCIL OF THE BOROUGH OF LANSFORD DOES HEREBY ORDAIN AS FOLLOWS;

SECTION 1. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

That a certain document, one (1) copy of which is on file in the office of the Department of Code Enforcement of the Borough of Lansford, being marked and designated as the "International Property Maintenance Code, 2006 Edition", as published by the International code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Lansford, in the Commonwealth 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 occupation and use; and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the Department of Code Enforcement of the Borough of Lansford are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletion and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2. ADDITIONS, INSERTIONS AND CHANGES

That the following sections are hereby revised as follows:

- Section 101.1 **Insert:** Borough of Lansford
- Section 103.1 **Insert:** "The Borough Council shall have the authority to create the Office of the Department of Code Enforcement of the Borough of Lansford. The administration of the International Property Maintenance Code, 2006 Edition, shall be carried out by this office. The position of Chief Code Enforcement Official and such other positions appropriate to have authority to enforce this Ordinance is hereby created.
- Section 103.2 **Insert:** "The Lansford Chief Code Enforcement Official, other officials, and any deputies shall be appointed by, and shall serve at the pleasure of Lansford Borough Council. The Chief Code Enforcement Official shall report directly to the Council President and also make reports to Council from time to time.
- Section 103.3 **Insert:** "The Borough Council shall have the authority to appoint such deputy code officials, other related technical officers, inspectors and other employees, subject to the creation of the position as approved by Borough Council. Deputy appointees, under this section, shall report to the Chief Code Official and to the Council President.
- Section 103.5 **Insert:** Schedule of Permit Fees: The fees for activities and services performed by this department in carrying out its responsibilities under this code shall be in accordance with the Fee Schedule as established by the Borough of Lansford, by Resolution.

Section 302.3 shall read as follows:

302.3. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud, overhanging trees, shrubs, high grass, rubbish and other debris which obstruct walkways shall be maintained free of hazardous conditions. Removal of snow and/or ice is to be accomplished so that a walkway of at least three (3) feet in width shall be cleared along the entire extent of such sidewalk, within twenty-four (24) hours after the same has ceased to fall or to be formed.

Section 302.4 (page 9, second and third line) **Insert: 8 inches.**

Section 302.8 shall read as follows:

302.8 Motor Vehicles.

(A) No person shall abandon and/or store any unregistered vehicles on private property within the Borough of Lansford. No vehicle at any time shall be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(1) A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by the preponderance of the evidence.

(i) The vehicle is physically inoperable and is left unattended on private property for more than 48 hours.

(ii) The vehicle has remained illegally on private property for more than 48 hours.

(iii) The vehicle is left unattended on private property for more than 48 hours and does not bear the following:

(a) a valid registration plate.

(b) a current certificate of inspection.

(c) an ascertainable vehicle identification number

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 purpose that is an accessory use incidental to the dwelling as defined in the Borough of Lansford Zoning Ordinance of 2003, as amended. All wrecked car parts and similar unused components of a junk vehicle must not be stored on any private property in clear view of the public right of way.

(B) A vehicle shall be deemed to be abandoned when it remains on private property for more than 48 hours and any of the following conditions apply:

(1) The vehicle is physically inoperable.

(2) The vehicle is left unattended.

(3) The vehicle does not have a valid registration plate

(4) The vehicle does not have a current certificate of inspection.

(5) The vehicle identification number (VIN) is not ascertainable.

(6) The vehicle remains without the consent of the owner or person in charge of the property.

(C) If the owner of an abandoned and/or junked motor vehicle cannot be located or does not remove the vehicle, the code official shall contact the Lansford Police Department, who is authorized to remove said vehicle under Transportation 67 PA Code Chapter 253 titled Salvors and Vehicles Title 75 Chapter 73 of the Abandoned Vehicles and Cargoes Code of the Commonwealth of Pennsylvania.

(D) Any vehicle undergoing major overhaul, including body work, shall be registered to the owner of the property where such work is being done or registered to the lawful resident/tenant of the property where the work is being done.

Section 304.14 (page 10, first and second line)
Insert: May 15th to October 1st

Section 602.3 (page 17m, fifth line) Insert: October 1st to May 15th

Section 602.4 (page 17, third line) Insert: October 1st to May 15th

SECTION 3. INCONSISTENT ORDINANCES REPEALED

That Ordinance Number 98-3 of the Borough of Lansford entitled "BOCA National Property Maintenance Code, Fifth Edition, 1996", as published by the Building Officials and Code Administrators International, Inc. and that Ordinance 99-4, 2005-03 and all other Ordinances or part of Ordinances in conflict herewith are hereby repealed.

SECTION 4 VALIDITY.

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 of Lansford 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. SAVINGS CLAUSE.

That nothing in this Ordinance or in the International 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 of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance, nor shall any just legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6. EFFECTIVE DATE

That the Lansford Borough Secretary is hereby ordered and directed to cause this Ordinance to be published and 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 thirty (30) days from and after the date of its final passage and adoption.

ORDAINED AND ENACTED this 3rd day of January, 2007 in lawful session duly assembled.

BOROUGH OF LANSFORD

ATTEST: Nicole J. Penitolo
Secretary

By: Joseph Lenits
President

Approved this 3rd day of January, 2007.

[Signature]
Mayor