

Chapter 162

PROPERTY MAINTENANCE

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[HISTORY: Adopted by the Borough Council of the Borough of Dormont 12-2-1996 by Ord. No. 1461. Editor's Note: This ordinance also repeals former Ch. 162, Property Maintenance, adopted 5-1-1995 by Ord. No. 1447. Amendments noted where applicable.]

GENERAL REFERENCES

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| <p>Code Enforcement Officer — See Ch. 10.</p> <p>Chief Inspector — See Ch. 26.</p> <p>Building construction — See Ch. 83.</p> <p>Electrical standards — See Ch. 98.</p> <p>Fire prevention — See Ch. 110.</p> | <p>Conduct at fires — See Ch. 112.</p> <p>Mechanical standards — See Ch. 141.</p> <p>Plumbing — See Ch. 158.</p> <p>Zoning — See Ch. 210.</p> |
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§ 162-1. Adoption of standards; copies on file.

A certain document, three copies of which are on file in the office of the Borough Secretary-Manager of the Borough of Dormont, being marked and designated as the "BOCA National Property Maintenance Code, Fifth Edition, 1996," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Dormont, Allegheny County, in the Commonwealth of Pennsylvania, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes in § 162-2 of this chapter.

§ 162-2. Modifications.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

- A. References. Any references in the aforesaid code to terms such as municipality, city or any other reference to a governmental authority shall be held to mean the Borough of Dormont; any terms used in the code referring to building inspector, inspector, code official or other person authorized to enforce the code shall be held to mean the Building Inspector, Code Enforcement Officer and/or the Zoning Officer of the Borough of Dormont or any inspectors hired by the borough to accomplish the purposes set forth in this chapter. The

Borough Manager, with the approval of the Borough Council, is authorized to appoint and hire inspectors to carry out the provisions of this chapter, but the Building Inspector, the Code Enforcement Officer and/or the Zoning Officer of the Borough of Dormont shall be the primary officials responsible for the administration and enforcement of this chapter.

- B. Definitions. All terms used in this chapter shall be defined as the same are more fully defined in the code, except that in the event that there is a conflict between the definitions contained in the code and the terms that are defined in the Zoning Ordinance of the Borough of Dormont, as amended, then the definition as set forth in the Zoning Ordinance of the Borough of Dormont shall prevail. For these purposes, the definition section of the Zoning Ordinance of the Borough of Dormont is incorporated herein by reference thereto, the same as though it had been fully set forth herein at length.¹
- C. Appeals. Section PM-111.0, et seq., Means of Appeal, of the code is deleted in its entirety and substituted therefor shall be the following: "Any person shall have the right to appeal by requesting that the borough seek an interpretation of the code from the Building Officials and Code Administrators International, Inc.; in the event that such a decision is adverse to the applicant, or not forthcoming, the applicant may then request that an arbitrator be appointed to determine the issue and to render a decision. The arbitrator shall be a registered architect selected by the borough and the applicant. All costs of the arbitrator shall be paid for by the applicant."

§ 162-3. Conflicts with other ordinances.

Whenever a conflict shall occur between the provisions of this chapter and the code adopted hereunder and the provisions of any other ordinance of the Borough of Dormont, particularly the Zoning Ordinance and the Subdivision and Land Development Ordinance of the Borough of Dormont,² then such conflict shall be resolved by interpreting the ordinances so that the strictest interpretation of the conflicting ordinance shall be the one that prevails, and the administration or enforcement of the matter shall proceed under the provisions of the ordinance containing the strictest standard or interpretation.

§ 162-4. Authority of Code Officials; hearings; enforcement.

- A. The Building Inspector, Code Enforcement Officer and the Zoning Officer of the Borough of Dormont appointed under the provisions of the codes and ordinances of the Borough of Dormont or any inspector appointed by the Borough Manager, with the approval of the Borough Council, shall be authorized, and are hereby directed, to be the officials responsible for the administration and enforcement of this chapter; the above officials shall be charged with the responsibility of reviewing applications, plans, specifications and all other data submitted and performing inspections pursuant to the provisions of this chapter.
- B. The officials shall issue permits as the same may be required, after first having obtained all necessary approvals, and shall condemn all unsafe structures and shall order the same to be

¹ Editor's Note: See Ch. 210, Zoning.

² Editor's Note: See Ch. 210, Zoning, and Ch. 183, Subdivision and Land Development.

razed or repaired and made safe and secure as the interest of the public safety may require; provided further, however, that in the event that a property owner or other persons having substantial property interest in the premises may feel aggrieved by such order, such property owner or aggrieved person may request a hearing before the Borough Council by requesting in writing, addressed to the Borough Manager, that a hearing be held to determine the propriety of the order issued by the official appointed for these purposes. Such request for a hearing shall be submitted and filed with the Borough Manager within 30 days of the date of the order from which the property owner or aggrieved person seeks redress. A hearing shall then be held by the Borough Council to determine the propriety of the order. Following the hearing the Council shall, within 45 days of such date, render a decision in the matter. A signed copy of the written decision shall be forwarded to the property owner or aggrieved person within five days of the date of such decision.

- C. The Building Inspector, Code Enforcement Officer and/or Zoning Officer shall have authority after exhibiting proper identification and in the discharge of their official duties to enter any building, structure or premises at any reasonable hours to enforce all laws relating to matters covered under the provisions of this chapter and shall be authorized to issue such citations or file such complaints before a District Magistrate as may be required for the enforcement of this chapter.

§ 162-5. Certificate of occupancy.

No occupancy, use, change of use or change of owner shall take place in a building, home or structure situate within the Borough of Dormont until a certificate of occupancy for the same shall have been issued by the Code Officials of the Borough of Dormont pursuant to the provisions of this chapter and of the Zoning Ordinance of the Borough of Dormont.

§ 162-6. Violations and penalties.

- A. Any person who shall violate any of the provisions of this chapter, or of any provisions of the code incorporated herein and adopted hereby, shall be guilty of a violation of this chapter and shall, upon conviction thereof by a District Magistrate, be punishable by a fine of not less than \$300 dollars, nor more than \$1,000, and costs of prosecution, and in default of payment of such fine or costs, shall be imprisoned for not more than 10 days.
- B. The owner of any building, structure, home or edifice or portion of the same, or of the premises wherein a violation of the code shall exist, or who shall cause a violation of the same, or any owner, tenant, contractor, agent or employee who may commit a violation of this chapter or assist in the commission of such a violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable by a fine not less than \$300, nor more than \$1,000, and costs of prosecution, or in default of payment of such fine and costs, shall be imprisoned for not more than 10 days; and provided, further, that each day that a violation of any of the provisions of this chapter continues shall be considered a separate offense. The term "person," as used herein, shall mean any individual, member of a partnership or the officer of any corporation, which officer authorizes or participates in any action or omission to act which constitutes a violation of this chapter.

§ 162-7. Effect on existing or pending legal action.

Nothing in this chapter or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred hereunder, nor any cause or causes of action accrued or existing under any act or ordinance repealed herein.