

BOROUGH OF MONTROSE
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO: 2020-01

INTERNATIONAL PROPERTY MAINTENANCE CODE

AN ORDINANCE OF THE BOROUGH OF MONTROSE, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2018 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 MONTROSE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THERWITH.

The Council of the Borough of Montrose, Susquehanna County, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

Section 1. Adoption

Pursuant to an Act of April 18, 2014 (P.L. 432, No. 37), § 1, codified as 8 Pa. C.S.A. § 1202(15) and §32A04, the Borough of Montrose hereby adopts a certain document known as the *International Property Maintenance Code*, 2018 edition, including Appendix A: Boarding Standards, as published by the International Code Council, Inc., as the Property Maintenance Code of the Borough of Montrose, Susquehanna County, Commonwealth of Pennsylvania:

1. for regulating and governing the conditions and maintenance of all property, buildings and structures; and

2. 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
3. for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and
4. providing for the issuance of permits and collection of fees therefor; and
5. for the incorporation of each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code, all of which are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. Revisions

The following sections of the *International Property Maintenance Code*, 2018 edition, are hereby revised:

1. Section 101.1: Insert where indicated the term "The Borough of Montrose".
2. Section 103.5: Insert the following sentence after the sentence contained in the Code: "The following schedule may be amended by Resolution of the Council of the Borough of Montrose". In addition, insert therein the Schedule attached hereto as Exhibit "A".
3. Section 106.3 is hereby amended by deleting the language therein and adding the following language: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Borough, by and through its *code official*, shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged

against the real estate upon which the structure is located and shall be a lien upon such real estate”.

4. Section 106.4 is hereby amended by deleting the language therein and adding the following language: “Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 per violation and may be imprisoned to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or portion of a day in which a violation is found to exist of for each section of this Ordinance or of the Property Maintenance Code which is found to have been violated. Any person so convicted of a violation, as above, shall be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. In addition to the aforesaid penalties, the Borough may institute appropriate actions or proceedings at law or in equity to prevent or restrain work that is in violation of the Property Maintenance Code. A court having appropriate jurisdiction shall require the person violating the Property Maintenance Code to reimburse the Borough for all court costs and reasonable attorney fees incurred by the Borough in an action at law or in equity to prevent and/or restrain the violation.”
5. Section 112.4 is hereby amended by deleting the language therein and adding the following language: “ 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, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 per violation and may be imprisoned to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or portion of a day in which work is found to have been conducted after a stop work order has been served. Any person so convicted of violating a stop work order, as above, shall be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. In addition to the aforesaid penalties, the Borough may institute appropriate actions or proceedings at law or in equity to prevent or restrain work that is in violation of the Property Maintenance Code. A court having appropriate jurisdiction shall require the person engaging in work that is violating the Property Maintenance Code to reimburse the Borough for all court costs and

reasonable attorney fees incurred by the Borough in an action at law or in equity to prevent and/or restrain the illegal work.”

6. Section 302.4: Insert ten (10) inches.
7. Section 304.14: Insert May 1st to November 1st.
8. Section 602.1: Insert the following sentence after the sentence currently existing: “Primary heating facilities shall not be comprised of individual or multiple space heaters. All primary heating facilities shall be maintained in good working order.”
9. Section 602.3: Insert October 1st to May 1st.
10. Section 602.4: Insert October 1st to May 1st.

Section 3. Filing of the Property Maintenance Code

1. The Secretary of the Borough of Montrose, upon enactment of this Ordinance, shall make available three (3) copies of this Ordinance for public inspection and use during normal business hours of the Borough offices and shall make a copy of this Ordinance available to any interested party upon the payment of the cost of copying the Ordinance by said interested party.
2. The Secretary of the Borough of Montrose, upon enactment of this Ordinance, shall file the full text of the Property Maintenance Code herein adopted in the office of the Borough Secretary for public inspection.

Section 4. Appointment of Property Maintenance Inspectors to be Known as the Borough’s Code Officials

The Council of the Borough of Montrose shall appoint at least one (1) *code official* to act as the Borough’s Property Maintenance Inspector. The *code official* has the authority to enter, subject to constitutional standards in a similar manner as provided under 8 Pa. C.S.A. §3107, and inspect any premises at reasonable hours and in a reasonable manner for the administration and enforcement of the Borough’s Property Maintenance Code. All fees payable to

the code official under this Ordinance shall be paid by the *code official* as soon as possible to the Borough Treasurer for the use of the Borough.

Section 5. Repealer

That all other ordinances or parts of laws in conflict herewith, including, but not limited to the following provisions of the Code of the Borough of Montrose, are hereby repealed:

1. Chapter 47, Article XI;
2. Chapter 47, Article XII;
3. Chapter 47, Article XIII;
4. Chapter 47, Article XIV; and
5. Chapter 86.

Section 6. Severability

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 Council of the Borough of Montrose 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.

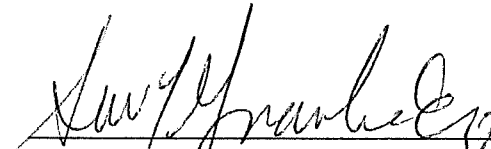
Section 7. Suits and Rights Not Impaired

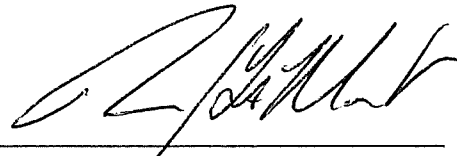
That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 8. Effective Date

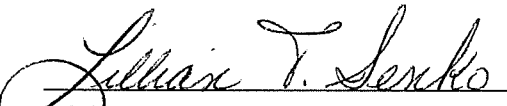
This Ordinance shall be effective immediately.

ENACTED AND ORDAINED this 2nd day of November, 2020 by the
Borough Council of the Borough of Montrose, Susquehanna County,
Commonwealth of Pennsylvania in lawful session, duly assembled.


Sean T. Granahan, Council President
Borough of Montrose


Thomas J. LaMont, Mayor
Borough of Montrose

Attest:


Lillian T. Senko, Borough Secretary
Borough of Montrose