

ORDINANCE NO. 331

AN ORDINANCE OF MILESBERG BOROUGH ADOPTING THE 2009 EDITION AND FUTURE UPDATED EDITIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL RENTAL PROPERTY, BOTH RESIDENTIAL AND COMMERCIAL, INCLUDING BUILDINGS, AND STRUCTURES, WITHIN THE BOROUGH; PROVIDING 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/OR USE; AND THE CONDEMNATION, AS THAT TERM IS MEANT BY THE INTERNATIONAL PROPERTY MAINTENANCE CODE, OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN MILESBERG BOROUGH; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION FEES THEREFORE; REPEALING ORDINANCE NO. 254 OF MILESBERG BOROUGH; AND APPLYING REGULATIONS FOR WEED AND BOARDING STANDARD TO ALL VACANT PROPERTIES WITHIN THE BOROUGH.

WHEREAS, the Borough of Milesburg seeks an updated and uniform system of rental property maintenance; and

WHEREAS, the Borough Council believes that the adoption of the International Property Maintenance Code provides a system and standards calculated to maintain safety in rental buildings and structures within the Borough; and

WHEREAS, the Council of Milesburg Borough believes that the adoption of the International Property Maintenance Code is in the best interests of the citizenry of the Borough;

NOW THEREFORE, it is Enacted and Ordained pursuant to, *inter alia*, Section 1202(24) of the Borough Code as follows:

SECTION ONE. The International Property Maintenance Code, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Rental Property Maintenance Code of Milesburg Borough in the Commonwealth of Pennsylvania for regulating and governing the condition and maintenance of all residential and commercial rental property, including 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, as that term is used in the International Property Maintenance Code, 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 therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of Milesburg Borough are hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, with the additions, insertions, deletions, modifications, and changes prescribed in Section Two of this Ordinance.

SECTION TWO. The following Sections of the International Property Maintenance Code Edition 2009 are hereby revised to:

Section 101.1 - insert: Milesburg Borough for name of jurisdiction;

Section 102.3 - delete: "nothing in this Code shall be construed to cancel, modify, or set aside any provision of International Zoning Code.";

Section 103.5 - insert: see attached schedule;

Section 106.3 - delete: "shall"; insert: "may" for "shall";

Section 202 - replace the term "code official" with the term "building code official" in Section 202 and throughout the International Property Maintenance Code.

Section 302.4 - insert: "six (6") inches";

Section 304.14 - insert: "April 1st to October 1st";

Section 602.3 - insert: "September 15th to May 15th";

Section 602.4 - insert "September 15th to May 15th";

SECTION THREE. Ordinance No. 254 of the Borough of Milesburg is hereby repealed as of the effective date of this Ordinance. No other Ordinances or Regulations of the Borough are repealed and any and all remedies in said Ordinances, Regulations, or as otherwise provided for in law or equity are deemed to be cumulative with the remedies set forth herein.

SECTION FOUR. If any section, sub-section, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Milesburg Borough Council hereby declares that it would have passed this Ordinance, and each section, sub-section, clause, or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION FIVE. 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 Three of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION SIX. The Secretary of Milesburg Borough is hereby ordered and directed to cause this Ordinance to be published as required by the Borough Code. A full and complete copy of the International Property Maintenance Code, Edition 2009, can be found and shall be filed with

Milesburg Borough at its offices and may be inspected during regular business hours at the Borough offices located at 416 Front Street, Milesburg. Moreover, a copy of this Ordinance together with a full and complete copy of the International Property Maintenance Code, Edition 2009, shall be filed with the newspaper in which this Ordinance is to be advertised and published and with the County Law Library.

SECTION SEVEN. This Ordinance shall be deemed to adopt all future editions of the International Property Maintenance Code as they are issued, subject to SECTION TWO hereof, so as to replace the 2009 edition which is the most current edition as of the date of enactment of this Ordinance.

SECTION EIGHT. The Fee Schedule attached hereto as Attachment A is hereby adopted. Said Fee Schedule may be amended from time to time by resolution by Borough Council.

SECTION NINE. Tenants of all rental property, whether residential or commercial, shall have the responsibilities set forth on Attached Exhibit B. Said responsibilities as are listed on Attachment B shall not be deemed to absolve landlords for responsibilities imposed upon them by law, ordinance, or regulation nor shall they be deemed to absolve tenants of duties or responsibilities imposed upon them by law, other ordinances, or regulations.

