

Chapter 5

Code Enforcement

Part 1

Uniform Construction Code

- §5-101. Election
- §5-102. Adoption
- §5-103. Administration and Enforcement
- §5-104. Board of Appeals
- §5-105. Existing Ordinances
- §5-106. Fees

Part 2

Property Maintenance Code

- §5-201. Adoption of Property Maintenance Code
- §5-202. Violations
- §5-203. Penalty for Violations

Part 3

Removal of Graffiti

- §5-301. Definition(s)
- §5-302. Prohibited Conduct
- §5-303. Duty to Remove Graffiti
- §5-304. Sale of Spray Paint Containers and Indelible Markers
- §5-305. Rewards

Part 4

Occupancy Permits

- §5-401. Definitions
- §5-402. Occupancy Permit Required
- §5-403. Application for Permit
- §5-404. Conditions for Issuance of Permit
- §5-405. Permit Fee
- §5-406. Violations and Penalties

Part 5

Carbon Monoxide Alarms

- §5-501. Election
- §5-502. Definitions
- §5-503. Administration
- §5-504. Carbon Monoxide Alarm Requirements
- §5-505. Carbon Monoxide Alarm Requirements in Rental Properties

§5-506. Enforcement

Part 1**Uniform Construction Code****§5-101. Election.**

The Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101–7210.1103, as amended from time to time, and its regulations.

(Ord. 2229, 5/9/2005, §1)

§5-102. Adoption.

The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401–405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Building Code of the Borough.

(Ord. 2229, 5/9/2005, §2)

§5-103. Administration and Enforcement.

Administration and enforcement of the Code within the Borough shall be undertaken in any of the following ways as determined by the Borough Council of the Borough from time to time by resolution:

A. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough.

B. By the retention of one or more construction code officials or third party agency to act on behalf of the Borough.

C. By agreement with one or more other municipalities for the Joint administration and enforcement of this Act through an inter-municipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Borough.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 2229, 5/9/2005, §3)

§5-104. Board of Appeals.

A Board of Appeals shall be established by resolution of the Borough Council of the Borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 2229, 5/9/2005, §4)

§5-105. Existing Ordinances.

1. All building code ordinances or portions of ordinances which were adopted by the Borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

2. All building code ordinances or portions of ordinance which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform to the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of the Borough not governed by the Code shall remain in full force and effect.

(Ord. 2229, 5/9/2005, §5)

§5-106. Fees.

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution from time to time.

(Ord. 2229, 5/9/2005, §6)

Part 2**Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

The Council of the Borough of Carnegie hereby adopts the 2009 edition of the International Property Maintenance Code, as amended, as published by the International Code Council. The Code is hereby adopted as the Property Maintenance Code of the Borough of Carnegie for the control of buildings and structures as provided therein; and each and all regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted and made a part hereof, as if fully set forth out in this Part, with the additions, insertions, deletions and changes, if any.

(Ord. 2411, 3/9/2015, Art. I)

§5-202. Violations.

Any person, firm, corporation, or other party not conforming to any provision of the 2009 International Property Maintenance Code, as amended, shall be in violation of this Part upon notice, thereof, from the Building official of the Borough of Carnegie or his agent.

(Ord. 2411, 3/9/2015, Art. I)

§5-203. Penalty for Violation.

Any person, firm, corporation or other party violating any provision of the 2009 International Property Maintenance Code, as amended, shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that any Section of this Part shall be found to have been violation shall constitute a separate offense.

(Ord. 2411, 3/9/2015, Art. I)

Part 3**Removal of Graffiti****§5-301. Definition(s).**

As used in this Part, the following terms shall have the meaning indicated:

Graffiti—an unauthorized inscription, marking or defacement on a wall, building, street, sidewalk or other structure within the Borough of Carnegie for which no sign permit has been issued.

(*Ord. 2084, 5/13/1997, §1*)

§5-302. Prohibited Conduct.

1. No person shall destroy, damage or deface in any way, public or private real property, whether occupied, vacant and/or abandoned, including any:

- A. Public or private buildings, fences or trees.
- B. Public street lights, fire hydrants, pumps, fountains, inlets, manholes or sewer ventilators.
- C. Telephone or telegraph wires or electric wires of any kind, or the poles sustaining or attaching them.
- D. Statues, monuments or plaques.
- E. Official notices or signs posted by the Commonwealth of Pennsylvania, the school district, the Borough, or any public agency.
- F. Borough park or playground, playground equipment, Borough recreation buildings, decorative benches, drinking water fountains.

