

**ORDINANCE NO. \_\_\_\_\_ - 2016**

**COCHRANTON BOROUGH PROPERTY  
MAINTENANCE CODE**

**AN ORDINANCE OF THE BOROUGH OF COCHRANTON, PENNSYLVANIA ADOPTING PORTIONS OF THE 2015 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; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCES 2 – 1976 (WEEDS AND GRASS); 1 – 1995 (JUNK); AND 4 - 1994 (DILAPIDATED BUILDINGS) AND OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**Introductory Provisions**

**Title.**

This Ordinance shall be known as the Borough of Cochranton Property Maintenance Code, referred to herein as “this Ordinance” or “this Code”, with or without capitalization.

**Authority.**

This Ordinance is adopted in accordance with 8 Pa. C. S. A. Section 32A04 of the Borough Code, Act of April 18, 2014, P. L. 432, No. 37, Section 1.

**Purpose.**

This Ordinance is being adopted to establish recognized minimum standards for maintenance of property for the protection of the health and safety of occupants and the public, by 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 and; providing for the issuance of permits and collection of fees therefor.

## **Adoption of Portions of the International Property Maintenance Code.**

The portions of the International Property Maintenance Code, 2015 Edition, as published by the International Code Council, Inc. (herein referred to as the “IPMC”), which are specified herein are hereby adopted as part of, and incorporated into, the Property Maintenance Code for the Borough of Cochranton for the regulation and control of buildings, structures, premises and facilities as therein provided; and each and all of the regulations, provisions, conditions and terms of the specified portions of the IPMC are hereby incorporated, adopted, and made a part hereof as if fully set forth in this Ordinance.

Two copies of the document entitled “2015 IPMC International Property Maintenance Code,” which is a copyrighted work published by the International Code Council, Inc., shall be maintained in the Borough offices by the Borough Manager.

The 2015 IPMC International Property Maintenance Code is available for viewing online; an Internet link thereto may be found at [http://codes.iccsafe.org/app/book/toc/2015/I-Codes/2015\\_IPMC\\_HTML/index.html](http://codes.iccsafe.org/app/book/toc/2015/I-Codes/2015_IPMC_HTML/index.html).

## **Chapter 1**

### **Scope and Administration of this Ordinance**

#### **Section 101 - General**

**101. IPMC Provisions Adopted.** Sections 101.2, 101.3 and 101.4, and all of their sub-parts, of the IPMC are hereby adopted in their entirety.

#### **Section 102 - Applicability of this Ordinance**

**102.1. IPMC Provisions Adopted.** Sections 102.1, 102.2, 102.3, 102.4, 102.5, 102.6, 102.7, 102.8, 102.9 and 102.10, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 102 of the IPMC is adopted in its entirety.

#### **Section 103 - Administration and Enforcement**

**103.1 Code Official.** This Ordinance shall be administered and enforced by a code official appointed by the Borough Council. The code official shall be considered a “law enforcement officer” as defined in the Pennsylvania Rules of Criminal Procedure. In addition to the code official, this Ordinance may also be administered and enforced by the Borough Manager and/or Police Department, who shall have all of the powers granted to the code official under this Ordinance. The Borough Manager and members of the Police Department shall not be subject to Sections 103.2 and 103.3 of this Ordinance.

**103.1.1.** The code official shall report to the Borough Manager.

**103.1.2.** The Borough may appoint one or more persons as code official. The Borough may appoint one or more assistants to such code official or officials; such assistants shall comply with all requirements of this Ordinance.

**103.2. Qualifications of Code Official.** The code official shall provide proof of certification or adequate training to administer and enforce the IPMC and otherwise meet such standards relating to the property maintenance code as the Borough Council may establish; and shall at his or her expense obtain continuing training and instruction on code administration and enforcement. The code official shall not be a resident of the Borough; nor the parent, child, spouse or sibling of any employee, elected official, appointed official or solicitor of the Borough.

