

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Election to Administer and Enforce.**

This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101–7210.1103, as amended from time to time, and its regulations.

(*Ord. 375, 6/14/2004, §I*)

§5-102. Adoption of Uniform Construction Code.

The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401–405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.

(*Ord. 375, 6/14/2004, §I*)

§5-103. Plumbing Provisions.

By virtue of the submission by this Municipality to the jurisdiction of the Allegheny County Health Department and the Local Health Administration Law, 16 P.S. §§12001–12028, the Allegheny County Health Department shall administer and enforce its Article XV, Rules and Regulations for Plumbing, which incorporates the International Plumbing Code, and Plumbing Chapters 25 through 32 of the International Residential Code. To the extent permitted by law, Article XV shall take precedence over the International Plumbing Code, Plumbing Chapters 25 through 32 of the International Residential Code where the requirements of Article XV exceed the requirements of the International Plumbing and Residential Codes.

(*Ord. 375, 6/14/2004, §I*)

§5-104. Administration and Enforcement.

Administration and enforcement of the code within this Municipality may be undertaken as follows:

A. By the designation of an employee of the Municipality or retention of a third party agency to serve as the building code official to act on behalf of the Municipality.

B. The Allegheny County Health Department, Plumbing Division, is hereby designated to administer and enforce its Article XV, which incorporates the International Plumbing Code, and Chapters 25 through 32 of the International Residential Code, and the duties of the building code official pertaining to plumbing are hereby delegated to the Allegheny County Health Department Plumbing Division pursuant to 34 Pa.Code §403.3(b).

C. By agreement with one or more municipalities for joint administration or enforcement of the Code.

D. By agreement with another municipality for the administration and enforcement of the Code on behalf of the Borough.

(*Ord. 375, 6/14/2004, §I*)

§5-105. Board of Appeals

A Board of Appeals shall be established by resolution of the governing body of this Municipality in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time this Municipality's code enforcement and administration duties are undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities, except that any appeals filed with respect to Article XV of the Allegheny County Health Department Rules and Regulations with incorporates the International Plumbing Code and Chapters 25 through 32 of the International Residential Code shall be conducted by the Allegheny County Health Department in accordance with Article XI of the Allegheny County Health Department Rules and Regulations.

(*Ord. 375, 6/14/2004, §I*)

§5-106. Savings Clause.

1. All building code ordinances or portions of ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(*Ord. 375, 6/14/2004, §I*)

§5-107. Fees.

Fees assessable by the Municipality for the administration, enforcement or appeals undertaken pursuant to this ordinance and the code shall be established by the governing body by resolution from time to time, except those fees as required by the Plumbing Division of the Allegheny County Health Department which shall be established by the Allegheny County Health Department. Fees assessed by the Commonwealth of Pennsylvania shall be collected and disbursed according to law.

(*Ord. 375, 6/14/2004, §I*)

§5-108. Penalties.

Any person, firm or corporation who shall violate any provision of this Part or of the Uniform Construction Code, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 375, 6/14/2004, §I; as amended by Ord. 387, 12/14/2009*)

§5-109. Utility and Miscellaneous Structures.

All utility and miscellaneous use structures accessory to a detached one-family dwelling, as defined in the Uniform Construction Code, shall comply with the Uniform Construction Code and shall require issuance of a building permit if such structures exceed 200 square feet in area. The utility and miscellaneous use structures covered by this provision include carports, detached private garages, greenhouses and sheds.

(*Ord. 375, 6/14/2004, §I*; as added by *Ord. 406, 4/13/2015, §I*)

Part 2**Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

A certain document, a copy of which is on file in the Office of the Secretary of the Borough of Thornburg, being marked and designated as the 2009 International Property Maintenance Code, be and is hereby adopted as the Property Maintenance Code of the Borough of Thornburg pursuant to the Borough Code §1202(15) for the control of buildings, structures and property as herein provided and subject to any amendments contained herein or that may be adopted from time to time, and each and all of the regulations, provisions, penalties, conditions and terms of said 2009 International Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and amendments, if any, prescribed in this Part.

(*Ord. 399, 6/10/2013, §I*)

§5-202. Additions, Deletions and Changes.

The 2009 International Property Maintenance Code is amended and revised, with additions, deletions and changes noted in the following respects:

A. **Section 101.1**, page 1, second line. Insert “Borough of Thornburg” in space provided.

B. **Section 103, Department of Property Maintenance Inspection.** Delete the references to “Department of Property Maintenance Inspection” and replace the deleted references with references to “Property Maintenance Code Official.”

(1) Revise Section 103.1 to read:

103.1. General. The official in charge of enforcing this Part shall be known as the Code Official. The Code Official may be an individual or a corporation or other organization providing Property Maintenance Code enforcement services.

(2) Section 103.5, Fees, is revised to read:

103.5. Fees. Fees shall be as set forth in the Thornburg Borough Fee Schedule as adopted by the Borough Council from time to time by resolution.

C. **Section 106. Violations.** Delete subsection 106.4, Violation Penalties, and replace it with the following:

106.4. Penalties. Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not more than \$1,000. Each day that a violation continues shall constitute a separate offense.