SECTION TEN. Each rental property in the Borough shall be inspected at least one time every two years. Inspections may be more frequent as needed. Notices of inspection shall be sent to landlord in the form attached hereto as Attachment C, or other substantially similar form.

SECTION ELEVEN. Violations of this Ordinance shall be punishable by fine in an amount not less than \$150.00 and not more than \$300.00 together with costs and fees as permitted by law. Such fines, costs, and fees shall not preclude other remedies available at law or in equity but shall be deemed to be cumulative therewith.

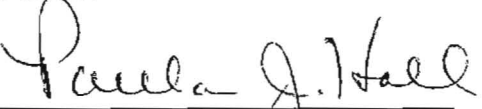
SECTION TWELVE. Notices of violation shall be issued in the form[s] set forth in Attachment D, or other substantially similar form. The entity noticed shall have the right to appeal to the Milesburg Borough Board of Rental Property Appeals within twenty (20) days upon receipt of the Notice of Violation. The appeal shall be in writing. Tenants and/or owner shall be responsible for paying a \$50.00 re-inspection/re-scheduling fee at the time of re-inspection after corrections have been made.

SECTION THIRTEEN. Each owner or landlord of property shall, on not less than an annual basis, file a Rental Permit Application as set forth in Attachment E, or substantially similar form. If the owner or landlord does not reside within twenty-five (25) air miles of the subject property, such owner/landlord shall identify and appoint a competent person of at least 25 years of age to accept service of notices and act on behalf of owner/landlord. Such designated individual shall reside within a 25-mile radius of the Borough.

SECTION FOURTEEN. The provisions of International Property Maintenance Code Appendix A, attached hereto and made part hereof as Attachment F, pertaining to Boarding Standard and Section 302.4 pertaining to Weeds, attached hereto as Attachment G, are applicable not only to rental properties but also to any and all vacant property within the Borough and violations of same for vacant properties shall carry the same remedies for violation as set forth in Section Eleven hereof.

SECTION FIFTEEN. This Ordinance shall take effect and be in full force and effect as of the 10th day of May, 2010.

ATTEST:

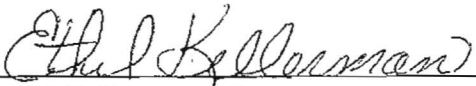


Paula J. Hall, Secretary-Treasurer

BOROUGH OF MILESBURG:



Paul Bartley, Council President



Ethel Kellerman, Mayor



1743 Circleville Road
State College, PA 16803
(814) 238-1708 Phone/FAX

Milesburg Rental Property Fee Schedule

Annual Permits:

Single Family Home: \$25.00

Included: Mobile Homes, duplexes, town homes

Apartment Buildings: \$25.00 for 1st unit

\$10.00 for each additional unit

Rooming House/Fraternity: \$25.00 for first unit

\$5.00 for each additional room

Commercial/ Business Rentals: \$35.00 per unit

No show/reinspection Fee: \$25.00 per unit

Duplicate or Loss of Property Permit Fee: \$10.00 replacement Fee

ALL CHECKS ARE PAYABLE TO KEYSTONE INSPECTION AGENCY .



Keystone Inspection Agency

1743 Circleville Road
State College, PA 16803
(814) 238-1708 Phone/FAX

Tenant Responsibilities:

1. Sanitation- All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in clean and sanitary condition.

2. Motor Vehicles- Except as provided for in other regulations, no inoperative or unlicensed 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 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.

3. Defacement of Property- No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

4. Swimming pools, hot tubs, and Spas- Swimming pools shall be maintained in a clean and sanitary condition and in good repair. Call Keystone Inspection Agency for guidelines.

5. Disposal of Rubbish- Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

6. Disposal of Garbage- Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

7. Single Occupant- The occupant of a one family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

8. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

9. Occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.



Keystone Inspection Agency

1743 Circleville Road
State College, PA 16803
(814) 238-1708 Phone/FAX

DATE:

TO:

RE: Public Property Code Ordinance

Dear Landlord,

I will be inspecting your rental property(s) on _____ at _____ . If there is a conflict please call me to reschedule your appointment at 238-1708. At the time of inspection, all smoke detectors should be working. If a second visit is required of me for any reason there will be an additional charge of \$25.00.

Thank you for your cooperation and time. For a reminder, I will call prior to the inspection.

