

CHAPTER 5
CODE ENFORCEMENT

PART 1

CONSTRUCTION CODE

- §101. Title
- §102. Intent
- §103. Adoption of Pennsylvania Uniform Construction Code
- §104. Scope
- §105. Administration and Enforcement
- §106. Effective Date

PART 2

[RESERVED]

PART 3

INTERNATIONAL PROPERTY MAINTENANCE CODE

- §301. Adoption of the International Property Maintenance Code
- §302. Fees and Charges
- §303. Court Enforcement
- §304. Penalties

PART 1

CONSTRUCTION CODE

§101. TITLE.

This Part shall be known and may be cited as the "Cleona Borough Construction Code Ordinance," and may be referred to herein as the "Code," and hereby amends the applicable Code of Ordinances of the Municipality.

(Ord. 266, 7/12/2004, §1)

§102. INTENT.

The purpose of this Part is to promote the general health, safety and welfare of the residents of Cleona Borough, to conform to the requirements of the Pennsylvania Uniform Construction Code Act, to comply with the regulations issued by the Pennsylvania Department of Labor and Industry within the Pennsylvania Uniform Construction Code (UCC), including all standards, codes and other information incorporated herein and to adopt administrative and enforcement regulations.

(Ord. 266, 7/12/2004, §2)

§103. ADOPTION OF PENNSYLVANIA UNIFORM CONSTRUCTION CODE.

Cleona Borough (hereinafter sometimes referred to as "Municipality") hereby adopts and incorporates by reference the Pennsylvania Uniform Construction Code, as contained in 34 Pa.Code, Chapters 401–405 and amendments thereto, and declares this to be the "Cleona Borough Construction Code Ordinance," referred to herein as the "Code."

(Ord. 266, 7/12/2004, §3)

§104. SCOPE.

The Code and regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures, unless exempted by the Pennsylvania Uniform Construction Code (UCC). All other Ordinances of the Municipality which are more stringent shall apply. It shall be the joint responsibility of the owner, lessee, if any, and the contractor to obtain the required Code permit before performing any work.

(Ord. 266, 7/12/2004, §4)

CODE ENFORCEMENT

§105. ADMINISTRATION AND ENFORCEMENT.

In accordance with and in addition to the administrative provisions of the Pennsylvania Construction Code Act 45 of 1999, the Pennsylvania Uniform Construction Code (UCC) and the Pennsylvania Department of Labor and Industry regulations, the following administrative and enforcement requirements shall be part of the Code:

A. Administration.

- (1) The administration and enforcement of the Code and Pennsylvania Department of Labor and Industry regulations is hereby delegated to the County of Lebanon by virtue of a separate contract authorizing the Building Code Official of the Lebanon County Planning Department to administer and enforce the Code on behalf of the Municipality. For purposes of this Part, the term Building Code Official shall include all employees and contracted agents of the Lebanon County Planning Department who are Building Code Officials, Code Administrators, Construction Code Officials, Current Code Administrators or individuals similarly licensed and/or certified by the State of Pennsylvania to perform code work.
- (2) The Building Code Official shall have all the powers and duties set forth in the Pennsylvania Uniform Construction Code (UCC), this Part, the contract with the County of Lebanon and the Pennsylvania Department of Labor and Industry regulations. Specifically, in addition to such other powers and duties provided, the Building Code Official shall be authorized to receive Code permit applications; issue or deny Code permits; collect fees for permits, plan reviews and inspections; make inspections and require such work to be performed as maybe necessary to carry out the provisions of the Code; issue certificates of occupancy; and enter buildings and premises within normal business hours or at other times with permission of the owner or contractor. Additionally, the Building Code Official may perform Code enforcement activities including, but not limited to, issuance of notices of violation, stop work orders, vacate orders or other legal action necessary to enforce, restrain, abate or correct violations of the Code.
- (3) The application for a Code permit shall be on forms provided by the Building Code Official. At the time of Code permit application and prior to issuance of a Code permit, the applicant shall submit to the Building Code Official two sets of construction documents with plans and specifications, all required fees, and a copy of any required zoning permit. No Code permit application shall be deemed complete without the required construction plans, fees, zoning permit copy and other required approvals. Additionally, the applicant shall pay all outstanding permit and inspection fees required during the course of construction prior to the issuance of a certificate of use and occupancy.

