

ORDINANCE NO. 540 OF 2026

AN ORDINANCE OF THE BOROUGH OF NEW WILMINGTON, LAWRENCE COUNTY, PENNSYLVANIA, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF NEW WILMINGTON; PROVIDING FOR ADMINISTRATION, ENFORCEMENT, APPEALS, PENALTIES AND BOROUGH-SPECIFIC AMENDMENTS; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 1202(15) of the Pennsylvania Borough Code, 8 Pa.C.S. §1202(15), authorizes the Borough Council to enact ordinances necessary for the proper management, care and control of the Borough and for the protection of the public health, safety and welfare;

WHEREAS, Borough Council has determined that the adoption of minimum standards governing the maintenance of buildings, structures, premises and property is necessary to protect the public health, safety and welfare, preserve property values, reduce blight, and promote the general welfare of the Borough and its residents;

WHEREAS, the Borough Council further finds that the International Property Maintenance Code, 2018 Edition, published by the International Code Council, Inc., establishes nationally recognized minimum standards for the maintenance of existing buildings, structures and premises and should be adopted, subject to the amendments contained herein.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Borough of New Wilmington, Lawrence County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 101. Background, Adoption and Administration

- A. Title. The title of this article shall be the Borough of New Wilmington Property Maintenance Code (and may be referred to as “NWPMC”).
- B. Authority. Authority for this Ordinance is found in Section 1202 (15) of the Pennsylvania Borough Code, 8 Pa. C.S. Sections 1202(15).
- C. Purpose. The property maintenance code is being adopted to establish recognized minimal standards for maintenance of property to protect the health and safety of residents and the public.
- D. Adoption of IPMC
 - 1. Adoption and Administration of the International Property Maintenance Code.
 - a. The International Property Maintenance Code, 2018 Edition, as published by the International Code Council, Inc. (herein referred to as the “IPMC”), is hereby adopted as the property maintenance code for the Borough of New Wilmington for the regulation and control of buildings, structures, premises and facilities except as specifically modified herein.

- b. The regulations, provisions, conditions and terms of the International Property Maintenance Code are hereby incorporated, adopted, and made a part hereof as if fully set forth in this code, with the additions, insertions, deletions, and changes as set forth in this article.
- 2. Applicability. Sections 101 and 102 of the 2018 IPMC pertaining to applicability of the NWPMC are hereby adopted in their entirety except as modified by this code.
- 3. Maintenance of Utilities. Section 102.2 of the 2018 IPMC shall be modified by appending the following sentence: Water, sanitary sewer, electric and natural gas systems that are required for habitability are specifically required to be maintained for any occupied dwelling.
- 4. Revise Section 102.3 of the 2018 IPMC to read as follows: Repairs, additions and alterations to a structure or changes in occupancy shall be done in accordance with the requirements of the Pennsylvania Uniform Construction Code, as amended from time to time.
- 5. Administration. This property maintenance code shall be administered and enforced by a code official appointed by the Borough Council and such deputies as may be authorized and appointed by the Borough Council.
- 6. Authority of Code Officials
 - a. As permitted by law, the code official and duly appointed deputies shall have those powers and responsibilities set forth in Sections 104, 105.1, 105.4, 105.5, 105.6, 108, 109, 110 and 112 of the 2018 IPMC hereby adopted as well as other provisions of this code.
 - b. Search Warrants. If, after proper notice and request, entry or access to property is refused, the code official may compel such access by applicable provisions of the Pennsylvania Judicial Code and Pennsylvania Rules of Criminal Procedure and this article. A court may issue a search warrant to the code official for purposes of inspecting or examining any property, premises, place, or physical evidence, to determine compliance with this code. Such warrant shall be issued upon probable cause. It shall be sufficient probable cause to show any of the following:
 - i. That the inspection, examination or test is pursuant to a general administrative plan to determine compliance with this code; or,
 - ii. That the code official has reason to believe that violation of this code has occurred or may occur, and that the code official has been refused access to the property, building, premises, place or physical evidence, or has been prevented from conducting tests.
- 7. Violations
 - a. Unlawful Acts. It shall be unlawful for any person to (1) cause or permit a condition to exist with respect to, maintain or fail to maintain, or use or occupy any structure, premises, or equipment, regulated by this code, contrary to or in violation of any of the provisions of this code; (2) provide or fail to provide any equipment or facilities regulated by this code in a manner contrary or in violation of the requirements of this code; (3) permit another person to use or occupy any structure, premises or equipment in violation of this code; or to cause such unlawful acts to occur; (4) fail to obey a lawful order of the code official; or (5) remove or deface a notice posted under the provisions of this code, or remove or interfere with safety barriers or devices.

