

**OFFICIAL  
BOROUGH OF FRANKLIN PARK  
ORDINANCE NO. 674-2023**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 159, "PROPERTY MAINTENANCE," IN THE CODE OF THE BOROUGH OF FRANKLIN PARK, TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 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 IN THE BOROUGH OF FRANKLIN PARK; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH; AND ESTABLISHING SEVERABILITY AND EFFECTIVE DATE PROVISIONS.**

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. §1202(5), grants the Borough of Franklin Park the specific power to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(4) of the Borough Code, 8 Pa.C.S. §1202(4), grants the Borough of Franklin Park the specific power to prohibit and remove any nuisance or dangerous structures on public or private grounds, including but not limited to accumulations of garbage and rubbish, the storage of abandoned or junked automobiles, and obstructions or nuisances in the streets of the Borough; and

WHEREAS, Section 1202(15) of the Borough Code, 8 Pa.C.S. §1202(15), grants the Borough of Franklin Park the specific power to adopt and enforce a property maintenance code and exercise any additional reserved powers pursuant to Borough Code Article XXXII-A; and

WHEREAS, Chapter 32A of the Borough Code, 8 Pa.C.S. §§32A01 – 32A05, empowers the Borough to, among other things, enact a property maintenance ordinance and incorporate any standard or nationally recognized property maintenance code, or any variations or changes or parts of the code, published and printed in book form, without incorporating the text of the code in the ordinance; and

WHEREAS, Section 32A04 of the Borough Code, 8 Pa.C.S. §32A04, requires that notice of a property maintenance code's consideration, in reasonable detail, shall be published as will give

adequate notice of its contents and a reference to the place or places within the Borough where copies of the proposed property maintenance code may be examined or obtained, with such notice being published once in one newspaper of general circulation at least one week and not more than three weeks prior to the presentation of the proposed property maintenance code to council for official action; and

WHEREAS, on June 11, 1986, the Borough Council created Chapter 159 "Property Maintenance" in the Code of the Borough of Franklin Park thereafter the Borough Council adopted the "BOCA National Property Maintenance Code, Fifth Edition, 1996," as the Borough Property Maintenance Code and revised the regulations related thereto; and

WHEREAS, on December 20, 2006 the Borough Council enacted Ordinance No. 549-2006, which added regulations for portable storage units to Chapter 159 in the Code of the Borough of Franklin Park; and

WHEREAS, on January 16, 2008, the Borough Council enacted Ordinance No. 560-2008, which added additional property maintenance procedures to Chapter 159 in the Code of the Borough of Franklin Park; and

WHEREAS, on October 19, 2011, the Borough Council enacted Ordinance No. 589-2011, which added regulations for grass and weeds to Chapter 159 in the Code of the Borough of Franklin Park; and

WHEREAS, on November 19, 2014, the Borough Council enacted Ordinance No. 615-2014 amending Chapter 159 in the Code of the Borough of Franklin Park to adopt the 2009 International Property Maintenance Code; and

WHEREAS, on October 16, 2019, the Borough Council enacted Ordinance No. 651-2019 amending Chapter 159 in the Code of the Borough of Franklin Park to adopt the 2015 International Property Maintenance Code; and

WHEREAS, the Borough Council desires to amend and restate Chapter 159 of the Code of the Borough of Franklin Park, Property Maintenance, to adopt the 2018 International Property Maintenance Code as the Borough Property Maintenance Code and to revise the regulations related thereto in order to maintain, preserve and protect the public health, safety and welfare.

**NOW, THEREFORE**, be it ordained and enacted by the Borough Council of the Borough of Franklin Park, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

**SECTION 1.** Chapter 159, "Property Maintenance," of the Code of the Borough of Franklin Park is amended by restating Chapter 159 in its entirety as follows:

**Chapter 159**  
**Property Maintenance Code**

**§ 159-1      Adoption of Property Maintenance Code.**

A certain document, three (3) copies of which are on file in the office of the Borough

Secretary of the Borough of Franklin Park, being marked and designated as the *International Property Maintenance Code*, 2018 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Franklin Park, in the Commonwealth of Pennsylvania 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 Secretary of the Borough of Franklin Park are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 159-2 of this Chapter.

### **§ 159-2 Modifications to standards.**

The following sections and subsections of the International Property Maintenance Code, 2018 edition, are hereby added, inserted, deleted, restated or changed as set forth below:

A. Section 101.1 is restated as follows:

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code* of the Borough of Franklin Park (hereinafter referred to as "this code").

B. Section 102.3 is restated as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 99 in the Code of the Borough of Franklin Park, "Construction Code, Uniform," as amended (hereinafter referred to as the "Borough Construction Code"). Nothing in this code shall be construed to cancel, modify or set aside any provisions of Chapter 212 in the Code of the Borough of Franklin Park, "Zoning," as amended.

