BOROUGH OF OAKMONT
ORDINANCE NO. O2 of 2024

AN ORDINANCE AMENDING THE OAKMONT BOROUGH CODE OF ORDINANCES, CHAPTER 147, PROPERTY MAINTENANCE, UPDATING APPEAL PROCEDURES

WHEREAS, the Borough's Property Maintenance Ordinance requires that any appeals of the International Property Maintenance Code be brought in front of a Board of Appeals; and

WHEREAS, the Borough does not have such a Board established and does not feel that establishing the same is necessary; and

WHEREAS, Borough Council desires to have any International Property Maintenance Code appeals be heard by Borough Council.

NOW THEREFORE, the Council of the Borough of Oakmont ordains that the Oakmont Borough Property Maintenance Ordinance, Chapter 147 of the Oakmont Borough Code of Ordinances, be amended as follows:

A. § 147-3(I) shall be repealed and replaced with the following:

I. Section 111 "Means of Appeal," shall be amended by deleting Sections 111.1, 111.2, 111.3, 111.4, 111.5, 111.6, 111.7 and 111.8 in their entirety and replacing them with the following

111.1. Application for Appeal. Any person aggrieved by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal, within twenty (20) days after the date of the decision, notice or order appealed from, to the Oakmont Borough Council for a hearing in front of Council. Such appeal shall be filed in writing, shall state the grounds for appeal, be accompanied by the required appeal fee, as may be set by Resolution, and shall be processed and heard in accordance with the Local Agency law. All advertising and court reporter costs resulting from the appeal will be paid by the appellant prior to commencement of the appeal hearing.

111.2. All appeals under the Property Maintenance Code must be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not apply, that the requirements of this Code are satisfied by other means or that the strict application of the Code would cause an undue hardship due to the unique circumstances involving the property in question such that strict application of the Code would prevent the property owner or occupant from making reasonable use of the property.

111.3. The appeal tribunal may consider the following factors in deciding a claim of hardship:

111.3.1. Whether the owner or occupant has complied with prior orders or agreements covering maintenance of the property;

111.3.2. Whether the owner or occupant has a history of investment or improvement at the property;

111.3.3. Whether the cost of repair or compliance is reasonable in relation to the value of the property and the danger presented by the property;

111.3.4. Whether enforcement of the Code would result in a taking without compensation;

111.3.5. The length of time any violations have existed;

111.3.6. Degree of mitigation attempted;

111.3.7. Number and severity of violations at the property;

111.3.8. Visibility of violations from the street and neighboring properties;

111.3.9. Existence of similar conditions at neighboring properties;

111.3.10. Danger presented by the violations to children or the sick or elderly.

111.4. The appeal tribunal shall have no authority to waive requirements of the Property Maintenance Code except upon a finding of undue hardship made pursuant to Sections 111.1, 111.2 and 111.3.

111.5. The appeals tribunal shall decide appeals based on the vote of a majority of a quorum of the board.

111.6. A timely filed appeal shall stay the enforcement of the matter appealed until the appeal tribunal has ruled, except where the matter appealed from involves "Imminent danger" under § 901.1 in the opinion of the Code Official.

II. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.

III. Severability. It is intended that the provisions in this Ordinance are severable and if any provisions are held or declared illegal, invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections.

IV. Effective Date. This Ordinance shall be effective immediately upon adoption and shall be further in effect prior to adoption as a pending ordinance as of the date of publication of notice to the public that the Borough Council has resolved to consider such an Ordinance.

THE BOROUGH OF OAKMONT ALLEGHENY COUNTY, PENNA.

BE IT ORDAINED AND ENACTED this 17th day of June, 2024.

ATTEST:

BOROUGH OF OAKMONT

Secretary

By: _____
President, Borough Council

Examined and approved the _____ day of _____, 2024.
This Ordinance recorded in the Borough Ordinance book at Volume/Page _____, on _____, 2024, by the undersigned.

_____
Borough Secretary

_____
Mayor, Borough of Oakmont