- b. Notice of Violation. The code official shall serve a notice of violation or order in accordance with the requirements of Section 101(D)(9) below.
 - c. Action to Remedy Unlawful Act. If the persons responsible fail to take action to remedy a violation or to comply with a notice or order directing certain action to correct a violation, the code official may institute an action for imposition of a penalty in accordance with Section 101(D)(10) below or other sections of the code as applicable; or institute appropriate legal proceedings to restrain, correct or abate the violation; institute legal proceedings to remove persons from or to terminate occupancy of a structure in violation of the provisions of this code; or institute legal proceedings to enforce an order. In the case of an emergency, the code official may take immediate action to protect the public health, safety and welfare.
8. Recovery of Borough's Costs. In the event the Borough incurs expenses in conjunction with the correction or abatement of any violation which creates a serious health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with orders/notices issued by the code official, such expense including reasonable attorneys' fees and costs may be collected by means of a municipal lien against the subject property or by suit against the Persons Responsible for the violation or property, or in any other manner permitted by law.
9. Violation Notices and Orders
- a. Notice to Persons Responsible. When the code official determines that a violation exists, except as otherwise provided in this code, notice shall be given in the manner set forth below to the owner of the property, any person in possession of the property, or any other person responsible for the property or the violation.
 - b. In the event the code official determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the code official shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with notice of any notices and orders affecting said property.
 - c. Form of Notices. Notices shall:
 - i. Be in writing.
 - ii. Include a description of the real estate sufficient for identification.
 - iii. Include a statement of the violation or violations and why the notice is being issued.
 - iv. Include a correction order, stating a reasonable time to take corrective action or to make the repairs and improvements required to bring the premises or structure into compliance with the provisions of this code (thirty days unless a longer time is specifically provided herein).
 - v. Inform of the right to appeal.
 - vi. Include a statement regarding the Borough's right to take corrective action under certain circumstances, recover the costs and to seek penalties as permitted by the code and the law.
 - d. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

- i. Delivered personally; or
 - ii. Sent by certified mail addressed to the last known address; or
 - iii. Sent by first-class mail addressed to the last known address; or
 - iv. A copy thereof posted in a conspicuous place on or about the structure or premises affected by such notice.
- e. If two notices of violation are issued in any 12-month period for the same or substantially similar type of violation at the same property against the same person, no additional notice of violation is required to be issued prior to seeking corrective action and penalty as permitted by the code and the law, even if the violation(s) that were the subject of the said prior notices of violation were rectified in accordance with the requirements contained in the prior notices of violation. Persons responsible shall have the opportunity to be heard in any court proceeding instituted for imposition of a penalty for violation.

10. Penalties

- a. Any person who violates a provision of this code, or who fails to comply with any of the requirements of this code, or who fails to comply with an order issued by the code official, shall, except as otherwise specifically provided in this code, be subject to a fine or penalty as follows:
 - i. No less than \$100.00 and no more than \$1,000 for the first two continual and uncorrected violations of the same provision of the code on the same property.
 - ii. No less than \$100.00 and no more than \$5,000 for the third and any subsequent, continual and uncorrected violation of the same provision of the code on the same property.
 - iii. No more than one citation may be issued per five calendar days for a continual and uncorrected violation of the same provision of this code on the same property.

11. Enforcement Proceedings. Enforcement proceedings may be instituted by the code official or duly appointed deputies with the approval of the code official by citation or complaint in the manner provided by the applicable Pennsylvania Rules of Criminal Procedure, Rules 402 through 424, or amendments thereto, and the provisions of this code.

12. Appeals. Means of Appeal, Section 111 of the 2018 IPMC, is not adopted. The Right of Appeal shall be, as follows:

- a. The property owner, upon receiving notice of Violation from the Code Official, may appeal the determination to the Borough Council. This right to appeal does not include any appeal under the Uniform Construction Code.
- b. The property owner shall file a written appeal within 30 days of the date of the first notice of the decision or order of the Code Official. The appeal shall be filed, along with the fee set by the Borough, in the Borough office.
- c. The Borough Council shall hold a Local Agency Law hearing within 30 days of such appeal and may affirm, reverse or modify the decision or order appealed from. The Borough Council may impose, as part of its decision, any conditions and safeguards necessary in order to protect the public health, safety and

welfare or to protect private or public property and to promote the objectives of this chapter.

