

**COUNCIL OF THE CITY OF TITUSVILLE,
PENNSYLVANIA**

ORDINANCE NO. 3272 - 2020

AN ORDINANCE OF THE CITY OF TITUSVILLE, PENNSYLVANIA ADOPTING PORTIONS OF THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; 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 CITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AMENDING PART 19 OF THE CODIFIED ORDINANCES OF THE CITY OF TITUSVILLE; AND REPEALING ARTICLES 1111 AND 1711 OF THE CODIFIED ORDINANCES OF THE CITY OF TITUSVILLE AND OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Introductory Provisions

Title.

This Ordinance shall be known as the City of Titusville Property Maintenance Code, referred to herein as “this Ordinance” or “this Code”, with or without capitalization.

Authority.

This Ordinance is adopted in accordance with 11 Pa. C. S. A. Section 141A04 of the Third Class City Code, Act of November 24, 2015, P. L. 242, No. 67, Section 1.

Purpose.

This Ordinance is being adopted to establish recognized minimum standards for maintenance of property for the protection of the health and safety of occupants and the public, 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; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided and; providing for the issuance of permits and collection of fees therefor.

Adoption of Portions of the International Property Maintenance Code.

The portions of the International Property Maintenance Code, 2015 Edition, as published by the International Code Council, Inc. (herein referred to as the "IPMC"), which are specified herein are hereby adopted as part of, and incorporated into, the Property Maintenance Code for the City of Titusville for the regulation and control of buildings, structures, premises and facilities as therein provided; and each and all of the regulations, provisions, conditions and terms of the specified portions of the IPMC are hereby incorporated, adopted, and made a part hereof as if fully set forth in this Ordinance.

Three copies of the document entitled "2015 IPMC International Property Maintenance Code," which is a copyrighted work published by the International Code Council, Inc., shall be maintained in the City offices by the City Manager.

The 2015 IPMC International Property Maintenance Code is available for viewing online; an Internet link thereto may be found at <https://codes.iccsafe.org/content/IPMC2015>.

Article 1901

Scope and Administration of this Ordinance

Section 1901 - General

1901.1 IPMC Provisions Adopted. Sections 101.2, 101.3 and 101.4, and all of their sub-parts, of the IPMC are hereby adopted in their entirety.

Section 1901.2 - Applicability of this Ordinance

1901.2.1. IPMC Provisions Adopted. Sections 102.1, 102.2, 102.3, 102.4, 102.5, 102.6, 102.7, 102.8, 102.9 and 102.10, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 102 of the IPMC is adopted in its entirety.

Section 1901.3 - Administration and Enforcement

1901.3.1 Building Inspector. This Ordinance shall be administered and enforced by a Building Inspector hired by the City Manager. The Building Inspector shall be considered a "law enforcement officer" as defined in the Pennsylvania Rules of Criminal Procedure. In addition to the Building Inspector, this Ordinance may also be administered and enforced by the City Manager and/or Police Department, who shall have all of the powers granted to the Building Inspector under this Ordinance. The City Manager and members of the Police Department shall not be subject to Sections 1901.3.2 of this Ordinance.

1901.3.1.1. The Building Inspector shall report to the City Manager.

1901.3.1.2. The City Manager may hire one or more assistants to such Building Inspector or officials; such assistants shall comply with all requirements of this Ordinance.

1901.3.2. Qualifications of Building Inspector. The Building Inspector shall provide proof of certification or adequate training to administer and enforce the IPMC and otherwise meet such standards relating to the property maintenance code as the City Council may establish; and shall obtain continuing training and instruction on code administration and enforcement. The Building Inspector may be a resident of the City.

1901.3.3. Fees. City Council may by Resolution establish fees, if any, for activities and services performed by the Building Inspector in carrying out his or her responsibilities under this Ordinance.

Section 1901.4 - Duties, Powers and Authority of Building Inspector

1901.4.1. IPMC Provisions Adopted. Sections 104.1, 104.2, 104.3, 104.4, 104.5 and 104.6, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 104 of the IPMC is adopted in its entirety. The Building Inspector shall be and shall have the powers of a "property maintenance inspector" as provided by 11 Pa. C. S. A. Sections 141A04 the Third Class City Code and shall at all times act in conformity therewith.