C. Section 103 is amended by changing the title of the Section to "Code Enforcement."

D. Section 103.1 is restated as follows:

**103.1 General.** The existing office of Code Enforcement within the Zoning/Building Inspection Department and the executive official(s) in charge thereof shall be known as the Code Enforcement Officer (hereinafter *code official*).

E. Section 103.5 is restated as follows:

**103.5 Fees.** The fees for applications and permits referenced in *this code* and for the activities and services performed by the *code official* in carrying out his/her responsibilities under this code shall be established, from time to time, by resolution of the Borough Council.

F. Section 104.3 is restated as follows:

**104.3 Right of entry.** The *code official* shall have the right and the power to enter upon and inspect any *structure* or *premises* at all reasonable hours and in a reasonable manner for the administration and enforcement of this code. If such *structure* or *premises* is occupied, the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. In the event that entry upon any *structure* or *premises* is refused by an *owner*, an agent of an *owner* or a tenant, the *code official* shall obtain an administrative search warrant from any magisterial district judge within the judicial district where the *structure* or *premises* to be inspected is located. It shall be sufficient to support the issuance of a warrant for the *code official* to provide to the magisterial district judge evidence of any of the following:

1. Reasonable standards and an administrative plan for conducting inspections.
2. The condition of the *structure*, *premises* or general area and the passage of time since the last inspection.
3. Facts, supported by oath or affirmation, alleging that probable cause exists that a law, regulation or ordinance subject to enforcement by the *code official* has been violated.

G. Section 106.3 is restated as follows:

**106.3 Prosecution of violation.** If a notice of violation or order is not complied with, the *code official* shall institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require 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 person failing to comply with a notice of violation or order served in accordance with Section 107 shall be prosecuted by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 454 (relating to trial in summary cases).

H. Section 106.4 is restated as follows:

**106.4 Violation penalties.** Any person who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a summary offense, punishable by a fine not to exceed \$1,000.00 per violation, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings, and in default of payment of such fine and costs to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion of a day in which a violation is found to exist or for each section of *this code* which is found to have been violated. All fines, costs, penalties, and fees collected for the violation of this Chapter shall be paid to the Borough Treasurer.

I. Section 106.5 is amended by adding a last sentence as follows:

"Any action taken by the Borough in the prosecution or abatement of any violation shall be charged against the real estate upon which the violation exists and shall be a municipal claim and lien upon such real estate."

J. Section 110.3 is restated as follows:

**110.3 Failure to comply.** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the Borough shall collect the cost of removal, together with a penalty of ten (10%) percent of the cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or may seek relief by bill in equity.

K. Section 111, Means of Appeal, is deleted in its entirety and restated as follows:

### **SECTION 111 MEANS OF APPEAL**

**111.1 Application for appeal.** Any *person* directly aggrieved by a notice or order issued by the *code official* under the authority of Section 108 or 109 shall have the right to appeal to the Building Board of Appeals established under the Borough Construction Code provided that a written application for an appeal on a form provided by the Borough is filed within ten (10) days after receipt or posting of such notice or order, along with the payment of an appeal hearing fee in an amount set from time to time by resolution of the Borough Council. An application for appeal shall be based on a claim that the true intent of *this code* or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of *this code* do not fully apply, or the requirements of *this code* are adequately satisfied by other means.

**111.2 Regulations and procedures for appeals.** All appeals under *this code* shall proceed under the regulations and procedures of the Building Board of Appeals.

L. Section 112.4 is amended to insert "\$600.00" in the first reference of [AMOUNT] and "\$1,000.00" in the second reference of [AMOUNT].

M. Section 301 is amended by inserting a new Section 301.4 as follows:

**301.4 Lead-based paint.** Lead-based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling, dwelling unit, or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain lead paint with a lead content of more than 0.5% shall be removed or remediated in compliance with Code of Federal Regulations, Title 40, Part 745, as amended.

N. Section 302.4 is restated as follows:

**302.4 Grass and weeds.** No *person* owning or occupying any property containing a

structure within the Borough shall permit any grass, weeds or any vegetation whatsoever, not edible or maintained for some useful or ornamental purpose, to grow or remain upon such property so as to exceed a height of ten (10") inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit, or to create or produce pollen. No person owning any *premises* within the Borough shall permit any grass, weeds or other vegetation included on the noxious weed control list contained within the Noxious Weed Control Law, 3 P.S. §§ 255.1 through 255.11, as amended, to grow or remain upon any *premises*. Any such conduct is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

The *owner* or *occupant*, as the case may be, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such property in violation of the provisions of this section.

The *code official* is hereby authorized to give notice to the owner of any property whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this section, directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this section within five (5) days after the issuance of said notice.

If the structure on the property is vacant, service of such notice shall be made by posting a copy thereof in a conspicuous place on the structure and mailing a copy of such notice by certified mail to the *owner* of such property at the *owner's* last known post office address.

