

ORDINANCE NO. 2 of 2021

WHITE HAVEN BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

AMENDMENT TO CHAPTER 5, CODE ENFORCEMENT, PART 1, INTERNATIONAL PROPERTY
MAINTENANCE CODE, OF THE WHITE HAVEN BOROUGH CODE OF ORDINANCES
ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

White Haven Borough Council does hereby enact the following amendment to replace the
2009 edition of the International Property Maintenance Code with the 2015 edition:

CHAPTER 5

CODE ENFORCEMENT

Part 1

International Property Maintenance Code

§101. Adoption. White Haven Borough does hereby adopt the International Property Maintenance Code, 2015 edition, as published by the International Code Council, Inc. referred to in this Part 1 of the Code of Ordinances as the "Code".

§102. Title. The Code may be known and cited as the "2015 International Property Maintenance Code of White Haven Borough".

§103. Unlawful Acts. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. The Code Official shall determine and enforce the provisions of the 2015 International Property Maintenance Code.

§104. Notice of Violation. The Code Official shall serve a notice of violation or order in accordance with Section 107 of the 2015 International Property Maintenance Code.

§105. Prosecution of Violation. Any person failing to comply with a Notice of Violation or Order served in accordance with Section 107 of the 2015 International Property Maintenance Code shall be subject to a judgment in a civil enforcement proceeding or deemed guilty of a summary offense and subject to the penalties delineated in Section 106.4 of the 2015 International Property Maintenance Code and Section 106 of this Part. In addition, 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 pursuant to Section 106.5 of the Code.

§106. Violations and Penalties under Section 106.4 of the Code. Any person who shall violate this Code shall be subject to one of the following enforcement proceedings as determined by the Code Official:

(A) A civil enforcement proceeding with fines of not more than \$1,000.00 for each offense, together with the cost of prosecution; or

(B) A summary proceeding with fines of no more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court.

(C) In either type of proceeding under this Section 106 Subsection (A) or (B), each day that a violation continues after due notice has been served shall be deemed a separate offense.

§107. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Code Official from instituting appropriate 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.

§108. Amendments to the 2015 International Property Maintenance Code. The provisions shall be inserted into the following sections of the 2015 International Property Maintenance Code:

(A) Section 101.1 Title. The regulations shall be known as the International property Maintenance Code of White Haven Borough, hereinafter known as the "Code".

(B) Section 103.5 Fees. The schedule of fees for activities and services performed by the department shall be as established by Resolution of White Haven Borough Council.

(C) Section 106.4. Violation penalties. Any person who shall violate this Code shall be subject to one of the following enforcement proceedings as determined by the Code Official:

(1) A civil enforcement proceeding with fines of not more than \$1,000.00 for each offense, together with the cost of prosecution; or

(2) A summary proceeding with fines of no more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court.

In either type of proceeding, each day that a violation continues after due notice has been served shall be deemed a separate offense.

(D) Section 112.4 Failure to comply. Fine of not less than Three Hundred (\$300.00) Dollars or more than One Thousand (\$1,000.00) Dollars.

(E) Section 202. General definitions. [A] Code Official- shall mean the Code Enforcement Officer appointed by White Haven Borough Council to enforce the Ordinances of the Borough, including the administration and enforcement of this Code, or any duly authorized representative appointed by White Haven Borough Council. The following term is added: Appeals board- shall mean the Uniform Construction Code Appeals Board as appointed by White Haven Borough Council, whose duties shall also include hearing appeals under this Code.

(F) Section 302.4 Weeds. Weeds or plant growth in excess of six (6) inches in height.

(G) Section 304.14 Screens. During the period from April 1 to October 1.

(H) Section 602.3 Heat Supply. Heat supply must be provided by Landlord from September 1 to July 1 of each year.

(I) Section 602.4 Work spaces. Occupy-able work spaces shall be provided from September 1 to July 1 of each year.

§109. Filing of Code. One copy of the International Property Maintenance Code, 2015 edition, as published by the International Code Council, Inc. shall be kept on file in the Office of the Borough Secretary along with a copy of this Part. A copy of the 2015 International Property Maintenance Code is also available on line for viewing at <http://www.iccsafe.org>. Copyright infringements apply.

§110. Amendment to Code. Except as amended in this Chapter 5, Part 1, the International Property Maintenance Code of 2015 is adopted herein in its entirety.

§111. Severability. If any section, subsection, clause or provision of this Part shall be held invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect any other section, subsection, clause, or provision this Part so long as it remains legally enforceable minus the invalid portion. White Haven Borough Council hereby declares that it would have passed this Part, section, subsection, clause and provision of this Part, irrespective of the fact that any one or more sections, subsections, sentence, clauses and phrases be declared unconstitutional.

§112. Repealer. All ordinances or parts thereof which are inconsistent with this Part are hereby repealed to the extent of their inconsistencies.

§113. Effective Date. This Part shall become effective on May 1, 2021.

ADOPTED by White Haven Borough Council, this 26 day of April, 2021.

ATTEST:

Linda Szoke
Linda Szoke, Manager

WHITE HAVEN BOROUGH COUNCIL:

John Klem
John Klem, President

APPROVED BY THE MAYOR:

Richard G. Morris
Mayor

Pa. C.S. §8953, which adopts the terms and conditions of this Agreement. As such, this Agreement shall become effective after the passage of both ordinances.

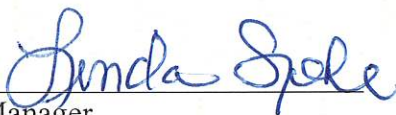
IN WITNESS WHEREOF, the Parties, intending to be legally bound hereby, have signed this Agreement on the date indicated below.

ATTEST:

Secretary

Date: February 10, 2021

ATTEST:


Manager

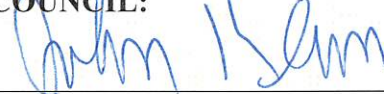
**FOSTER TOWNSHIP BOARD OF
SUPERVISORS:**

Chairperson

Vice Chairperson

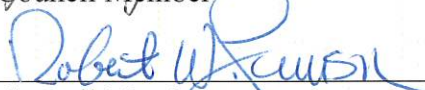
Secretary Treasurer


**WHITE HAVEN BOROUGH
COUNCIL:**



President


Vice President


Council Member


Council Member


Council Member


Council Member

Date: January 25, 2021