

BRIAR CREEK BOROUGH COLUMBIA
COUNTY, PENNSYLVANIA

- ORDINANCE NO. 191 of 2022

AN ORDINANCE REPEALING ORDINANCE NO. 181-2017 OF BRIAR CREEK BOROUGH AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; AND ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH APPENDIX A AND APPENDIX B, 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 PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES; AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR.

The Borough Council of Briar Creek Borough does ordain as follows:

SECTION 1. That a certain document, three (3) copies of which are on file in the Office of the Borough Secretary/Treasurer of Briar Creek Borough, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Briar Creek Borough, 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 providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures;

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 on file in the Briar Creek Borough Office are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions, and changes prescribed in Section 2 of this Ordinance.

SECTION 2. That the following Sections are hereby revised:

Section 101.1 **Title.** These regulations shall be known as the “International Property Maintenance Code of Briar Creek Borough”, hereinafter referred to as “this code”.

Section 103.1 **Creation of Agency.** The chief appointing authority of the jurisdiction shall appoint a code enforcement officer or shall retain the services of a code enforcement officer and/or a code enforcement entity, who shall be the official in charge thereof and shall be known as the code official. The function of the code official shall be the implementation, administration, and enforcement of the provisions of this code.

Section 104.1 **Fees.** The fees for activities and services performed by the department or its subcontractors in carrying out its responsibilities under this code shall be as indicated in an amount equal to invoices received by or costs incurred by Briar Creek Borough.

Section 109.3 **Prosecution of violation.** Any person, firm, or corporation who shall violate any provision of this code, upon conviction thereof in an action brought before a magisterial district 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 more than One Thousand Dollars (\$1,000) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this code continues, or each section of this code which shall be found to have been violated, shall constitute a separate offense.

Section 110.4 **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 liable to pay a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), or amounts that may be set by Resolution of Borough Council from time to time.

Section 302.4 **Weeds.** Premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 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 growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 304.14 **Insect screens.** During the period from April 1 through October 31, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 **Heat supply.** Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 1 through March 31 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 **Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from November 1 through March 31 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Appendix B - Board of Appeals

Section B101.3 **Membership of the Board.** The board shall consist of three (3) voting members appointed by the chief appointing authority of the jurisdiction. Each member shall serve for three (3) years, or until a successor has been appointed. The board members' terms shall be staggered at intervals, so as to provide continuity. The code official shall be an ex officio member of said board, but shall not vote on any matter before the board.

Section B101.3.1 **Qualifications.** The board shall consist of three (3) individuals who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Section B101.5.2 **Quorum.** Two (2) members of the board shall constitute a quorum.

Section B101.5.3 **Postponed hearing.** When three (3) members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Section B101.7 **Board decision.** The board shall only modify or reverse the decision of the code official by a concurring vote of two (2) or more members.

SECTION 3. That Ordinance No. 181-2017 of Briar Creek Borough, adopting the 2015 edition of the International Property Maintenance Code, and all other Ordinances or parts of laws in conflict herewith, are hereby repealed.

SECTION 4. That if any section, subsection, sentence, clause, or phrase of this legislation 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 of Briar Creek Borough hereby declares that it would have passed this law, 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 5. That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending or pending 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 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this legislation.

SECTION 6. That the Borough Solicitor of Briar Creek Borough is hereby ordered and directed to cause this legislation to be published.

SECTION 7. That this law and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect immediately upon final passage and adoption.


NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Borough Council of Briar Creek Borough, Pennsylvania repeals Ordinance No. 181-2017 thereby repealing all the provisions of the 2015 ICC International Property Maintenance Code and hereby adopts in its place the provisions of the 2021 ICC International Property Maintenance Code, with Appendix A and Appendix B, and the changes prescribed in Section 2 above.

DULY ENACTED AND ORDAINED this 3rd day of August 2022.

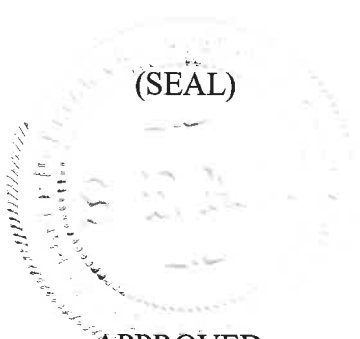
BRIAR CREEK BOROUGH:

BY: 
W. BRUCE MICHAEL,
COUNCIL PRESIDENT

ATTEST:


CAROL A. KIESER, SECRETARY

(SEAL)



APPROVED:


HAROLD KERSHNER, JR., MAYOR

DATE: 08/03/, 2022