

ORDINANCE NO. 2018- 336

AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG, SNYDER COUNTY, PENNSYLVANIA, AMENDING CHAPTER FIVE, PART FOUR OF THE MIDDLEBURG BOROUGH CODE TO ADOPT THE 2018 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* AS THE PROPERTY MAINTENANCE CODE FOR THE BOROUGH OF MIDDLEBURG IN ORDER TO: REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; PROVIDE 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; PROVIDE FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF MIDDLEBURG; PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDE FOR PENALTIES AND FINES FOR A VIOLATION OF THE CODE; AND TO REPEAL ORDINANCE NO. 327 OF THE BOROUGH OF MIDDLEBURG.

WHEREAS, the Council of the Borough of Middleburg has proposed adopting the International Property Maintenance Code (2018) as the Property Maintenance Code of the Borough of Middleburg because it will promote the health, safety and welfare of the residents of the Borough of Middleburg; and

WHEREAS, the Council of the Borough of Middleburg believes that this Ordinance will establish clear and specific property maintenance requirements in order to encourage compliance with the Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Council of the Borough of Middleburg, Snyder County, Pennsylvania:

Chapter 5 Code Enforcement, Part 4 International Property Maintenance Code, Sections 5-401 through Sections 5-407 of the Code of the Borough of Middleburg are amended to read, in their entirety, as follows:

§5-401. Adoption of Property Maintenance Code.

A certain document, three (3) copies of which are on file in the Office of the Borough of Middleburg, being marked and designated as the "International Property Maintenance Code/2018" as published by the International Code

Council, Inc. be and is hereby adopted as the Property Maintenance Code of the Borough of Middleburg, Snyder County, Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set out in this part, with the additions, insertions, deletions and changes, if any, prescribed in §5-402 of this Part.

§5-402. Additions, Insertions and Changes.

The International Property Maintenance Code/2018 is amended and revised in the following respects:

Section 101.1. Insert: [Borough of Middleburg]

Section 103.5. Insert: [fee schedule shall be adopted by resolution of the Borough Council]

Section 112.4. Insert: [\$300.00] and [\$1,000.00]

Section 302.4. Insert: [12 inches]

Section 304.14. Insert: [May 1 to October 30]

Section 602.3. Insert: [November 1, to April 30]

Section 602.4. Insert: [November 1, to April 30]

§5-403. Saving Clause.

Nothing in this Part or in the International Property Maintenance Code/2018 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 §5-402 of this Part, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this part.

§5-404. Severability.

If any Section, subsection, sentence, clause or phrase of this Part is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. The Borough of Middleburg hereby declares that it would have passed this Part, and each Section, subsection,

clause or phrase thereof, irrespective of the fact that any one or more Sections, subsection, sentences, clauses and phrases be declared unconstitutional.

§5-405. Date of Effect.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption in accordance with laws and regulations.

§5-406. Repealer.

Ordinance No. 327 of the Borough of Middleburg is hereby repealed, in its entirety, and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict herewith.

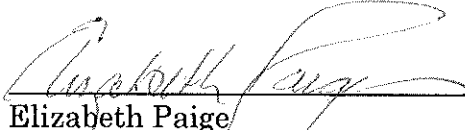
§5-407. Enforcement.

A violation of a provision of the code shall be a criminal summary offense and be enforced in accordance with the Pennsylvania Rules of Criminal Procedure and 8 Pa.C.S. Section 3321(b)(2). The Borough Administrator/Secretary, Middleburg Borough Police Department and any duly appointed officer or agent shall have the authority to enforce this provision.


Three Hundred and 00/100 Dollars (\$300.00) per offense per day shall be the minimum penalty or fine for violation of a provision of the code or failure to comply with any of the requirements of the code, and One Thousand and 00/100 Dollars (\$1,000.00) per offense per day shall be the maximum penalty or fine, plus assessment of court costs and reasonable attorneys' fees.

DULY ENACTED AND ORDAINED this 11th day of September, 2018, by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, in lawful session duly assembled, after receiving public comment thereon and following proper notice of its intent to consider adoption of this Ordinance.

ATTEST:

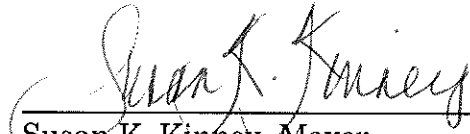

Elizabeth Paige
Administrator/Secretary

BOROUGH OF MIDDLEBURG:

BY: 
Heidi Potter, President

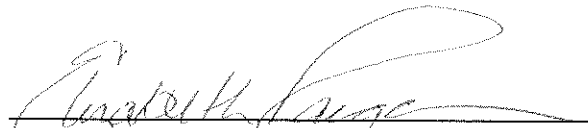
(Middleburg Borough Seal)

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,
SNYDER COUNTY, PENNSYLVANIA, THIS 11th DAY OF September, 2018.


Susan K. Kinney, Mayor

CERTIFICATE OF ADOPTION

AND NOW, this 10th day of SEPTEMBER, 2018, I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on SEPTEMBER 11, 2018 at which time a quorum was present.


Elizabeth Paige, Administrator/Secretary
(Middleburg Borough Seal)