

ORDINANCE NO. 2026_____

**AMENDMENT TO THE CITY CODE CHAPTER 132 TITLED PROPERTY
MAINTENANCE**

**AN ORDINANCE AMENDING CHAPTER 132 OF THE CITY CODE OF THE CITY OF
LATROBE, COUNTY OF WESTMORELAND, COMMONWEALTH OF
PENNSYLVANIA – TITLED PROPERTY MAINTENANCE ADOPTING THE 2021
INTERNATIONAL PROPERTY MAINTENANCE CODE AND UPDATING
AMENDMENTS**

WHEREAS, the City of Latrobe maintains the city code Chapter 132 titled Property Maintenance which establishes minimum rules and regulations governing the condition and maintenance of all properties, buildings and structures, and to provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that properties, buildings and structures are safe, healthy, sanitary and fit for occupancy and use, and to provide for the condemnation and demolition of buildings and structures unfit for human occupancy and use, including administration, permitting and penalties.

WHEREAS, the City of Latrobe seeks to update Chapter 132 to formally adopt the 2021 International Property Maintenance Code and to revise all existing local amendments so that section references, numbering, and administrative provisions accurately correspond to the 2021 edition of the Code, thereby ensuring clarity, enforceability, and consistency within the City's property maintenance regulations; and,

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Latrobe, and the City of Latrobe hereby ordains as follows:

SECTION 1. That Chapter 132 Article I Section 132-1 through Section 132-4 be updated and corrected as outlined on the attached Exhibit A.

SECTION 2. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing under any prior ordinance or regulation; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 3. That the within Ordinance shall take effect no later than (30) days following the date of publication of the post-enactment notice of passage.

SECTION 4. That the City Manager, The City Secretary, Mayor and any other proper City official is authorized and directed to execute any and all documents and to take any action necessary in order to carry in effect the within ordinance.

ENACTED AND ORDAINED this _____ day of July, 2026.

ATTEST:

COUNCIL OF THE CITY OF LATROBE:

Janina Hall, Council Secretary

By:

Eric Bartels, Mayor

ARTICLE I Property Maintenance Code

§ 132-1. Adoption of Property Maintenance Code.

~~The Council of the City of Latrobe hereby adopts and incorporates in its Code of Ordinances by reference the International Property Maintenance Code of 2012 (hereinafter "the Property Code") in its entirety, which shall include, but not be limited, to Chapter 8, Referenced Standards. The Property Code adopted herein is subject to those amendments, changes or deletions hereinafter set forth.~~

The Council of the City of Latrobe hereby adopts and incorporates in its Code of Ordinances by reference the International Property Maintenance Code of 2021 (hereinafter "the Property Code") in its entirety, which shall include, but not be limited, to Chapter 8, Referenced Standards. The Property Code adopted herein is subject to those amendments, changes or deletions hereinafter set forth.

§ 132-1.1. Intent and purpose. [Added 9-12-2022 by Ord. No. 2022-6]

- A. It is the intent of the City to establish minimum rules and regulations governing the condition and maintenance of all properties, buildings and structures, and to provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that properties, buildings and structures are safe, healthy, sanitary and fit for occupancy and use, and to provide for the condemnation and demolition of buildings and structures unfit for human occupancy and use, including administration, permitting and penalties.
- B. It is also the City's intent to specifically establish a vacant or abandoned residential property program as a mechanism to protect the City from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

§ 132-2. Amendments.

The Property Code herein adopted by reference in this chapter is amended to include the following new provisions:

- A. There shall be added to Part 2, Administration and Enforcement, the following sections:

~~104.7~~105.8 Inspection of properties allegedly in violation of the Property Code, vacant properties or abandoned properties; intent.