- d. The Borough Council shall render a written decision within 15 days after the last hearing. Notice of the final decision shall be delivered to the property owner no later than the day following the date of the decision. The service of such notice shall be made upon the owner or occupant of said premises either by delivering the same to such owner or occupant personally or by delivering the same to such owner or occupant through certified mail or by delivering same to and leaving it with an adult person in charge of such premises.
- e. Court Review: An aggrieved person may take an appeal to the appropriate court from the decision of the Borough Council in accordance with the applicable provisions of law.

13. Specific Chapter 1 Deletions

The following sections of the 2018 IPMC are specifically not adopted or included as part of the New Wilmington Borough Property Maintenance Code: 103, Department of Property Maintenance Inspection; 105.2 Alternative materials, design and methods of construction and equipment; 105.3 Required testing; 106 Violations; 107 Notices and orders; 111 Means of Appeal; 112 Stop Work Order.

Section 201. Definitions

- A. Sections 201 of the 2018 IPMC, “General” and Section 202, “General Definitions,” are adopted in their entirety, with the following additions and modifications.
- B. Remove reference to International Zoning Code in Section 201.3 of the 2018 IPMC.
- C. The following definitions are added to the definitions in Section 202 of the 2018 IPMC. Where such term is already present, it is hereby amended to reflect the language in this Subsection:
 1. “Code Official” means the person appointed by the Borough Council to administer and enforce the Property Maintenance Code, and any duly appointed Deputies.
 2. “Chief Appointing Authority” means the New Wilmington Borough Council.
 3. “Chief Administrative Officer” means the Borough Administrator.
 4. “Code” or “NWPMC” means the Property Maintenance regulations adopted by this Ordinance as same may be amended and the International Property Maintenance Code published by the International Code Council, 2018 Edition, as adopted and modified by this Ordinance.
 5. “Junk” means any used and discarded or abandoned materials or articles including, but not limited to, boats, trailers, machinery, equipment, appliances, house furnishings, structures, recreational equipment, building materials and debris, vehicle parts, rimless tires, the scrap and parts thereon and any other article or material which has been discarded and is not generally useable for the purpose for which it was manufactured.
 6. “Deemed junk” means materials or articles including, but not limited to grills, building materials, toys, household goods, lawn mowers and similar equipment, machinery, appliances, house furnishings, structures, vehicle parts, and any other article or material which has not been stored in compliance with the following standards, and remained unused for a period of more than 180 days, whether or not it is still generally useable for the purpose for which it was manufactured. Such materials must be stored: (a)

Within an enclosed building or structure in a manner which does not violate any other law and regulation and which does not cause a public health or safety hazard or public nuisance; or (b) on a site at least ten (10) feet from all adjoining properties and twenty-five (25) feet from adjoining public roadways and water courses, and positioned or maintained in such a manner as to be screened from the view of adjoining properties and adjoining public roadways with screening as defined herein and so as not to cause a public health or safety hazard or public nuisance.

7. "First or Ground Floor" means the first level of the building, fronting on a street, with a finished floor not lower than two feet below the level of the street. In the case of corner buildings where there is a grade change, there may be two levels that are both first/ground floors.
8. "Jurisdiction" means the Borough of New Wilmington.
9. "Person" means any individual, partnership, corporation, association, institution, cooperative enterprise, governmental entity or agency, or any other legal entity which is recognized by law. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.
10. "Responsible Person" or "Person Responsible" means any owner, renter, tenant, lessor, lessee, manager, agent or any fiduciary or person with power of attorney or other person who is occupying or having charge of, possession or control of the premises or has the authority and ability to act on behalf of, or in the interest of, the owner.
11. "Screening" means a fence, evergreen hedge or wall at least six feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bushes or trees or of a constructed fence or wall.

