

CHAPTER 5
CODE ENFORCEMENT

PART 1
International Fire Code

- § 5-101. Adoption of Hermitage Fire Code.
- § 5-102. Authorization to Amend Fire Code.
- § 5-103. Definitions and Revisions.
- § 5-104. Outdoor Burning.
- § 5-105. Penalties for Violations.
- § 5-106. Appeals.
- § 5-107. Fees.
- § 5-108. Repealer.

PART 2
INTERNATIONAL PROPERTY MAINTENANCE CODE

- § 5-201. Adoption of International Property Maintenance Code.
- § 5-202. Revisions.
- § 5-203. Penalty.
- § 5-204. Provisions to be Continuation of Existing Regulations.
- § 5-205. Collection of Fees and Costs for Enforcement Actions.
- § 5-206. Adoption of Amendments to International Property Maintenance Code.

PART 3
UNIFORM CONSTRUCTION CODE

- § 5-301. General.
- § 5-302. Adoption of Uniform Construction Code.
- § 5-303. Administration and Enforcement.
- § 5-304. Board of Appeals.
- § 5-305. Existing Ordinances.
- § 5-306. Fees.

PART 1

International Fire Code**§ 5-101. Adoption of Hermitage Fire Code. [Ord. 3-2016, 3/23/2016]**

A certain document, being marked and designated at the International Fire Code of 2009 (hereinafter "IFC"), including appendices A, B, C, D, E, H, and I only, as published by the International Code Council, copies of which are on file in the office of the City Secretary of the City of Hermitage, is hereby adopted as the Fire Code of the City of Hermitage, Mercer County, Pennsylvania, for the purpose of regulating and governing the standards by which all structures, buildings, and/or property within the City shall be maintained to ensure that said properties are safe from risk of fire; protecting all inhabitants, licensees, and invitees from the unreasonable threat of bodily injury or death in the event of a fire and to protect their property; providing for the general health, safety, and welfare of all residents of the City; providing for inspections; allowing for the issuance of permits and collection of fees therefor; providing for the enforcement, penalties, and appeal rights for violations thereof; and each of the regulations, provisions, penalties, collections, and terms of said Fire Code on file in the office of the City of Hermitage are hereby referred to, adopted, and made part hereof, as if set forth fully at length in this Part, with any amendments, modifications, changes, insertions and deletions, if any, prescribed in this Part.

§ 5-102. Authorization to Amend Fire Code. [Ord. 3-2016, 3/23/2016]

The Board of Commissioners shall be authorized as provided herein to amend the Hermitage Fire Code from time to time to provide for the adoption of a more recent version of the triennial IFC.

§ 5-103. Definitions and Revisions. [Ord. 3-2016, 3/23/2016]

1. The following definitions, revisions, modifications and/or changes to the IFC shall apply:
 - A. The terms "Fire Chief" and "Fire Code Official" in the IFC shall refer to those persons with specific enforcement, interpretation, inspection, and other duties of the City of Hermitage as referred to in the IFC. Persons granted authority of the Fire Chief and Fire Code Official shall be the Fire Marshal of the City of Hermitage; the Deputy Fire Marshal of the City of Hermitage; any Hermitage police officer in the scope of his/her official duties; the Hermitage Code Enforcement Officer; and any third party appointed by the City for the inspection of properties pursuant to the IFC.
 - B. In Section 101.1 of the IFC, "the City of Hermitage" shall be inserted.
 - C. All geographic limitations referred to throughout the IFC shall apply throughout the City of Hermitage, including but not limited to those limitations in Sections 3404.2.9.6.1; 3406.2.4.4; 3506.2; and 3804.2.