The Code Officer, from time to time, may become aware of properties which are in violation of the Property Code, or are vacant or abandoned, and which may have Property Code violations that result in health and safety hazards to citizens of the community. These health and safety hazards include, but are not necessarily limited to, roof water leakage causing deterioration to the structural components which may result in ultimate collapse; infestation by vermin and other disease-carrying animals; deterioration of the electrical system which may lead to a potential fire hazard; deterioration of the plumbing system which may lead to water leakage and other types of deterioration; and accumulation of garbage and debris by unintended occupants of the structure. For these reasons, an important component of the Property Code is the ability of the City, by and through its designee, to perform inspections based upon receipt of complaints from third parties.

~~104.8~~ 105.9 Inspection initiated by complaint.

If the City shall receive a complaint from a third party which the City reasonably believes sets forth a Property Code violation or violations of the interior or exterior of an occupied or vacant/abandoned property (the "subject property"), which said violations are set forth in this chapter, then, and in that event, the City, by and through its designee, shall, based upon the City's reasonable belief of the existence of the violation, inspect the subject property. If the owner or occupant of such property refuses to grant permission for this inspection, or if the owner or occupant of such property cannot be located, then, and in that event, the City, by and through its designee, shall seek the right to inspect the subject property based upon the issuance of an administrative warrant for inspection by a neutral Magisterial District Justice according to the procedures hereinafter set forth.

~~104.9~~ 105.10 Procedure for issuance of administrative warrant for inspection.

The following procedure will be followed by the City, by and through its designee, for the issuance of an administrative warrant for inspection:

1. Inspection based upon third party complaint. If the owner or occupant of the subject property refuses to permit an inspection, or if an owner or occupant of the subject property cannot be located, the City, by and through its designee, may seek an administrative warrant for inspection and shall submit the following information, by affidavit, in support of the warrant;
 - (i) That the City reasonably believes that the subject property is in violation of the Property Code or is vacant and/or abandoned;
 - (ii) That the City has a valid ordinance provision authorizing the City to seek the inspection;
 - (iii) The date of the last inspection of the subject property, if any;
 - (iv) The attempts by the City to locate the owner and seek permission from the owner to make the inspection;
 - (v) The area(s) of the land and/or structure to be inspected; and
 - (vi) The purpose of the inspection which would be to determine if the property has code violations as described by the third party complaint and whether the property/structure is in compliance with the provisions of this chapter.
2. If the owner of a premises cannot be located, the administrative warrant for inspection shall provide for forcible entry by the least intrusive means possible.

~~104.10~~ 105.11 Violation; correction for compliance.

In the event that the vacant or abandoned property is not in compliance with the then-existing housing standards code, any deficiencies shall be noted on an inspection form and provided to the last known owner, if the owner can be located, and posted on the property. The notice will advise the last known owner of the time by which to correct the violation(s), with a minimum time for correction being no less than seven days and the maximum time for correction being no more than 30 days.

1. If the subject property is not brought into compliance with this chapter within the specified time, then, and in that event, the City, by and through its designee, shall use reasonable means to attempt to contact the last known owner, if possible, and inform the last known owner that he, she or it must secure the violating structure situate upon the subject property according to the provisions of this chapter. If the owner does not so secure the structure as requested, then, and in that event, the City may take steps to secure the structure according to the provisions of this chapter with costs to be billed to the property owner, and, if not paid, to be lien against the property. If the City designee determines that the existing structure, or portion thereof is so substandard that the condition(s) pose a serious threat to the health, safety and welfare to members of the community, then, and in that event, the City designee shall order that the structure be removed or demolished with costs of the same to be assessed against the property and billed to the last known owner, and lien against the property if unpaid. If the Code Officer determines that more immediate action is required because of a hazard to the general public's health and safety, or if there is actual imminent danger of failure or collapse of the building or structure or any part thereof when any structure or part thereof has fallen and life is endangered by occupation of the building structure, the code officer may enter an order for the immediate demolition of property. In the event that the property owner is unavailable or fails to take immediate action to demolish the property upon the issuance and receipt of this order, the Code Officer is authorized to proceed to cause the structure to be vacated, demolished, cleaned up, with the costs billed to the property owner and lien against the property if unpaid.
2. Any person who shall violate a provision of this subchapter shall, upon conviction thereof, be subject to a fine of not less than \$25, nor more than \$1,000 and/or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court. Each day that a violation continues to occur after due notice has been served shall be deemed a separate offense. In addition, the Code Officer or other City designee may seek such other relief as may be available in a civil action, or in equity, to address a violation of this chapter.

