

**TRAFFORD BOROUGH**

**ORDINANCE NO. 8-2024**

**AN ORDINANCE OF TRAFFORD BOROUGH, ALLEGHENY AND WESTMORELAND COUNTY, PENNSYLVANIA VACATING AND REPEALING ORDINANCE 5 OF 2023 AS CODIFIED IN PART II, CHAPTER 152, ARTICLE I OF THE CODIFIED ORDINANCES OF TRAFFORD BOROUGH IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 152, ARTICLE I ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPANCY AND USE; REQUIRING THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT AND REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.**

**WHEREAS**, on June 13, 2023, the Trafford Borough Council enacted Ordinance No. 5 of 2023, vacating Ordinance 722 of 2008 and adopting the 2018 Edition of the International Property Maintenance Code; and

**WHEREAS**, the provisions of this Ordinance are codified in the Codified Ordinances of Trafford Borough at Part II, Chapter 152, Article I; and

**WHEREAS**, the Trafford Borough Council desires to repeal Part II, Chapter 152, Article I in its entirety and enact a new Chapter 152, Article I adopting the 2021 version of the International Property Maintenance Code and establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures; providing standards for supplied utilities and facilities and other physical conditions essential to ensure that structures are safe, sanitary and fit for occupancy and use; requiring the condemnation of buildings and structures unfit for human occupancy and use and providing for the administration and enforcement repealing any ordinance and parts of ordinances inconsistent herewith; and

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Trafford Borough Council, Allegheny County, Pennsylvania as follows:

**SECTION 1. REPEAL AND REENACTMENT OF PART 5, CHAPTER 595 OF THE CODIFIED ORDINANCES OF TRAFFORD BOROUGH**

Part II, Chapter 152, Article I of the Codified Ordinances of Trafford Borough entitled "Adoption of the International Property Maintenance Code" is hereby repealed in its entirety and a new Part II, Chapter 152, Article I is enacted to read as follows:

## **Part II, General Legislation**

### **Chapter 152 Property Maintenance**

#### **Article I Adoption of International Property Maintenance Code**

##### **§ 152-1 Adoption of International Property Maintenance Code, 2021 Version.**

That a certain document, three (3) copies of which are on file in the Office of the Secretary/Manager of the Trafford Borough, being marked and designated as the "International Property Maintenance Code, Year 2021 Edition" including Appendix Chapters (See Section A101-A104 and Section 8101), as published by the International Maintenance Code Council, Inc., be and is hereby adopted as the International Property Maintenance Code of Trafford Borough, Allegheny County, Pennsylvania, for establishing minimum regulations governing the conditions and maintenance of all property, buildings and structures, providing standards for supplied utilities and facilities and other physical conditions essential to ensure that structures are safe, sanitary and fit for occupancy and use; requiring the condemnation of buildings and structures unfit for human occupancy and use and providing for the demolition of such structures; providing for administration and enforcement; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, year 2021 edition, published by the International Code Council, on file in the Office of the Secretary/Manager of the Trafford Borough, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance along with any additions, insertions, deletions and changes, if any as set forth in § 152-2 of this Chapter.

##### **§ 152-2 Insertions, deletions and other modifications.**

1. Section 101.1 and wherever the words "Name of Jurisdiction" appears in brackets therein, insert: "Borough of Trafford".
2. Whenever the term "legal officer" or "legal representative" is used in this Code, it shall be held to mean the Borough Solicitor.
3. Section 104.1 is hereby revised to read as follows:

**104.1 Fees.** All fees for activities, services or other matters performed in carrying out responsibilities under this code shall be set forth in the fee resolution as adopted by the Borough Council from time to time. Contact the Secretary or Department of Code Enforcement for fee information.

4. Section 109.3 is hereby revised to read as follows:

**109.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a misdemeanor, summary offence (non-traffic citation) or civil infraction as

determined by the local municipality, and the violation shall be deemed a strict liability offense. 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 or of the order or direction made pursuant thereto. 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.

5. Section 109.4 is hereby changed and restated in its entirety to read:

**109.4 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.

6. Section 110.4 is hereby revised to read as follows:

**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 more than \$1,000.

7. Section 302.4 insert six inches in height.

8. Section 302.8 Motor Vehicles is hereby changed and restated in its entirety to read:

**Section 302.8 Motor Vehicles. Abandoned, Inoperable or Junk Vehicles.** A vehicle shall be deemed abandoned, inoperable or junked under this section if the vehicle is

not operable and/or lacks a current inspection and/or registration sticker. Except as provided for in other regulations, the parking or storage of abandoned, inoperable or junked vehicles in all exterior property areas, which also poses a threat to the public health, safety and welfare are prohibited, unless the same be authorized in conjunction with a business properly operated pursuant to the zoning laws and other laws of the Borough:

9. Section 304.14, insert "May 1 to September 30."
10. Section 602.3, insert "October 1 to June 30."
11. Section 602.4, insert "October 1 to June 30."
12. Appendix A: The Borough of Trafford hereby adopts the standards as set forth in Appendix A.

#### **§ 152-3 Repealer.**

This chapter hereby repeals any ordinance or part of an ordinance which is inconsistent with the terms herein to the extent of the inconsistency.

#### **§ 152-4 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. Trafford Borough Council hereby declare that they would have passed this chapter, 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.

#### **§ 152-5 Effect on prior proceedings.**

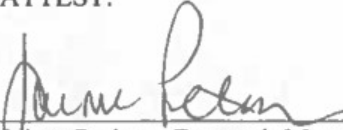
Nothing in this chapter or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 152-3 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

#### **§ 152-7 When effective.**

This chapter and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 10 days from and after the date of its final passage and adoption.

**ORDAINED AND ENACTED** at a regular meeting of the Council of the Borough of Trafford, County of Allegheny, Commonwealth of Pennsylvania, a full quorum being present, the 3<sup>rd</sup> day of December, 2024.

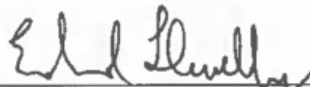
ATTEST:

  
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Jaime Peticca, Borough Manager

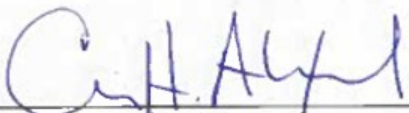
THE BOROUGH OF TRAFFORD

  
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Kristopher R. Cardiff, President

EXAMINED AND APPROVED this 3<sup>rd</sup> day December, 2024.

  
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Edward Llewellyn, Mayor

APPROVED AS TO FORM:

  
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Craig H. Alexander, Esquire  
Solicitor