§ 5-104. Outdoor Burning. [Ord. 3-2016, 3/23/2016]

1. Section 307 of the IFC, pertaining to open burning, recreational fires, and portable outdoor fireplaces, shall be amended, modified, or changed as follows:
 - A. Burning hours shall exist only between the hours of 6:00 a.m. and 12:00 noon Monday through Saturday, except that burning shall be permitted from 6:00 a.m. until 6:00 p.m. Monday through Saturday provided that the fire or burning shall be at least 300 feet away from any residence or occupied structure. No burning shall be permitted on Sundays or national holidays.
 - B. Outdoor burning is prohibited when atmospheric conditions or local circumstances make such fires hazardous.
 - C. Materials that may be burned are ordinary household Class A debris, such as wood, paper, cloth and related materials. Burning of tires, leaves, grass, shrubbery, household garbage or burning that creates noxious odors and heavy smoke is prohibited.
 - D. All burning shall be done in a container or enclosure approved by the Department of Fire/Rescue, with a five-foot square area around the container free of combustible debris.
 - E. Burning is prohibited within 15 feet of any structure or property line.
 - F. All open flames and smoldering fires shall be attended at all times by the property owner and/or the property owner's representative.
 - G. Recreational fires for outdoor cooking or bonfires are permitted with the following conditions:
 - (1) The size of the fire may not exceed five feet in length, width, or height; and
 - (2) The fire may burn no longer than three hours.
 - H. All outdoor burning not specifically provided for in this Part is prohibited without first obtaining a special permit from the Department of Fire and Rescue. All applications for a special burning permit shall be made no less than 10 days before said burning and shall be subject to an inspection by the Fire Marshal or his designee. The special permit may only be granted if, in the judgment of the Fire Marshal, the following conditions are met:
 - (1) The fire complies with all state and local laws and regulations, including the types of materials that legally are permitted to be burned;

- (2) The fire can be conducted in a manner that provides for the safety of all persons and property;
 - (3) The fire can be conducted in a manner that does not interfere with the ability of others to enjoy and use their property, and the fire would not create a nuisance.
- I. Any special permit can be revoked at the discretion of the Fire Marshal in the event a permitted fire should fail to adhere to these conditions or the reasonable conditions of the Fire Marshal or his designee.
 - J. A special permit shall be valid for no longer than 72 hours.

§ 5-105. Penalties for Violations. [Ord. 3-2016, 3/23/2016]

1. Any person who shall violate any provision of this Code shall be, upon conviction, sentenced to a fine of not more than \$1,000 plus costs, to a term of imprisonment not to exceed 30 days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate and continuing offense. Original jurisdiction for this proceeding shall be with the Magisterial District Court.
2. Nothing in this section shall be construed in any way to limit any other action at law or equity to enforce the Hermitage Fire Code or abate any violations thereof.

§ 5-106. Appeals. [Ord. 3-2016, 3/23/2016]

All persons shall have the right to appeal any notice of violation or other written enforcement action issued by a City of Hermitage official within 15 days of its postmark or actual service upon the appellant. All appeals shall be heard by the Hermitage Board of Appeals.

§ 5-107. Fees. [Ord. 3-2016, 3/23/2016]

Fees may be assessed by the City of Hermitage for the administration and enforcement undertaken pursuant to this Part and shall be established by resolution of the Board of Commissioners of the City of Hermitage from time to time.

§ 5-108. Repealer. [Ord. 3-2016, 3/23/2016]

1. All previous ordinance provisions or resolutions in this Chapter 5, Code Enforcement, Part 1, BOCA Fire Prevention Code, § 5-101, are hereby repealed on the effective date of this Part.
2. The repealed ordinances, resolutions, or parts thereof enumerated in Subsection 1, shall not 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 ordinance or resolution hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Part.

PART 2

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 5-201. Adoption of International Property Maintenance Code. [Ord. 21-2005, 12/21/2005, § 1]

That a certain document, three copies of which are on file in the office of the City Secretary of the City of Hermitage, being marked and designated as the International Property Maintenance Code, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Hermitage, Mercer County, 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 therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Hermitage are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with additions, insertions, deletions and changes, if any, prescribed in § 5-202 of this Part.