1901.4.2. Search Warrants. If, after proper notice and request, entry or access to property is refused, the Building Inspector may compel such access by applicable provisions of the Pennsylvania Judicial Code and Pennsylvania Rules of Criminal Procedure and this Ordinance. Any court empowered to issue search warrants may issue a search warrant to the Building Inspector for purposes of inspecting or examining any property, premises, place, or physical evidence, to determine compliance with this Ordinance. Such warrant shall be issued upon probable cause. It shall be sufficient probable cause to show any of the following:

(1) That the inspection, examination or test is pursuant to a general administrative plan to determine compliance with this Ordinance; or

(2) That the Building Inspector has reason to believe that violation of this code has occurred or may occur, and that the Building Inspector has been refused access to the property, building, premises, place or physical evidence, or has been prevented from conducting tests.

1901.4.3. Limitation of Authority. No Building Inspector, agent, employee or other representative of the City shall have the right or authority to bind the City by any oral or written promise, agreement or representation contrary to the provisions of this Ordinance.

Section 1901.5 – Approval by Building Inspector

1901.5.1. IPMC Provisions Adopted. Sections 105.1, 105.2, 105.3, 105.4, 105.5 and 105.6, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 105 of the IPMC is adopted in its entirety.

Section 1901.6 - Violations and Penalties

1901.6.1. IPMC Provisions Adopted. Sections 106.2, 106.3, 106.4 and 106.5, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 106 of the IPMC is adopted in its entirety. However, the words “summary offense” shall be substituted for the word “misdemeanor” in IPMC Section 106.3.

1901.6.2. Unlawful Acts. It shall be a violation of this Ordinance, for any person to (1) cause or permit a condition to exist with respect to, maintain or fail to maintain, or use or occupy any structure, premises, or equipment, regulated by this Ordinance, contrary to or in violation of any of the provisions of this Ordinance; (2) provide or fail to provide any equipment or facilities regulated by this Ordinance in a manner contrary to or in violation of the requirements of this Ordinance; (3) permit another person to use or occupy any structure, premises or equipment in violation of this Ordinance; or to cause such unlawful acts to occur; (4) fail to obey a lawful order of the Building Inspector; (5) remove or deface a notice posted under the provisions of this Ordinance; or (6) remove or interfere with safety barriers or devices.

1901.6.3. Nuisances. In addition to the provisions of this Ordinance, any violation of this Ordinance is hereby declared to be a public nuisance, and as such shall be prohibited and shall be subject to the City’s power to prosecute, correct, restrain, prevent and eliminate public nuisances under applicable law.

1901.6.4. Penalty.

1901.6.4.1. Any person who commits an unlawful act pursuant to Section 1901.6.2 of this Ordinance or 1901.6.4 of the IPMC, shall, except as otherwise specifically provided in this Ordinance, be subject to a fine or penalty as follows:

(1) A fine of up to \$500, or the maximum penalty allowable by law if less, plus costs of prosecution, for the first violation of a provision of this Ordinance on a property.

(2) A fine of up to \$1,000, or the maximum penalty allowable by law, plus costs of prosecution, for the second and any subsequent violation of the same provision of this Ordinance on the same property.

(3) A fine of \$1,000 and/or imprisonment for no more than 90 days, plus costs of prosecution, for the fifth and any subsequent violation of the same provisions of this Ordinance on the same property.

1901.6.4.2. If a violation of this Ordinance is found to pose a threat to the public’s health, safety or property, then the following penalties shall be applicable:

(1) A fine of no less than \$500.00 and no more than \$1,000, plus costs of prosecution, for the first and second violations of the same provision of this Ordinance on the same property; and a fine of \$1,000, plus costs of prosecution, for the third and any subsequent violation of the same provision of this Ordinance on the same property, or imprisonment for a term not exceeding 90 days, or both.

