

**TUNKHANNOCK BOROUGH
WYOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2012-4

AN ORDINANCE OF THE BOROUGH OF TUNKHANNOCK ADOPTING THE 2012 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 TUNKHANNOCK; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT HEREBY ORDAINED AND ENACTED by the Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania, as follows:

Section 1. **SHORT TITLE.**

This ordinance shall be known and may be cited as the Tunkhannock Borough Property Maintenance Code.

Section 2. **ADOPTION OF THE PROPERTY MAINTENANCE CODE.**

A certain document, a copy of which is on file in the Office of the Manager of Tunkhannock Borough, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Tunkhannock, 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 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 the Borough of Tunkhannock 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 3 of this ordinance.

Section 3. **DELETIONS, ADDITIONS, AND INSERTIONS.**

Changes from the 2012 International Property Maintenance Code and Commentary to the Property Maintenance Code of Tunkhannock Borough are as follows:

- A. Section 101.1 shall be amended by inserting “Tunkhannock Borough.”
- B. Section 103.2 shall provide as follows: Appointment of the Code Official within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:
 - a. By the designation of an employee of the Municipality to serve as the building code official to act on behalf of the Municipality;
 - b. By the retention of one or more code officials to serve as the code official to act on behalf of the Municipality;
 - c. By the agreement with one or more municipalities for the joint appointment of a code official through an inter-municipal agreement;
 - d. By the agreement with one or more municipalities for the joint appointment of a code official through a Council of Governments;
 - e. By contracting the services of a Code Official from another municipality.
- C. Section 103.5 shall provide as follows: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by resolution by Borough Council.
- D. Section 106.3 shall provide as follows:

106.3 **Prosecution for violation**

Any person who shall violate a provision of this code, or fail to comply with any of the requirements thereof; or who shall use, maintain, or alter a lot, building, or structure in violation of any approved plan or directive of the Code Official, or any permit, order, or certificate issued under the provisions of this code ; or who shall violate any order of the Code Official; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Code Official shall, upon conviction thereof, be guilty of a summary offence. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- E. Section 106.4 shall provide as follows:

106.4 **Violation penalties**

Any person who shall be found guilty of violating any provision of this Ordinance shall be liable therefore to fines and penalties of: (a) not less than

\$100 nor more than \$1,000 plus all costs of prosecution for a first offense; (b) not less than \$200 nor more than \$1,000 plus all costs of prosecution for a second offense; and (c) not less than \$300 nor more than \$1,000 plus all costs of prosecution for a third offense; which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Code shall be paid to the Borough Treasurer.

F. Section 110.3 shall provide as follows:

110.3 Failure to comply

Whenever the owner of a property fails to comply with a demolition order within the time period prescribed, the Code Official shall request the Borough Solicitor to institute an action at law or in equity against the property owner to obtain an order authorizing the Code Official to raze and remove such structure or to contract for the razing and removal of such structure at the expense of the owner of the property. At the completion of such razing and removal, the Borough Solicitor will file a municipal claim as a lien against the property in the amount of the Borough's cost plus a five percent (5%) of such costs for allowable attorney's commission. The Borough Solicitor may also institute any proceedings at law to provide for the collection of the Borough's costs and expenses.

G. Section 112.2(a) shall be added and shall provide as follows: The Board of Appeals may be established by joint action of the multiple municipalities pursuant to an inter-municipal agreement.

H. Section 112.4 shall provide as follows:

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 subject to such prosecution and penalties as provided in section 106.

I. Section 202, **General Definitions**, shall be amended by inserting the following definition:

Vehicle, hazardous: A vehicle including, but not limited to, an automobile, bus, van, truck, or recreational vehicle or trailer, which:

- (1) Contains one or more broken windows, or more missing doors, or a missing trunk or hood, which allow(s) entry into the vehicle by children or vermin; or
- (2) Is structurally unstable or left unsupervised supported by blocks, jacks, or other devices which may slip or move, presenting a danger to passersby or occupants of the property, or
- (3) Is parked upon property in such a manner as to obstruct the vision of drivers or interfere with the free movement of pedestrians or traffic or create a fire hazard.

J. Section 302.4 shall provide as follows:

302.4 Weeds.

All premises and exterior property shall be maintained in a manner consistent with Section 5-3001 of the Borough of Tunkhannock's Code of Ordinances.

K. Section 302.8 shall be amended to add:

302.8.1 Hazardous Vehicles

No person who owns a hazardous vehicle shall park, place, or deposit or permit the parking, placement or depositing of the hazardous vehicle on any property. No property owner shall permit any hazardous vehicle to remain on a premise. If any hazardous vehicle is parked or placed upon premises, the Code Official shall notify the owner or occupant of the premises of the duty to remove the hazardous vehicle. The Code Official shall post upon the hazardous vehicle in a conspicuous place a notice directing the removal of the hazardous vehicle within ten (10) days. Should the vehicle not be removed, the Code Official shall serve a second notice which shall be in writing and shall provide a written time limit not to exceed five (5) days within which the hazardous vehicle has to be removed. Said notice shall be served as provided in Section 107.3 herein and shall additionally be posted upon the hazardous vehicle. If the owner of the premises fails to remove the hazardous vehicle, the Borough may take action to prosecute the violation pursuant to Section 106.

L. A new Section 302.10 shall be added which shall provide as follows:

302.10 Used Vehicle Parts and Tires

No person shall place, deposit, or permit the placement or depositing of used vehicle parts or tires outside of an enclosed structure on any property.

M. Section 304.3 shall be amended as follows:

304.3 Premises identification.

Buildings shall have address numbers placed in a manner consistent with Tunkhannock Borough Ordinance 2009-2.

N. Section 304.14, **Insect Screens** shall be amended by inserting "April 15 and October 1" in the appropriate place.

M. Section 308 Rubbish and Garbage shall be amended as follows:

308.2 Disposal of rubbish.

Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner and in compliance with the Borough of Tunkhannock's Ordinance 2009-4.

308.3 Disposal of garbage.

Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner and in compliance with the Borough of Tunkhannock's Ordinance 2009-4.

N. Chapters 4, 5, 6, and 7 are deleted

Section 4. **SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distance and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. **REPEALER.**

All ordinances or parts thereof inconsistent herewith are repealed as to any such inconsistency or inconsistencies.

Section 6. **EFFECTIVE DATE.**

The effective date of this Ordinance shall be August 9, 2012, duly enacted and ordained this 9th day of August 2012, by Tunkhannock Borough Council, Wyoming County, Pennsylvania, in lawful session duly assembled.

BOROUGH COUNCIL OF THE
BOROUGH OF TUNKHANNOCK

ATTEST:

Dawn Welch
Borough Manager, Dawn Welch

BY: A Stacy Huber
Council President, A. Stacy Huber

BY: Norman Ball
Mayor, Norman Ball

