



**TOWNSHIP OF NORTH FAYETTE  
ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 505**

**AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING THE 2018 EDITION OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH SUCH REVISIONS AND ADDITIONS AS NOTED HEREIN, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; 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; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND FOR THE DEMOLITION OF SUCH STRUCTURES IN THE TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR APPEALS FROM ADVERSE DECISIONS; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.**

**WHEREAS,** pursuant to its power under law to regulate the conditions and maintenance of all property, buildings, and structures within the Township, the Township Board of Supervisors is authorized to adopt and enforce as its Property Maintenance Code a nationally recognized standard or code in whole or in part and with such further additions, revisions and provisions as determined necessary in its sound judgment; and

**WHEREAS,** the Board of Supervisors finds that the 2018 International Property Maintenance Code provides a modern and effective set of standards for promoting full and proper maintenance of properties within the Township.

**WHEREAS,** all previous references to property maintenance codes and all ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance are hereby repealed to the extent they are in conflict with this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for the Township of North Fayette, and it is hereby ordained and enacted by the authority of the aforesaid as follows:

**SECTION 1: ENACTMENT OF PROPERTY MAINTENANCE CODE.**

The Township Code of Ordinances, as amended, is hereby amended to repeal, and replace, in its entirety, Chapter 5, Part 2, entitled "Property Maintenance Code", as set forth below:

**Chapter 5, Part 2**  
**Property Maintenance Code**

§5-201 Adoption.

That a certain document, a copy of which is on file in the office of the Secretary of the Township of North Fayette, marked and designated as the International Property Maintenance Code, 2018 Edition, by the International Code Council, Inc., also available online at <https://codes.iccsafe.org/content/IPMC2018>, be and is hereby adopted as the Property Maintenance Code of the Township of North Fayette, Allegheny County, 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 structures in the Township of North Fayette; 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 are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

§5-202 Modifications.

1. The 2018 International Property Maintenance Code is amended and revised, with additions, deletions and changes noted in the following respects:
  - A. Section 101.1, page 1, second line. Insert "Township of North Fayette" in space provided.
  - B. Section 102.3, Application of Other Code. Replace the last sentence to read: Nothing in this code shall be construed to cancel, modify or set aside any provision of the North Fayette Township Zoning Ordinance.
  - C. Section 103, Department of Property Maintenance Inspection. The title of this section is hereby changed to "Department of Community Development, Division of Code Enforcement and Permitting".

(1) Revise Section 103.1 to read:

103.1. General. The Division of Code Enforcement and Permitting is hereby created within the Department of Community Development and is charged with

the implementation, administration, and enforcement of the provisions of this code. The official responsible for administering and enforcing this code shall be known as the Code Official.

(2) Revise Section 103.2 to read:

103.2. Appointment. The Director of Community Development shall serve as the Code Official.

(3) Revise Section 103.3 to read:

103.3. Deputies. To assist with the administration and enforcement of this code, the Township Board of Supervisors shall appoint Code Administrators to serve as Deputy Code Officials. The Code Administrators shall have the same authority and responsibility to enforce and administer this code as the Code Official. For the purposes of this code, the Code Administrator(s) shall also be referred to as the "Deputy Code Official(s)". The Township Board of Supervisors 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 Township Board of Supervisors may deem appropriate.

(4) Revise Section 103.5 to read:

103.5. Fees. Fees shall be as set forth in the Township of North Fayette Fee Schedule as adopted by the Board of Supervisors from time to time.

D. Section 106. Violations. Delete Subsection 106.4, Violation Penalties, and replace it with the following:

106.4. Penalties. Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of and not more than \$1,000 dollars. Each day that a violation continues shall constitute a separate offense.

E. Section 109.5. Delete Subsection 109.5, Costs of Emergency Repairs, and replace it with the following:

109.5. Costs of Emergency Repairs. Costs incurred in the performance of emergency work may be paid by the Township. Said costs incurred shall be a municipal claim and municipal lien on the property. The legal counsel of the Township shall institute appropriate action to enforce the municipal claims and lien on the property and may also institute such other legal action against the property owner or agent of the premises where the unsafe structure is or was located for the recovery of such costs, plus attorney's fees, including but not limited to filing of municipal claims pursuant to 53 P.S. §7107 et seq. for the cost of the emergency work, 6% interest per annum, plus a penalty of 5% of the

amount due plus attorney's fees and costs incurred by the Township in connection with the emergency work and filing of the municipality claim.

- F. Section 111, Means of Appeal. Delete Section 111, Means of Appeal, in its entirety and replace it with the following:

111.1, Application for Appeal. Any person aggrieved by a decision of the Code Official, Deputy Code Official, or a notice or order issued under this Code shall have the right to appeal, within twenty (20) days after the date of the decision, notice or order appealed from, to the Building, Fire and Property Maintenance Codes Appeals Board for the Township of North Fayette (hereafter referred to as the "Codes Appeals Board"), which shall have jurisdiction to hear and rule on appeals filed hereunder. Such appeal shall be filed in writing, shall state the grounds for appeal and be accompanied by the required appeal fee as may be set hereafter by Resolution under the Township of North Fayette Fee Schedule as adopted or modified from time to time and shall be processed and heard in accordance with the procedural requirements of the Codes Appeals Board.

111.2, All appeals under the Property Maintenance Code must be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not apply, that the requirements of this Code are satisfied by other means or that the strict application of the Code would cause an undue hardship due to the unique circumstances involving the property in question such that strict application of the Code would prevent the property owner or occupant from making reasonable use of the property.

