

**BOROUGH OF ZELIENOPE**  
**COUNTY OF BUTLER**  
**COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. #881-22**

**AN ORDINANCE OF THE BOROUGH OF ZELIENOPE, COUNTY OF BUTLER, IN THE COMMONWEALTH OF PENNSYLVANIA, PROVIDING GUIDELINES FOR COMMERCIAL INSPECTIONS WITHIN THE BOROUGH.**

**WHEREAS**, in order to promote and protect the health, safety and welfare of the residents of the Borough of Zelienople, Butler County, Pennsylvania (the “Borough”), the Borough has determined that it is necessary to inspect and license commercial structures within the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF ZELIENOPE, BUTLER COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF THE SAME AS FOLLOWS:

**SECTION ONE: SCOPE**

The provisions of this chapter shall govern the procedures for a Certificate of Occupancy for all commercial structures within the boundaries of the Borough of Zelienople. It is the purpose of this article and the policy of the Borough of Zelienople, in order to protect and promote the public health, safety and welfare of the residents and citizens of the Borough of Zelienople, as well as the work force, regardless of residency, to establish rights and obligations of commercial building owners and tenants relating to the maintenance and upkeep of the commercial buildings and structures throughout the borough.

**SECTION TWO: COMMERCIAL BUILDING/STRUCTURE DEFINITION**

(1) any structure, building or property that is not used or intended for use for residential occupancy; (2) any area in a residential building containing more than 10 dwelling units that is not integral to, and/or a contiguous part of, a dwelling unit. Such areas include, but are not limited to, mechanical rooms, lobbies, hallways, community rooms, laundry rooms, and the exterior property. Building areas covered under tenant/owner common area maintenance (CAM) agreements shall not be considered part of a dwelling unit; and/or (3) day care services as defined within this code.

### **SECTION THREE: APPLICATION FORMS**

Applications may be obtained by the public at the Code Enforcement Office or Borough website. The applicant must include the name of the owner as it appears on the deed to the property, and the name of business of each tenant. If the Owner or Tenant is a trustee, estate, corporation or other entity, the applicant shall also include the current name and address of the trustee, executor/administrator or registered agent and the registered agent's address as may be set forth in the legal documents of the entity or formation papers of the corporation and any amendments thereto. The applicant shall attach to the application a copy of the legal documents of formation and any amendments thereto, to show evidence of the registration and the name and address of the registered agent.

#### **a. Application**

The application prescribed by the municipality to request the code enforcement officer to inspect a commercial or industrial building or other space to determine compliance or non-compliance with the provisions of the adopted International Property Maintenance Code or any other applicable ordinances of the municipality. The application will be sent out at term-end and require 30 days for completion.

#### **b. Certificate of Inspection**

A certificate issued by the code enforcement officer demonstrating that a commercial or industrial building or space is in full compliance with the provisions of the adopted International Property Maintenance Code and any other applicable ordinances of the municipality, and which also permits occupancy in such structure, by those person(s) or entities included in the application.

### **SECTION FOUR: REQUIREMENTS**

#### **a. When Required**

A Commercial Certificate of Inspection must be obtained by the owner for each commercial unit within commercial or industrial buildings located within the Borough Zelienople. The Certificate of Inspection shall certify that said property is in compliance with all of the provisions of the adopted International Property Maintenance Code and all other applicable ordinances of the Borough of Zelienople. Commercial Certificate of Inspection will expire after a three-year (1.095 days) term and owner be required to complete application to re-inspect in order to continue compliance, at three-year (1.095 days) term end.

#### **b. Certificate of Inspection**

An application shall be filed in the form prescribed by the Code Enforcement Officer, and shall include the Tenant, or other designated agents.

1. A Commercial Certificate of Inspection shall be issued by the municipality upon the inspection by the code enforcement officer of that portion of the property to be occupied and any

common area, exterior property, accessory structures or other improvement affecting the occupancy, provided such inspection finds that it complies with all of the provisions of the adopted International Property Maintenance Code and all other applicable Ordinances of the Borough of Zelenople.