- (4) The application, plan review, permit and inspection fees shall be paid by each applicant in accordance with the fee schedule established by resolution of this Municipality and maintained by the Building Code Official.
- (5) A Board of Appeals shall be established by resolution of this Municipality in conformity with the requirements of the Code. Where two or more municipalities decide to establish a joint Board of Appeals, said Board of Appeals shall be established through joint action of the participating municipalities, by intermunicipal agreement in accordance with the Intergovernmental Cooperation Act.

B. Violations and Penalties.

- (1) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building, structure or equipment regulated by this Code, or to permit or cause same to be done, in conflict with or in violation of this Code, and in violation of the regulations adopted hereunder.
- (2) The Building Code Official may serve and enforce a notice of violation, stop work order, vacate order or other lawful enforcement notice on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupy a building, structure or equipment in violation of the provisions of this Code or any permit issued under the provisions of this Code.
- (3) If the Building Code Official has served a notice of violation and the notice of violation is not complied with by the deadline prescribed, summary enforcement proceedings may be initiated by the Building Code Official against the violator. Additionally, appropriate proceedings at law or in equity may be instituted by this Municipality and/or the Building Code Official to restrain, correct or abate a violation, to prevent unlawful construction or to prevent illegal occupancy of a building, structure or premises.
- (4) Any person who shall violate a provision of this Code or the regulations adopted hereunder or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building, structure or equipment regulated by this Code in violation of the provisions of this Code or of an approved plan or of a directive of the Building Code Official or of a permit or certificate issued under the provisions of this Code or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition or repair of the building, structure or equipment in violation thereof, shall, upon being found guilty in a summary enforcement proceeding commenced by this Municipality or its appointed Building Code Official, pay a penalty of not less than \$400 and not more than \$1,000 for

CODE ENFORCEMENT

each violation plus all costs of prosecution, which fines or penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each section of the Code which is violated shall be deemed a separate offense. The Building Code Official may request the Police Department to make arrests for any offense against the Code or orders of the Building Code Official affecting the immediate safety of the public.

(Ord. 266, 7/12/2004, §5)

§106. EFFECTIVE DATE.

This Part shall take effect and be effective on February 18, 2005.

(Ord. 266, 7/12/2004, §8; as amended by Ord. 269, 2/7/2005)

PART 2
[RESERVED]

PART 3

INTERNATIONAL PROPERTY MAINTENANCE CODE

§301. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

1. The Borough of Cleona does hereby adopt the Code known as the “International Property Maintenance Code of 2012,” as amended. Provisions of the Code are set forth in copies presently on file in the office of Borough of Cleona, 140 West Main Street, Borough of Cleona, Lebanon County, Pennsylvania, and are hereby adopted as fully as if set forth at length herein. [Ord. 298]
2. In all cases involving the International Property Maintenance Code, any person directly affected by the decision of the Enforcement Officer may appeal the decision to the Board of Appeals under the procedures set forth in the International Property Maintenance Code. The Board of Appeals shall be established from time to time by resolution of the Borough Council of Borough of Cleona, and the appellant shall pay to Borough of Cleona such fees and costs as are determined by the Borough Council of Borough of Cleona.
3. In the event that any of the provisions to the International Property Maintenance Code are in conflict with any other Borough of Cleona Ordinance, the Borough of Cleona Ordinance shall control.
4. If any section, subsection, sentence, clause or phrase of the International Property Maintenance Code is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part.

(Ord. 276, 5/7/2007, §III; as amended by Ord. 298, 4/2/2012, §1)

§302. FEES AND CHARGES.

All applicable fees and charges under the provisions of this Part and the International Property Maintenance Code shall be established by resolution of the Borough Council of Borough of Cleona.

(Ord. 276, 5/7/2007, §III)

§303. COURT ENFORCEMENT.

The provisions of the International Property Maintenance Code may be enforced by the Borough of Cleona by filing a suit of Equity in the Court of Common Pleas of Lebanon County, Pennsylvania, petitioning the Court to require the property owner to bring the property into compliance with the provisions of the International Property Maintenance Code, and in such

CODE ENFORCEMENT

proceedings, the Borough of Cleona may recover from the property owner penalty provisions as provided in this Part, penalty provisions for non-compliance as established by the Court, Court costs of the Borough and legal fees of the Borough.

(Ord. 276, 5/7/2007, §III; as added by Ord. 285, 7/6/2009, §I)

§304. PENALTIES.

Any person who shall violate this Part or the International Property Maintenance Code, upon conviction thereof, shall be sentenced to pay a fine of not less than \$25 nor more than \$600, plus costs and attorney's fees, and in default of payment of said fine and costs, to a term of imprisonment not exceeding 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 276, 5/7/2007, §III; as added by Ord. 285, 7/6/2009, §I)