

ORDINANCE NO. 6 OF 2017

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH , COUNTY OF LUZERNE COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 106 VIOLATIONS [A] 106.3 PROSECUTION OF VIOLATIONS AND [A] 106.4 VIOLATION PENALTIES OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2015

WHEREAS, on December 16, 2014, the Borough by virtue of Ordinance # 2A of 2014 adopted the 2015 edition of the International Property Maintenance Code;

WHEREAS, the Borough desires to clarify the sections [A] 106.3 and [A] 106.4 as set forth below;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Plymouth Borough Council, for the reasons set forth above does hereby amend the sections identified below to read as follows:as

SECTION 106 VIOLATIONS

[A] 106.3 Prosecution of violation.

Any person (the term person shall include individuals, corporations, partnerships, limited liability companies, as well as any and all entities of any type) failing to comply with a notice of violation or order served in accordance with section 107, who fails to appeal or unsuccessfully appeals a notice as provided under the International Property Maintenance Code, shall be deemed guilty of a criminal summary offense and said violation shall be deemed a strict liability offense. The person shall be subject to the violation and penalties set forth in [A] 106.4. If the notice of violation is not complied with, the code official shall institute the appropriate summary proceedings, and/or the appropriate proceedings in law or in 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 this code or of the order or directive made pursuant therein. 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.

[A] 106.4 Violation penalties

Any person, as defined in section [A] 106.3, who shall violate a provision of this code or fail to comply therewith or with any of the requirements thereof, shall be charged with a summary offense or subject to a criminal fine upon being found guilty of said summary offense, said fine being a minimum of \$400.00 and a maximum of \$1,000.00 per violation and may be prescribed imprisonment not to exceed 90 days for each violation of the summary offense. Also, the violator is subject to the fine and penalties stated herein for each day the violation exists since said violation is deemed a continuing offense/violation.

The above amendments are authorized under Section 32A04 (a.4) and Subchapter B Enforcement section 3321 fines and penalties (4) of the Borough code.

Except for the amendments to the two sections identified above, all other provisions of ordinance 2A of 2014 as well as the remaining provisions of the 2015 edition of the International Property Maintenance Code remain unaltered and in full force and effect as previously adopted.

This ordinance will be effective as per section 3301.3 of the Borough Code.

ENACTED AND ORDAINED the 16th day of October, 2017 at a duly authorized special meeting of the Plymouth Borough Council.

BOROUGH OF PLYMOUTH

By: Gary Kochinski
Gary Kochinski, President of Council

ATTEST:

Holly Spece
Holly Spece, Secretary

APPROVED BY THE MAYOR

Dorothy E. Petrosky
Dorothy E. Petrosky, Mayor

Dated: 10/16/2017

The Citizens Voice (Under act P.L. 877 No 160. July 9,1976)
Commonwealth of Pennsylvania, County of Luzerne

PLYMOUTH BOROUGH
P.O. BOX 246
PLYMOUTH PA 18651

COPY

Account # 185281
Order # 82135816
Ad Price: 105.00

SPECIAL MTG 10/16

Gina Krushinski

Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Citizens Voice, owner and publisher of The Citizens Voice, a newspaper of general circulation, established in 1978, published in the city of Wilkes-Barre, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

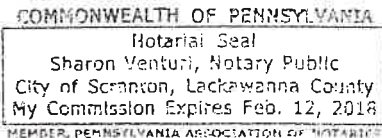
10/08/2017

Affiant further deposes and says that neither the affiant nor The Citizens Voice is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true *Gina Krushinski*

Sworn and subscribed to before me
this 9th day of October A.D., 2017

Sharon Venturi

(Notary Public)



LEGAL AD

NOTICE IS HEREBY GIVEN that during a special meeting to be held on October 16, 2017, commencing at 10:00 A.M. at the Plymouth Borough Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania, the Borough Council will act on Ordinance No. 6 of 2017 which, if passed, will amend section (A) 106.3 Prosecution for Violations and section (A) 106.4 Violation Penalties of the International Property Maintenance Code, 2015 edition. In addition to acting on the aforementioned Ordinance, the Council may conduct any and all lawful business authorized by the Borough Code.

This is a summary of the proposed Ordinance. A copy of the full text of the proposed ordinance may be examined by any citizen in the office of the Secretary of the local government unit at the Plymouth Borough Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania, on any business day (except, Saturdays, Sundays and Holidays) between the hours of 8:30 A.M. and 4:00 P.M., prevailing time. A copy of the proposed ordinance was provided to this newspaper.

Holly Spece, Secretary
Plymouth Borough