111.3, The Board may consider the following factors in deciding a claim of hardship:

111.3.1 Whether the owner or occupant has complied with prior orders or agreements covering maintenance of the property;

111.3.2 Whether the owner or occupant has a history of investment or improvement at the property;

111.3.3 Whether the cost of repair or compliance is reasonable in relation to the value of the property and the danger presented by the property;

111.3.4 Whether enforcement of the Code would result in a taking without compensation;

111.3.5 The length of time any violations have existed;

111.3.6 Degree of mitigation attempted;

111.3.7 Number and severity of violations at the property;

111.3.8 Visibility of violations from the street and neighboring properties;

111.3.9 Existence of similar conditions at neighboring properties;

111.3.10 Danger presented by the violations to children, sick or elderly.

111.4 The Codes Appeals Board shall have no authority to waive requirements of the Property Maintenance Code except upon a finding of undue hardship made pursuant to Sections 111.1, 111.2 and 111.3.

111.5 Stays of Enforcement. Appeals of notices and orders of the Code Official or Deputy Code Official (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Codes Appeals Board.

111.6 Codes Appeals Board Hearing and Decision. A hearing shall be held before the Codes Appeals Board, within thirty (30) days of the appeal, to determine the propriety of the decision, notice or order in accordance with the criteria set forth in Section 111.A. The Codes Appeals Board shall render a Decision in the matter within forty-five (45) days of the close of the hearing. The written Decision shall be served upon appellant by U.S. Mail, First Class, mailed within five (5) business days of the date of the Decision.

111.7 Administration of Codes Appeals Board's Decision. The Code Official and/or Deputy Code Official shall take immediate action in accordance with the Decision of the Codes Appeals Board.

111.8 Court Review. Any property owner or other person aggrieved by a Decision of the Codes Appeals Board shall have the right to apply to the appropriate court for a petition for a writ of certiorari to correct errors of law. Applications for review shall be made in the manner and within such time required by law following the Date of the Notice of Decision.

G. Chapter 3, General Requirements, Section 302, Exterior Property Areas.

(1) In Section 302.1, Sanitation, delete and replace with the following:

Exterior property and premises shall be maintained in a clean, safe and sanitary condition, including but not limited to, removal of any and all debris and garbage. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Upon failure of the owner or agent having charge of a property to remove any and all debris and garbage after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the

authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove the debris and/or garbage thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(2) In Section 302.4, Weeds, delete and replace with the following:

All premises and exterior property shall be maintained free from weeds or grasses in excess of ten inches (10") in height and shall be free from any dead and/or diseased trees and shrubs. 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. Diseased and/or dead trees and shrubs shall be prohibited. Diseased and/or dead trees and shrubs shall be defined as any tree or shrub, as they are commonly defined, that is infected with disease or decay to the point that they cannot be healed back to full health. A dead tree or shrub is one that cannot be nursed back to full health. Further, no grasses, weeds, trees, shrubs, or any other vegetation shall impede the vision of traffic or traffic signs.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds, diseased and/or dead trees or shrubs after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds, diseased and/or dead trees or shrubs growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(3) Add new Subsection 302.10, Prohibited Furniture, to read as follows:

302.10 Prohibited Furniture. Furniture which would be adversely affected by the elements and are susceptible to infestation by insects, rats or other vermin is prohibited from being placed or stored on exterior property. Such prohibited furniture shall include, but is not limited to, upholstered couches and couches, davenports, beds, sofas and any other interior-type fabric-covered articles not designed or intended for use in an exterior area.

H. Add new Section 304.1.2 Required Inspections, to read as follows:

304.1.2 Required Inspections. All buildings or structures shall be inspected by a licensed professional engineer or registered architect to determine structural soundness of the items covered in 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10 and 304.11, when required by the Code Administrator. These reports shall bear the signature and raised seal of the Commonwealth of Pennsylvania design professional submitting the report.

- I. Section 304.3 Premises Identification. Replace the first sentence with the following:

All buildings shall have approved address numbers placed on both sides of any mailbox located at the curbside of any street and all buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

Further, after the first sentence, add the following: In addition, commercial buildings shall have approved address numbers placed on side and rear doors of the building in a position to be plainly legible and visible from the street, road, or parking lot fronting the doors.

- J. Section 304.14, Insect Screens. Insert dates as follows in the space provided:

“from May 1st to October 1st.”

- K. Section 308.2 Disposal of Rubbish. Amend this section to read as follows:

308.2 Disposal of Rubbish. Both the owner and occupant of a structure shall be responsible for the disposal of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

- L. Section 308.3 Disposal of Garbage. Amend this section to read as follows:

308.3 Disposal of Garbage. Both the owner and occupant of a structure shall be responsible for the disposal of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

- M. Section 602.3. Insert dates as follows in the space provided:

“from October 31st to April 1st.”

- N. Section 602.4. Occupiable Work Spaces. Insert dates as follows in the space provided:

“from October 31st to April 1st.”

## **SECTION 2: SEVERABILITY.**

That if any sentence, clause, section, or part 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 provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

## **SECTION 3: CONFLICT.**

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4: EFFECTIVE DATE.**

That this Ordinance shall take effect immediately upon enactment as provided by law.

**ENACTED AND ORDAINED into Law this the 13<sup>th</sup> day of September 2022.**

**ATTEST:**

**TOWNSHIP OF NORTH FAYETTE**

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James R. Mangan  
Township Manager

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James Morosetti  
Chairman, Board of Supervisors

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