

ORDINANCE NO. 2020- 349

AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG, SNYDER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 5 OF THE MIDDLEBURG BOROUGH CODE TO: ESTABLISH THE POSITION OF CODE ENFORCEMENT OFFICER FOR THE CONSISTENT ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE BUILDING CODE OF THE BOROUGH OF MIDDLEBURG AND THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF MIDDLEBURG; ESTABLISH THE CODE ENFORCEMENT OFFICER'S RIGHT OF ENTRY.

WHEREAS, the Council of the Borough of Middleburg has adopted the International Building Code as the Building Code of the Borough of Middleburg and the International Property Maintenance Code (2018) as the Property Maintenance Code of the Borough of Middleburg;

WHEREAS, the Council of the Borough of Middleburg desires to establish an official position for purposes of administering and enforcing the provisions of the Code of the Borough of Middleburg;

WHEREAS, the Council of the Borough of Middleburg desires to establish the right to enter a property, building or structure for purposes of administering and enforcing the provisions of the Code of the Borough of Middleburg, as authorized by law;

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 of the Code of the Borough of Middleburg is amended to read as follows:

PART 7 CODE ENFORCEMENT OFFICER

§5-701. Definitions.

The following words and phrases used in this Part shall have the meanings hereinafter ascribed to them unless the context clearly indicates otherwise:

BUILDING CODE

The International Building Code, as published by the International Code Council, Inc., and as adopted and modified by the Borough of Middleburg in Chapter 5, Part 1 of the Code of the Borough of Middleburg.

OWNER

A holder of the title to residential, commercial or industrial real estate, other than a mortgage lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record.

PERSON

A natural person, firm, partnership, association, corporation or other legal entity.

PROPERTY MAINTENANCE CODE

The International Property Maintenance Code of 2018, as published by the International Code Council, Inc., and as adopted and modified by the Borough of Middleburg in Chapter 5, Part 4 of the Code of the Borough of Middleburg.

REASONABLE CAUSE

Facts, evidence or circumstances sufficient to justify a reasonable person in his or her belief.

REASONABLE TIME

Any time between the hours of 8:00 a.m. or 4:30 p.m., or such other times as deemed to be reasonably appropriate by the Code Enforcement Officer under the circumstances.

§5-702. Appointment.

Council shall appoint a Code Enforcement Officer, who shall have access to the support of Borough employees or assistants as shall be necessary for the administration and execution of the rights, duties and responsibilities of the Code Enforcement Officer under this Part, which shall include the Code

Enforcement Officer's support personnel, assistant, and other professionals and experts as may be deemed necessary by the Code Enforcement Officer.

§5-703. Rights, Duties and Responsibilities.

In addition to those rights, duties and responsibilities established in this Part, the Code Enforcement Officer shall have all the rights, duties and responsibilities of the building official under the Building Code and the code official under the Property Maintenance Code.

§5-704. Right of entry.

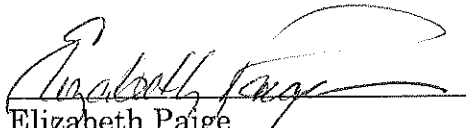
1. Where it is necessary to make an inspection to enforce the provisions of this Chapter, or whenever the Code Enforcement Officer has Reasonable Cause to believe that there exists in a building or structure or upon a property a condition in violation of this Chapter, the Code Enforcement Officer, upon showing proper identification where requested, is hereby authorized to enter and inspect, at a Reasonable Time, any such building, structure or property located in the Borough.
2. The Code Enforcement Officer and the Owner, agent, operator or occupant or other Person in charge of any building, structure or property subject to the provisions of this Chapter may agree to an inspection by appointment at a mutually convenient time.
3. The Owner, agent, operator or occupant or other Person in charge of any building, structure or property subject to the provisions of this Chapter shall give the Code Enforcement Officer entry and free access thereto and to every part of the building or structure or to the property surrounding the building or structure.
4. If any Owner, agent, operator or occupant or other Person in charge of any building, structure or property fails or refuses to permit entry and free access to the structure or property under his or her control, or to any part thereof, with respect to any inspection authorized under this Section, the Code Enforcement Officer may, upon a showing that Reasonable Cause exists for the inspection, file a complaint and petition for and obtain an order directing compliance with the inspection requirements of this Section from a District Magistrate.
5. The rights accruing to the Code Enforcement Officer under this Section are cumulative and in addition to those rights established in Section

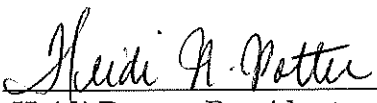
104.6 of the Building Code and Section 104.3 of the Property Maintenance Code.

DULY ENACTED AND ORDAINED this 12th day of May 2020, 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:

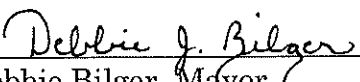
BOROUGH OF MIDDLEBURG:


Elizabeth Paige
Administrator/Secretary

BY: 
Heidi Potter, President

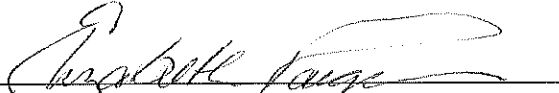
(Middleburg Borough Seal)

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,
SNYDER COUNTY, PENNSYLVANIA, THIS 12th DAY OF MAY 2020.


Debbie Bilger, Mayor

CERTIFICATE OF ADOPTION

AND NOW, this 12th day of May, 2020, 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 May 12th, 2020, at which time a quorum was present.


Elizabeth Paige, Administrator/Secretary
(Middleburg Borough Seal)