1901.6.4.3. Specific Penalty for Properties Deemed a Blighting Influence. If the owner does not comply with a violation notice or fails to correct the conditions specified in the violation notice within the required period of time from the date of the notice from the City, the owner shall be subject to a fine of \$300.00, plus costs of prosecution; provided, that it shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure or seal, under Section 1901.1.3.2, each separate door, window, or other entrance or opening enumerated in a violation notice, and provided that each day that each such separate offense continues after the required period of time has expired shall be a separate offense for which a separate fine may be imposed.

1901.6.4.4. Professional Fees; Cases Involving Prosecution. In cases involving prosecution, in addition to any fine, penalty and costs of prosecution imposed, a person found guilty of violating this Ordinance shall be ordered to pay all fees and expenses of the City Solicitor, Building Inspector and any other person, which are incurred by the City in enforcing this Ordinance. Regardless of whether or not a person is ordered to pay such fees and expenses, such fees and expenses shall be a lien and collectible as such. Any such lien shall be not only an *in rem* lien against the subject property or properties, but also a personal lien against the owner or owners, and any other person against whom a lien may be enforced, pursuant to Pennsylvania law.

1901.6.4.5. Professional Fees; Cases Not Involving Prosecution. In cases not involving prosecution, where it is determined by the City Manager or City Council to be reasonable to do so, any person who is given notice of violation of, and ordered to comply with, any provision of this Ordinance shall be liable for all fees and expenses of the City Solicitor, Building Inspector and any other person, which are incurred by the City in enforcing or obtaining compliance with this Ordinance. Such fees and expenses shall be a lien and collectible as such. Any such lien shall be not only an *in rem* lien against the subject property or properties, but also a personal lien against the owner or owners, and any other person against whom a lien may be enforced, pursuant to Pennsylvania law.

1901.6.4.5. Disposition of Penalties. All penalties, fees and costs imposed shall be payable to the City of Titusville.

Section 1901.7 - Notices and Orders

1901.7.1. IPMC Provisions Adopted. Sections 107.1, 107.2, 107.3, 107.4 and 107.5 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. Section 107.5 is modified; penalties for noncompliance with orders and notices shall be as set forth in Section 106.4 of the IPMC and Section 1901.6, and all of its subparts, of this Ordinance. Section 107.6 of the IPMC is not adopted.

1901.7.2. Action to Remedy Unlawful Act.

1901.7.2.1. If action is not taken to remedy a violation or to comply with a notice or order directing certain action to correct a violation, the Building Inspector may institute an action for imposition of a penalty in accordance with this Ordinance; institute appropriate legal proceedings to restrain, correct or abate the violation; institute legal proceedings to remove persons from or to terminate occupancy of a structure in violation of the provisions of this code; and/or institute legal

proceedings to enforce an order. In the case of an emergency, the Building Inspector may take immediate action to protect the public health, safety and welfare. In the event the violation has not been remedied in the time set out in the notice and order, and no timely appeal of the notice and order is pending, the Building Inspector may take action to correct or abate the violation without further notice to the owner.

1901.7.2.2. In the event the Building Inspector determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the Building Inspector shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with any notices and orders affecting said property.

1901.7.3. Enforcement proceedings. Enforcement proceedings may be instituted by the Building Inspector by citation or criminal complaint in the manner provided by the applicable Pennsylvania Rules of Criminal Procedure or amendments thereto, and the provisions of this code, and/or by commencement of civil proceedings.

1901.7.4. Building Inspector to Confer and Consult with City Officials. Upon the request of the City Solicitor, City Manager, or designated members of City Council, the Building Inspector shall consult with the City Solicitor, City Manager and/or designated members of City Council prior to commencement or during the prosecution of criminal or civil actions for violations of this Ordinance.

1901.7.5. Role of City Solicitor Not Restricted. Nothing herein shall restrict the role and authority of the City Solicitor to prosecute criminal violations of this Ordinance and/or to represent the City in civil proceedings for enforcement of this Ordinance.

