

**BOROUGH OF WHITE OAK  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-18**

**AN ORDINANCE OF THE BOROUGH OF WHITE OAK,  
COUNTY OF ALLEGHENY, COMMONWEALTH OF  
PENNSYLVANIA, AMENDING ARTICLE 1771  
("INTERNATIONAL PROPERTY MAINTENANCE CODE")  
OF THE CODE OF THE BOROUGH OF WHITE OAK BY  
ADOPTING THE PROVISIONS OF THE 2021  
INTERNATIONAL PROPERTY MAINTENANCE CODE, AS  
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL,  
AS THE PROPERTY MAINTENANCE CODE OF THE  
BOROUGH OF WHITE OAK**

**WHEREAS**, by Ordinance No. 3480 enacted by the Borough Council of the Borough White Oak on May 21, 2007, the Borough adopted the provisions of the 2006 International Property Maintenance Code as the property maintenance code of the Borough of White Oak; and

**WHEREAS**, Borough Council has determined that it would further the health, safety, and welfare of the residents of the Borough to adopt the 2021 International Property Maintenance Code which has been published by the International Code Council, reflecting new, revised, and more appropriate regulations regarding the maintenance of property; and.

**WHEREAS**, Borough Council, after review of the 2021 International Property Maintenance Code, desires to adopt the provisions of the 2021 International Property Maintenance Code.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** and it is hereby ordained and enacted by the Borough Council of the Borough of White Oak, Allegheny County, Pennsylvania, as follows:

**SECTION 1**

Article 1771 of the Code of the Borough of White Oak (“International Property Maintenance Code”), Section 1771.01, is hereby amended as follows:

§ 1771.01 **Adoption**

The Borough of White Oak, Allegheny County, Commonwealth of Pennsylvania, does hereby adopt the Code known as the “International Property Maintenance Code,” 2021 version, as published by the International Code Council as the International Property Maintenance Code. Three (3) copies of the 2021 International Property Maintenance Code are presently on file in Office of the Code Enforcement Officer of the Borough of White Oak located at 2280 Lincoln Way, White Oak, PA 15131, and are hereby adopted as though fully set forth at length herein with the insertions, deletions, and revisions, prescribed as follows:

- A. Section 101.1: Insert: “*Borough of White Oak*”
- B. Section 103.1. Insert: “*Borough of White Oak Code Enforcement Department*”
- C. Section 103.2 is amended to state:

*“The code official shall be the code enforcement officer as appointed by White Oak Borough Council.”*

- D. Section 104.1 is amended to state:

*“The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established on the current adopted fee schedule adopted by resolution of White Oak Borough Council.”*

- E. Section 105.3 is amended to state:

*“Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code, the fire code official shall have the right and the power to enter upon and inspect the building or premises at all reasonable hours and in a reasonable manner for the administration and enforcement of this code. If such building or*

*premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. In the event that entry upon any building or premises is refused by an owner, an agent of an owner or a tenant, the code official shall obtain an administrative search warrant from any magisterial district judge within the judicial district where the building or premises to be inspected is located. It shall be sufficient to support the issuance of a warrant for the fire code official to provide to the magisterial district judge evidence of any of the following:*

- 1. Reasonable standards and an administrative plan for conducting inspections.*
- 2. The condition of the building, premises or general area and the passage of time since the last inspection.*
- 3. Facts, supported by oath or affirmation, alleging that probable cause exists that a law, regulation or ordinance subject to enforcement by the fire code official has been violated."*

F. Section 107.1 is amended to state:

***107.1 General.*** *In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Uniform Construction Code Appeals Board of White Oak Borough. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.*

***107.1.1 Application for appeal.*** *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 board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall*

*be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.*

G. Section 109.4 is amended to state:

*Any person who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a summary offense, punishable by a fine not to exceed \$1,000.00 per violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings, and in default of payment of such fine and costs to imprisonment to the extent permitted 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 or for each section of this code which is found to have been violated. Any action taken by the Borough in the prosecution or abatement of any violation shall be charged against the real estate upon which the violation exists and shall be a municipal claim and lien upon such real estate. All fines, costs, penalties, and fees collected for the violation of this Chapter shall be paid to the Borough Treasurer.*

H. Section 302.4. Insert: "6 inches"

I. Section 304.14. Insert: "April 15 for the first date and October 15 for the second date"

J. Section 505.4 Is amended to state:

*Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. Discharge pipes shall come to within 6 inches of the floor surface.*