**103.3. Independent Contractor Status.** The code official shall be an independent contractor and not an employee of the Borough. The code official shall be required to carry liability insurance in the minimum amounts of \$1,000,000 per person and \$2,000,000 per occurrence for personal injury/bodily injury, including libel, defamation and slander; and \$500,000 for property damage. The code official shall provide the Borough with certificate of insurance specifically naming the Borough therein, and/or naming the Borough as an insured or additional insured.

**103.4. Fees.** Borough Council may by Resolution establish fees, if any, for activities and services performed by the code official in carrying out his or her responsibilities under this Ordinance.

#### **Section 104 - Duties, Powers and Authority of Code Official**

**104.1. IPMC Provisions Adopted.** Sections 104.1, 104.2, 104.3, 104.4, 104.5 and 104.6, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 104 of the IPMC is adopted in its entirety. The Code Official shall be and shall have the powers of a “property maintenance inspector” as provided by 8 Pa. C. S. A. Sections 32A04, 3106 and 3107 of the Borough Code and shall at all times act in conformity therewith.

**104.2. Search Warrants.** If, after proper notice and request, entry or access to property is refused, the code official may compel such access by applicable provisions of the Pennsylvania Judicial Code and Pennsylvania Rules of Criminal Procedure and this article. Any court empowered to issue search warrants may issue a search warrant to the code official for purposes of inspecting or examining any property, premises, place, or physical evidence, to determine compliance with this Ordinance. Such warrant shall be issued upon probable cause. It shall be sufficient probable cause to show any of the following:

- (1) That the inspection, examination or test is pursuant to a general administrative plan to determine compliance with this Ordinance; or
- (2) That the code official has reason to believe that violation of this code has occurred or may occur, and that the code official has been refused access to the property, building, premises, place or physical evidence, or has been prevented from conducting tests.

**104.3. Limitation of Authority.** No code official, agent, employee or other representative of the Borough shall have the right or authority to bind the Borough by any oral or written promise, agreement or representation contrary to the provisions of this Ordinance.

### **Section 105 – Approval by Code Official**

**105.1. IPMC Provisions Adopted.** Sections 105.1, 105.2, 105.3, 105.4, 105.5 and 105.6, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 105 of the IPMC is adopted in its entirety.

### **Section 106 - Violations and Penalties**

**106.1. IPMC Provisions Adopted.** Sections 106.2, 106.3, 106.4 and 106.5, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 106 of the IPMC is adopted in its entirety. However, the words “summary offense” shall be substituted for the word “misdemeanor” in IPMC Section 106.3.

**106.2. Unlawful Acts.** It shall be a violation of this Ordinance, for any person to (1) cause or permit a condition to exist with respect to, maintain or fail to maintain, or use or occupy any structure, premises, or equipment, regulated by this Ordinance, contrary to or in violation of any of the provisions of this Ordinance; (2) provide or fail to provide any equipment or facilities regulated by this Ordinance in a manner contrary to or in violation of the requirements of this Ordinance; (3) permit another person to use or occupy any structure, premises or equipment in violation of this Ordinance; or to cause such unlawful acts to occur; (4) fail to obey a lawful order of the code official; (5) remove or deface a notice posted under the provisions of this Ordinance; or (6) remove or interfere with safety barriers or devices.

**106.3. Nuisances.** In addition to the provisions of this Ordinance, any violation of this Ordinance is hereby declared to be a public nuisance, and as such shall be prohibited and shall be subject to the Borough’s power to prosecute, correct, restrain, prevent and eliminate public nuisances under applicable law.

#### **106.4. Penalty.**

**106.4.1.** Any person who commits an unlawful act pursuant to Section 106.2 of this Ordinance or 106.4 of the IPMC, shall, except as otherwise specifically provided in this Ordinance, be subject to a fine or penalty as follows:

(1) A fine of up to \$1,000, or the maximum penalty allowable by law, plus costs of prosecution, for the first and second violations of the same provision of this Ordinance on the same property.

(2) A fine of up to \$5,000, or the maximum penalty allowable by law, plus costs of prosecution, for the third and any subsequent violation of the same provision of this Ordinance on the same property.