1901.7.6. Recovery of City's Costs. In the event the City incurs expenses in conjunction with the correction or abatement of any violation because of an emergency or because the persons responsible for the violation or property have failed to comply with an order and/or notice issued by the Building Inspector, such expense including reasonable attorneys' fees and costs and an administrative fee of 10% of the expenses and costs, may be collected by means of a municipal lien against the subject property and/or by suit against the owner(s) or person(s) responsible for the violation or property, and/or in any other manner permitted by law. The City shall have the right to recover, in the same manner, all litigation expenses, including but not limited to fees of the City Solicitor, arising out of any civil proceeding to enforce this Ordinance. Any lien filed pursuant to this Ordinance shall be not only an *in rem* lien against the subject property or properties, but also a personal lien against the owner or owners, and any other person against whom a lien may be enforced, pursuant to Pennsylvania law.

Section 1901.8 - Unsafe structures and equipment

1901.8.1. IPMC Provisions Adopted. Sections 108.1, 108.2, 108.3, 108.4, 108.5, 108.6 and 108.7, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 108 of the IPMC is adopted in its entirety.

1901.8.2. Lack of Water Service. In addition to the provisions of Section 108.1.3 of the IPMC, the lack of water service to a building or structure by a plumbing system shall render a structure unfit for human occupancy.

Section 1901.9 - Emergency Measures

1901.9.1. IPMC Provisions Adopted. Sections 109.1, 109.2, 109.3, 109.4, 109.5 and 109.6, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 109 of the IPMC is adopted in its entirety.

Section 1901.10 - Demolition

1901.10.1. IPMC Provisions Adopted. Sections 110.1, 110.2, 110.3 and 110.4, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 110 of the IPMC is adopted in its entirety.

Section 1901.11 - Appeals

1901.11.1. IPMC Appeals Provisions Not Adopted. Section 111 of the IPMC is not adopted. The following sections shall constitute the appeals process.

1901.11.2. Scope. This Section 1901.11 shall not apply to summary criminal proceedings, which shall be handled according to the Pennsylvania Rules of Criminal Procedure. In all other cases, any person directly affected by a decision of the Building Inspector or a notice or order issued under this Code shall have the right to appeal to the City Council, provided that a written notice of appeal is filed within 20 days after the decision, notice or order was served. The City may enforce this Code through any means available under law. Nothing herein shall prevent or limit the power of the City to bring criminal and civil proceedings, simultaneously or serially, for the same violation or violations of this Code.

1901.11.3. Notice of Appeal. The notice of appeal must be in writing and be accompanied by a nonrefundable appeal fee in the amount established by Resolution of the City Council.

1901.11.4. Contents of Notice of Appeal. The notice of appeal shall specify the reasons for the appeal in reasonable detail.

1901.11.5. Hearings. Hearings and appeal proceedings shall be held before a three-member panel of the City Council in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa. C.S. § 551, et seq., and in accordance with the applicable requirements of the Pennsylvania Sunshine Law, 65 Pa. C.S. § 701, et seq. Proceedings need not comply strictly with the Pennsylvania Rules of Evidence. Hearings shall not be stenographically recorded except upon request of a party who agrees to pay the costs thereof, and pays the estimated costs in advance of the hearing.

1901.11.6. Decision of Council. The decision and order of the three-member panel of City Council shall be rendered in writing, shall contain findings and reasons for the decision, and shall be promptly furnished to all parties and the Building Inspector.

1901.11.7. Court Review. An aggrieved person may take an appeal from the decision and order of the three-member panel of City Council in accordance with the applicable provisions of law.

Section 1901.12 - Stop Work Order

1901.12.1. IPMC Provisions Adopted. Sections 112.1, 112.2, 112.3 and 112.4, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Section 112 of the IPMC is adopted in its entirety. The penalty provisions of Section 112.4 of the IPMC shall be the same fines, penalties and remedies set forth in Section 1901.6 of this Ordinance.

Article 1902

Definitions and Usages

Section 1902.1 – Definitions and Usages

1902.1.1. IPMC Provisions Adopted. Sections 201, 201.1, 201.2, 201.3, 201.4, 201.5, Section 202 and all of the “General Definitions” contained therein, and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 2 of the IPMC, entitled “Definitions,” is adopted in its entirety.