K. Section 602.3. Insert: *“September 15 in the first location and May 15 in the second location.”*

L. Section 602.4. Insert: *“September 15 in the first location and May 15 in the second location.”*

M. Section 603.4 is amended to state:

*“Safety controls for fuel-burning equipment shall be maintained in effective operation. All fuel burning equipment or appliances shall have a fuel shut off valve capable of being turned off by hand without the use of tools located at the equipment or appliance.”*

N. Section 605.2 Is amended to state:

*“Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. All electrical outlets within 6 feet of any water source and in unfinished areas shall be ground fault circuit interrupter protected outlets. All exterior outlets shall be ground fault circuit interrupter protected outlets and installed in an approved exterior outlet box with proper cover. All receptacle outlets shall have the appropriate faceplate cover for the location.”*

O. Section 703 Insert the following new sections:

***“703.3.4 Dwelling garage fire separation.*** *Dwellings with integral or attached garages shall be provided with the following fire separation. From the residence and attics not less than 1/2-inch gypsum board or equivalent applied to the garage side. From habitable rooms above the garage not less than 5/8-inch Type X gypsum board or equivalent attachment of gypsum board shall comply with the requirements of the International Residential Code table R702.3.5. Openings in garage walls shall comply with the International Residential Code Section R302.5. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors, equipped with a self-closing or automatic-closing device.”*



***“703.3.5 Openings to sleeping rooms. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.”***

P. Section 703 Insert the following new sections:

***“704.8 Fire extinguishers for residential rental units. Every residential rental unit shall have an ABC type fire extinguisher visibly wall mounted in an Egress pathway of the unit.”***

Q. Section 705.1 is amended to state:

***“Carbon monoxide alarms shall be installed in dwellings covered by the International Residential code which uses a fossil fuel-burning heater or appliance, fireplace, or an attached garage. Shall have approved and operational carbon monoxide alarms, centrally located and installed in the vicinity of the bedrooms and in the vicinity of the fossil fuel-burning heater or appliance, fireplace or attached garage. Multifamily dwellings each apartment in a multifamily dwelling, which uses a fossil fuel-burning heater or appliance, fireplace, or an attached garage. Shall have approved and operational carbon monoxide alarms, centrally located and installed in the vicinity of the bedrooms and in the vicinity of the fossil fuel-burning heater or appliance, fireplace or attached garage. All other dwelling types or sleeping units shall have carbon monoxide alarms installed in accordance with section 1103.9 of the International Fire Code. Combination smoke and carbon monoxide alarms are permitted to be used.”***

R. Section 111.4.2 is amended to state:

***“111.4.2 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:***

- (1) Delivered personally; or***
- (2) Sent by first-class mail addressed to the last known address; or***
- (3) Sent by certified mail addressed to the last known address; or***
- (4) Posted in a conspicuous place on or about the structure affected by such notice.”***

## **SECTION 2 - REPEALER**

As of the effective date of this Ordinance, all ordinances currently in existence are repealed to the extent that such ordinances are inconsistent with the provisions of this Ordinance.

## **SECTION 3 - SEVERABILITY**

The provisions of this Ordinance are severable. If any section, sentence or clause of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, sentences or clauses of this Ordinance.

## **SECTION 4 - EFFECTIVE DATE**

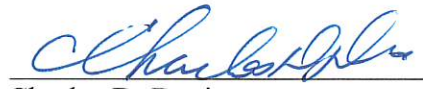
This Ordinance shall become effective upon enactment by the Council of the Borough of White Oak.

**ORDAINED AND ENACTED** this 19th day of June, 2023.

**ATTEST:**

**BOROUGH OF WHITE OAK**

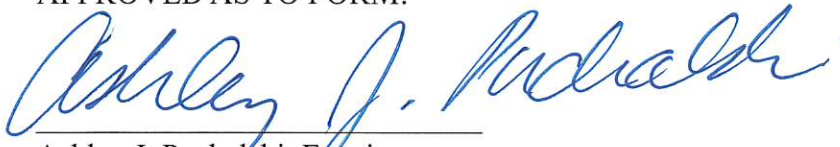
  
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John Palyo  
Borough Manager

  
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Charles D. Davis  
President of Council

EXAMINED AND APPROVED by me this 19th day of June, 2023.

  
\_\_\_\_\_  
Ina Marton  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ashley J. Puchalski, Esquire  
Solicitor