

BOROUGH OF CALIFORNIA
COUNTY OF WASHINGTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 543

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON
COUNTY, COMMONWEALTH OF PENNSYLVANIA, IMPLEMENTING AND
ADOPTING PROVISIONS OF ACT 70 OF 1998, KNOWN AS THE MUNICIPAL
HOUSING CODE AVOIDANCE ACT.**

WHEREAS, Act 70 of 1998 was enacted to make multiple violations of the same section of municipal codes or ordinances for the same property a misdemeanor crime; and

WHEREAS, there are certain properties in the Borough of California that are constantly being cited for violations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of California, County of Washington, Commonwealth of Pennsylvania, and by this Ordinance it is hereby ordained and enacted as follows:

SECTION 1. IMPLEMENTING AND ADOPTING PROVISIONS OF ACT 70 OF 1998.

The Borough of California hereby implements and adopts the provisions of 18 Pa.C.S.A. § 7510 as a crime within the Borough of California pursuant to Act 70 of 1998 known as the Municipal House Code Avoidance Act:

§ 7510. Municipal housing code avoidance

(a) Offense defined.--A person commits the crime of municipal housing code avoidance if:

- (1) the person has been convicted of a fourth or subsequent violation of the same subsection of a municipal housing code for the same property;
- (2) the violation has been continual and uncorrected;
- (3) the violation poses a threat to the public's health, safety or property; and
- (4) no reasonable attempt has been made by the person to correct the violation.

(b) Grading.--Municipal housing code avoidance shall constitute a:

- (1) Misdemeanor of the second degree when the offense is a fourth conviction of a violation of the same subsection under a municipal housing code relating to the same property.

(2) Misdemeanor of the first degree when the offense is based on five or more convictions of violations of the same subsection under a municipal housing code relating to the same property.

(c) **Definition.**--As used in this section, the term "municipal housing code" means any of the Borough's building, housing or property maintenance code or ordinance.

SECTION 2. SAVINGS CLAUSE.

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, such shall not affect the remainder hereof, which shall remain fully binding, valid and enforceable, and such section, provision or other part shall be modified to the extent necessary to so conform to the law.

The Borough Council of the Borough of California hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to the law.

SECTION 3. REPEAL OF PRIOR ORDINANCES.

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. The remaining prior Ordinances and portions of prior Ordinances, not modified herein, shall remain the same.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 13 day of March, 2014.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Evans
Borough Secretary

By: Patricia Alfano
President of Council

EXAMINED AND APPROVED by me this 13 day of March, 2014.

BOROUGH OF CALIFORNIA

By: [Signature]
Mayor