

Chapter 80

PROPERTY MAINTENANCE

§ 80-1. Title.

§ 80-2. Adoption of standards by reference.

§ 80-3. When effective; applicability.

§ 80-4. Modifications to standards.

§ 80-5. Conflict with other provisions.

§ 80-6. Severability.

§ 80-7. Recording and filing.

[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys 8-6-2018 by Ord. No. 2018-1. Amendments noted where applicable.]

§ 80-1. Title.

This chapter shall be known and may be cited as the "Property Maintenance Code of the Borough of Seven Valleys."

§ 80-2. Adoption of standards by reference.

Pursuant the authority of §§ 1202(15) and 34A04 of the Borough Code, 8 Pa.C.S.A. §§ 1202(15) and 34A04, a certain document, three copies of which are on file in the Borough office at 9 Maple Street, Seven Valleys, PA 17360, being marked, designated and known as the "International Property Maintenance Code, 2006," as published by the International Code Council, Inc., except as such portions as are hereinafter deleted, modified, supplemented, or amended, is hereby adopted in its entirety as the Property Maintenance Code of the Borough of Seven Valleys. Each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code, 2006, are hereby adopted and made a part hereof as if fully set forth in this chapter, except as such portions as are hereinafter deleted, modified, supplemented, or amended in § 80-4. Any amendments or supplements by said publisher to the 2006 Code, after its initial publication, are not intended to be adopted hereby.

§ 80-3. When effective; applicability.

The provisions of this chapter shall take effect upon enactment, provided that where a permit has already been issued for work conforming to prior standards in the nature of alteration, addition, repair, removal, demolition or use of buildings or structures, such permit and standards as previously existing shall govern said work.

§ 80-4. Modifications to standards.

- A. Section 101.1. Insert "Borough of Seven Valleys" where "name of jurisdiction" appears.
- B. Section 304.14. Insert "May 1" where the first "date" appears and "September 30" where the second "date" appears.

- C. Section 602.3. Insert "October 1" where the first "date" appears and "April 30" where the second "date" appears.
- D. Section 602.4. Insert "October 1" where the first "date" appears and "April 30" where the second "date" appears.
- E. The following provisions and sections of the 2006 International Property Maintenance Code are modified to read as set forth herein:

**SECTION 103
CODES ENFORCEMENT OFFICER**

103.1 General. Property maintenance inspection shall be the responsibility of the code official.

103.2 Appointment. The code official shall be the Codes Enforcement Officer of the Borough of Seven Valleys, as created and set forth by motion or resolution of Seven Valleys Borough.

103.5 Fees. Fees for the activities and services performed by the code official shall be established by resolution of the Seven Valleys Borough Council.

106.3 Prosecution of violations. Any person who has received notice of a violation of this chapter and fails to take the necessary corrective action shall be guilty of a summary offense subject of penalties as set forth in Section 106.4. If the notice of violation is not complied with, the 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.

106.4 Penalties for violations. Any person who shall violate a provision of this code shall be liable, upon conviction of a violation thereof, to a fine or penalty of not more than \$1,000 and costs of prosecution for each and every offense and, in default of payment thereof, to imprisonment for not more than 30 days for each offense. Each day's continuance of such violation after the time for correction has expired shall constitute a separate offense punishable by a like fine or penalty.

107.1 Notice to owner and/or person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner and/or person or persons responsible therefor in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with Section 108.3.

**SECTION 103
CODES ENFORCEMENT OFFICER**

111.1 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 a written application for appeal is filed within 30 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 the code are adequately satisfied by other means.

109.7 Abatement by the Borough. If the owner, occupant, mortgagee or lessee fails to comply with the order of the Codes Enforcement Officer or the Borough Secretary within the time specified in the notice issued by such person and not petition for a hearing, if filed within 15 days thereafter, or following a hearing by the Borough of Seven Valleys, the order is sustained thereby, the Codes Enforcement Officer or Borough Secretary shall cause such a building or structure to be repaired, vacated or demolished as determined by the Borough of Seven Valleys in accordance with the standards hereinbefore provided. The Borough of Seven Valleys may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, plus attorney fees incurred by the Borough of Seven Valleys regarding the same, in the manner provided by law, or the Borough of Seven Valleys may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

111.2 Membership of Board. The Board of Appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of Seven Valleys Borough. The Board shall be appointed by resolution of Seven Valleys Borough Council and shall serve staggered and overlapping terms.

111.2.1 Alternate members. Seven Valleys Borough Council may appoint two or more alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.

111.2.4 Record of proceedings. The Seven Valleys Borough Secretary shall provide a stenographer to the Board. The Board shall maintain and keep a stenographic record of the proceedings, and costs shall be borne the same as those in procedures before zoning hearing boards.

111.3 Notice of meetings. Notice of all meetings of the Board shall be in compliance with the Pennsylvania Sunshine Act, 65 Pa.C.S.A. §§ 701 through 706, as amended.

F. The following provisions and sections of the 2006 International Property Maintenance Code are hereby deleted:

- (1) Section 307.3.1, in its entirety.

§ 80-5. Conflict with other provisions.

- A. Building Code regulations of the Commonwealth of Pennsylvania shall take precedence over the provisions of this chapter where they are applicable and more stringent. All other regulations of the Borough shall be complied with where they are applicable.
- B. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Borough of Seven Valleys existing on the effective date of this chapter, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where provision of this chapter is found to be in conflict with a provision of any other ordinance or code of this Borough of Seven Valleys existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

§ 80-6. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter, including the International Property Maintenance Code, 2006, herein adopted, be declared invalid by a court of competent jurisdiction, such decision shall not effect the validity of the chapter in its entirety or any part thereof other than that declared to be invalid.

§ 80-7. Recording and filing.

In recording the ordinance adopting this chapter, the Borough Secretary is directed to attach an accompanying notation stating that the full text of the code shall have been filed for public inspection in the Seven Valleys Borough office.