~~104.11~~ 105.12 Exemption from inspection.

Any property which is inspected, from time to time by any governmental agency, including but not limited to the Department of Housing and Urban Development, shall be exempt from the inspection provisions of this chapter.

- B. There shall be added to the definitions found in the Property Code, Section 202, General Definitions, the definition of the words "cellar," "Board of Appeals," and "building," as follows:

CELLAR — A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BOARD OF APPEALS — The Code Enforcement Board established under the Code of Ordinances of the City of Latrobe.

BUILDING — Any roofed man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, shall be considered an enclosed building if all exterior walls are solid except for fixed, closed or operable windows and doors.

- C. The Property Code, Section 404.4.4, Prohibited occupancy, be and is hereby amended to read as follows:

Kitchens and uninhabitable stations shall not be used for sleeping purposes. No cellar space shall be used as a habitable space or dwelling unit. No basement space shall be used as a habitable space or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
- (2) The total window area in each room is equal to at least the minimum window area sized as required in ~~Section 404~~ **Chapter 4**.
- (3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
- (4) The total openable window area in each room is equal to at least the minimum required under ~~Section 404~~ **Chapter 4**, except where there is supplied some other device affording adequate ventilation and approved by the Code Enforcement Officer.

- D. The Property Code, Section 108.6, Abatement methods, be and the same is amended to read as follows:

Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the Code Enforcement Officer shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action. If a person ordered by the Code Enforcement Officer to abate or prevent a public nuisance refuses to comply with the provisions of this chapter or neglects to do so within the time specified in the order, then, unless the order shall have been suspended by appeal to the Court under the procedures outlined in the Code of Ordinances, Chapter 98, § 98-7, Hearings by Council; Court appeals, the Code Enforcement Officer may execute the order; or if the nuisance continues to exist, the Code Enforcement Officer, at the direction of the Council, may remove such nuisance. If the removal of the nuisance requires grading, paving or repaving of alleys or any similar work upon property within Latrobe or any other work or service that may best be performed or contracted for by the agencies and employees of Latrobe, then the Council may authorize the removal of the nuisance by said agencies.

In any case where the nuisance is abated or prevented by the agencies of Latrobe or any cost is incurred by Latrobe in the removal or prevention of the nuisance or Latrobe makes corrections to comply with the provisions of this chapter, the costs and expenses shall be charged to the person or persons responsible in their property proportions. Upon nonpayment of such charges,

Latrobe may file a lien upon the affected premises in the name of and for the use of Latrobe as provided by law for municipal claims, in addition to the other remedies available for the collection of debts under the laws of the Commonwealth of Pennsylvania. The lien shall attach as of the time the work has commenced, which shall be fixed by a certificate of the Code Enforcement Officer and filed with the Secretary. This provision for removal of the nuisance shall be in addition to any other penalty for violating this chapter as contained in Chapter 98, § 98-10, Violations and penalties.

§ 132-3. Further amendments.

The Council of the City of Latrobe does hereby further amend the Property Code hereinabove adopted as follows:

- A. The Property Code, Chapter 7, Fire Safety Requirements, Section 704, currently reads "Fire Protection Systems." The title of this section be and the same is hereby amended to read "Fire and Safety Protection Systems."