In case any person shall neglect, fail or refuse to comply with such notice, the Borough or its agents may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten (10%) percent thereof, may be collected by the Borough from such person in the manner provided by law. The Borough may also pursue the fines and penalties authorized in Section 106.4.

Except for any property in violation of the Noxious Weed Control Law, 3 P.S. §§ 255.1 through 255.11, as amended, the ten (10") inch height limitation in this section shall not apply to property, or any portion thereof, that exhibits one or more of the following characteristics:

1. Property devoted to agricultural use or otherwise actively cultivated.
2. Floodplain or wetlands.
3. Any undeveloped property, undisturbed open space, or conservation area.
4. Areas of any property that, by reason of slope, steepness or terrain or other geographic features, render the property inaccessible. The *code official* shall make the initial determination of inaccessibility, subject to review by the Borough Council.
5. Areas of any property undergoing a directed process of natural succession. The *code official* shall make the initial determination of natural succession, subject

to review by the Borough Council.

O. Section 302.8 is restated as follows:

**302.8 Motor vehicles.** No *person* in charge of or in control of premises or private property, whether as *owner*, lessee, tenant, *occupant* or otherwise, shall allow any *inoperable motor vehicle* to remain on such property longer than ten (10) days; and no *person* shall leave any *inoperable motor vehicle* on any property within the Borough of Franklin Park for a longer time than ten (10) days; provided, nevertheless, that this section shall not be construed to apply to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property; and provided, further, that this section shall not be construed to apply with regard to any vehicle on the premises of a business enterprise operating in a lawful place, other than in a residential district, and operated in a lawful manner when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Borough of Franklin Park or any other public agency or entity.

P. Section 302 is amended by inserting a new Section 302.10 as follows:

**302.10 Portable storage units.** A "portable storage unit" is hereby defined as a container that is not affixed to land and that is designed for temporary short-term storage.

The following regulations shall be applicable to *portable storage units* used for on-site storage:

1. There shall be no more than one (1) *portable storage unit* per lot.
2. A *portable storage unit* shall be no larger than eight (8') feet wide, sixteen (16') feet long and eight (8') feet high.
3. No *portable storage unit* shall remain on a residential property in excess of ninety (90) days in any calendar year.
4. No *portable storage unit* shall remain on a commercial property in excess of one hundred twenty (120) days in any calendar year.
5. A *portable storage unit* shall be permitted during construction, reconstruction, alteration or renovation of the principal building for an additional period of three (3) days before and after such activity, provided a building permit has been issued by the Borough of Franklin Park. The *portable storage unit* shall be removed from the lot upon the issuance of an occupancy permit.
6. A *portable storage unit* may be located on a lot during an emergency situation as declared by the appropriate federal, state, county or Borough agency. The *portable storage unit* shall be removed from the lot within thirty (30) days after the end of the emergency declaration.

7. In situations not covered by the above regulations, an appeal may be made to Borough Council, which may consider extending the time a *portable storage unit* may be kept on a property due to unexpected circumstances.

Q. Section 304.14 is amended to insert "June 1" for the first reference of [DATE] and "September 30" for the second reference of [DATE].

R. Section 308, Rubbish and Garbage, is deleted in its entirety and restated as follows:

### **SECTION 308 RUBBISH AND GARBAGE**

**Section 308.1 Unlawful conditions and deposits.** From and after the effective date of *this code*, it shall be unlawful for any *person* to maintain any condition or use of *premises* or private property or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on or the scattering over the *premises* or private property of any of the following:

1. Lumber, junk, trash, debris, building material, mounds of dirt, weeds or any other deleterious materials.
2. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
3. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or gas or attract rodents, vermin or other disease-carrying pests, animals or insects; provided, nevertheless, that the presence of earthworms in a compost pile shall not be construed as a violation hereof.
4. Any unsanitary matter.

S. Section 404.5 is deleted in its entirety and restated as follows:

**404.5 Overcrowding.** The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

T. Section 404.5.1 is deleted in its entirety.

U. Section 404.5.2 is deleted in its entirety.

V. Section 602.3 is amended to insert "October 1" for the first reference of [DATE] and "May 1" for the second reference of [DATE].

W. Section 602.4 is amended to insert "October 1" for the first reference of [DATE] and "May 1" for the second reference of [DATE].

**§ 159-3 More Restrictive Provisions to Apply.**

When the provisions of this Chapter are in conflict with other sections of the Code of the Borough of Franklin Park or any other Borough ordinances or any other applicable codes, the more stringent code, ordinance or regulation shall apply.

**SECTION 2.** That all other ordinances or parts of ordinances in conflict herewith, specifically including Ordinance No. 651-2019, are hereby repealed.

**SECTION 3.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 4.** That nothing in this Ordinance or in the Property Maintenance Code 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 Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 5.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect in accordance with applicable law.

**ORDAINED AND ENACTED** into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania, at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

**BOROUGH OF FRANKLIN PARK**

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor