

**TOWNSHIP OF BALDWIN  
ORDINANCE NO. 497**

**AN ORDINANCE OF THE TOWNSHIP OF BALDWIN, 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 Commissioners 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 Township Board of Commissioners 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and all ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance are hereby repealed to the extent they are in conflict with this Ordinance.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, IT IS ORDAINED and ENACTED by the Board of Commissioners of the Township of Baldwin, Allegheny County, as follows:

1. That a certain document, a copy of which is on file in the office of the Secretary of the Township of Baldwin, 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 Baldwin, 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 Baldwin; 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.

2. 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 Baldwin" 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 Baldwin Township Zoning Ordinance.
- (C) **Section 103, Department of Property Maintenance Inspection.** Delete the reference to "Department of Property Maintenance Inspection" and replace the deleted reference with a reference to "Code Administrator."
  - i. Revise Section 103.1 to read:

**103.1. General.**  
The administrator in charge of enforcing this Ordinance shall be known as the Code Official. The Code Official may be an individual or a corporation or other organization providing Property Maintenance Code enforcement services.
  - ii. Revise Section 103.2 to read:

**103.2. Appointment.**  
The Township shall appoint a Code Official.
  - iii. Revise Section 103.3 to read:

### **103.3 Deputies**

To assist with the administration and enforcement of this code, the Township Board of Commissioners 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 Board of Commissioners 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 Board may deem appropriate.

- iv. Revise Section 103.5 to read:

### **103.5. Fees.**

Fees shall be as set forth in the Township of Baldwin Fee Schedule as adopted by the Township Board of Commissioners 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 \$1,000.00. 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:

**Section 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 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 Baldwin Township Uniform Construction Code Board of Appeals (“UCC Board of Appeals”), 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, be accompanied by the required appeal fee, in the amount of \$100.00, or in such other sum as may be set hereafter by Resolution under the Township of Baldwin Fee Schedule as adopted or modified from time to time, and shall be processed and heard in accordance with the procedural requirements of the UCC Rules of Procedure and Operation, provided further that any substantive requirements of such Rules of Procedure and Operation applicable only to appeals under the UCC shall not apply to appeals under the Property Maintenance Code.

**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 Board of Appeals 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 (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the UCC Board of Appeals.

**111.6 Board of Commissioners Hearing and Decision.** A hearing shall be held before the Township Board of Commissioners, 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 Township Board of Commissioners 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 Board of Commissioners Decision.** The code official shall take immediate action in accordance with the Decision of the UCC Board of Appeals.

**111.8 Court Review.** Any property owner or other person aggrieved by a Decision of the UCC Board of Appeals 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.**

i. 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.

- ii. 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 eight inches (8") 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.

- ii. 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.”

3. The provisions of this Ordinance shall be severable and, should any provisions hereof be held invalid or unenforceable, the remaining provisions shall remain in full force and effect, inasmuch as the Board of Commissioners hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrases be declared unconstitutional. Therefore, 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 remainder of this ordinance.

4. All ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance repealed to the extent of such inconsistency.

5. The provisions of this Ordinance shall take effect immediately upon being recorded in the Township Ordinance Book.

**ORDAINED AND ENACTED** into law this 27th day of December, 2022.

**ATTEST:**

**THE TOWNSHIP OF BALDWIN**

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**Nina Belcastro,**  
**Township Manager**

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**Eileen Frisoli, President**

Approved as to form by:

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Thomas P. McDermott, Solicitor