2. In the event the prohibited conduct is in violation of Pennsylvania statutes (18 Pa.C.S.A. §3304, Criminal Mischief, 18 Pa.C.S.A. §3307, Institutional Vandalism, or 18 Pa.C.S.A. §5509, Desecration of Venerated Objects), the Pennsylvania statute shall supersede this Part.

3. In lieu of making a disposition, a magistrate may admit any person charged with violating the provisions of this Part to an adjudication alternative approved by the Court of Common Pleas of Allegheny County and Allegheny County District Attorney's Office. The adjudication alternative shall be a program of community service up to 100 hours supervised by the Department of Public Safety or its designee. In addition, the conditions of the adjudication alternative may include the imposition of costs and restitution, the imposition of a reasonable charge relating to the expense of administering the program and other conditions imposed or fails to complete the program without good cause, the magistrate shall proceed on the charges as provided by law.

4. In any proceeding where a person under the age of 18 years is found to violate any provision of this Part, the magisterial district judge shall ascertain the amount sufficient to fully reimburse any party or parties who has suffered damages because of the act of the child and direct the parents of such child to pay restitution to the victim or victims in an amount not to exceed the maximum amount permissible under the existing State law. [*Ord. 2384*]

(Ord. 2084, 5/13/1997, §2; as amended by Ord. 2384, 12/10/2012)

§5-303. Duty to Remove Graffiti.

1. Any owner, agent or trustee of any industrial, commercial or residential property, which property has been defaced by the affixing of obscene or improper matter or signs, symbols or language of the kind in the category commonly known as graffiti shall, upon notification from the building inspector, remove the obscene or improper matter or signs, symbols or language within a period not to exceed 30 days.

2. Any person violating any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384]

3. In the event of multiple violations of this Part by the same property owner by repeated affixing of graffiti after removal by property owner, a magisterial district judge, in imposing penalty, may consider such circumstances along with financial hardship suffered by the violator of this Part. [Ord. 2384]

(Ord. 2084, 5/13/1997, §3; as amended by Ord. 2384, 12/10/2012)

§5-304. Sale of Spray Paint Containers and Indelible Markers.

1. *Definitions.*

Indelible marker—any felt tip marker, china marker or similar device that is not water soluble and which has a felt or angled writing surface ½ inch or greater.

Person—any individual or retail establishment.

2. *Prohibited Conduct.* No person shall knowingly sell or otherwise transfer any spray paint container or indelible marker to be used in violation of this Part.

3. Any person violating any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2384]

(Ord. 2084, 5/13/1997, §4; as amended by Ord. 2384, 12/10/2012)

§5-305. Rewards.

1. The Chairman of Finance is hereby authorized and directed to establish a special trust fund known as the Graffiti Trust Fund for the receipt and deposit of private sector contributions and the fines resulting from violations of this Part. The funds shall be used specifically for rewards and public awareness programs.

2. The Chairman of Public Safety shall grant rewards up to the sum of \$500 to individuals, organizations or other entities who provide information leading to the arrest and/or conviction of §§5-301 and 5-303.2.

(Ord. 2084, 5/13/1997, §5)

Part 4**Occupancy Permits****§5-401. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meanings indicated in this Section. Terms not defined shall have their ordinarily accepted meanings, such as the context implies:

Building code—the building code officially adopted by the Borough Council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures. For the purpose of this Part, the Borough of Carnegie shall use the most recent adoption of the International Property Maintenance Code.

Code official—the official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

Dwellings—

Rooming house—a building arranged or used for lodging, with or without meals, for compensation and not occupied as a one-family or a two-family dwelling.

Multiple-family dwelling—a building containing more than two dwelling units and not classified as a one or two-family dwelling.

Rooming unit—any room or group of rooms forming a single, habitable unit used or intended to be used for sleeping and/or living, but not for cooking purposes.

One-family dwelling—a building containing one dwelling unit.

Two-family dwelling—a building containing two dwelling units.