§ 5-202. Revisions. [Ord. 21-2005, 12/21/2005, § 2]

The following sections are hereby revised:

- | | | |
|------------------|----------------------|---|
| Section 101.1. | Title. | Insert: City of Hermitage |
| Section 103.6. | Fees. | Insert: The appropriate fees shall be established from time to time by resolution of the Hermitage Board of Commissioners. |
| Section 111.2. | Membership of board. | Deleted |
| Section 111.2.1. | Alternate members. | Deleted |
| Section 302.4. | Weeds. | Deleted |
| Section 302.8. | Motor Vehicles. | Insert: Exception: An inoperative or unlicensed motor vehicle can be parked, kept or stored inside a structure or similarly enclosed area designated and approved for such purposes. Insert: Exception: An unlicensed motor vehicle, lawfully offered for public sale, can be parked on any premises where such activity is permitted by the City of Hermitage. |
| Section 303.14. | Insect Screens. | Insert: January 1 to December 31. |
| Section 602.3. | Heat Supply. | Insert: January 1 to December 31. |

Section 602.4. Occupiable work spaces. Insert: January 1 to December 31

§ 5-203. Penalty. [Ord. 21-2005, 12/21/2005, § 5]

Any person who shall violate a provision of this code shall be, upon conviction, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and cost, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§ 5-204. Provisions to be Continuation of Existing Regulations. [Ord. 21-2005, 12/21/2005, § 6]

That nothing in this Part 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 § 5-202 of this Part, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 5-205. Collection of Fees and Costs for Enforcement Actions. [Added by Ord. 3-2017, 4/26/2017]

In addition to all other fees collectable pursuant to any other provision of law or the Hermitage Code of Ordinances, the City of Hermitage shall be permitted to charge any property owner who violates this Part with the filing fees, costs, and reasonable attorneys' fees incurred by the City for enforcement actions related to the owner's violation. The filing fees, costs, and attorneys' fees may be collected in any manner provided by law, and the City shall be permitted to file a municipal claim or lien against the property that is the subject of the enforcement action for collection of such costs.

§ 5-206. Adoption of Amendments to International Property Maintenance Code. [Added by Ord. No. 3-2018, 4/25/2018]

1. The document constituting the International Property Maintenance Code, as adopted and referred to in § 5-201 of this Part, is hereby amended to be the 2018 version of the International Property Maintenance Code, as created by the International Code Council.
2. The document constituting the International Property Maintenance Code, as adopted and referred to in § 5-201 of this Part, shall further automatically be amended and updated upon the release of each successive triennial version of the International Property Maintenance Code by the International Code Council and upon its receipt by the City unless action is taken by the Board of Commissioners by resolution to reject the amended triennial version within 30 days of its receipt by the City.

PART 3

UNIFORM CONSTRUCTION CODE

§ 5-301. General. [Ord. 4-2004, 6/23/2004, § 1]

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

§ 5-302. Adoption of Uniform Construction Code. [Ord. 4-2004, 6/23/2004, § 2]

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 municipal building code of the City of Hermitage.

§ 5-303. Administration and Enforcement. [Ord. 4-2004, 6/23/2004, § 3]

Administration and enforcement of the Code within the City of Hermitage shall be undertaken in any of the following ways as determined by the Board of Commissioners of the City of Hermitage from time to time by resolution.

- A. By the designation of an employee of the City of Hermitage to serve as the municipal code official to act on behalf of the City of Hermitage.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the City of Hermitage.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the City of Hermitage.
- 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.

§ 5-304. Board of Appeals. [Ord. 4-2004, 6/23/2004, § 4]

A Board of Appeals shall be established by resolution of the Board of Commissioners of the City of Hermitage 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.

§ 5-305. Existing Ordinances. [Ord. 4-2004, 6/23/2004, § 5]

1. All building code ordinances or portions of ordinances which were adopted by the City of Hermitage 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 ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
3. All relevant ordinances, regulations and policies of the City of Hermitage not governed by the Code shall remain in full force and effect.

§ 5-306. Fees. [Ord. 4-2004, 6/23/2004, § 6]

Fees assessable by the City of Hermitage for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Board of Commissioners of the City of Hermitage by resolution from time to time.