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,

WHEREAS, the City of Latrobe finds that enforcement under a single, uniform property-maintenance code will improve compliance, reduce confusion, and promote consistent application of municipal standards; 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 That Chapter 132 Article I be repealed and replaced as outlined on the attached Exhibit A.

SECTION 2. That Chapter 132 Article II be deleted in its entirety.

SECTION 3. 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 4. 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 5. 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 October, 2026.

ATTEST:

COUNCIL OF THE CITY OF LATROBE:

_____

Janina Hall, Council Secretary

By:

_____

Eric Bartels, Mayor

EXHIBIT A

ARTICLE I

Property Maintenance Code

§ 132-1. Intent and purpose.

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. Adoption of standards; International Property Maintenance Code.

The adoption of the International Property Maintenance Code, 2012 Edition, is hereby repealed and replaced in its entirety by the 2021 edition of the International Property Maintenance Code, including all errata issued by the International Code Council with the following amendments:

A. In Section 101.1, entitled, "Title," insert: "City of Latrobe."

B. In Section 102.3, entitled, “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."

C. In Section 103.1, entitled, "Creation of Agency," insert: “Department of Code Enforcement and Zoning”

D. In Section 104.1, entitled, “Fees,” be hereby amended to read as follows, “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,

   1. Fee of $500 paid to the City of Latrobe for appeal under the Property Maintenance Code. 'The appeal fee shall be refunded in full if the appeal is decided in favor of the appellant.”

E. In Section 109.2, entitled, “Notice of violation,” be hereby amended to read as follows, “The *Code Official or their designee,* shall serve a notice of violation or order in accordance with Section 111.4.”

F. In Section 109.5, entitled, “Abatement of violation,” be hereby amended to read as follows, “The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises,* or to stop an illegal act*,* conduct, business or utilization of the building, *structure* or *premises*.

   The City of Latrobe or its designee reserves the right to abate the violation in question at the expense of the owner if the violation is not abated by the property owner within five business days of the issuance of the violation notice. Should the violation at the discretion of the public officer(s) present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to perform the abatement immediately. The City will perform this work at a rate of $60 per hour, per person. The City reserves the right to charge an additional 20% of the total abatement cost to cover all miscellaneous expenses, such as administrative costs and wear and tear on equipment. If the City has abated the violation, the cost thereof may be charged to the owner of the property, tenant, landlord, or offending party. A

bill/invoice will be generated to the violator for payment separate from the quality of community ticket. This section shall not limit the City's right or ability to abate as provided for in any other provision of the City of Latrobe Code or pursuant to state law.

At the discretion of the City, all tickets and costs of abatement for which payment is not received within 45 days of issuance may be turned over by the City to a collections agency for receipt. The City may place liens on properties wherein a nuisance was removed and abated, pursuant to 53 P.S. § 7101 et seq.

The penalty and collection provisions of this article shall be independent, not mutually exclusive, separate remedies, all of which shall be available to the City as may be deemed appropriate for carrying out the purposes of this article. The remedies and procedures provided in this article for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Latrobe code or ordinance, whether or not such other code or ordinance is referenced in this article and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this article."

G. In Section 110.4, entitled, "Failure to comply," be 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 such violation or unsafe conditions, shall be liable to a fine of not more than $600."

H. In Section 302.4, entitled, "Title," insert: "eight inches"

I. In Section 304.14, entitled, "Insect screens," insert: "June 30" and "September 30", in the [DATE] and [DATE] locations.

J. In Section 308.2, entitled, "Disposal of rubbish," be hereby amended to read as follows "Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in accordance with City of Latrobe Code Section 319. Failure to remove rubbish as prescribed herein shall subject an individual to the violation provisions and penalties as set forth in Chapter 1, Section 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. Any violation of Chapter 319 of the City of Latrobe Code shall be considered a violation of this part and may also be enforced and ticketed as such."

K. In Section 308.2.2, entitled "Refrigerators," be hereby amended to read as follows "Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors. These items may not be outdoors for longer than 24 hours."

L. In Section 309.1, entitled, "Infestation," be hereby amended to read as follows "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. 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 109, Violations."

M. In Section 401.1, entitled, "Scope," be 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 as covered by Chapter 166 of the City of Latrobe Code, titled Zoning. 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."

N. In Section 404.4.4, entitled. "Prohibited Occupancy," be hereby amended to read as follows, "Kitchens and uninhabitable spaces 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.
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, except where there is supplied some other device affording adequate ventilation and approved by the Code Enforcement Officer."

O. In Section 602.3, entitled, "Heat supply," insert: "September 1" and "May 30", in the [DATE] and [DATE] locations.

P. In Section 602.4, entitled, "Occupiable work spaces," insert: "September 1" and "May 30", in the [DATE] and [DATE] locations.

Q. In Section 704, entitled, "Fire Protection Systems," be and the same is hereby amended to delete the term "Fire Protection Systems" and in its place substitute "Fire and Safety Protection Systems."