Let for occupancy or let—to permit possession or occupancy of a dwelling, dwelling unit, building or structure by a person who shall be legal owner of record thereof, pursuant to a written lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the land.

Occupancy—the period during which a person rents, owns or uses certain premises or land.

Occupant—any person living or sleeping in a building; or having possession of a space within a building.

Owner—any person, agent, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person—an individual, corporation, partnership or any other group acting as a unit.

Structure—that which is built or constructed for occupancy.

(Ord. 2411, 3/9/2015, Art. II)

§5-402. Occupancy Permit Required.

All owners and landlords of dwelling units, office buildings or other structures for human occupancy must first secure an occupancy permit prior to allowing a unit to be occupied. All permits must be secured from the Building Code Official of the Borough of Carnegie for any change of property owner, change of tenant/occupant or change of use and/or occupancy.

(Ord. 2411, 3/9/2015, Art. II)

§5-403. Application for Permit.

An application for the permit referred to in §5-402 shall be formulated by the proper officials of the Borough, on which form the following information, as well as any other information deemed advisable, shall be requested from the said owner thereof:

- A. Address of property.
- B. Lot and block number of property.
- C. Name and address of property owner.
- D. Name and address of tenant/occupant.
- E. Declaration of exact nature of use and occupancy.

(Ord. 2411, 3/9/2015, Art. II)

§5-404. Conditions for Issuance of Permit.

1. No occupancy permit shall be issued for occupancy unless the premises shall be inspected by the Borough of Carnegie's Building Inspector and shall meet the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and safe and sanitary maintenance. For the purpose of this Part, the Borough of Carnegie shall utilize the International Property Maintenance Code, as adopted by Borough Council.

2. Building inspections shall at all times material hereto be arranged in accordance with the following procedures:

A. The property owner or the property owner's authorized agent shall contact the Borough of Carnegie Building Code Official and arrange a mutually convenient time to conduct an inspection of the property. The Building Inspector shall inspect the property and shall either:

- (1) Issue an occupancy permit.
- (2) Issue a temporary occupancy permit accompanied by an inspection report/violation notice, contingent upon a notarized affidavit submitted to the Borough, attesting that the property and premises will not be used or occupied until all required repairs are completed and all required permits are issued to bring the property and premises into full compliance with the ordinances enacted and codes adopted by the Borough.
- (3) Issue an inspection report/violation notice for remedial action to be taken.

B. Should the property owner fail to obtain an occupancy permit prior to securing of an occupancy permit, the inspection shall take place with the following procedure:

(1) The proper Borough representative shall write to the appropriate landlord, tenant or property owner via certified United States mail, return receipt requested, and regular United States mail, proof of mailing attached, and specify the need to arrange a mutually convenient meeting. If attempts pursuant to this method of communication shall fail then.

(2) The proper Borough representative shall proceed, with written notice to the landlord, tenant and/or property owner via certified United States mail, return receipt requested, to obtain an administrative search warrant which shall compel the landlord, tenant or property owner to grant admission to the property in question for inspection.

(Ord. 2411, 3/9/2015, Art. II)

§5-405. Permit Fee.

The fee for an occupancy permit or a temporary occupancy permit shall be in an amount as established, from time to time, by resolution of Borough Council.

(Ord. 2411, 3/9/2015, Art. II)

§5-406. Violations and Penalties.

1. Any person, firm, association, corporation or other party violating any provision of this Part shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. In the event that any landlord, tenant, occupant, property owner, or property owner's authorized agent refuses to permit entry pursuant to the presentation of an administrative warrant, the violator shall also be subject to all provisions of the law as they relate to contempt of court proceedings.

(Ord. 2411, 3/9/2015, Art. II)

Part 5**Carbon Monoxide Alarms****§5-501. Election.**

The Borough of Carnegie hereby elects to administer and enforce the provisions of the Carbon Monoxide Alarm Standards Act, as enacted by the General Assembly of the Commonwealth of Pennsylvania, as amended from time to time, and its regulations.

(Ord. 2413, 5/11/2015, Art. I, §5-101)

§5-502. Definitions.

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

Apartment—a room or suite of two or more rooms, occupied or leased for occupation, or intended or designed to be occupied, as a domicile.