**106.4.2.** If a violation of this Ordinance is found to pose a threat to the public's health, safety or property, then the following penalties shall be applicable:

(1) A fine of no less than \$500.00 and no more than \$1,000, plus costs of prosecution, for the first and second violations of the same provision of this Ordinance on the same property, and no less than \$1,000 and not exceeding \$10,000, plus costs of prosecution, for the third and any subsequent violation of the same provision of this Ordinance on the same property, or imprisonment for a term not exceeding 90 days, or both.

**106.4.3. Specific Penalty for Properties Deemed a Blighting Influence.** If the owner does not comply with a violation notice or fails to correct the conditions specified in the violation notice within the required period of time from the date of the notice from the Borough, the owner shall be subject to a fine of \$300.00, plus costs of prosecution; provided, that it shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure or seal, under Section 301.3.2, each separate door, window, or other entrance or opening enumerated in a violation notice, and provided that each day that each such separate offense continues after the required period of time has expired shall be a separate offense for which a separate fine may be imposed.

**106.4.4. Professional Fees; Cases Involving Prosecution.** In cases involving prosecution, in addition to any fine, penalty and costs of prosecution imposed, a person found guilty of violating this Ordinance shall be ordered to pay all fees and expenses of the Solicitor, Code Official and any other person, which are incurred by the Borough in enforcing this Ordinance. Regardless of whether or not a person is ordered to pay such fees and expenses, such fees and expenses shall be a lien and collectible as such. Any such lien shall be not only an *in rem* lien against the subject property or properties, but also a personal lien against the owner or owners, and any other person against whom a lien may be enforced, pursuant to Pennsylvania law.

**106.4.5. Professional Fees; Cases Not Involving Prosecution.** In cases not involving prosecution, where it is determined by the Borough Manager or Borough Council to be reasonable to do so, any person who is given notice of violation of, and ordered to comply with, any provision of this Ordinance shall be liable for all fees and expenses of the Solicitor, Code Official and any other person, which are incurred by the Borough in enforcing or obtaining compliance with this Ordinance. Such fees and expenses shall be a lien and collectible as such. Any such lien shall be not only an *in rem* lien against the subject property or properties, but also a personal lien against the owner or owners, and any other person against whom a lien may be enforced, pursuant to Pennsylvania law.

**106.4.5. Disposition of Penalties.** All penalties, fees and costs imposed shall be payable to the Borough of Cochranton.

## **Section 107 - Notices and Orders**

**107.1. IPMC Provisions Adopted.** Sections 107.1, 107.2, 107.3, 107.4 and 107.5 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. Section 107.5 is modified; penalties

for noncompliance with orders and notices shall be as set forth in Section 106.4 of the IPMC and Section 106, and all of its subparts, of this Ordinance. Section 107.6 of the IPMC is not adopted.

## **107.2. Action to Remedy Unlawful Act.**

**107.2.1.** If action is not taken to remedy a violation or to comply with a notice or order directing certain action to correct a violation, the code official may institute an action for imposition of a penalty in accordance with this Ordinance; institute appropriate legal proceedings to restrain, correct or abate the violation; institute legal proceedings to remove persons from or to terminate occupancy of a structure in violation of the provisions of this code; and/or institute legal proceedings to enforce an order. In the case of an emergency, the code official may take immediate action to protect the public health, safety and welfare.

**107.2.2.** In the event the code official determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the code official shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with notice of any notices and orders affecting said property.

**107.3. Enforcement proceedings.** Enforcement proceedings may be instituted by the code official by citation or criminal complaint in the manner provided by the applicable Pennsylvania Rules of Criminal Procedure or amendments thereto, and the provisions of this code, and/or by commencement of civil proceedings.

**107.4. Code Official to Confer and Consult with Borough Officials.** Prior to commencing criminal or civil enforcement proceedings, and at appropriate times during the pendency of any such proceedings, the code official shall consult with the Borough Solicitor, Borough Manager and/or designated members of Borough Council.