Blighting Influence. A vacant residential or commercial building or structure, or portion or portion thereof, which lacks framed glass or Plexiglass (or functionally equivalent material) within designated window areas and/or lacks opening doors in entryways, provided that:

1. The City has provided reasonable notice, not to exceed 180 days, to the owner of the property that the City has determined that the lack of windows and/or entry doors has a significant adverse influence on the community, which finding shall be based upon one or more of the following factors:

- a. deterioration and/or safety of the property;
- b. safety of the surrounding community;
- c. the value of intact, occupied properties in the surrounding vicinity of the property;
- d. the marketability of the property; and
- e. community morale.

2. The property owner, within the time specified in the notice, fails to cure the condition by installation of windows and/or doors.

Building Inspector. The IPMC definition of Building Inspector is supplemented to include the City Manager and/or members of the Police Department, when engaged in administration or enforcement of this Ordinance. Building Inspector shall also mean "property maintenance inspector" under 11 Pa. C. S. A. Section 141A04.

Exterior Wall. A wall, bearing or non-bearing, which is located on the outside of a building or structure, is used as an enclosing wall for a building or other structure and has a slope of 60 degrees (1.05 rad) or greater with the horizontal plane.

Exterior Wall Covering. A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a permanent weather-resisting barrier, including but not limited to veneer, concrete, concrete block, masonry, stone, siding made of wood, metal, hard board or synthetic material, trim, and embellishments such as cornices, soffits, fascias, eaves, and other materials intended to provide a permanent weather-resisting exterior covering. Tarpaulins, asphalt shingles, plastic sheeting, insulation, insulating material, "homasote", insulating 'wrap' and other substances or materials not intended to provide permanent exterior wall weather-resisting barriers are not Exterior Wall Covering.

Junk. Any tangible personal property, including without any limitation whatsoever, scrap, paper, rags, glass, containers, wood or tires; devices, equipment or machines which are not operable; discarded or abandoned materials, articles, boats, trailers, machinery, equipment, appliances, furnishings, structures, recreational equipment, building materials and debris, or other items; vehicle parts; any article or material which has been discarded and is not generally useable for the purpose for which it was manufactured, or any parts or components thereof; or any item which is essentially useless or of little value.

Junk Motor Vehicle. Any motor vehicle which is not registered or whose inspection is more than six (6) months expired, or which has any of the following defects: broken windshield, mirror or glass, with sharp edge; missing door, window, hood, trunk or other part, which could permit entry by children or may create a breeding or living area for insects, rodents or feral animals; any exterior portions with sharp edges; missing wheels or tires; the vehicle is supported by one or more jacks for more than 48 hours; the vehicle is supported by one or more blocks more than seven days; broken lights or lamps; any protruding sharp object; leaking in any manner which could create a safety, health or fire hazard; or any loose exterior parts.

Person. In addition to the IPMC definition adopted herein, any association, institution, cooperative enterprise, governmental entity or agency, or any other legal entity which is recognized by law. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers, directors and/or trustees or other officials of any corporation, association, partnership or other legal entity.

Vector. An organism, such as a biting insect or tick, which transmits, or is capable of transmitting, a disease from one animal or plant to another.

Article 1903

General Requirements

Section 1903.1 - General

1903.1.1. IPMC Provisions Adopted. Sections 301, 301.1, 301.2, 301.3, Section 302, 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.9, Section 304, 304.1, 304.1.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, 304.16, 304.17, 304.18, 304.18.1, 304.18.2, 304.18.3, 304.19, Section 305, 305.1, 305.1.1, 305.2, 305.3, three of 5.4, 305.5 and 305.6, Section 306, 306.1, 306.1.1, Section 307, 307.1, Section 308.1, and all of their sub-parts, of the IPMC, are hereby adopted in their entirety. Sections 302.8, 303, 303.1, 303.2, 304.3, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2 and 309 are not adopted.

1903.1.2. Weeds and Plant Growth. Weeds, grass or other plant growth in excess of eight (8) inches in height shall be in violation of IPMC Section 302.4. Provided, however, that *bona fide* crops or grass, grown (1) for commercial sale or (2) for consumption by livestock, shall not be a violation of IPMC Section 302.4.

1903.1.3. Window Screens. Pursuant to Section 304.14 of the IPMC, window screens shall be required from April 1 through December 1.

