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CHAPTER 5  
CODE ENFORCEMENT

Part 1

Adoption of the Uniform Construction Code

§101. Administration and Enforcement of Uniform Construction Code. The Borough of Nazareth hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 – 7210.1103, as amended from time to time, and its regulations.

§102. Adoption of Uniform Construction Code. The Uniform Construction Code contained in 34 PA code, Chapters 401 – 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Nazareth.

§103. Retention of Code Officials. Administration and enforcement of the Code within the Borough of Nazareth shall be undertaken by the retention of one or more construction code officials or third – party agencies to act on behalf of the Borough of Nazareth.

§104. Board of Appeals. A Board of appeals shall be established by resolution of council of the Borough of Nazareth in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§105. Ordinances, Regulations and Policies. All relevant ordinances, regulations and policies of the Borough of Nazareth not governed by the code shall remain in full force and effect.

§106. Fees. Fees assessable by the Borough of Nazareth for the Administration and enforcement undertaken pursuant to this ordinance and the code shall be established by council by resolution from time to time.

(Ord. 614, 12/6/1993, §101; as amended by Ord. 635, 8/5/1996; as amended by Ord. 659, 9/7/1999; as amended by Ord. 669, 11/6/2000; as amended by Ord 697, 6/7/2004)

Part 2

Adoption of International Property Maintenance Code

§201. Adoption of International Property Maintenance Code. A certain document, copies of which are on file in the office of the Borough Engineer, the office of the Borough Zoning Officer, the office of the Borough Solicitor, the Nazareth Memorial Library and the Northampton County Law Library, being marked and designated a "The International Property Maintenance Code, 2021 Edition", as published by the International Code Council, Inc., be and hereby is adopted as the Property Maintenance Code of the Borough of Nazareth in the Commonwealth of Pennsylvania; for regulating and governing the conditions and maintenance of all property, buildings 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 are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed in §2 of this Ordinance.

(Ord. 615, 12/6/1993, §301; as amended in Ord. 636, 8/5/1996; as amended by Ord. 660, 11/1/1999; as amended by Ord. 672, 11/6/2000; as amended by Ord. 698, 6/7/2004; as amended by Ord. 731, 2/5/2007; as amended by Ord. 789, 8/5/2013; as amended by Ord. 844; and as amended by Ord. 871, 7/5/2022.)

§202. Additions, Insertions and Changes. The International Property Maintenance Code is amended and revised in the following respects:

a. **§101.1. Title:** These regulations shall be known as the Property Maintenance Code of the Borough of Nazareth, hereinafter referred to as "this Code".

b. **§103.1. Creation of Agency.** The office of Code Official is hereby created and will act as the Code Department. The function of the Code Official shall be the implementation, administration and enforcement of the provisions of this code.

c. **§103.2. Appointment.** The Code Official shall be appointed by Council of the Borough of Nazareth.

d. **§104.1. Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be paid in accordance with the fee schedule as established from time to time by resolution of Council of the Borough of Nazareth.

e. **§108.1. Membership of Board.** The board of appeals shall be the Joint Board of Appeals of the Nazareth Council of Governments.

f. **§109.4. Violation penalties.** Any person who shall violate any provision of this Code or fail to comply therewith or with any of the requirements thereof shall, upon conviction thereof, be subject to a fine of not more than One Thousand (\$1,000.00) Dollars, and in default of payment, to imprisonment for not more than thirty (30) days. Every day that a violation of this Code continues shall constitute a separate offense.

g. **§302.4. Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 108.3 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 cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

h. **§304.14. Insect screens.** During the period from April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition. **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

i. **§602.3. Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 68°F. (20°C.) in all habitable rooms, bathrooms, and toilet rooms.

**Exceptions:**

(1) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code; and

(2) In areas where the average monthly temperature is above 30°F. (-1°C.), a minimum temperature of 65°F. (18°C.) shall be maintained.

j. **§602.4. Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65°F. (18°C.) during the period the spaces are occupied.

**Exceptions:**

(1) Processing, storage and operation areas that require cooling or special temperature conditions; and

(2) Areas in which persons are primarily engaged in vigorous physical activities. (Ord. 615, 12/6/1993, §302; as amended by Ord. 636, 7/1/1996; as amended by Ord. 660, 11/1/1999; as amended by Ord. 672, 11/6/2000; as amended by Ord. 698, 6/7/2004; as amended by Ord. 701, 9/7/2004; as amended by Ord. 731, 2/5/2007; and as amended by Ord. 789, 8/5/2013; as amended by Ord. 844, 3/4/2019; as amended by Ord. 857, 7/6/2020; and as amended by Ord. 871, 7/5/2022.)

Part 3

Quality of Life Ticketing Program

§301. Short Title. This Ordinance shall be known and may be cited as the "Quality of Life Ticketing Ordinance".

§302. Purpose. The purpose of this Ordinance is to provide, at the option of the Code Enforcement Officer of the Borough, a mechanism for issuance of a ticket prior to issuance of a non-traffic citation or notice of violation pursuant to the terms of a Covered Ordinance, to permit a Violator the choice of abating and correcting the violation and paying the ticket amount prior to the issuance of a non-traffic citation or notice of violation and the ensuing ordinance enforcement process which involves additional costs to the Borough and the Violator.

§303. Definitions.

