

**BOROUGH OF CLARKS SUMMIT
COUNTY OF LACKAWANNA
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 2020-01**

**AN ORDINANCE ESTABLISHING A BOARD OF APPEALS UNDER
THE INTERNATIONAL PROPERTY MAINTENANCE CODE**

WHEREAS, the Borough of Clarks Summit (the “Borough”) adopted and enacted Ordinance No 2012-02 at its public meeting held on the 4th day of January 2012;

WHEREAS, through the enactment of Ordinance No. 2012-02, the Borough adopted the 2009 edition of the International Property Maintenance Code (“Maintenance Code”), which regulates and governs 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 in the Borough;

WHEREAS, through the enactment of Ordinance No. 2018-01, the Borough adopted Penalties for Violations of Ordinance No. 2012-02 and the Maintenance Code;

WHEREAS, Section 111.1 of the Maintenance Code provides that any person directly affected by a decision of a code official or notice or order issued under the Maintenance Code shall have the right to appeal to a board of appeals;

WHEREAS, Section 111.2 of the Maintenance Code provides that the board of appeals shall consist of a minimum of three (3) members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Borough; and

WHEREAS, pursuant to Section 111.2 of the Maintenance Code, the Borough Council shall appoint members to the board of appeal for staggered and overlapping terms.

NOW THEREFORE, it is hereby ORDAINED and ENACTED by the Council of the Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania, as follows:

Section 1. Establishment of Board of Appeals

The Borough Council hereby establishes a “Maintenance Code Board of Appeals” to adjudicate all appeals taken pursuant to Section 111 of the Maintenance Code. The Maintenance Code Board of Appeals will be comprised of at least three (3) members appointed by Borough Council and who will serve at the pleasure of Borough Council and in compliance with Section 111 of the Maintenance Code.

Section 2. Purpose

The purpose of the Maintenance Code Board of Appeals is to adjudicate all appeals taken pursuant to Section 111 of the Maintenance Code.

Section 3. Membership

Members of the Maintenance Code Board of Appeals will be appointed by Borough Council in conformance with Section 111.2 of the Maintenance Code and applicable law. No employee of the Borough may be appointed to the Maintenance Code Board of Appeals.

Section 4. Severability, Conflict and Amendment

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 subsections shall not be affected and shall remain in full force and effect. All relevant ordinances, regulations, and policies of the Borough of Clarks Summit, Pennsylvania not amended shall remain in full force and effect. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

Section 5. Effective Date

This Ordinance shall be effective immediately upon passage and approval in the manner prescribed by law.

ORDAINED AND ENACTED into an Ordinance this 5th day of February, 2020

Council of the Borough of Clarks Summit



GERMAINE CAREY
Council President

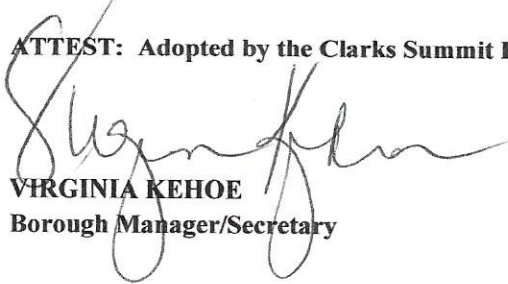
APPROVED:

Approved this 5th day of February, 2020



HERMAN JOHNSON
Mayor; Borough of Clarks Summit

ATTEST: Adopted by the Clarks Summit Borough Council this 5th day of February, 2020



VIRGINIA KEHOE
Borough Manager/Secretary