§ 132-3. Additional 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:

i. **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.

ii. **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.

iii. **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 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.

iv. **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 situated 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 liened 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 liened 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 liened 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.

v. **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.

vi. **109.3.1 Fines and penalties**

1. For a violation of this article, violation tickets shall be issued in the successive amounts of $50 for a first offense, $100 for a second offense, $150 for a third offense and any subsequent violations. For the purpose of determining whether an offense is a successive offense permitting increased fines as provided herein, the offense must be the same and must be ticketed within 60 days of the prior ticket.
2. Failure to respond. If a person fails to make payment or appeal the ticket within 15 days of the issuance of a violation ticket, they shall be subject to a summary offense citation for failure to pay.
3. Repeated violations. Upon issuance of three tickets for the same violation on the same property, or the issuance of six tickets for differing violations on the same property within a period of one year, defined as 365 consecutive days. The Public Officer can issue a summary offense citation for subsequent offenses.
4. Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this article, or of any regulation or requirement pursuant hereto and authorized hereby, or pursuant to this article is issued a summary offense citation, shall, upon conviction, be ordered to pay a fine of not less than $300, not more than $1,000, on each offense or be imprisoned no more than 90 days, or both.

vii. **302.3.1 Snow and ice removal.** Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City is required to remove any snow or ice from their sidewalk within 10 hours after the same has ceased to fall or form, pursuant to City of Latrobe Code § 85-6, and any violation thereof shall be considered a violation of this article and may also be enforced and ticketed as such. Snow and ice shall not be deposited on or within two feet of a fire hydrant or other fire control or suppression device. Any violation of City of Latrobe Code Chapter 85 shall be considered a violation of this article and may also be enforced and ticketed as such.

viii. **302.8.1 Nuisance motor vehicles, equipment, machinery, and personal property.** Any violation of Chapter 92 of the City of Latrobe Code shall be considered a violation of this part and may also be enforced and ticketed as such.

ix. **302.10 Trees.** All hedges, vegetation, and trees growing upon or along any street, alley or sidewalk, or inside the property line of any lot fronting on any street or alley, shall not have any growth within 14 feet above any streets and alleys and eight feet above any sidewalks.

x. **302.11 Interior use, appliances or furniture.** It is prohibited to store or place any/all items designed for interior use, appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs, interior tables, or any other items of indoor furniture on the exterior of any property for the purpose of sale or any other reason, except for the temporary purposes of keeping the item on the exterior of the property for a period of less than 24 hours for the purpose of maintaining or repairing the item or removing the item from the real property, or for a yard, estate, garage, or similar temporary sale on residential property to sell residential items.

xi. **302.12 Placement or littering by private advertising matter.** No person shall throw, place, sweep or dispose of private advertising material upon any public sidewalk, alley, street, bridge, public passageway, public parking area, right-of-way or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to

without written approval of said owner. Any violation of City of Latrobe Code Chapter 251 shall be considered a violation of this article and may also be enforced and ticketed as such.

xii. **302.13 Animal maintenance and waste/feces cleanup.** Violations of the City of Latrobe Code Chapter 58 shall be considered a violation of this article and may also be enforced and ticketed as such.

xiii. **308.4 Storage of recyclables.** Storage of recyclables is only permitted in approved containers, pursuant to City of Latrobe Code Chapter 305, which must be kept clean and sanitary at all times. Any violation of Chapter 305 of the City of Latrobe Code shall be considered a violation of this part and may also be enforced and ticketed as such.

xiv. **308.5 Storing of hazardous material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids, or combustible rubbish, including, but not limited to, wastepaper, boxes or rags, unless the storage of said materials is in compliance with the applicable fire and/or building codes, and at least 10 feet away from the public right-of-way.

xv. **308.2.1 Junk and Scrap Accumulation.** Any violation of Chapter 72 of the City of Latrobe Code shall be considered a violation of this section and may also be enforced and ticketed as such.

§ 132-4. Deletions.

A. Chapter 3, Section 302, Exterior Property Areas, Subsection 302.9, Defacement of property, be and the same is hereby deleted in its entirety.

§ 132-5. Definitions.

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

A. **Abandoned Property**. Any property which is vacant.

B. **Board of Appeals**. The Code Enforcement Board established under the Code of Ordinances of the City of Latrobe. The Board shall be constituted and qualified in accordance with 2021 IPMC §111.2 and 34 Pa. Code §403.121. Members shall be qualified by experience and training to pass on matters pertaining to property maintenance.

C. **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.

D. **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.

E. **Debris**. Any material upon the premises that is a residue of structural demolition, or any other material that is not neatly stored, stacked or piled in such a manner so as not to create a nuisance or become a harboring place or food supply for insects and rodents.

F. **Indoor furniture**. Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

G. **Landlord**. Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

H. **Litter**. Includes, but is not limited to, all waste material, garbage, trash, i.e., waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture appliances, or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

I. **Motor vehicle**. Includes any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

J. **Public nuisance**. A condition on any property, public or private, that endangers the health, safety, or welfare of the public or neighboring property owners, or that violates any provision of this Code.

K. **Public officer**. Any police officer, code enforcement officer, authorized inspector, public works director, and any other public official designated by the Mayor and/or City Council to enforce the City ordinances.

L. **Recyclables.** Includes material which would otherwise become municipal waste, which can be collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products. Such materials may include, but not be limited to, aluminum cans, ferrous and bimetal cans, glass containers, plastic bottles and containers, and paper.

M. **Right of way.** The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement, including curb and gutter areas.

N. **Vacant**. Any building/structure that is not legally occupied. The definition shall not include properties that are subject to a valid building permit. A lawfully operated and duly registered student house shall not be considered vacant if unoccupied for the traditional summer break, from May 1 through September 1.

O. **Waste**. Any garbage, refuse, industrial, lunchroom or office waste, and other material, including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments or from community activities and which is not classified as residual waste or hazardous waste as defined herein. The term does include animal waste, including without limitation all feces from domesticated animals, including dogs. The term does not include source-separated recyclable materials.

§ 132-6. Severability.

Should any section or provision of this article be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this article as a whole or any part thereof, other than the part so declared to be invalid.

§ 132-7. Interpretation.

If any provision of this chapter is found to 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.