1903.1.4. Junk. No person shall cause or allow on any premises the placement, accumulation or storage of junk, which may create a breeding or living area for insects, rodents, vectors or feral animals; may present an attractive nuisance for children; or may create a health or safety hazard. Nothing herein shall permit the accumulation of junk within a structure if such accumulation causes a health or safety hazard.

1903.1.5. Rubbish and garbage accumulations prohibited. No accumulation of garbage, refuse or rubbish which causes a nuisance or health and safety hazard shall be permitted in any exterior property area, except as necessary in preparation for the next weekly collection by a refuse hauling contractor.

1903.1.6. Rubbish and Garbage.

(1) No rubbish, refuse or garbage shall be accumulated or stored outside of an enclosed building or structure, except in containers which are set outside for weekly collection by a refuse hauling contractor. Containers must be designed and secured to keep the contents from being scattered or leaked.

(2) All rubbish, refuse and garbage accumulated or stored inside of an enclosed building shall be regularly disposed of by use of a refuse collection service or other lawful means.

(3) No rubbish, refuse or garbage shall be accumulated or stored inside an enclosed building so as to create a nuisance or a health and safety hazard.

1903.1.7. Rubbish and Garbage Removal Notices. Written notice of violation of Sections 1903.1.5 or 1903.1.6 of this Ordinance shall be given to any owner and/or occupant of the premises, except that only three (3) days shall be permitted to correct the violation and notice shall be deemed to have been made by posting the notice in a conspicuous place on the premises. There shall be no right of appeal to the City Council.

1903.1.8. Remedies for Rubbish and Garbage Removal Violations. If any person responsible shall fail to have the rubbish and/or garbage properly removed in accordance with the requirements of Sections 1903.1.5 or 1903.1.6 of this Ordinance, the Building Inspector is hereby authorized to and may take action to remove the rubbish and garbage with City personnel or a contractor hired by the City as often as reasonably required, without further notice. The cost of such remedial action and all expenses incidental thereto, together with an administrative fee of 10 percent of the costs and expenses, shall be collectible from the owner or other persons responsible, in any manner permitted by law.

1903.1.9. Serial Citations Authorized. Failure to remove rubbish and garbage poses a unique public health and safety hazard if uncorrected in a short period of time. Therefore, citations may be filed every three days that a violation continues without correction or abatement, after posting of notice under Section 1903.1.7.

1903.1.10. Disposal of Certain Materials. No person shall deposit, or cause to be deposited in or upon any premises, building, or structure, any refuse, rubbish, garbage, offal, pomace, dead animals, decaying matter or similar substance of any kind that may afford food, harborage or breeding areas for vectors, or cause a nuisance.

1903.1.11. Recycling. Nothing herein shall be deemed to require recyclable materials to be disposed of in the same manner as rubbish, refuse or garbage. The City encourages recycling of recyclable materials, provided that they are accumulated in conformity with this Ordinance, and regularly removed from the premises to a recycling station.

1903.1.12. Abandoned Motor Vehicles. No person shall cause or allow on any premises any abandoned motor vehicle, unless such vehicle is kept inside of a building which is properly secured so as to prevent access by unauthorized persons. A violation of the Abandoned Vehicle Ordinance, Article 505 of the Codified Ordinances of the City of Titusville shall also be a violation of this Ordinance and enforceable hereunder. This section 1903.1.12 shall not supersede any contrary provision of the Abandoned Vehicle Ordinance.

1903.1.13. Surfaces. Any area not used for buildings, structures, vehicle access, parking, gardening or screening shall be planted with an all-season ground cover and/or other landscape materials.

1903.1.14. Swimming Pools. In addition to the provisions of IPMC Section 303 which are adopted herein, swimming pools whose sides are at least forty-eight (48) inches in height above the finished ground level and provide approved access prevention measures, including but not limited to, removable or lockable ladders or decks with gates that meet the requirements of this Section, are exempt from the fence or barrier requirement.

1903.1.15. Premises Identification. Buildings shall have approved address numbers and identification which complies with Crawford County "911" requirements.

