

## ORDINANCE NO. 2 OF 2022

### AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, CREATING THE POSITION OF CODE ENFORCEMENT OFFICER AND AUTHORIZING THE ENFORCEMENT OF PROPERT MAINTENANCE, NUISANCE AND OTHER ORDINANCES OF THE BOROUGH OF NEW FLORENCE

WHEREAS, the Borough of New Florence, desires to create the position of code enforcement officer and to grant that officer authorization to enforce the property maintenance and nuisance ordinances of the Borough; and

WHEREAS, the Borough of New Florence is authorized pursuant to the Borough Code §§ 1202 and Chapter 32A to provide for regulations regarding property maintenance and nuisances; and

WHEREAS, the Borough of New Florence has determined that regulation and enforcement of property maintenance and nuisance standards are necessary to the health, safety and welfare of its citizens;

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it hereby is enacted and ordained, by the Council of the Borough of New Florence, Westmoreland County, Pennsylvania:

**Section 1. CREATION:** There is hereby created by the New Florence Borough Council, the position of Code Enforcement Officer. This Officer shall have the authority and responsibility for administering and enforcing the provisions of all Borough ordinances or codes relating to property maintenance and/or nuisance conditions, and which ordinances or codes do not designate other enforcement officers or agencies as its administration and enforcement officials.

**Section 2. APPOINTMENT OF CODE ENFORCEMENT OFFICER:** The Borough Council shall, by resolution, appoint an individual or other entity to act as the Code Enforcement Officer, from time to time as Borough Council may deem appropriate. Borough Council shall further designate the terms and compensation for the position as it shall deem appropriate. Notwithstanding any other provision herein, if the Mayor of New Florence Borough is appointed as the Code Enforcement Officer, he or she shall receive no additional compensation for such duties.

**Section 3. RELIEF FROM PERSONAL LIABILITY:** The Code Enforcement Officer shall not be personally liable for any act or omission required or permitted in the performance of the position, while actually in the performance of his or her duties as Code Enforcement Officer.

**Section 4. OFFICIAL RECORD:** An official record shall be kept of all business and activities performed of the Code Enforcement Officer. The Pennsylvania Right-to -Know Law shall govern disclosure of such records and the Borough Secretary shall be deemed the Open Records Officer for such records.

**Section 5. POWERS AND DUTIES:**

(a) The Code Enforcement Officer shall enforce and administer all of the provisions of all property maintenance and nuisance ordinances of the Borough of New Florence.

(b) The duties of the Code Enforcement Officer shall include, but not be limited to, the receipt of applications; the issuance of notices, certificates and orders; the making of inspections; the undertaking of systematic inspections and investigations; the preparation and filing of search warrants; the keeping of records and reports and evidence; the initiation of citations; and all other actions, necessary and appropriate to carry out the duties and purpose of the position.

(c) (i) In the discharge of his or her duties, the Code Enforcement Officer, upon showing proper identification is hereby authorized to enter and inspect, between the hours of 9:00A.M. and 4:00 P.M. and structure or premises in the Borough to investigate and enforce the provisions of the Borough Ordinances. The assistance and cooperation of any other municipal official or law enforcement officer is hereby authorized.

(ii) The Code Enforcement Officer and owner, operator, or occupant, or other person in charge of any structure or premises may agree to an inspection by appointment at a mutually convenient time.

(iii) The owner, operator, occupant or other person in charge shall give the Code Enforcement Officer entry and free access thereto and to every part of the structure or to the premises surrounding the structure.

(iv) If any owner, operator, occupant or other person in charge fails or refuses to permit entry and free access to the structure or premises under his control, or to any part thereof, with respect to any authorized inspection, the Code Enforcement Officer may, upon a showing that probable cause exists for the inspection, either request issuance of a search warrant or file a complaint and petition requesting an order directing compliance with the inspection provisions of this ordinance.

#### **Section 6. PENALTY:**

(a) Whenever the Code Enforcement Officer has probable cause to believe that a violation of a Borough Ordinance has occurred, or is occurring, he or she shall:

(i) Serve notice in writing of the alleged violation(s) which shall be signed by the Code Enforcement Officer. Said notice shall be served personally, or by registered mail, return receipt requested, on the owner of the property. In the event that the owner is deceased or otherwise, cannot be served, the property shall be posted in the most public location likely to be viewed by occupants or others entering the property.

(ii) The notice shall include a statement of the reasons why the notice is being issued, the sections of the code(s) or ordinance(s) which have been violated and the remedial actions required.

(iii) The notice shall allow a reasonable time, not to exceed 60 days, for the initiation and correction of the violation alleged or of the remedial action required, except where emergency conditions exist, which require immediate corrective action.



(iv) The notice shall contain a statement indicating that the notice will become an order if no request and approval for an extension is made to the Code Enforcement Officer, within the time limits provided;

(v) The Code Enforcement Officer may grant a request for a reasonable extension of time where he or she has evidence to believe that the responsible person is attempting to remove the alleged violation; however, no such extension may exceed a period of 90 days.


(b) Any person who violates a provision of fails to comply with any lawful order of the Code Enforcement Officer shall upon be found guilty before a Magisterial District Judge or Common Pleas Court Judge, shall be sentenced to pay a fine, not in excess of \$600.00, plus court costs and in default thereof shall be sentenced to imprisonment for a period not exceeding 90 days. Each day a violation exists, shall be deemed a separate offense.

(c) The Borough may seek enforcement through all appropriate actions in law or equity regardless or whether or not summary criminal proceedings have been instituted.

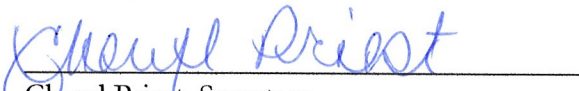
**Section 7. REPEALER:** The provisions of this Ordinance hereby repeal those specific provisions of any Ordinance of New Florence Borough in conflict herewith. Any provisions of all Ordinance, not in conflict herewith shall remain in full force and effect.

**Section 8. EFFECTIVE DATE:** This Ordinance shall become effective 30 days after enactment.

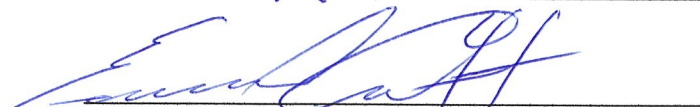
ENACTED AND ORDAINED, this 20<sup>th</sup> day of September, 2022.

  
JAMES MOORE, President  
BOROUGH OF NEW FLORENCE COUNCIL

ATTEST:

  
Cheryl Priest, Secretary

APPROVED X, VETOED \_\_\_\_\_

  
EDWARD CRAFT, Mayor

Date: 9/20/2022