

**BOROUGH OF TRAFFORD**

**ORDINANCE NO. 5 of 2023**

**AN ORDINANCE OF THE BOROUGH OF TRAFFORD, ALLEGHENY AND WESTMORELAND COUNTY, PENNSYLVANIA VACATING ORDINANCE 722 OF 2008, AND ALL AMENDMENTS THERETO, AS CODIFIED IN THE CODIFIED ORDINANCES OF THE BOROUGH OF TRAFFORD AT CHAPTER 152 AND RE-ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND SPECIFYING THE 2018 EDITION AS THE OFFICIAL PROPERTY MAINTENANCE CODE OF THE BOROUGH OF TRAFFORD.**

**WHEREAS**, by Ordinance No. 722 of 2008, adopted by the Borough of Trafford on 10-20-1998, the Borough of Trafford enacted the International Property Maintenance Code as codified at Chapter I 52 of the Codified Ordinance of the Borough of Trafford and entitled "Property Maintenance" the Borough of Trafford in order to reestablish minimum regulations 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 to authorize the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; and

**WHEREAS**, the Borough of Trafford hereby desires to repeal Ordinance 722 of 2008 and any amendments thereto and to enact a Property Maintenance Ordinance in its place; and

**WHEREAS**, the Borough of Trafford desires to specify the 2018 edition of the IPMC as the Official Property Maintenance Code of the Borough of Trafford, as modified by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** and it is hereby ordained and enacted by the Borough Council of the Borough of Trafford, Allegheny & Westmoreland Counties, at a duly convened meeting, quorum present as follows:

**SECTION 1:** The Borough of Trafford hereby repeals and vacates Ordinance 722 of 2008 and any subsequent amendments thereto as codified in the Codified Ordinances of the Borough of Trafford at Chapter 152 and entitled "PROPERTY MAINTENANCE".

**SECTION 2:** The Borough of Trafford hereby enacts the following Property Maintenance Ordinance which shall be set forth in the Codified Ordinances of the Borough of Trafford at Chapter 152 and entitled "PROPERTY MAINTENANCE" as follows:

**§ 152-1. Adoption of standards.**

That a certain document, three (3) copies of which are on file in the office of the of Borough of Trafford being marked and designated as the *International Property Maintenance Code, 2018 Edition* as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Trafford 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 existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Trafford 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 in this Ordinance

**§ 152-2. Modifications to standards.**

The INTERNATIONAL PROPERTY MAINTENANCE CODE is amended and modified follows:

Section 101.1. Insert: Borough of Trafford

Section 103.5. Change: The fees for activities and services performed by the Borough of Trafford in carrying out its responsibilities under this code shall be set by resolution of Council, which may be amended from time to time in Council's sole discretion. Contact the Borough Secretary or Code Enforcement for fee information.

Section 106.3. Change to: ...guilty of a misdemeanor, summary offense (non-traffic citation), or civil infraction as determined by the local municipality....

Section 106.3. Change the last sentence to read as follows: "Any action taken by the Borough in the prosecution of a violation of this code and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate."

Section 106.4. This Section is changed and restated in its entirety as follows:

**106.4 Violation penalties.** Any person, firm, or corporation who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before the district magistrate 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 less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted

by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the code found to have been violated, without need to file separate charges or citations. The Borough may also commence appropriate civil actions in equity, at law, or otherwise to prevent, restrain, correct, enjoin, or abate violations of this code, including by civil action before the magisterial district judge. Any person, firm, or corporation who shall be determined to have violated any provision of this code, or fail to comply therewith, or with any of the requirements thereof, in addition to any other remedy available in such civil action, shall be ordered to pay a fine of not less than \$300 nor more than \$1,000 plus costs including reasonable attorney fees incurred by the Borough. Each day that a violation continues shall be deemed a separate ongoing offense for which an additional fine or penalty may be imposed without the need to file additional citations or charges.

Section 111.1. Change: " ... application for appeal is filed within 15 days after... "

Section 111.3. Change: " ... within 30 days of the filing... "

Section 112.4. Change: "..., shall be liable to a fine of not less than three hundred dollars \$300.00 or more than one thousand dollars (1,000.00).

Section 302.4. Insert: six inches (6")

Section 304.14. Insert the following:

**304.14 Insect screens.** Every door, window and other outside opening required for ventilation of food preparation areas, food service areas or any areas where products to be included or utilized in food or human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 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. Insert: 1 October to 30 June.

Section 602.4. Insert: 1 October to 30 June.

Appendix A: The Borough of Trafford hereby adopts the standards as set forth in Appendix A.

### § 152-3. Severability.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining

portions of this ordinance. The Borough of Trafford hereby declares that it would have passed this ordinance, 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.

**§ 152-4. Pending matters**

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending 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 in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**§ 152-5. Repealer**


All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed to the extent inconsistent with this Ordinance.

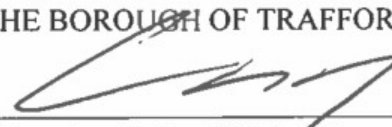
**§ 152-6. Effective Date**

This ordinance shall take effect immediately upon its approval in accordance with the Borough Code.

THIS ORDINANCE **ORDAINED AND ENACTED** BY THE COUNCIL OF THE BOROUGH OF TRAFFORD ON THIS 13<sup>th</sup> DAY OF June, 2023.

ATTEST:

  
\_\_\_\_\_  
Jaime Peticca, Borough Manager

THE BOROUGH OF TRAFFORD  
  
\_\_\_\_\_  
Kristopher R. Cardiff, President

EXAMINED AND APPROVED this 13<sup>th</sup> day June, 2023.

  
\_\_\_\_\_  
Edward Llewellyn, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Craig H. Alexander, Esquire  
Solicitor