~~B. Chapter 7, Subsection 704.2, Smoke alarms, be and is hereby amended to read as follows:~~

~~704.2 Smoke and carbon monoxide protection alarms.~~

~~Single or multiple station smoke alarms shall be installed and maintained in Group R or I-1 occupancies, regardless of occupant load at all of the following locations:~~

- ~~1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedrooms.~~
- ~~2. In each room used for sleeping purposes.~~

- ~~3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwelling or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.~~
- ~~4. Carbon monoxide alarms/protection. The provisions of the Carbon Monoxide Alarms Standards Act (Act No. 121 of 2013, effective June, 2014)[†] are hereby incorporated by reference.~~

C. Section 101, General, Subsection 101.2, Scope, be and the same is hereby amended to read as follows:

~~**101.2 Scope.** Unless set forth differently in any state, federal or local statute or ordinance, the provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy existing structures and premises, and for administration, enforcement and penalties.~~

D. Section 102.3, Application of other codes, be and the same is hereby amended to delete the term "International Zoning Code" and in its place substitute "the City of Latrobe Zoning Ordinance."

E. Section 103.5, Fees, be and the same is hereby amended to read as follows:

~~**103.5**~~ **104.1 Fees.** The fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be set forth in Chapter 3, Administrative Code, § 3-48, Fee schedules, Schedule B, Code and Zoning Fees, to add as item No. 10, Property Maintenance Code fees, as follows:

- a) Administrative fee of 15% calculated on the aggregate costs/fees to remedy a Property Maintenance Code violation.
- b) Fee of \$600 paid to the City of Latrobe for appeal under the Property Maintenance Code.

F. Section ~~106~~ **109**, Violations, Subsection ~~106.3~~ **109.3**, Prosecution of violation, be and the same is hereby amended to read as follows:

1. Editor's Note: See 35 P.S. § 7221 et seq.

~~106.3~~ 109.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and/ or civil infraction. The violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall have available to him/her any and all remedies, either criminal or civil, at law or in equity, including but not limited to:

- (i) The filing of a non-traffic citation or private criminal complaint which shall, if the defendant is found guilty, incur to the defendant a fine in the amount of \$600.
- (ii) If the notice of violation is not complied with, the Code Officer may also, concurrently or additionally, institute the appropriate proceeding at law or equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (iii) The grading of the non-traffic citation or private criminal complaint for failure to comply with a notice of violation shall, for the first two offenses for the same property, be a summary offense carrying a penalty not to exceed that prescribed for summary offenses by law. However, if the Code Officer is required to serve notice to a property owner of violation under the Maintenance and Property Code, and said notice of violation is the third or greater violation for the same property within a twelve-month period, then, in that event, the violation shall be deemed to be a summary offense, conviction on which or pleading guilty to which shall result in a fine not to exceed \$600 for each violation.

G. Section 401, General, Subsection 401.1, Scope, be and the same is hereby amended to read as follows:

The provisions of this chapter shall govern the minimum conditions and standards of light, ventilation and space for occupying a structure/building. The International Property Maintenance Code is not intended to govern bodies of temporary facilities for the purpose of residential occupancy. Occupancy is prohibited for such temporary facilities as tents, recreational vehicles or any other type of movable or removable facility that is not built or constructed in a stationary location. The above is not intended to be inclusive of all temporary facilities. Further, any other ordinance in the Code of Ordinances of the City of Latrobe which may be stricter in terms of application regarding this issue shall take precedence over this provision.

H. Chapter 1, Section ~~112.4~~ **110.4**, Failure to comply, be and the same is hereby amended to read as follows:

~~112.4~~ **110.4 Failure to comply.** 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 such violation or unsafe conditions, shall be liable to a fine of not more than \$600.

- I. Chapter 3, Section 302, Exterior Property Areas, Subsection 302.4, Weeds, first paragraph be and the same is hereby amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

- J. ~~Chapter 3, Section 304, Exterior Structure, Subsection 304.7, Roofs and drainage, be and the same is hereby amended to delete from this subsection the last sentence which reads, "Roof water shall not be discharged in a manner that creates public nuisance."~~ [Reserved]

- K. Chapter 2, Section 202, General Definitions, be and the same is hereby amended to add the following definition of "public nuisance."

