
TITLE ONE - Property Maintenance Code

Art. 1101 Property Maintenance Code
Art. 1102 Vacant and Abandoned Property Registration
Art. 1103 Rent Withholding Procedures

ARTICLE 1101
Property Maintenance Code

1101.01	Title	1101.03	Amendments to
1101.02	Adoption of International Property		International Property
	Maintenance Code, 2003 Edition		Maintenance Code,
1101.02.01	Definitions		2003 Edition

1101.01 TITLE

This Article shall be known as the "Franklin Property Maintenance Code" and may be so cited and is hereinafter sometimes referred to as "this Code" and/or "these regulations." (Ord. 17 of 1978, Sect. 1, Passed 9-11-78; Ord. 9 of 1982, Sect. 1, Passed 5-17-82; Ord. 4 of 1992, Sect. 1, Passed 10-05-92)

1101.02 ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE

That certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Franklin, being marked and designated as the International Property Maintenance Code, 2009 edition, as amended and updated from time to time (to include any annual, biennial and triennial edition) as published by the International Code Council, be and is hereby adopted as the Franklin Property Maintenance Code, regulating and governing the conditions and maintenance of all property, building 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 City Clerk of the City of Franklin are hereby referred to, adopted, and made a part hereof, as it fully set forth in this ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 1101.03 of this Ordinance.

(Ord. 10 of 2005, Sect. 1, Passed 10-03-05; Ord. 3 of 2010, Sect. 1, Passed 4-5-10)

1101.02.01 DEFINITIONS

Unless the context clearly indicates otherwise, any and all references in this Code to:

- a.) The "state" shall mean the Commonwealth of Pennsylvania;
- b.) The "municipality" or the "jurisdiction" shall mean the City of Franklin;
- c.) The "code official" shall mean the Code Enforcement Officer of the City of Franklin;
- d.) The "property maintenance code" shall mean and refer to this Code;
- e.) The "building code" shall mean and include the Franklin Building Code;
- f.) The "plumbing code" shall mean and include the Franklin Plumbing Code;
- g.) The "mechanical code" shall mean and include the Franklin Mechanical Code;
- h.) The "fire prevention code" shall mean and include the Franklin Fire Prevention Code;
- i.) "Person" shall mean and include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violations; and
- j.) The "department" or the "department of mechanical inspection" shall mean the office of the Code Enforcement Officer of the City of Franklin.

(Ord. 9 of 1982, Sect. 3, Passed 5-17-82)

1101.03 AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION

The International Property Maintenance Code, 2009 edition, is hereby amended as follows: (Ord. 3 of 2010, Sect. 1, Passed 4-5-10)

- (a) Section 101.1 'Title' is amended to read as follows:

These regulations shall be known as the Franklin Property Maintenance Code, hereinafter referred to as 'this code.'

- (b) Section 102.7 'Referenced codes and standards' is hereby amended to read as follows:

REFERENCED CODES AND STANDARDS. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. In addition, the City specifically incorporates by reference the boarding standards set forth in Appendix A. (Ord. No. 3 of 2018, Sect. 1, Passed 09-10-2018)

(c) Section 103.1 'General' is amended to read as follows:

The Department of Property Maintenance is established within the jurisdiction of the City of Franklin, and shall be under the direction of the Code Enforcement Officer, hereinafter referred to as 'the code official.'

(d) Section 103.2 'Appointment' is deleted in its entirety.

(e) Section 103.5 'Fees' is deleted in its entirety.

(f) Section 106.3 'Prosecution of violations' is amended such that the first sentence shall read as follows:

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense, and the violation shall be deemed a strict liability offense.

(g) Section 106.4 'Violation penalties' is amended to read as follows:

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, and any person aiding, abetting, or assisting in any such violation, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the prosecution for each offense, including reasonable attorney's fees incurred by the City. Each day that a violation continues after service of written notice of said violation, or after service of a summons, or after receipt of actual notice of violation otherwise proved, whichever first occurs, shall be deemed a separate offense. All fines and penalties received by the City for enforcement of this code shall be paid to the Director of Finance of the City and deposited into the general unappropriated funds of the City.

