

**MARIETTA BOROUGH
ORDINANCE NO 2019-05**

AN ORDINANCE TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE PROPERTY MAINTENANCE CODE FOR THE BOROUGH OF MARIETTA

WHEREAS, the Council of the Borough of Marietta finds that the public interest, convenience, and safety require the adoption of a standardized property maintenance code; and

WHEREAS, the 2015 edition of the International Property Maintenance Code is an effective standard for the Borough by regulating and governing the conditions and maintenance of all property, buildings and structures; by providing 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; by providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures; and

WHEREAS, the Council of the Borough of Marietta desires to adopt this standard for the Borough, subject to the exceptions set forth in this Ordinance, and to repeal all other ordinances or parts of laws that conflict with its standards.

BE IT AND IT IS HEREBY ORDAINED AND ENACTED, by and through Borough Council of the Borough of Marietta, Lancaster County, Pennsylvania:

1. That the International Property Maintenance Code, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Marietta for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

2. The following sections are hereby revised:

A. **101.1 Title.** These regulations shall be known as the Property Maintenance Code of the Borough of Marietta, hereinafter referred to as “this code.”

B. **102.3 Application of other codes.** Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the Pennsylvania Construction Code.

C. **102.6 Historic buildings.** [intentionally omitted]

D. **111.1 Application for appeal.** Any decision of the Borough's code enforcement officials may be appealed to the Borough's Housing Hearing Board as set forth in Chapter 184. Housing Standards.

E. **111.2 to 111.8 Means of Appeal.** [intentionally omitted]

F. **112.1 to 112.4 Stop Work Order.** [intentionally omitted]

G. **302.4 Weeds.** Premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution and the Borough shall be authorized to enter upon the property and cut and destroy the weeds, with the costs of such removal paid by the property's owner.

H. **304.14 Insect Screens.** [intentionally omitted]

I. **602.3 Heat supply.** Every owner who rents, leases or lets one or more dwelling units or sleeping units on terms, either express or implied, to further heat to the occupants thereof shall supply heating during the period from September 15 to May 15 to maintain a minimum temperature of 68°F in all habitable rooms, including bathrooms.

J. **602.4 Occupiable workspaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a minimum temperature of 68°F during the period the spaces are occupied.

3. No less than three copies of the International Property Maintenance Code, 2015 edition, as published by the International Code Council, shall be maintained by the Borough and shall be made available to the public as with other portions of the Borough's Code.

4. That all ordinances or parts of laws in direct conflict with this Property Maintenance Code are hereby repealed, except that any pre-existing standards in the Code of the Borough of Marietta that are more restrictive than those in the Property Maintenance Code adopted by this ordinance shall remain in effect and shall not be repealed.

5. That is any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining parts of this ordinance. The Council of the Borough of Marietta hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

6. That nothing in this legislation or the Property Maintenance code hereby adopted shall be construed to affect any suit or proceeding 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 in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

7. That this law and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect 60 days after the date of its final passage and adoption.

DULY ENACTED AND ORDAINED as an ordinance of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania by the Borough Council this 12th day of November 2019, in lawful session duly assembled.

BOROUGH OF MARIETTA

By: _____
Glen Mazis, President
Marietta Borough Council

Attest: _____
Sharon Bradnick, Secretary

APPROVED as an Ordinance this 12th day of November 2019.

Harold Kulman, Mayor