PUBLIC NUISANCE — Any nuisance condition that affects those areas of the public rights-of-way and/or publicly owned property. A nuisance which is created by a private property owner(s) that affects the private property rights of another property owner(s) shall not be deemed to be a public nuisance.

- L. ~~Chapter 3, Section 303.2, Enclosures, is hereby amended to add the following:~~

~~Exception No. 1: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.~~

~~Exception No. 2: All swimming pools, hot tubs or spas constructed after the effective date of this chapter shall be governed by the Uniform Construction Code of Pennsylvania as it relates to enclosures.~~ [Reserved]

- M. Chapter 3, Section 304, Exterior Structure, Subsection 304.14, Insect screens, be and the same is hereby amended to add the dates of "June 30 to September 30."

- N. ~~Chapter 3, Section 308, Rubbish and Garbage, Subsection 308.1, Accumulation of rubbish or garbage, be and the same is hereby amended to read as follows:~~

~~**308.1 Accumulation of rubbish or garbage.** All exterior property and premises, and to the extent that it creates a public nuisance or health safety and sanitation issue, the interior of every structure shall be free from any accumulation of rubbish or garbage.~~ [Reserved]

- O. Chapter 3, Section 308, Rubbish and Garbage, Subsection 308.2, Disposal of rubbish, be and the same is hereby amended to read as follows:

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers ~~on the day established by the sanitation for the City.~~ **in accordance with City of Latrobe Municipal Code Section 319-5(F.)** Failure to remove rubbish as prescribed herein shall subject an individual to the violation provisions and penalties as set forth in Chapter 1, Section ~~106~~ **109**, of this Property Code. The Code Officer may cause accumulated rubbish or garbage which, in his/her opinion, is a public nuisance to be removed from the premises and disposed of at the City transfer station with the cost of removal and disposal to be paid by the owner of the property.

- P. Chapter 3, Section 309, Pest Elimination, Subsection 309.1, Infestation, be and the same is hereby amended to read as follows:

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. There are certain accumulation(s) on the exterior of structures which in and of themselves do not create a public nuisance. However, to the extent that the accumulation of materials on the exterior of the property does create or increase the occurrence of insects and rodents upon said property, the same shall be deemed to be a public nuisance and will be removed by the property owner. By way of illustration, a pile of firewood if allowed to remain over a period of time may generate termites. Compost piles not properly treated may generate odors. All 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 reinfestation.

If the Code Officer deems a public nuisance to exist, the Code Official shall serve a notice of violation and the property owner shall be subject to the penalties as set forth in Chapter 1, Section 106, Violations.

- Q. Chapter 6, Section 602, Heating Facilities, Subsection 602.3, Heat supply, is hereby amended to add the following dates in the first paragraph, "from September 1 through May 30."
- R. Chapter 6, Section 602, Heating facilities, Subsection 602.4, Occupiable work spaces, be and the same is hereby amended to add the following dates in the first paragraph, "from September 1 through May 30."

§ 132-4. Deletions.

The Council of the City of Latrobe does hereby further amend the Property Code hereinabove adopted by deleting the following provisions:

- A. Chapter 3, Section 302, Exterior Property Areas, Subsection 302.9, Defacement of property, be and the same is hereby deleted in its entirety.
- B. Section 304-18, Building security, be and the same is hereby amended to delete from this provision the word "doors." Further, Section 304.18.1, Doors, be and the same is hereby deleted in its entirety. Lastly, Section 304.18.2, Windows, is hereby renumbered to Section 304.18.1, and Section 304.18.3, Basement and Hatchways, be and is hereby renumbered to Section 304.18.2.

§ 132-5. Interpretation.

If any provision of this chapter is found to be in conflict with any provision of Chapter 166 Zoning, Chapter 279 Fire Prevention Standards, Chapter 117 Construction Codes, Uniform, the provision which establishes the highest standard for the promotion and protection of the health and safety of the people shall prevail.