(h) Section 111.2 'Membership of board,' Section 111.2.1 'Alternate members,' Section 111.2.2 'Chairman,' Section 111.2.4 'Secretary,' and Section 111.2.5 'Compensation of members' are hereby deleted in their entirety, and Section 111.2 'Board of appeals established' is added to read as follows:

In order to hear and decide appeals of notices, orders, decisions or determinations made by the code official relative to application and interpretation of this code, there shall be, and is hereby created a board of appeals, which shall consist of the

members of the City Council of the City of Franklin. The code official shall be an ex officio member of said board, but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official. The code official shall take immediate action in accordance with the decision of the board.

(i) Section 111.4.1 'Procedure' is hereby deleted in its entirety.

(j) Section 111.6 'Board decision,' Section 111.6.1 'Records and copies,' and Section 111.6.2 'Administration' are hereby deleted in their entirety.

(k) Section 111.7 'Court review' is hereby amended to read as follows:

Any person, whether or not a previous party to the appeal, shall have the right to file a further appeal to the Court of Common Pleas of Venango County, Pennsylvania, to correct errors of law made by the Board of Appeals in its decision. Such an appeal shall be filed within twenty (20) days of the date written notice of the decision of the Board of Appeals is mailed to the appellant.

(l) Section 111.8 'Stays of enforcement' is hereby amended to read as follows:

Appeals of notices and orders, other than Imminent Danger notices, to the Board of Appeals or the Court of Common Pleas of Venango County, Pennsylvania, shall stay the enforcement of the notice and order until the appeal is heard.

(m) Section 112.4 'Failure to Comply' is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to pay a fine of not less than \$250.00 or more than \$1,000.00. (Ord. 3 of 2010, Sect. 2, Passed 04-05-2010)

(n) Section 202, 'EXTERIOR PROPERTY' is hereby amended to read as follows:

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of the owners or operators of such premises, including, without limitation, the sidewalk and the area between the sidewalk and the street curb. (Ord. No. 3 of 2018, Sect. 2, Passed Finally 09/10/2018)

(o) The definition of 'person' in Section 202 'General Definitions' is amended to read as follows:

PERSON. An individual, a corporation, partnership, or any other group acting as a unit, or an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word 'person' is used in any section of

this code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violations.

(p) Section 302.3 'Sidewalks and driveways' is hereby amended to read as follows:

SIDEWALKS AND DRIVEWAYS. Exterior property and premises, including, without limitation, sidewalks, walkways, stairs, driveways, parking spaces, and similar areas, shall be kept in a proper state of repair, and maintained free from hazardous conditions. All snow and ice shall be removed from sidewalks, walkways, and stairs within six (6) hours after the same have fallen or formed, and shall remain clear of snow and ice thereafter. All trees and shrubs shall be trimmed in order to avoid obstruction or interference with pedestrians using sidewalks, walkways, and stairs.

Upon failure of the owner or agent having charge of a property to remove snow and ice or trim trees and shrubs, all as set forth above, after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove snow and ice thereon, or trim trees and shrubs thereon, and the cost of such removal or trimming shall be paid by the owner or agent responsible for the property. (Ord. No. 3 of 2018, Sect. 3, Passed Finally 09/10/2018)

(q) The height referred to in Section 302.4 'Weeds' shall be twelve (12) inches.
(Ord. 5 of 2006, Sect. 3, Passed 06-05-2006)

(r) The dates referred to in Section 304.14 'Insect screens' shall be from April 1 to December 1.

(s) The dates referred to in Section 602.3 'Heat supply' shall be from October 1 to May 31.

(t) The dates referred to in Section 602.4 'Occupiable work places' shall be from October 1 to May 31.