**107.5. Role of Borough Solicitor Not Restricted.** Nothing herein shall restrict the role and authority of the Borough Solicitor to prosecute criminal violations of this Ordinance and/or to represent the Borough in civil proceedings for enforcement of this Ordinance.

**107.6. Recovery of Borough's Costs.** In the event the Borough incurs expenses in conjunction with the correction or abatement of any violation which creates a health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with an order and/or notice issued by the code official, such expense including reasonable attorneys' fees and costs and an administrative fee of 10% of the expenses and costs, may be collected by means of a municipal lien against the subject property and/or by suit against the owner(s) or person(s) responsible for the violation or property, and/or in any other manner permitted by law. The Borough shall have the right to recover, in the same manner, all litigation expenses, including but not limited to fees of the Solicitor, arising out of any civil proceeding to enforce this Ordinance. Any lien filed pursuant to this Ordinance shall be not only an *in rem* lien against the subject property or properties, but also a personal lien against the owner or owners, and any other person against whom a lien may be enforced, pursuant to Pennsylvania law.

## **Section 108 - Unsafe structures and equipment**

**108.1. IPMC Provisions Adopted.** Sections 108.1, 108.2, 108.3, 108.4, 108.5, 108.6 and 108.7, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 108 of the IPMC is adopted in its entirety.

**108.2. Lack of Water Service.** In addition to the provisions of Section 108.1.3 of the IPMC, the lack of water service to a building or structure by a plumbing system shall render a structure unfit for human occupancy.

## **Section 109 - Emergency Measures**

**109.1. IPMC Provisions Adopted.** Sections 109.1, 109.2, 109.3, 109.4, 109.5 and 109.6, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 109 of the IPMC is adopted in its entirety.

## **Section 110 - Demolition**

**110.1. IPMC Provisions Adopted.** Sections 110.1, 110.2, 110.3 and 110.4, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 110 of the IPMC is adopted in its entirety.

## **Section 111 - Appeals**

**111.1. IPMC Appeals Provisions Not Adopted.** Section 111 of the IPMC is not adopted. The following sections shall constitute the appeals process.

**111.2. Scope.** This Section 111 shall not apply to summary criminal proceedings, which shall be handled according to the Pennsylvania Rules of Criminal Procedure. In all other cases, 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 Borough Council, provided that a written notice of appeal is filed within 20 days after the decision, notice or order was served. The Borough may enforce this code through any means available under law. Nothing herein shall prevent or limit the power of the Borough to bring criminal and civil proceedings, simultaneously or serially, for the same violation or violations of this code.

**111.3. Notice of Appeal.** The notice of appeal must be in writing and be accompanied by a nonrefundable appeal fee in the amount established by Resolution of the Borough Council.

**111.4. Contents of Notice of Appeal.** The notice of appeal shall specify the reasons for the appeal in reasonable detail.

**111.5. Hearings.** Hearings and appeal proceedings shall be held before the Borough Council in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa. C.S. § 551, et seq., and in accordance with the applicable requirements of the Pennsylvania Sunshine Law, 65 Pa. C.S. § 701, et seq. Proceedings need not comply strictly with the Pennsylvania Rules of Evidence.

Hearings shall not be stenographically recorded except upon request of a party who agrees to pay the costs thereof, and pays the estimated costs in advance of the hearing.

**111.6. Decision of Council.** The decision and order of the Borough Council shall be rendered in writing, shall contain findings and reasons for the decision, and shall be promptly furnished to all parties and the code official.

**111.7. Court Review.** An aggrieved person may take an appeal from the decision and order of the Borough Council in accordance with the applicable provisions of law.

## **Section 112 - Stop Work Order**

**112.1. IPMC Provisions Adopted.** Sections 112.1, 112.2, 112.3 and 112.4, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 112 of the IPMC is adopted in its entirety. The penalty provisions of Section 112.4 of the IPMC shall be the same fines, penalties and remedies set forth in Section 106 of this Ordinance.