**BOROUGH** — Borough of Nazareth, Northampton County, Pennsylvania.

**BOROUGH MUNICIPAL BUILDING** — The building containing the Borough's business offices located at 134 South Main Street, Nazareth, PA 18064 or other Borough business office address designated by the Borough on the violation ticket.

**CODE ENFORCEMENT OFFICER** — Police Officers or Code Enforcement Officers authorized by Resolution of Borough Council to uphold and enforce ordinances of the Borough.

**COVERED ORDINANCE** — Each Chapter of the Code of the Borough of Nazareth referenced in Section 304.B. Each Chapter is an ordinance of the Borough.

**PERSON** — Any individual, corporation, partnership, or any other entity recognized by law.

**REVIEW MEETING** — The review meeting conducted by the Borough Council Law Committee pursuant to Section 307 of this Ordinance.

**VIOLATOR** — any person in violation of a Covered Ordinance.

§304. Enforcement.

- A. The provisions of this Ordinance may be exercised by any Code Enforcement Officer.
- B. The following existing chapters and sections of the Code of the Borough of Nazareth are each hereby deemed and ordained to be a Covered Ordinance that are under the jurisdiction of this process at the discretion of any Code Enforcement Officer:

<b>Covered Ordinances</b>		
<b>QOL #</b>	<b>Description</b>	<b>Borough Code of Ordinance</b>
001	Animal Defecation Control	Chapter 2: Part 1, Part 2
002	Property Maintenance	Chapter 5: Part 2; IPMC
003	Signs in public right-of-way	Chapter 6: Part 3, Sec. 302
004	Health and Safety	Chapter 10
005	Refuse and Recyclables	Chapter 20
006	Sidewalks	Chapter 21: Part 2, Part 3

C. A determination by a Code Enforcement Officer that a violation of a Covered Ordinance exists is cause for a violation ticket to be issued to the Violator under this Ordinance.

D. A violation ticket shall be addressed to the name of the Violator and shall be served upon the Violator in the following manner:

1. By handing the violation ticket to the Violator;
2. By handing the violation ticket to an adult resident of the subject property;
3. By leaving or affixing the violation ticket to the property where the violation exists; or
4. By mailing the violation ticket to the Violator's address of record by first class mail with a certificate of mailing.

§305. Violation Ticket Disposition. A Violator that is served a violation ticket under this Ordinance shall have ten (10) calendar days within which time to abate and correct the violation specified by the ticket and pay the amount of the ticket to the Borough. In the event the Violator fails to abate and correct the specified violation and pay the ticket within the ten (10) calendar day period, such failure may result in the issuance of a non-traffic citation or notice of violation under the applicable Covered Ordinance for the violation enumerated on the violation ticket and any other code violations that may be identified by the Code Enforcement Officer. In the event a Violator chooses to abate and correct the violation and pay the ticket amount within the required ten (10) calendar days, the violation is timely resolved and the Violator will not be subject to the issuance of a non-traffic citation or notice of violation.

§306. Fines and Penalties.

A. For the first offense of a violation of a Covered Ordinance within a 12-month period, the violation ticket shall be issued in the amount of \$25.00.

B. For the second offense of a violation of a Covered Ordinance within a 12-month period, the violation ticket shall be issued in the amount of \$50.00.

C. For the third offense of a violation of a Covered Ordinance within a 12-month period, the violation ticket shall be issued in the amount of \$100.00.

D. For the fourth offense and all subsequent offenses of the violation of a Covered Ordinance within a 12-month period, the violation ticket shall be issued in the amount of \$300.00.

E. Non-payment of a violation ticket may result in a non-traffic citation or notice of violation being issued with the fine amount at the maximum fine amount per day pursuant to the applicable Covered Ordinance.

§307. Right to a Ticket Review. If the Violator named in the violation ticket (1) pays the fine amount indicated on the ticket and (2) submits a written request for a ticket review with the Borough, both within ten (10) calendar days of the ticket date, the Violator shall be entitled to a review of the circumstances of the issuance of the ticket with the Borough Council's Law Committee. A form for submitting a written request shall be available on the Borough website and at the Borough Administrative Office.

The review meeting shall take place at a Borough Law Committee meeting, the Borough Administrative Office, the location of the violation, or telephonically at the sole discretion of the Chairperson of the Borough Law Committee. The review meeting is an opportunity for the Violator requesting the review meeting to be heard by the Borough and present evidence to support their claim that the ticket should be rescinded or more time given to the Violator to abate and correct the violation. The length of the review

meeting, types of evidence accepted, and number of persons permitted to attend the review meeting shall be at the sole discretion of the Borough.

The Borough Law Committee has the authority to (a) rescind the violation ticket and direct the Borough refund the ticket amount or (b) provide the Violator additional time to abate and correct the violation set forth in the ticket. Written notice of the Committee's decision shall be provided in accordance with Section 304.D. of this Ordinance. In the event the Violator fails to abate and correct the violation within the additional period of time provided, if applicable, a Code Enforcement Officer may issue a non-traffic citation or notice of violation under the applicable Covered Ordinance for the violation enumerated on the violation ticket and any other violations that may be identified.

§308. Severability. If any provision, paragraph, word, section or subsection of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect.

§309. Codification. It is the intention of Council of the Borough of Nazareth that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Borough of Nazareth; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", "chapter", "part" or such other appropriate word or phrase in order to accomplish such intentions.

(Ord. 863, 4/2/2021)