

GORDON BOROUGH
SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 1226101

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA AMENDING PORTIONS GORDON BOROUGH ORDINANCE NO. 110309, INCLUDING PORTIONS OF SECTIONS 108, 109 AND 110 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY SAID ORDINANCE.

WHEREAS, on November 2, 2009 Gordon Borough adopted Ordinance No. 110309 thereby adopting the International Property Maintenance Code as published by the International Code Council, 2009 edition, as the property maintenance code of Gordon Borough; and

WHEREAS, Gordon Borough now desires amend certain portions of said International Property Maintenance Code as are applicable in Gordon Borough;

NOW THEREFORE, be it ORDAINED as follows:

Section 1. Section 3G of Gordon Borough Ordinance No. 110309 is deleted.

Section 2. The following sub-parts are added to Section 3 of Ordinance No. 110309:

a. Section 3W to read as follow: "Section 106.5 of the International Property Maintenance Code, 2009 edition, is amended to read 'The imposition of the penalties herein prescribed shall not preclude Gordon Borough from instituting an appropriate equitable action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.'"

b. Section 3X to read as follows: "In Section 109.1 of the International Property Maintenance Code, 2009 edition, the word 'may' is substituted for the word 'shall' in the second sentence of this Section; additionally the third sentence of this Section is amended to state 'If a notice as described in the previous sentence is posted by the code official, it shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.'"

c. Section 3Y to read as follows: "In Sections 109.2, 109.3, 109.4, 109.5, 110.1 and 110.3 of the International Property Maintenance Code, 2009 edition, the word 'may' is substituted for the word 'shall' anytime the word 'shall' is used or appears in any of these Sections."

Section 3. In addition to the amendments stated in Section 2 of this Ordinance, Section 108 of the International Property Maintenance Code, 2009 edition, titled Unsafe Structures and Equipment, as applied in Gordon Borough pursuant to Ordinance No. 110309, is hereby amended in its entirety to read as stated below.

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, the code official may *condemn* said structure or equipment pursuant to the provisions of this code.

108.1.1 Unsafe structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied contrary to law.

108.2 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place on or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

108.3 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* may post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

108.4 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

108.5 Abatement. The *owner*, *operator* or *occupant* of a building, *premises* or equipment *condemned* by the *code official* shall abate or cause to be abated or corrected such conditions as led to the condemnation either by repair, rehabilitation, demolition or other *approved* corrective action. If the owner, operator or occupant fails to abate or correct such conditions within a reasonable time the code official may cause the abatement or correction to occur, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement or correction may be charged against the owner of the real estate upon which the building, structure, premises or equipment is located, and may be entered as a lien upon such real estate and may be collected by any other legal remedy.

Section 108.6 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based

have been eliminated. No person shall remove the condemnation placard without the permission of the code official. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

Section 108.7 Report. The *code official* shall cause a report to be filed with the municipality on any condemnation. The report shall state the *occupancy* of the structure and the nature of the conditions which led to the condemnation. The code official's failure to file such a report shall not effect the legality of the condemnation, nor any rights held by the municipality in relation to it.

Section 108.8 Closing of structure. A condemned structure or equipment may be ordered closed up or secured by the code official if deemed necessary to protect public health. If so ordered, the owner, operator or occupant shall take all steps to close or secure the structure or equipment in a reasonable period of time. If the owner, operator or occupant fails to close or secure the structure or equipment, the code official may cause the structure or equipment to be closed or secured through any available public agency or by contract or arrangement with private persons and the cost thereof may be charged against the real estate upon which the structure or equipment is located and may be a lien upon said real estate and may be collected by any other legal remedy.

Section 108.9 Authority to disconnect utility services. The *code official* may authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. In exercising this authority, the *code official* shall notify the serving utility and, whenever possible the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing or by posting as soon as practical thereafter.

Section 4. All other provisions of Gordon Borough Ordinance No. 110309 are affirmed and are still valid and applicable.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal or unenforceable, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed separate, distinct and independent from the remainder of this Ordinance, and such finding shall not effect the enforceability of the remainder of this Ordinance.

Section 6. This Ordinance shall take effect immediately or on the first day allowed by law, whichever is sooner, after enactment.

ORDAINED and ENACTED this 13 day of December, 2011.

BOROUGH OF GORDON,
Schuylkill County, Pennsylvania

By: Kurt H. Fyfe
President of Council

ATTEST:

[Signature]
Secretary

EXAMINED AND APPROVED, this 26 day of DECEMBER, 2011.

[Signature]
Mayor of the Borough of Gordon,
Schuylkill County, Pennsylvania