## **Chapter 2**

### **Definitions and Usages**

#### **Section 201 – Definitions and Usages**

**201.1. IPMC Provisions Adopted.** Sections 201, 201.1, 201.2, 201.3, 201.4, 201.5, Section 202 and all of the “General Definitions” contained therein, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 2 of the IPMC, entitled “Definitions,” is adopted in its entirety.

**Blighting Influence.** A vacant residential or commercial building or structure, or portion or portion thereof, which lacks framed glass or Plexiglass (or functionally equivalent material) within designated window areas and/or lacks opening doors in entryways, provided that:

1. The Borough has provided reasonable notice, not to exceed 180 days, to the owner of the property that the Borough has determined that the lack of windows and/or entry doors has a significant adverse influence on the community, which finding shall be based upon one or more of the following factors:

- a. deterioration and/or safety of the property;
- b. safety of the surrounding community;
- c. the value of intact, occupied properties in the surrounding vicinity of the property;
- d. the marketability of the property; and
- e. community morale.



2. The property owner, within the time specified in the notice, fails to cure the condition by installation of windows and/or doors.

**Code Official.** The IPMC definition of code official is supplemented to include the Borough Manager and/or members of the Police Department, when engaged in administration or enforcement of this Ordinance. Code Official shall also mean “property maintenance inspector” under 8 Pa. C. S. A. Section 32A04.

**Exterior Wall.** A wall, bearing or non-bearing, which is located on the outside of a building or structure, is used as an enclosing wall for a building or other structure and has a slope of 60 degrees (1.05 rad) or greater with the horizontal plane.

**Exterior Wall Covering.** A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a permanent weather-resisting barrier, including but not limited to veneer, concrete, concrete block, masonry, stone, siding made of wood, metal, hard board or synthetic material, trim, and embellishments such as cornices, soffits, fascias, eaves, and other materials intended to provide a permanent weather-resisting exterior covering. Tarpaulins, asphalt shingles, plastic sheeting, insulation, insulating material, “homasote”, insulating ‘wrap’ and other substances or materials not intended to provide permanent exterior wall weather-resisting barriers are not Exterior Wall Covering.

**Junk.** Any tangible personal property, including without any limitation whatsoever, scrap, paper, rags, glass, containers, wood or tires; devices, equipment or machines which are not operable; discarded or abandoned materials, articles, boats, trailers, machinery, equipment, appliances, furnishings, structures, recreational equipment, building materials and debris, or other items; vehicle parts; any article or material which has been discarded and is not generally useable for the purpose for which it was manufactured, or any parts or components thereof; or any item which is essentially useless or of little value.

**Junk Motor Vehicle.** Any motor vehicle which is not registered or whose inspection is more than six (6) months expired, or which has any of the following defects: broken windshield, mirror or glass, with sharp edge; missing door, window, hood, trunk or other part, which could permit entry by children or may create a breeding or living area for insects, rodents or feral animals; any exterior portions with sharp edges; missing wheels or tires; the vehicle is supported by one or more jacks for more than 48 hours; the vehicle is supported by one or more blocks more than seven days; broken lights or lamps; any protruding sharp object; leaking in any manner which could create a safety, health or fire hazard; or any loose exterior parts.

**Person.** In addition to the IPMC definition adopted herein, any association, institution, cooperative enterprise, governmental entity or agency, or any other legal entity which is recognized by law. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers, directors and/or trustees or other officials of any corporation, association, partnership or other legal entity.

**Vector.** An organism, such as a biting insect or tick, which transmits, or is capable of transmitting, a disease from one animal or plant to another.

## Chapter 3

### General Requirements

#### Section 301 - General

**301.1. IPMC Provisions Adopted.** Sections 301, 301.1, 301.2, 301.3, Section 302, 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.9, Section 303, 303.1, 303.2, Section 304, 304.1, 304.1.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.16, 304.17, 304.18, 304.18.1, 304.18.2, 304.18.3, 304.19, Section 305, 305.1, 305.1.1, 305.2, 305.3, three of 5.4, 305.5 and 305.6, Section 306, 306.1, 306.1.1, Section 307, 307.1, Section 308.1, and all of their sub-parts, of the IPMC, are hereby adopted in their entirety. Sections 302.8, 304.3, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2 and 309 are not adopted.

**301.2. Weeds and Plant Growth.** Weeds, grass or other plant growth in excess of eight (8) inches in height shall be in violation of IPMC Section 302.4. Provided, however, that *bona fide* crops or grass, grown (1) for commercial sale or (2) for consumption by livestock, shall not be a violation of IPMC Section 302.4.

**301.3. Window Screens.** Pursuant to Section 304.14 of the IPMC, window screens shall be required from April 1 through December 1.

**301.4. Junk.** No person shall cause or allow on any premises the placement, accumulation or storage of junk, which may create a breeding or living area for insects, rodents, vectors or feral animals; may present an attractive nuisance for children; or may create a health or safety hazard. Nothing herein shall permit the accumulation of junk within a structure if such accumulation causes a health or safety hazard.

**301.5. Rubbish and garbage accumulations prohibited.** No accumulation of garbage, refuse or rubbish which causes a nuisance or health and safety hazard shall be permitted in any exterior property area, except as necessary in preparation for the next weekly collection by a refuse hauling contractor.

#### **301.6. Rubbish and Garbage.**

(1) No rubbish, refuse or garbage shall be accumulated or stored outside of an enclosed building or structure, except in containers which are set outside for weekly collection by a refuse hauling contractor. Containers must be designed and secured to keep the contents from being scattered or leaked.

(2) All rubbish, refuse and garbage accumulated or stored inside of an enclosed building shall be regularly disposed of by use of a refuse collection service or other lawful means.

(3) No rubbish, refuse or garbage shall be accumulated or stored inside an enclosed building so as to create a nuisance or a health and safety hazard.

**301.7. Rubbish and Garbage Removal Notices.** Written notice of violation of Sections 301.5 or 301.6 of this Ordinance shall be given to any owner and/or occupant of the premises, except that only three (3) days shall be permitted to correct the violation and notice shall be deemed to have been made by posting the notice in a conspicuous place on the premises. There shall be no right of appeal to the Borough Council.

**301.8. Remedies for Rubbish and Garbage Removal Violations.** If any person responsible shall fail to have the rubbish and/or garbage properly removed in accordance with the requirements of Sections 301.5 or 301.6 of this Ordinance, the code official is hereby authorized to and may take action to remove the rubbish and garbage with Borough personnel or a contractor hired by the Borough as often as reasonably required, without further notice. The cost of such remedial action and all expenses incidental thereto, together with an administrative fee of 10 percent of the costs and expenses, shall be collectible from the owner or other persons responsible, in any manner permitted by law.

**301.9. Serial Citations Authorized.** Failure to remove rubbish and garbage poses a unique public health and safety hazard if uncorrected in a short period of time. Therefore, citations may be filed every five days that a violation continues without correction or abatement, after posting of notice under Section 301.7.

**301.10. Disposal of Certain Materials.** No person shall deposit, or cause to be deposited in or upon any premises, building, or structure, any refuse, rubbish, garbage, offal, pomace, dead animals, decaying matter or similar substance of any kind that may afford food, harborage or breeding areas for vectors, or cause a nuisance.

**301.11. Recycling.** Nothing herein shall be deemed to require recyclable materials to be disposed of in the same manner as rubbish, refuse or garbage. The Borough encourages recycling of recyclable materials, provided that they are accumulated in conformity with this ordinance, and regularly removed from the premises to a recycling station.

**301.12. Junk Motor Vehicles.** No person shall cause or allow on any premises any junk motor vehicle, unless such vehicle is kept inside of a building which is properly secured so as to prevent access by unauthorized persons. No person shall keep a vehicle that does not display a current plate or inspection sticker on their own property for home repair or salvage unless the vehicle is within a building without access by the general public.

**301.13. Surfaces.** Any area not used for buildings, structures, vehicle access, parking, gardening or screening shall be planted with an all-season ground cover and/or other landscape materials.