1903.1.16. Roofs and Drainage. In addition to the requirements of IPMC Section 304.7, rainwater leaders, yard drains, footer drains, downspouts, roof drains, subsoil drains, french drains, sump pumps or other equipment discharging storm water or groundwater shall not empty water in a manner that allows the discharged water to enter or drain directly into a street, sidewalk or public right-of-way. No person shall permit water from the roof, eaves or spouting or other part of such building or part thereof to run over, or drip or flow upon or over, any sidewalk or street.

1903.1.17. Traffic Obstructions. Trees, plants, shrubs, structures, tangible personal property and any other obstructions which constitute a traffic hazard shall be removed, relocated or cut back to remove the obstruction. Obstructions subject to this requirement include those which restrict the stopping sight distance for drivers of through vehicles or the available corner sight distance for drivers entering from side roads or driveways to less than the appropriate minimum stopping sight distance or minimum corner sight distance standards as established by recognized traffic safety organizations, and those which significantly restrict the sight distance to a traffic-control device.

1903.1.18. Vacant Structures. All vacant structures and portions thereof shall be maintained in a clean, safe, secure and sanitary condition, with required windows and entry doors as provided in this Code, so as not to cause a Blighting Influence or adversely affect the public health or safety.

1903.1.19. Windows and Doors. The owner of a vacant building that is a Blighting Influence, as defined in this Code, shall secure all spaces designed as windows with glass or plexiglass windows that have frames and glazing, and all entryways with doors that open. Sealing such a property with boards or masonry or other materials that are not glass/plexiglass windows with frames and glazing, or entry doors, shall not constitute good repair or an acceptable property condition and shall be a violation of this Code.

1903.1.20. Boarding Standards. To the extent that any provision of IPMC Appendix A (Boarding Standards) allows boarding-up or boarding-over of building openings, in conflict with the provisions of this Ordinance, such provision of IPMC Appendix A is not adopted.

1903.1.21. Paint. Exterior paint and other protective treatment shall be maintained in compliance with IPMC Section 304.2 "Protective treatment."

1903.1.22. Exterior Walls and Exterior Wall Covering. The exterior walls of every structure or building shall be covered and protected with exterior wall covering which is designed, and installed in such a manner, as to be permanent. All exterior wall covering shall comply with Chapter 14 of the 2015 International Building Code.

Section 1903.9 - Pest Elimination.

1903.9.1. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation. The owner, tenant and/or any other occupant of any structure shall be jointly responsible for rodent and pest elimination and prevention within the structure and outside of the structure.

Article 1904

Light, Ventilation and Occupancy Limitations

Section 1904.1 – General

1904.1.1. IPMC provisions adopted. Sections 401, 401.1, 401.2, 401.3, 402, 402.1, 402.2, 402.3, 403, 403.1, 403.2, 403.3, 403.4, 403.5, 404, 404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 4 of the IPMC, entitled “Light, Ventilation and Occupancy Limitations,” is adopted in its entirety.

Article 1905

Plumbing Facilities and Fixture Requirements

Section 1905.1 – General.

1905.1.1. IPMC provisions adopted. Sections 501, 501.1, 501.2, 502, 502.1, 502.2, 502.3, 502.4, 502.5, 503, 503.1, 503.2, 503.3, 503.4, 504, 504.1, 504.2, 504.3, 505, 505.1, 505.2, 505.3, 505.4, 506, 506.1, 506.2, 506.3, 507, 507.1 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 5 of the IPMC, entitled “Plumbing Facilities and Fixture Requirements,” is adopted in its entirety.

Article 1906

Mechanical and Electrical Requirements

Section 1906.1 – General

1906.1.1. IPMC provisions adopted. Sections 601, 601.1, 601.2, 602, 602.1, 602.2, 602.3, 602.4, 602.5, 603, 603.1, 603.2, 603.3, 603.4, 603.5, 603.6, 604, 604.1, 604.2, 604.3, 605, 605.1, 605.2, 605.3, 605.4, 606, 606.1, 606.2, 607, 607.1 and all of their sub-parts, of the IPMC are hereby adopted in their entirety. In other words, Chapter 6 of the IPMC, entitled “Mechanical and Electrical Requirements,” is adopted in its entirety.