2. A Conditional or Temporary Certificate of Inspection may be issued, in the discretion of the Code Officer, for buildings, units or structures which are not in full compliance with the provisions of the adopted International Property Maintenance Code or any other applicable ordinances of the Borough of Zelenople, provided that the code deficiencies do not impair the habitability of the structure or impinge on the health, safety or general welfare of the owner-occupant.

**c. Special/Emergency Inspections**

Inspections may be requested or required to be made during non-regular business hours (hours in which the Code Enforcement Department is closed) at an additional fee.

**SECTION FIVE: INSPECTION FEES**

**Fees for Initial Certificate of Commercial Inspection**

Registration and Inspection:       \$0

Operating a rental unit without Registration and License:   \$500 Fine per Unit in addition to the appropriate citations, court costs and daily fines for each day that the violation continues to exist.

**Reinspection**

Reinspections shall be limited to violations set forth in the prior inspection report and any additional life safety, habitability or statutorily mandated violations inspections that may be evident or mandatory at the time of the reinspection. If the prior violations are not corrected, or life safety, habitability or statutorily mandated code requirements are evident, the Code Officer shall note the violations on the inspection form and fail the inspection. The applicant would be required to complete the repairs and apply for another reinspection. All reinspections must be performed within 30 days of the original inspection date. Inspections not completed within the 30 days will be considered void and require a new application and fee to be submitted. A 30 day extension may be granted by the code enforcement officer upon receipt of a written request.

**SECTION SIX: PENALTIES**

Any person who shall violate a provision of this Ordinance or shall fail to comply with any requirements hereof, or who or which shall be in violation of any directive of the code enforcement officer to cure a violation of this Ordinance, shall, upon conviction thereof, before the magisterial district judge having jurisdiction in the Borough of Zelenople, be liable for the

fees for activities and services performed in carrying out its responsibilities under this Ordinance shall be set by separate fee ordinance or resolution and may be amended from time to time.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

Nothing within this penalty section shall serve to hamper the rights of the code enforcement officer of the Borough of Zelienople to take any and all necessary legal action to force the abatement of any violation and/or nuisance which is discovered and/or known by the code enforcement officers as a result of any information received or observed, including, but not limited to, the temporary or permanent closure of the commercial building, or any other rights or remedies which are permissible under any other code or ordinance of the Borough of Zelienople or law of the commonwealth of Pennsylvania. If deemed necessary to protect the health, safety and welfare of citizens of the Borough of Zelienople, the code enforcement officer may order a commercial building to be closed to the public, pending abatement of any violation, and/or shall have the power to abate a violation on behalf of the property owner and seek reimbursement from said property owner. The above referenced penalties shall be in addition to the course of action taken by the code enforcement officer.

Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

### **SECTION SEVEN: APPEALS**

Any person aggrieved by any action or decision of the Building Inspector or Code Enforcement Officer concerning the administration of the provisions of this ordinance may appeal to the Zelienople Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Building Inspector or Code Enforcement Officer.

Upon receipt of such appeal the Zelienople Borough Council shall consider the appeal in accordance with the International Property Maintenance Code and any other local ordinance.

Any person aggrieved by any decision of the Zelienople Borough Council may seek relief therefrom by appeal to the Court of Common Pleas of Butler County, as provided by the laws of this state.

**SECTION EIGHT: SEVERABILITY**

Any ordinance or part thereof in conflict herewith is hereby repealed to the extent of said conflict.

**ORDAINED AND ENACTED INTO LAW BY THE BOROUGH COUNCIL OF THE BOROUGH OF ZELIENOPE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.**

**WITNESS:**

**BOROUGH OF ZELIENOPE**

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**DONALD C. PEPE,  
ZELIENOPE BOROUGH MANAGER**

**BY:** \_\_\_\_\_

**MARY E. HESS,  
PRESIDENT, ZELIENOPE COUNCIL**