

**OFFICIAL
BOROUGH OF CRAFTON
ORDINANCE NO. 1664**

AN ORDINANCE OF THE BOROUGH OF CRAFTON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 90, ARTICLE II OF THE CRAFTON BOROUGH CODE OF ORDINANCES, "PROPERTY MAINTENANCE CODE," AS AMENDED, TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND ESTABLISHING SEVERABILITY AND EFFECTIVE DATE PROVISIONS.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. §1202(5), grants the Borough of Crafton ("Borough") the specific power to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(4) of the Borough Code, 8 Pa.C.S. §1202(4), grants the Borough the specific power to prohibit and remove any nuisance or dangerous structures on public or private grounds, including, but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles, and obstructions or nuisances in the streets of the Borough; and

WHEREAS, Section 1202(15) of the Borough Code, 8 Pa.C.S. §1202(15), grants the Borough the specific power to adopt and enforce a property maintenance code and exercise any additional reserved powers pursuant to Borough Code Article XXXII-A; and

WHEREAS, Chapter 32A of the Borough Code, 8 Pa.C.S. §§32A01 – 32A05, empowers the Borough to, among other things, enact a property maintenance ordinance and incorporate any standard or nationally recognized property maintenance code, or any variations or changes or parts of the code, published and printed in book form, without incorporating the text of the code in the ordinance; and

WHEREAS, Section 32A04 of the Borough Code, 8 Pa.C.S. §32A04, requires that notice of a property maintenance code's consideration, in reasonable detail, shall be published as will give adequate notice of its contents and a reference to the place or places within the Borough where copies of the proposed property maintenance code may be examined or obtained, with such notice being published once in one newspaper of general circulation at least one week and not more than three weeks prior to the presentation of the proposed property maintenance code to council for official action; and

WHEREAS, the Borough Council desires to amend and restate of Chapter 90, Article II, of the Code of the Borough of Crafton, Property Maintenance, to adopt the 2018 International

Property Maintenance Code as the Borough Property Maintenance Code and to revise the regulations related thereto to maintain, preserve and protect the public health, safety and welfare.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Crafton, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. Chapter 90, Article II of the Code of the Borough of Crafton is amended by restating Chapter 90, Article II in its entirety as follows:

Article II
PROPERTY MAINTENANCE CODE

§ 90-10. Adoption of Property Maintenance Code.

The Borough hereby adopts the International Property Maintenance Code, 2018 Edition, as published by the International Code Council, Inc., as the Property Maintenance Code of the Borough of Crafton 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 occupation and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Borough Office are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in § 90-11 of this Article.

§ 90-11. Modifications to standards.

The following sections and subsections of the International Property Maintenance Code, 2018 edition, are hereby added, inserted, deleted, restated or changed as set forth below:

A. **Section 101.1:** § 101.1, Title, is amended by inserting “Crafton Borough” in the space provided.

B. **Section 102.3:** § 102.3 is restated as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 90, Article I of the Borough of Crafton Code of Ordinances, “Construction Code,” as amended. Nothing in this code shall be construed to cancel, modify or set aside any provisions of Chapter 225 of the Borough of Crafton Code of Ordinances, “Zoning”, as amended.

C. **Section 103:** § 103 is amended by changing the title of the section to “Department of Code Administration/Building Inspection.”

D. **Section 103.1:** § 103.1 is restated as follows:

103.1 General. The existing Department of Code Administration/Building Inspection is charged with the implementation, administration, and enforcement of the provisions of this code.

E. **Section 103.2:** § 103.2 is restated as follows:

103.2 Appointment. The Borough Council shall appoint a Code Official/Building Inspector who shall be in charge of the Department of Code Administration/Building Inspection. For the purposes of this code, the Code Official/Building Inspector shall also be referred to as the “Code Official.” The Borough Council may appoint and contract with outside persons and entities to serve as subcontractors for the performance of such portions of the inspection or other duties of the Code Official as the Borough Council may deem appropriate.