1906.1.2. Heat supply. Pursuant to Section 602.3 of the IPMC, heat shall be supplied from September 1st to June 1st.

1906.1.3. Occupiable work spaces. Pursuant to Section 602.3 of the IPMC, heat shall be supplied from September 1st to June 1st.

Article 1907

Fire Safety Requirements

Section 1907.1 - General

1907.1.1. IPMC Provisions Adopted. Section 701, 701.1, 701.2, Section 702, 702.1, 702.2, 702.3 and 702.4, 703, 703.1, 703.2, 704, 704.1, 704.2, and all of their sub-parts, of the IPMC, are hereby adopted in their entirety. In other words, Chapter 7 of the IPMC, entitled "Fire Safety Requirements," is adopted in its entirety.

Article 1908

Referenced Standards and Appendix A

Section 1908.1 – General

1908.1.1. IPMC Provisions Adopted. Chapter 8 of the IPMC, entitled "Referenced Standards," is adopted in its entirety, but only to the extent such standards are referenced or adopted in those portions of the IPMC specifically adopted in this Ordinance.

1908.1.2. Appendix A of the IPMC, entitled "Boarding Standard," is adopted in its entirety, but only to the extent to, and the time for, which boarding is specifically permitted or required by this Ordinance.

Article 1909

Other Provisions

Section 1909.1 - Other Provisions

1909.1.1. Repeals and Conflicts. Part 19 of the Codified Ordinances of the City of Titusville is repealed and replaced in its entirety. Article 1111 of the Codified Ordinances of the City of Titusville is hereby repealed. Article 1711 of the Codified Ordinances of the City of Titusville is hereby repealed. If any conflict exists between this Ordinance and the IPMC, the terms of this Ordinance shall prevail. Nothing in this Ordinance or the IPMC shall be deemed to repeal, modify or amend any portion of the City's Abandoned Vehicle Ordinance, Sewer Use Ordinances, or Water Ordinances, Fire Prevention Code, or any of their amendments.

1909.1.2. Headings. The use of headings and titles is intended for reference purposes only, and shall not be construed to restrict or limit the effect of any provision in this Ordinance.

1909.1.3. All Remedies Cumulative. All remedies provided for the enforcement of this Ordinance by the City are cumulative, and shall be in addition to any other remedies available by law. Nothing herein shall be construed to limit, reduce, eliminate or otherwise affect any rights, powers or remedies available to the City.

1909.1.4. Constitutionality. If any provision, paragraph, word, section or article of this Ordinance is finally declared or adjudicated to be an invalid by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall remain in full force and effect.

1909.1.5. Pending Rights, Liabilities and Litigation Not Affected. Nothing in this Ordinance or in the IPMC adopted hereby shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action required or existing, under any law or ordinance, or part thereof, repealed by this Ordinance.

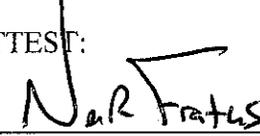
1909.1.6. Amendment by Resolution. The City Council shall have the power and authority, by resolution rather than formal ordinance, to amend or change any provision of this Ordinance, unless an ordinance procedure is required by law.

1909.1.7. Number and Gender. Unless the context clearly indicates otherwise, the singular shall include the plural and the masculine shall include the feminine and the neuter.

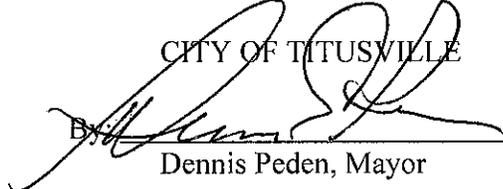
1909.1.8. No Restriction on City Authority. Nothing contained in this Ordinance or in any other ordinance of the City shall be construed to restrict or limit the exercise or use of any power the City may have under law. It is the intention of the City of Titusville to have, retain and, where appropriate, to exercise all powers granted or available to the City under the law.

1909.1.9. Effective Date. This Ordinance shall be effective immediately.

Enacted this 1st day of September, 2020.

ATTEST:


Neil Fratus, City Clerk

CITY OF TITUSVILLE


Dennis Peden, Mayor