**301.14. Swimming Pools.** In addition to the provisions of IPMC Section 303 which are adopted herein, swimming pools whose sides are at least forty-eight (48) inches in height above the finished ground level and provide approved access prevention measures, including but not limited to,

removable or lockable ladders or decks with gates that meet the requirements of this Section, are exempt from the fence or barrier requirement.

**301.15. Premises Identification.** Buildings shall have approved address numbers and identification which complies with Crawford County “911” requirements.

**301.16. Roofs and Drainage.** In addition to the requirements of IPMC Section 304.7, rainwater leaders, yard drains, footer drains, downspouts, roof drains, subsoil drains, french drains, sump pumps or other equipment discharging storm water or groundwater shall not empty water in a manner that allows the discharged water to enter or drain directly into a street, sidewalk or public right-of-way. No person shall permit water from the roof, eaves or spouting or other part of such building or part thereof to run over, or drip or flow upon or over, any sidewalk or street.

**301.17. Traffic Obstructions.** Trees, plants, shrubs, structures, tangible personal property and any other obstructions which constitute a traffic hazard shall be removed, relocated or cut back to remove the obstruction. Obstructions subject to this requirement include those which restrict the stopping sight distance for drivers of through vehicles or the available corner sight distance for drivers entering from side roads or driveways to less than the appropriate minimum stopping sight distance or minimum corner sight distance standards as established by recognized traffic safety organizations, and those which significantly restrict the sight distance to a traffic-control device.

**301.18. Vacant Structures.** All vacant structures and portions thereof shall be maintained in a clean, safe, secure and sanitary condition, with required windows and entry doors as provided in this Code, so as not to cause a Blighting Influence or adversely affect the public health or safety.

**301.19. Windows and Doors.** The owner of a vacant building that is a Blighting Influence, as defined in this Code, shall secure all spaces designed as windows with glass or plexiglass windows that have frames and glazing, and all entryways with doors that open. Sealing such a property with boards or masonry or other materials that are not glass/plexiglass windows with frames and glazing, or entry doors, shall not constitute good repair or an acceptable property condition and shall be a violation of this Code.

**301.20. Boarding Standards.** To the extent that any provision of IPMC Appendix A (Boarding Standards) allows boarding-up or boarding-over of building openings, in conflict with the provisions of this Ordinance, such provision of IPMC Appendix A is not adopted.

**301.21. Paint.** Exterior paint and other protective treatment shall be maintained in compliance with IPMC Section 304.2 “Protective treatment.”

**301.22. Exterior Walls and Exterior Wall Covering.** The exterior walls of every structure or building shall be covered and protected with exterior wall covering which is designed, and installed in such a manner, as to be permanent. All exterior wall covering shall comply with Chapter 14 of the 2015 International Building Code.

## **Section 309 - Pest Elimination.**

**309.1.** Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. The owner, tenant and/or any other occupant of any structure shall be jointly responsible for rodent and pest elimination and prevention within the structure and outside of the structure.

## **Chapter 4**

### **Light, Ventilation and Occupancy Limitations**

#### **Section 401 – General**

**401.1. IPMC provisions adopted.** Sections 401, 401.1, 401.2, 401.3, 402, 402.1, 402.2, 402.3, 403, 403.1, 403.2, 403.3, 403.4, 403.5, 404, 404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 4 of the IPMC, entitled “Light, Ventilation and Occupancy Limitations,” is adopted in its entirety.

## **Chapter 5**

### **Plumbing Facilities and Fixture Requirements**

#### **Section 501 – General.**

**501.1. IPMC provisions adopted.** Sections 501, 501.1, 501.2, 502, 502.1, 502.2, 502.3, 502.4, 502.5, 503, 503.1, 503.2, 503.3, 503.4, 504, 504.1, 504.2, 504.3, 505, 505.1, 505.2, 505.3, 505.4, 506, 506.1, 506.2, 506.3, 507, 507.1 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 5 of the IPMC, entitled “Plumbing Facilities and Fixture Requirements,” is adopted in its entirety.

