

BOROUGH OF WHITE OAK  
ALLEGHENY COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2019-18

AN ORDINANCE OF THE BOROUGH OF WHITE OAK ADOPTING 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 OF WHITE OAK; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 3480 OF THE BOROUGH OF WHITE OAK AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

The **Council** of the **Borough of White Oak** does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the **Borough Manger** of Borough of White Oak being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **Borough of White Oak** in the Commonwealth of Pennsylvania for 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; 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 the **Borough of White Oak** 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.** The following sections are hereby revised:

Section 101.1, Insert: [**Borough of White Oak**]

Section 103.2 is amended to state:

**103.2 Appointment.** The code official shall be the code enforcement officer as appointed by the Borough Council.

Section 103.5. Insert: [ As per Fee Schedule Adopted by Resolution]

Section 104.3 is restated as follows:

**104.3 Right of entry.** Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire 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 fire 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.

Section 106.3 is restated as follows:

**106.3 Violation penalties.** 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. All fines, costs, penalties, and fees collected for the violation of this Chapter shall be paid to the Borough Treasurer.

Section 106.4 is amended by adding a last sentence as follows: "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."

Section 112.4. Insert: [ **\$100.00 for the first location and \$1,000.00 for the second location** ]

Section 302.4. Insert: [ **6 inches**]

Section 304.14. Insert: [ **April 15 for the first date and October 15 for the second date**]

Section 602.3. Insert: [ **September 15 in the first location and May 15 in the second location**]

Section 602.4. Insert: [ **September 15 in the first location and May 15 in the second location**]

**Section 3.** That Ordinance No. 3480 of **Borough of White Oak entitled** Property Maintenance and all other ordinances or parts of laws in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough of White Oak hereby declares that it would have passed this law, 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 5.** That nothing in this legislation 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 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**Section 6.** That the **Borough Manager** is hereby ordered and directed to cause this legislation to be published. (An additional provision may be required to direct the number of times the legislation is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 7.** That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **immediately** from and after the date of its final passage and adoption.

**Section 8.** That any Ordinance, or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

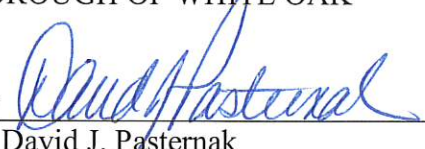
**Section 9.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity, or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of White Oak that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

ORDAINED and ENACTED into law this 18<sup>th</sup> day of November, 2019.


ATTEST:

BOROUGH OF WHITE OAK

  
\_\_\_\_\_  
John Palyo  
Borough Manager

By   
\_\_\_\_\_  
David J. Pasternak  
Council President

EXAMINED AND APPROVED by me this 18<sup>th</sup> day of November, 2019.

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Krisha A. DiMascio, Esquire  
Solicitor