Sincerely,

Keystone Inspection Agency



Keystone Inspection Agency

1743 Circleville Road
State College, PA 16803
(814) 238-1708 Phone/FAX

Rental Property Violation Notice (IMMEDIATE RESPONSE REQUIRED)

Tenant Name: _____

Owner: _____

The following violation(s) were noted by this office at the time of inspection. You are hereby ordered to take immediate steps to correct this problem. In addition, you are responsible for paying a \$50.00 reinspection/rescheduling fee to this office at the time of the reinspection. Should you fail to comply with this order, you will be subject to a fine in accordance with ORD. # _____ of the Borough of Milesburg, minimum fine of \$150.00, maximum fine of \$300.00. Under section 107, subsection 107.2, of the International Property Maintenance Code, the person who is receiving this notice has the right to appeal this decision. A lien may be lodged against your property in accordance with Section 106.3 of the code in addition to any and all other remedies available at law and/or equity.

Inspector _____ Date _____ Time _____

Notice for Tenant _____ Owner _____

Violations:	Interior	Exterior
	_____	_____
	_____	_____
	_____	_____

Reinspection Date and Time: _____

Corrected: _____ Not Corrected: _____



Keystone Inspection Agency

1743 Circleville Road
State College, PA 16803
(814) 238-1708 Phone/FAX

Rental Property Violation Notice (48 Hours to Correct)

Tenant Name: _____

Owner: _____

The following violation(s) were noted by this office at the time of inspection. You are hereby ordered to have this matter corrected within 48 hours of the time of this notice. In addition, you are responsible for paying a \$50.00 reinspection/rescheduling fee to this office at the time of the reinspection. Should you fail to comply with this order, you will be subject to a fine in accordance with ORD. # _____ of the Borough of Milesburg, minimum fine of \$150.00, maximum fine of \$300.00. Under section 107, subsection 107.2, of The Property Maintenance Code, the person who is receiving this notice has the right to appeal this decision. A lien may be lodged against your property in accordance with section 106.3 of the code in addition to any and all other remedies available to at law and/or equity.

Inspector _____ Date _____ Time _____

Notice for Tenant _____ Owner _____

Violations:	Interior	Exterior
	_____	_____
	_____	_____
	_____	_____

Reinspection Date and Time: _____

Corrected: _____

Not Corrected: _____



1743 Circleville Road
 State College, PA 16803
 (814) 238-1708 Phone/FAX

Rental Property Permit Application

(This application MUST be filled out in full)

1. Applicant:

New Rental Permit: _____ Change of Ownership: _____ Change of Management: _____
 Increase/Decrease of Units: _____ Owner Occupied: _____ Tenant Occupied: _____

Rental Address:

Street and Unit #: _____ City: _____ Zip: _____
 (Please include Building Name and Unit Numbers)

Owner's Name: _____ Phone: _____

(If an out of town owner, you must indicate below a local person in charge who resides within 25 air miles of the property and is at least 25 years old.)

Street: _____ City: _____ State: _____ Zip: _____

Billing/Management Name: _____ Phone: _____

Street: _____ City: _____ State: _____ Zip: _____

Person In Charge (if different from above address): _____ Phone: _____

Street: _____ City: _____ State: _____ Zip: _____

Number and Type of Units: (For billing purposes only)

House: _____ Apartment: _____ Townhouse: _____ Duplex: _____
 Room: _____ Mobile Home: _____ Fraternity: _____

Total Number of Units: _____

Please note: A rental property permit will be issued only if all property maintenance codes and zoning regulations are followed and permit fees are paid. The permit is the property of Keystone Inspection Agency and may be revoked at any time for violations of code or zoning regulations. The granting of a permit authorizes code officers to enter the premises to assure that health, safety, and welfare of the occupants is not compromised. Failure to obtain a current permit will result in formal legal action being filed against the owner.

Signature of Applicant: _____

Date: _____

Zoning Office Use Only: Approved: _____ Denied: _____ Date: _____

Zoning Classification: _____ Tax Parcel #: _____ (Must supply County Format Tax Parcel ID #)

Code Office Use Only: Inspectors Name: _____ Approved Date: _____

Classification: R-2 Multi-Family (apartment, rooming house, fraternity) _____

R-3 Townhouse _____ Duplex _____ Single Family Dwelling _____

Commercial Rental Type: _____

Occupancy Restricted by Codes to _____

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101 GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102 MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $\frac{1}{2}$ -inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $\frac{3}{8}$ -inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103 INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed 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 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.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth 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