Section 301. General Standards

A. IPMC Chapter 3, "General Requirements," is adopted as follows:

1. Section 301 "General" is adopted.
2. Section 302 "Exterior Property Areas" including subsections, is adopted with the following revisions:
 - a. Section 302.4, entitled "Weeds" is not adopted. Replace with "Vehicular and Pedestrian Traffic Obstructions." Trees, plants, shrubs and other obstructions which constitute a traffic hazard as set forth below shall be removed or cut back to remove the obstruction. Obstructions subject to this requirement include those which restrict the stopping sight distance for drivers of through vehicles or the available corner sight distance for drivers entering from side roads or driveways to less than the appropriate minimum stopping sight distance or minimum corner sight distance standards as established by recognized traffic safety organizations or those contained in the borough zoning ordinance, whichever is more restrictive. Also subject to this requirement are trees, plants, shrubs and other obstructions which overhang the public sidewalk within eight (8) vertical feet of grade or overhang a curb or cartway of a public street within fourteen (14) vertical feet of grade.
 - b. Section 302.8, entitled "Motor Vehicles," is amended to read as follows:
302.8 Motor Vehicles. For the purposes of this section, "motor vehicles" shall include any vehicle or conveyance that is required by the Commonwealth of

Pennsylvania to be inspected, licensed, registered or plated to legally traverse public roadways. This includes but is not limited to motorcycles, cars, trucks, campers, trailers and recreational vehicles as required by law.

- i. 302.8.1 No vehicle without current registration or inspection shall be parked or stored outside of a building or enclosure for more than sixty (60) days.
 - ii. 302.8.2 No vehicle in any state of disassembly, such as but not limited to, a vehicle with a wheel or tire removed for repair; nor any vehicle in a state of disrepair or damage, including in need of substantial repairs or body; shall be stored on a site for more than sixty (60) days, unless it is stored at least ten (10) feet from all adjoining properties and twenty-five (25) feet from adjoining public roadways and water courses, and positioned or maintained in such a manner as to be screened from the view of adjoining properties and adjoining public roadways with screening as defined herein and so as not to cause a public health or safety hazard or public nuisance.
 - iii. 302.8.3 The prohibitions in Sections 302.8.1 and 302.8.2 above shall not apply where such vehicles are parked and stored in specifically designated and approved outdoor areas in conjunction with a properly permitted and licensed vehicle repair business on the condition that the storage area is properly screened and secured, and that vehicles and parts stored on the premises are not stored for more than (90) days. Screening shall be provided as defined herein.
- c. The following sections shall be added:
 - i. 302.10 Maintenance or Storage of Junk. No debris or junk shall be maintained, stored or accumulated on any property unless it is maintained, stored or accumulated within an enclosed building or structure in a manner which does not violate any other law and regulation and which does not cause a public health or safety hazard or public nuisance.
 - ii. 302.11 Outdoor Storage of Interior Furniture. Furniture or household furnishings which deteriorate if exposed to rain or snow or are susceptible to infestations by insects, rats or other vermin may not be placed or stored outside, including on open or roofed decks and open or roofed porches. Such prohibited furniture shall include, but is not limited to, upholstered couches and chairs, davenports, mattresses, sofas and other interior-type fabric-covered articles not designed or intended for use in an exterior area.
 - iii. 302.12 Rubbish and Garbage.
 - (1) No rubbish or garbage shall be accumulated or stored outside of an enclosed building or structure, except in appropriate containers which are set outside for collection in the manner required by Chapter 194, Solid Waste, of the New Wilmington Borough Municipal Code. Appropriate containers are those receptacles or bags as required by the Borough regulations with contents secured to keep the contents from being scattered or leaked.
 - (2) All rubbish and garbage accumulated or stored inside of an enclosed building shall be regularly disposed of by use of a refuse collection service or other lawful means.