F. **Section 103.5:** § 103.5 is restated as follows:

103.5 Fees. The fees for applications and permits referenced in this code and for the activities and services performed by the Code Official in carrying out his/her responsibilities under this code shall be established, from time to time, by resolution of the Borough Council.

G. **Section 106.3:** § 106.3 is amended by restating the last sentence of the section as follows: “Any action taken by the Borough in the prosecution of a violation of this code and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.”

H. **Section 106.4:** § 106.4 is restated as follows:

106.4 Violation penalties. Any person, firm, or corporation who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before the district magistrate judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Borough, and in default of payment of said 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 thereof in which a violation is found to exist or for each section of the code found to have been violated. The Borough may also commence appropriate actions in equity, at law, or otherwise to prevent, restrain, correct, enjoin, or abate violations of this code. All fines and penalties collected for violation of this code shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, the Police Chief, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council shall deem appropriate.

- I. **Section 111:** § 111, Means of Appeal, is deleted in its entirety and restated as follows:

**SECTION 111
MEANS OF APPEAL**

111.1 Application for Appeal. Any applicant or person aggrieved by a decision of the Code Official or a notice or order issued under this code shall have the right of appeal to the Board of Appeals established under Chapter 90, Article I of the Crafton Borough Code of Ordinances, "Construction Code," as amended, provided that a written application for an appeal is filed within 10 days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Borough Council. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Regulations and Procedures for Appeals. All appeals under this code shall proceed under the regulations and procedures established under Chapter 90, Article I of the Crafton Borough Code of Ordinances, "Construction Code," as amended.

- J. **Section 112.4:** § 112.4 is restated as follows:

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 considered to be in violation of this code and subject to the violation penalties under § 106 of this code.

- K. **Section 113:** A new § 113, "Rental Property Inspection Permit," is hereby inserted as follows:

**SECTION 113
RENTAL PROPERTY INSPECTION PERMIT**

113.1 General. A rental property inspection permit, certifying that the use and structure is in compliance with this code and all other ordinances of the Borough, shall be obtained before any change of occupancy may occur in a residential property let for occupancy, as defined in § 202 of this code. Prior to occupying the building in which the change in occupancy is established, the property owner or lessee shall be required to make application for a rental property inspection permit.

113.2 Permit Application. Applications for a rental property inspection permit shall be submitted to the Code Official. This application shall include, among other things, the current address and telephone number of the property owner and the property manager, if any.

113.3 Issuance of Permit and Inspection. Prior to the issuance of a permit under this

section, and as a condition precedent thereto, the Code Official, or his/her designee, shall inspect the premises and structure that is the subject of the change in occupancy. The Code Official shall issue a permit under this section once it has been determined that the subject premises and structure are in compliance with this code and all other ordinances of the Borough.

113.4 Notice of Change in Occupancy to Borough. In order to facilitate the inspection required by this section, the property owner shall notify the Code Official at least 30 days prior to any change in occupancy.

113.5. Notice of Change in Ownership. The current property owner shall notify the Code Official at least 30 days prior to any change in ownership or ownership structure of the subject property, and at that time provide the Code Official with the new/ proposed property owner's address and telephone number. This notice of change of ownership shall be a condition of any permit issued under this section.

113.6 Notice of Property Owner Change of Address. The property owner shall notify the Code Official at least 30 days prior to property owner's change of address or telephone number, and shall at that time provide the Code Official with the property owner's new address or telephone number. This notice of change of address shall be a condition of any permit issued under this section.

113.7 Display of Permit. Any permit issued under this section shall be exhibited at any time on request of the Code Official, or his/her designee.

113.8 Revocation of Permit. Any property owner or lessee violating this section shall be subject to immediate revocation of his/her rental property inspection permit.

113.9 Enforcement Remedies. Any person who violates a provision of this section shall be subject to the violation penalties set forth in § 106 of this code. Additionally, the Borough may direct the municipal water agency, authority or company or public authority providing public water service in the Borough to cease water service to the subject property until compliance with this code and all other applicable Borough ordinances is achieved.

