

ORDINANCE NO 5-22

**SOUTH STRABANE TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE TOWNSHIP MUNICIPAL CODE TO REQUIRE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PRIOR TO A CHANGE IN TENANCY OR OWNERSHIP OF AN EXISTING COMMERCIAL BUILDING AND PRESCRIBING PENALTIES FOR THE REMOVAL OF CONDEMNATION PLACARDS AND OCCUPYING A PLACARDED STRUCTURE

WHEREAS, the Board of Supervisors of South Strabane Township, by virtue of the authority granted by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, has enacted a Zoning Ordinance; and

WHEREAS, the Board of Supervisors of South Strabane Township, by virtue of the authority granted by the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, may amend its Zoning Ordinance; and

WHEREAS, the Board of Supervisors of South Strabane Township adopted the 2015 edition of the International Property Maintenance Code (“IPMC”), with local amendments, pursuant to Ordinance No. 2-19, known as the IPMC of South Strabane Township; and

WHEREAS, the Board of Supervisors of South Strabane Township has determined it is in the best interest of health, safety and general welfare of the Township, to require the issuance of a Certificate of Occupancy prior to a change in tenancy or ownership of an existing commercial building and to prescribe penalties for violations of Sections 108.4.1 and 108.5 of the IPMC of South Strabane Township; and

WHEREAS, the Board of Supervisors of South Strabane Township desires to amend its Zoning Ordinance to require the issuance of a Certificate of Occupancy prior to a change in tenancy or ownership of an existing commercial building; and

WHEREAS, the Board of Supervisors of South Strabane Township desires to amend the IPMC of South Strabane Township to prescribe penalties for violations of Sections 108.4.1 and 108.5 regarding the removal of condemnation placards and occupying a placarded structure

WHEREAS, the Planning Commission of South Strabane Township reviewed this ordinance on July 7, 2022 and recommended adoption to the Board of Supervisors; and

WHEREAS, the Board of Supervisors of South Strabane Township held a Public Hearing on _____, pursuant to the Pennsylvania Municipalities Planning Code at which time testimony was received concerning the proposed ordinance.

NOW, THEREFORE, the South Strabane Township Board of Supervisors does hereby enact and ordain the following:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the “Building Occupancy, Inspection and Condemnation Update Code Amendment of 2022.”

SECTION 2. PURPOSE

The purpose of this Ordinance is to require the acquisition of a Certificate of Occupancy prior to a change in tenancy or ownership of an existing commercial or multi-family residential building or structure and prescribe penalties for the removal of condemnation placards and occupying a placarded structure, the intent of which is to allow for the implementation of an updated approach to building occupancies, inspections and condemnations by Township Staff.

SECTION 3.

Section 245-215A(3) is modified as follows:

Section 245-215A(3) A change in the tenancy, ownership or use of an existing commercial building. ~~building, structure, water body or land area.~~

SECTION 4.

Section 108.4.1 of the IPMC of South Strabane is modified as follows:

Section 108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without approval of the code official shall be ~~subject to the penalties provided by this code~~ liable to a fine of not less than \$300 or more than \$1,000.

SECTION 5.

Section 108.5 of the IPMC of South Strabane is modified as follows:

Section 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner’s authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable ~~for the penalties provided by this code~~ to a fine of not less than \$300 or more than \$1,000.

SECTION 6. REPEALER

Any ordinance containing any provision inconsistent herewith to the extent that such provisions are inconsistent, those provisions are hereby repealed.

SECTION 7. SEVERABILITY

The provisions of this Ordinance are hereby declared severable, and if any of its provisions shall be held to be invalid or unconstitutional, or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof; it is hereby declared to be the intent of the Township that this Ordinance would have been adopted if such invalid, unconstitutional or otherwise void provision had not been included herein.

SECTION 8. EFFECTIVE DATE

Pursuant to 1601(a.1) of the Second Class Township Code, this ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED INTO LAW by the South Strabane Township Board of Supervisors this 26th day of July, 2022.

ATTEST:

SOUTH STRABANE TOWNSHIP

Brandon J. Stanick, Township Manager

By:

K. Robert Weber, Chairman