- (3) No rubbish or garbage shall be accumulated or stored inside an enclosed building so as to create a nuisance.
- iv. 302.13 Disposal of Certain Materials. No person shall deposit, or cause to be deposited, any refuse, garbage, offal, pomace, dead animals, decaying matter or similar substance of any kind in or upon any premises, building or structure, so that the same shall may afford food, harborage or breeding areas for animals or insects, or cause a nuisance.
3. Section 303, “Swimming Pools, Spas and Hot Tubs,” is adopted, including all subsections.
- i. The following is added to the end of Section 303.2, entitled “Enclosures,” as follows: Swimming pools whose sides are at least forty-eight (48) inches in height above the finished ground level and provide approved access prevention measures, including but not limited to, removable or lockable ladders or decks with gates that meet the requirements of this Section, are exempt from the fence or barrier requirement.
4. Section 304 “Exterior Structure” is adopted, including subsections, except as modified below:
- a. Append to Section 304.1 as follows: “Unapproved materials may not be used for repair or construction of any building, structure or appurtenance thereof for a period of more than 90 days. Such unapproved materials include, but are not limited to, tarps, house or building wrap or plastic sheeting.”
- b. Add Section 304.7.1 to read: Rainwater leaders, yard drains, footer drains, downspouts, roof drains, subsoil drains, French drains, sump pumps or other equipment discharging stormwater or groundwater shall not empty water in a manner that allows the discharged water to enter or drain directly into or onto a public sidewalk, a street or public right-of-way. This restriction shall not apply to downspouts, roof drains or other conveyances carrying only stormwater that empty into a street that were in place prior to the adoption date of this code as evidenced by a curb hole, duly issued permit or other documentation.
- c. Replace Section 304.14 “Insect Screens” with the following:
- 304.14 Windows. All windows must be fitted with framed glass or plexiglass. Broken windows may be covered with plywood or similar boarding material on an emergency basis for no more than 120 days while arrangements are being made to replace or repair the window. Sealing a window opening with boards or masonry or other materials that are not glass/plexiglass windows with frames and glazing shall not constitute good repair or an acceptable property condition and shall be a violation of this Code.
- 304.14.1 Windows in the Commercial District. All first or ground floor windows facing a street in the Commercial District (except windows into a permitted residential use) shall provide views to allow people to see and be seen for passive security and to encourage pedestrian activity and district viability. Windows must be constructed of clear or lightly tinted glass. Reflective glass and tinting above twenty percent (20%) is prohibited on ground floors.
- 304.14.2 Window Display or blinds: If a business chooses not to offer a clear view into the building as provided above (due to privacy, layout constraints, an open office setting, etc.),

all storefronts and windows on the first or ground floor facing a street must feature decorative window displays or artwork, depicting an artistic, cultural, educational, historical, municipal or other community related theme, high-quality showcases of products sold at the location, or a decorative screen, blind or curtain covering the storefront or window.

304.14.3 Vacant buildings: Any commercial property located on the first or ground floor that is vacant (defined as not open for commercial/retail activity for more than thirty (30) days) must install or maintain a decorative window display or a screen, blind or curtain in all storefronts and windows.

304.14.4 Actions Prohibited: No storefront or window shall be covered with paper including butcher/craft paper or black paper, plastic, tarps, sheets or other material not designed as window covering and no soaping of windows is permitted. Storefronts and windows must be kept clean and clear of debris, dirt, grime, bird droppings, graffiti, and the like.

d. Replace Section 304.15 “Doors” with the following:

304.15 Doors. Exterior doors, door frames, and hardware shall be maintained in good condition. Locks shall tightly secure all exterior doors. Broken door openings may be secured with plywood or similar boarding material on an emergency basis, but for no more than thirty (30) days while arrangements are being made to replace the door. Sealing an exterior door opening with boards or masonry or any materials other than an exterior door with a frame and lock shall not constitute good repair or an acceptable property condition and shall be a violation of this Code. Locks on means of egress doors shall be in accordance with Section 702.3.

5. Section 306 “Component Serviceability” including subsections, is adopted.
6. Section 308 “Rubbish and Garbage” including subsections, is adopted.
7. Section 309 “Pest Elimination” including subsections, is adopted.

Section 401. Light, Ventilation and Occupancy Limitations.

- A. IPMC Chapter 4, Light, Ventilation and Occupancy Limitations, is not adopted.

Section 501. Plumbing Facilities and Fixture Requirements

- A. The following sections of IPMC Chapter 5, Plumbing Facilities and Fixture Requirements are adopted: Section 501 “General” including subsections; Section 504 “Plumbing Systems and Fixtures” Subsection 504.1 “General”; Section 505 “Water System” Subsection 505.1 “General”; Section 506 “Sanitary Drainage System”, including subsections, and Section 507 “Storm Drainage”.

Section 601. Mechanical and Electrical Requirements

- A. The following sections of IPMC Chapter 6, Mechanical and Electrical Requirements, are adopted: Section 601 “General” including subsections; Section 603.1 “Mechanical equipment and appliances” and Section 605.1 “Installation”

Section 701. Fire Safety Requirements

- A. The following sections of IPMC Chapter 7, Fire Safety Requirements, are adopted: Section

704.6, “Single- and Multiple-Station Smoke Alarms” is adopted in its entirety.

Section 801. Repealer and Severability

- A. Any and all prior Ordinances or portions of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.
- B. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the North Sewickley Township Board of Supervisors that such determination shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Board of Supervisors that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

Section 901. Effective Date This Ordinance shall take effect immediately.

DULY presented and adopted at a meeting of the Council of New Wilmington Borough, Lawrence County, Pennsylvania, this 3rd day of August, 2026.

ENACTED and ORDAINED this 3rd day of August, 2026.