## **Chapter 6**

### **Mechanical and Electrical Requirements**

#### **Section 601 – General**

**601.1. IPMC provisions adopted.** Sections 601, 601.1, 601.2, 602, 602.1, 602.2, 602.3, 602.4, 602.5, 603, 603.1, 603.2, 603.3, 603.4, 603.5, 603.6, 604, 604.1, 604.2, 604.3, 605, 605.1, 605.2, 605.3, 605.4, 606, 606.1, 606.2, 607, 607.1 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 6 of the IPMC, entitled “Mechanical and Electrical Requirements,” is adopted in its entirety.

**601.2. Heat supply.** Pursuant to Section 602.3 of the IPMC, heat shall be supplied from September 1st to June 1st.

**601.2. Occupiable work spaces.** Pursuant to Section 602.3 of the IPMC, heat shall be supplied from September 1st to June 1st.

## **Chapter 7**

### **Fire Safety Requirements**

#### **Section 701 - General**

**701.1. IPMC Provisions Adopted.** Section 701, 701.1, 701.2, Section 702, 702.1, 702.2, 702.3 and 702.4, 703, 703.1, 703.2, 704, 704.1, 704.2, and all of their sub-parts, of the IPMC, are hereby adopted in their entirety. In other words, Chapter 7 of the IPMC, entitled “Fire Safety Requirements,” is adopted in its entirety.

## **Chapter 8**

### **Referenced Standards and Appendix A**

#### **Section 801 – General**

**801.1. IPMC Provisions Adopted.** Chapter 8 of the IPMC, entitled “Referenced Standards,” is adopted in its entirety, but only to the extent such standards are referenced or adopted in those portions of the IPMC specifically adopted in this Ordinance.

**801.2.** Appendix A of the IPMC, entitled “Boarding Standard,” is adopted in its entirety, but only to the extent to, and the time for, which boarding is specifically permitted or required by this Ordinance.

## **Chapter 9**

### **Other Provisions**

#### **Section 901 - Other Provisions**

**901.1. Repeals and Conflicts.** Ordinances 2 – 1976 (Weeds and Grass), 1 – 1995 (Junk); and 4 - 1994 (Dilapidated Buildings) are hereby repealed. If any conflict exists between this Ordinance and the IPMC, the terms of this Ordinance shall prevail. Nothing in this Ordinance or the IPMC shall be deemed to repeal, modify or amend any portion of the Borough’s Sewer Use Ordinance (2009 - 2) or Water Ordinance (2 - 2014), or any of their amendments.

**901.2. Headings.** The use of headings and titles is intended for reference purposes only, and shall not be construed to restrict or limit the effect of any provision in this Ordinance.

**901.3. All Remedies Cumulative.** All remedies provided for the enforcement of this Ordinance by the Borough are cumulative, and shall be in addition to any other remedies available by law.

Nothing herein shall be construed to limit, reduce, eliminate or otherwise affect any rights, powers or remedies available to the Borough.

**901.4. Constitutionality.** If any provision, paragraph, word, section or article of this Ordinance is finally declared or adjudicated to be an invalid by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall remain in full force and effect.

**901.5. Pending Rights, Liabilities and Litigation Not Affected.** Nothing in this Ordinance or in the IPMC adopted hereby shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action required or existing, under any law or ordinance, or part thereof, repealed by this Ordinance.

**901.6. Amendment by Resolution.** The Borough Council shall have the power and authority, by Resolution rather than formal Ordinance, to amend or change any provision of this Ordinance, unless an ordinance procedure is required by law.

**901.7. Number and Gender.** Unless the context clearly indicates otherwise, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**901.8. No Restriction on Borough Authority.** Nothing contained in this Ordinance or in any other Ordinance of the Borough shall be construed to restrict or limit the exercise or use of any power the Borough may have under law. It is the intention of the Borough of Cochran to have, retain and, where appropriate, to exercise all powers granted or available to the Borough under the law.

**901.9. Effective Date.** This Ordinance shall be effective immediately.

**Ordained and enacted** \_\_\_\_\_, 2016.

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Daniel A. Jackson, President

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Barbara Opatrny, Secretary

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Mark E. Roche, Mayor