L. **Section 201.3:** § 201.3 is amended by deleting the reference to the “International Zoning Code” in the section.

M. **Section 202:** § 202 is amended by adding the following definition:

JUNK VEHICLE. Any vehicle which is without a currently valid license plate or state registration and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition, and/or for which the certificate of title has been returned to the Pennsylvania Department of Transportation in accordance with the provision of the State Vehicle Code, 75 Pa.C.S.A. § 101 et. seq., and/or which by its appearance is unsightly and not in repairable condition, and/or which had been declared abandoned according to the provisions of the State Vehicle Code. Where a certificate of junk has been issued by the Pennsylvania Department of Transportation, such certificate

shall be conclusive evidence that the subject vehicle is a junk vehicle; however, where no such certificate has been issued or applied for, the failure to have the vehicle licensed shall be prima facie evidence that the subject vehicle is a junk vehicle.

N. **Section 301:** § 301 is amended by inserting a new Section 301.4 as follows:

301.4 Lead-based paint. Lead-based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling, dwelling unit, or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain lead paint with a lead content of more than 0.5% shall be removed or covered with paneling or other suitable covering approved by the Code Official.

O. **Section 302.4:** § 302.4 is amended by restating the first paragraph of the section as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches and shall be landscaped so as to have either grass or other form of approved ground cover, growing or artificial or maintained in its natural state. 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. Landscaping shall not include any plants documented on the Pennsylvania DCNR “Invasive Plants in Pennsylvania” list, including but not limited to bamboo plants. The planting of hardy indigenous species is encouraged.

P. **Section 302.8:** § 302.8 is amended by adding the following sentences at the end of the first paragraph: “No junk vehicle shall be stored outside any private or public property, including vacant lots, streets, or alleys in the Borough.”

Q. **Section 304.3:** §304.3 is amended by restating the section as follows:

304.3 Premises and Identification. All premises with any structures erected thereon shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

R. **Section 304.14:** § 304.14 is amended to insert “June 1” for the first reference of [DATE] and “September 30” for the second reference of [DATE].

S. **Section 308.1:** § 308.1 is amended and restated as follows:

308.1 Accumulation of Rubbish, Garbage or Other Materials. All exterior property and premises, including accessory buildings, shall be free from the accumulation or storage of the following:

- A. Rubbish or garbage, including any such accumulation or storage in the interior of any structure.
- B. Commercial, industrial, or building materials, except when such materials are for the purpose of rehabilitating any building or structure on the subject premises.
- C. Scrap material of any kind, any old scrapped or used appliances, fixtures, automobile parts, machinery and machinery parts and/or other similar material or any other form of discarded or unused or unusable materials (including building materials) which by their appearance are unsightly.
- T. **Section 404.5:** § 404.5 is deleted in its entirety and restated as follows:

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety or welfare of the occupants.
- U. **Section 404.5.1:** § 404.5.1 is deleted in its entirety.
- V. **Section 404.5.2:** § 404.5.2 is deleted in its entirety.
- W. **Section 602.3:** § 602.3 is amended to insert “October 1” for the first reference of [DATE] and “May 1” for the second reference of [DATE].
- X. **Section 602.4:** § 602.4 is amended to insert “October 1” for the first reference of [DATE] and “May 1” for the second reference of [DATE].

§ 90-12. More Restrictive Provisions to Apply.

When the provisions of this Chapter are in conflict with other sections of the Crafton Borough Code of Ordinances or any other ordinances of the Borough or any other applicable codes, the more stringent code, ordinance or regulation shall apply.

§90-13. Severability.

If any section, subsection, sentence, clause or provision of this article or the code adopted hereunder is found to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this article or the remaining portions of the code adopted hereunder.

SECTION 2. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. 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 Borough Council 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 4. That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impeding 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 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect in accordance with applicable law.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Crafton, Allegheny County, Pennsylvania, at its meeting held on the 23rd day of November, 2020.

ATTEST:

BOROUGH OF CRAFTON

Russell McKibben
Borough Manager/ Secretary

By: _____
Phillip Levasseur
President, Borough Council

Approved by me this 23rd day of November, 2020

James Bloom, Mayor