

## **Article II — Modifications of International Code**

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## Article II — Modifications of International Code

### § 35-201 In General.

The 2021 International Property Maintenance Code is modified for purposes of the Property Maintenance Code of Borough of Alburdis as set forth in the remaining sections of this Article II (with insertions indicated by double underlining and deletions indicated by ~~stricken through~~ type).

### § 35-202 Name of Jurisdiction.

Section 101.1 (relating to Scope and Administration— Scope and General Application— Scope and General Requirements— Title) is modified as follows:

These regulations shall be known as the ~~International Property Maintenance Code~~ Property Maintenance Code of ~~[NAME OF JURISDICTION]~~ the Borough of Alburdis, hereinafter referred to as “this code.”

### § 35-203 Penalties.

Section 109.3 (relating to Scope and Administration— Administration and Enforcement— Violations— Prosecution of violation) is modified as follows:

Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be ~~deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and~~ subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, be sentenced to pay a criminal fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court, plus court costs and reason-

able attorney fees incurred by the Borough in the enforcement proceeding. ~~the~~ The violation shall be deemed a *strict liability offense*. Each violation of a separate section, subsection, paragraph, or other division of this code shall constitute a separate offense. The enforcement action shall be brought before a magisterial district judge or, where applicable under Borough Code § 3321(b)(4), 8 PA. CONS. STAT. § 3321(b)(4), the Lehigh County Court of Common Pleas. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises*, shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

## § 35-204 Appeals.

Sections 107.3 (relating to Scope and Administration—Administration and Enforcement—Means of Appeal—Qualifications) and 108.1 (relating to Scope and Administration—Administration and Enforcement—Board of Appeals—Membership of board) are deleted in their entirety. Section 107.1 (relating to Scope and Administration—Administration and Enforcement—Means of Appeal—General) is modified as follows:

**107.1 General.** ~~In order~~ The joint Board of Appeals under Codified Ordinances § 30-301 (relating to Uniform Construction Code) shall be the board of appeals to hear and decide appeals of orders, decisions, or determinations made by the *code official* relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals. The board of appeal shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adapt rules the procedure for conducting its business and if that Board is willing to accept jurisdiction regarding this code in the same manner as appeals under the Pennsylvania Construction Code Act and the Uniform Construction Code. Otherwise, the Borough of Alburdis Zoning Hearing Board shall be the board of appeals under this code. The joint Board or Zoning Hearing Board shall conduct appeals under this code in accordance with its ordinary practices and procedures, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

## § 35-205 Weeds.

Section 302.4 (relating to General Requirements—Exterior Property Areas—Weeds) is deleted in its entirety. See Chapter 93 (relating to weed control) for treatment of this subject matter.

**§ 35-206 Insect Screens.**

Section 304.14 (relating to General Requirements—Exterior Structure—Insect screens) is modified as follows:

During the period from {DATE} April 1 to {DATE} October 31, every door, window and other outside opening utilized or required for *ventilation* . . . .

**§ 35-207 Garbage Facilities.**

Section 308.3.1 (relating to General Requirements—Rubbish and Garbage—Disposal of garbage—Garbage facilities) is modified as follows:

The *owner* of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each *dwelling unit*; ~~an approved incinerator unit in the structure available to the occupants in each dwelling unit~~; or an approved leakproof, covered, outside *garbage* container.

**§ 35-208 Heat Supply for Residential Structures.**

Section 602.3 (relating to Mechanical and Electrical Requirements—Heating Facilities—Heat supply) is modified as follows:

Every *owner* and *operator* of any building who rents, leases or *lets* one or more *dwelling units* or *sleeping units* on terms, either express or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from {DATE} October 1 to {DATE} April 30 to maintain a minimum room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

**Exceptions:** . . . .

**§ 35-209 Heat Supply for Occupiable Work Spaces.**

Section 602.4 (relating to Mechanical and Electrical Requirements—Heating Facilities—Occupiable work spaces) is modified as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from {DATE} October 1 to {DATE} April 30 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**Exceptions:** . . . .

### § 35-210 Motor Vehicles.

Section 302.8 (relating to General Requirements—Exterior Property Areas—Motor Vehicles) is modified as follows:

Except as provided in for in other regulations, inoperative, ~~or~~ unlicensed, unregistered, or uninspected motor vehicles or trailers shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

### § 35-211 Code Official.

Section 103.1 (relating to Scope and Administration—Administration and Enforcement—Code Compliance Agency—Creation of agency) is modified as follows:

**103.1 ~~Creation of Agency Code Official.~~** ~~The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the code official. The function of this agency~~ The code official shall be responsible for the implementation, administration and enforcement of the provisions of this code.