Approved carbon monoxide alarm—the term includes:

(1) A single or multiple station carbon monoxide alarm listed as complying with the Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) or a carbon monoxide detector listed as complying with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed in accordance with this Act.

(2) A device that may be combined with a smoke alarm or smoke detector if the combined smoke alarm or detector meets all of the following:

(a) Complies with either of the following:

1) The Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) for carbon monoxide alarms and the Approved American National Standard for Single and Multiple Station Smoke Alarms (ANSI/UL217) for smoke alarms.

2) The Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) for carbon monoxide detectors and the Approved American National Standard for Safety for Smoke Detectors for the Fire Alarm Systems (ANSI/UL268) for smoke detectors.

(b) Emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

(3) A carbon monoxide detection system that includes carbon monoxide detectors and audible notification appliances that are installed and maintained in accordance with the National Fire Alarm and Signaling Code (NFPA 72) and the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720) and are in compliance with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075).

Dwelling—a building having one or more dwelling units.

Dwelling unit—a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Fossil fuel—coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.

Installed—a carbon monoxide alarm that is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, other than a circuit breaker, or, if the alarm is battery-powered, attached to the wall or ceiling of a residential building, art apartment or a multi-family dwelling, in accordance with the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720).

Multi-family dwelling—any house or building, or portion thereof that is intended or designed to be occupied or leased for occupation, or occupied as a home or residence for three or more households living in separate apartments, and doing their cooking on the premises.

Non-owner occupied dwelling unit—any dwelling unit that is rented, leased, let out, or otherwise permitted to be occupied by a person(s) other than the owner. Vacant dwelling units are classified as non-owner occupied dwelling units and, as such, are regulated by this Part. A non-owner occupied dwelling unit includes dwelling units under lease purchase agreements, long-term lease agreements of sale, land contracts and other such agreements.

Operational—working and in service.

Residential building—detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress, which includes accessory structures.

(Ord. 2413, 5/11/2015, Art. I, §5-102)

§5-503. Administration.

Nothing in this Part is intended to modify the authority and responsibilities of the Department of Labor and Industry under the Act of November 10, 1999, (P.L. 491, No. 45), known as the Pennsylvania Construction Code Act.

(Ord. 2413, 5/11/2015, Art. I, §5-103)

§5-504. Carbon Monoxide Alarm Requirements.

1. *Residential Building.* Upon the sale of a residential building, the seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement required by 68 Pa.C.S. Ch. 73 (relating to seller disclosures).

2. *Multi-family Dwellings.* Each apartment in a multi-family dwelling, which uses a fossil fuel-burning heater or appliance, fireplace or an attached garage, must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace.

(Ord. 2413, 5/11/2015, Art. I, §5-104)

§5-505. Carbon Monoxide Alarm Requirements in Rental Properties.

1. *Owner Responsibilities.* The owner of a non-owner occupied dwelling unit having a fossil fuel-burning heater or appliance, fireplace or an attached garage used for rental purposes and required to be equipped with one or more approved carbon monoxide alarms shall:

A. Provide and install an operational, centrally located and approved carbon monoxide alarm in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace.

B. Replace, in accordance with this Act, any approved carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the rental property and which has not been replaced before the commencement of a new occupancy of the rental property.

C. Ensure that the batteries in each approved carbon monoxide alarm are in operating condition at the time the new occupant takes residence in the rental property.

2. *Maintenance, Repair or Replacement.* The owner of a non-owner occupied dwelling unit used for rental purposes is responsible for the maintenance, repair or replacement of an approved carbon monoxide alarm and the care and replacement of batteries while the building is occupied. Responsibility for maintenance, repair, and replacement of carbon monoxide alarms is the responsibility of the owner of the building.

3. *Occupant Responsibilities.* The occupant of each dwelling used for rental purposes in which an operational and approved carbon monoxide alarm has been provided must:

A. Test the device according to manufacturer's instructions.

B. Immediately notify the owner or the authorized agent of the owner in writing of any deficiencies pertaining to the approved carbon monoxide alarm.

(Ord. 2413, 5/11/2015, Art. I, §5-105)

§5-506. Enforcement.

Failure to install or maintain in operating condition any approved carbon monoxide alarm required by this Part is a summary offense punishable by as set by Borough Council from time to time. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 2413, 5/11/2015, Art. I, §5-106)