D. **Section 109.5. Costs of Emergency Repairs.** Costs incurred in the performance of emergency work, by Borough personnel or outside parties, may be paid by the Borough. The legal counsel of the Borough shall institute appropriate

action against the property owner or agent of the premises where the unsafe structure is or was located for the recovery of such costs, plus attorney's fees, including but not limited to filing of municipal claims pursuant to 53 P.S. §7107, *et seq.*, for the cost of the emergency work, 6 percent interest per annum, plus a penalty of 5 percent of the amount due plus attorney's fees and costs incurred by the Borough in connection with the emergency work and the filing of the municipality claim.

E. **Section 111, Means of Appeal.** Delete §§111.1, 111.2, 111.3, 111.4, 111.5, 111.6, 111.7 and 111.8 in their entirety and replace them with the following:

111. Means of Appeal.

111.1. Application for Appeal. Any person aggrieved by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal, within 20 days after the date of the decision, notice or order appealed from, to the Borough of Thornburg Borough Council. The Borough Council may hear the appeal or may designate the Construction Code Board of Appeals ("Board"), which Board shall have jurisdiction to hear and rule on appeals filed hereunder. Such appeal shall be filed in writing, shall state the grounds for appeal, be accompanied by the required appeal fee, \$50 or such other fee as set under the Borough of Thornburg Fee Schedule by resolution, and shall be processed and heard in accordance with the Local Agency Law and, if assigned to the Board, the procedural requirements Construction Code Board of Appeals Rules of Procedure and Operation, provided further that any substantive requirements of such Rules of Procedure and Operation applicable only to appeals under the Uniform Construction Code shall not apply to appeals under the Property Maintenance Code. All advertising and court reporter costs resulting from the appeal will be paid by the appellant prior to commencement of the appeal hearing.

111.2. All appeals under the Property Maintenance Code must be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not apply, that the requirements of this Code are satisfied by other means or that the strict application of the Code would cause an undue hardship due to the unique circumstances involving the property in question such that strict application of the Code would prevent the property owner or occupant from making reasonable use of the property.

111.3. The appeal tribunal may consider the following factors in deciding a claim of hardship:

111.3.1. Whether the owner or occupant has complied with prior orders or agreements covering maintenance of the property.

111.3.2. Whether the owner or occupant has a history of investment or improvement at the property.

111.3.3. Whether the cost of repair or compliance is reasonable in relation to the value of the property and the danger presented by the property.

111.3.4. Whether enforcement of the Code would result in a taking

without compensation.

111.3.5. The length of time any violations have existed.

111.3.6. Degree of mitigation attempted.

111.3.7. Number and severity of violations at the property.

111.3.8. Visibility of violations from the street and neighboring properties.

111.3.9. Existence of similar conditions at neighboring properties.

111.3.10. Danger presented by the violations to children or the sick or elderly.

111.4. The appeal tribunal shall have no authority to waive requirements of the Property Maintenance Code except upon a finding of undue hardship made pursuant to §§111.1, 111.2 and 111.3.

111.5. The appeals tribunal shall decide appeals based on the vote of a majority of a quorum of the board.

111.6. A timely filed appeal shall stay the enforcement of the matter appealed until the appeal tribunal has ruled, except where the matter appealed from involves “imminent danger” under §901.1 in the opinion of the Code Official.

F. **Section 112.4.** Revise subsection 112.4 to read:

112.4. Failure to Comply. 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 more than \$1,000. Each day that a violation continues shall constitute a separate offense.

G. **Chapter 3, General Requirements, Section 302, Exterior Property Areas.**

(1) In Section 302.4, Weeds, delete the first sentence and replace it with the following: All premises and exterior property shall be maintained free from weeds or grasses in excess of 12 inches in height.

(2) Add new subsection 302.10, Prohibited Furniture, to read as follows:

302.10, Prohibited Furniture. Furniture which would be adversely affected by the elements and are susceptible to infestation by insects, rats or other vermin is prohibited from being placed or stored on exterior property. Such prohibited furniture shall include, but is not limited to, upholstered couches and couches, davenport, beds, sofas and any other interior-type fabric-covered articles not designed or intended for use in an exterior area.

H. **Section 304, Exterior Structure, Section 304.14, Insect Screens.** Insert the words, “April 1 to October 31” in the spaces provided in the first sentence of this Section.

I. **Section 308.2, Disposal of Rubbish.** Amend this Section to read as follows:

308.2, Disposal of Rubbish, Trash or Solid Waste. Both the owner and

occupant of a structure shall be responsible for the disposal of all rubbish, trash or solid waste in a clean and sanitary manner by placing such rubbish in approved containers. Dumping of rubbish, trash or solid waste on public or private property by a non-occupant or owner of said property shall constitute a violation subject to the penalties in Section 106.4.

J. **Section 308.3, Disposal of Garbage.** Amend this Section to read as follows:

308.3, Disposal of Garbage. Both the owner and occupant of a structure shall be responsible for the disposal of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Dumping of garbage on public or private property by a non-occupant or owner of said property shall constitute a violation subject to the penalties in Section 106.4.

K. **Section 602.3.** Insert dates as follows in the space provided: “from September 1 to May 31.”

L. **Section 602.4. Occupiable Work Spaces.** Insert dates as follows in the space provided: “from September 1 to May 31.”

(Ord. 399, 6/10/2013, §II)