

ORDINANCE NO. 2013- 399

BOROUGH OF HARMONY
BUTLER COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE BOROUGH OF HARMONY,
BUTLER COUNTY, PENNSYLVANIA, AMENDING CHAPTER SEVEN OF THE
BOROUGH OF HARMONY CODE OF ORDINANCES TO PROVIDE FOR FIRE
PREVENTION INSPECTIONS OF COMMERCIAL BUILDINGS AND MULTI UNIT
BUILDINGS**

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Harmony, Butler County, Pennsylvania, the Borough Council has determined it necessary to annually inspect commercial buildings and multi unit buildings for the purpose of ascertaining and causing to be corrected any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

WHEREAS, Chapter Seven of the Borough of Harmony Code of Ordinances is amended to add Part Four, Fire Prevention Inspections of Commercial Buildings and Multi Unit Buildings.

NOW, THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Harmony as follows:

SECTION 401: DEFINITIONS

Commercial building. Commercial building is defined as any building subject to the requirements of the building and fire codes approved for an occupancy use other than residential occupancy, including industrial buildings. For buildings with mixed occupancy uses inclusive of residential occupancy, the provisions of this article shall apply to the non-residential occupancy portions of the buildings.

Multi unit building. Multi unit building is defined as any building designed exclusively for residential purposes for two or more families. Multi unit buildings do not include townhouses or multi unit condominium buildings.

SECTION 402: CERTIFICATE OF REGISTRATION

The owner of any commercial or multi unit building shall obtain an annual renewable certificate of registration. No building, or in the case of a mixed occupancy building, portion of a building, shall be occupied without a valid certificate of registration. The annual renewable certificate of registration will be charged annually at the cost set by Council by Resolution. The certificate of registration fee will be reviewed annually.

SECTION 403: ISSUANCE OF CERTIFICATE OF REGISTRATION

A certificate of registration shall be issued each year after the payment of the annual fee as required in Section Two. The Borough's third party inspection agency or a designee may inspect the commercial to determine its conformity with the International Fire Code. The Borough's Code Enforcement Officer or a designee may inspect multi unit buildings to determine its conformity with the International Fire Code. The owner and tenants of the building shall cooperate in facilitating any inspections. Administrative citations may be issued for noncompliance after the due date of any duly-issued order. A certificate of registration is required one (1) year after initial occupancy of any commercial or multi unit building and each year thereafter and is required annually for any existing commercial or multi unit building. This certificate of registration shall be posted in a conspicuous place on the premises and shall not be removed except by the Borough's third party inspection agency or designee. That certificate shall contain the following information:

- 1) The building certificate number.
- 2) The address of the building
- 3) The name and address of the owner.
- 4) A description of the portion of the building for which the certificate is issued.
- 5) The name of the building contact or official.

SECTION 404: RENEWAL REQUIRED

(a) The Borough's third party inspection agency and the Borough's Code Enforcement Officer shall schedule on a rotating basis annual inspections of commercial or multi unit buildings subject to the provisions of this Ordinance. Should the results of an inspection show that the commercial or multi unit building fails to comply with the International Fire Code, the Borough's third party inspection agency or the Borough's Code Enforcement Officer shall notify the owner of the deficiencies. The third party inspection agency or the Borough's Code Enforcement Officer shall take the necessary action to identify deficiencies and cause all fire and life safety hazards to be abated.

(b) *Denial, suspension and revocation.* The Borough's third party inspection agency or the Borough's Code Enforcement Officer may suspend or revoke a certificate of registration issued under the provisions of this Ordinance when the certificate is issued in error, when incorrect information is supplied, or when the commercial or multi unit building or portion thereof is in violation of the International Fire Code. Whenever a certificate of registration is denied, suspended or revoked, the owner or operator of the commercial or multi unit building shall be notified in writing. The notice shall be served upon the owner or operator of the commercial or multi unit building in person or by first-class mail, and shall also be posted on the building in a conspicuous place. The notice shall inform the owner or operator that the determination may be appealed to Borough Council within twenty (20) days of the date of the notice. If an appeal is received within the twenty (20) day period, the hearing before Borough Council shall take place within a reasonable period thereafter.

(c) *Vacation of building.* If the owner or operator of a commercial or multi unit building fails to renew a certificate of registration, or if the certificate is denied, suspended or revoked, the Borough's third party inspection agency or the Borough's Code Enforcement Officer may vacate the building after providing seventy-two (72) hours' notice to vacate. The notice shall be provided in writing to the owner or operator of the building and shall be posted on the building in a conspicuous place.

SECTION 405: ENFORCEMENT AND PENALTIES

Any owner or occupant that fails to comply with an order to comply or abate a violation of any applicable code or standard shall be subject to a forfeiture of not less than \$50.00, nor more than \$300.00, upon conviction, plus the cost of prosecution. Each day during which an owner or occupant fails to comply or abate shall constitute a separate offense.

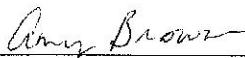
SECTION 406. EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment and approval.

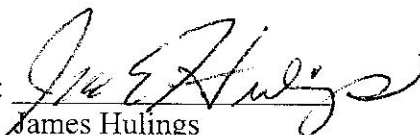
ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF HARMONY
THIS 7th DAY OF MAY, 2013.

ATTEST

BOROUGH OF HARMONY

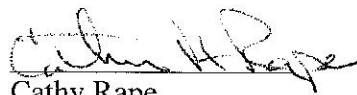


Amy Brown
Secretary

By: 

James Hulings
Council President

EXAMINED AND APPROVED BY ME THIS _____ DAY OF _____,
2013.



Cathy Rape
Mayor