

RICHMOND TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO 2013-03

AN ORDINANCE OF THE TOWNSHIP OF RICHMOND, BERKS COUNTY, PENNSYLVANIA ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED HEREIN WITH AUTOMATIC ADOPTION OF REVISED EDITIONS AND PROVIDING FOR APPEALS.

WHEREAS, under 53 P.S. §66506, the Board of Supervisors may adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of the peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, per 53 P.S. §66517, the Board of Supervisors may enact ordinances to govern and regulate the maintenance, sanitation and inspection of buildings and properties within the Township; and

WHEREAS, the Board of Supervisors is authorized in 53 P.S. §66529, to prohibit nuisances on private property; and

WHEREAS, pursuant to 53 P.S. § 66533, the Board of Supervisors may enact ordinances to require the removal of dangerous structures; and

WHEREAS, the Board of Supervisors may enact ordinances per 53 P.S. §66601 in which general or specific powers of the Township may be exercised; and

WHEREAS, per 53 P.S. §66601(e), the Board of Supervisors may adopt by reference in an ordinance a nationally recognized code; and

WHEREAS, the Township Board of Supervisors deems it in the best interest of Richmond Township to adopt the International Property Maintenance Code as the Property Maintenance Code for the Township as amended herein; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Richmond, Berks County, Pennsylvania as follows:

SECTION 1. That a certain document, a copy of which is on file in each of the following locations:

the office of the Township Manager,
the office of the Township Code Enforcement Officer,
the office of the Township Solicitor,

the same being marked and designated as the *International Property Maintenance Code, 2009 edition* as published and amended from time to time by the International Code Council, be and is hereby adopted as the PROPERTY MAINTENANCE CODE of the Township of Richmond, Berks County, Pennsylvania for regulating and governing the conditions and maintenance of all property buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Richmond Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2. The following sections of the said International Property Maintenance Code, 2009 edition as amended are hereby revised as follows:

Section 101.1 Title. Delete the text in this Section and replace with the following:

“These regulations shall be known as the Property Maintenance Code of Richmond Township, hereinafter referred to as ‘this code.’”

Section 101.2 Scope. Delete the text in this Section and replace with the following:

“The provisions of this code shall apply to all unimproved premises, the exterior of all existing residential and nonresidential structures, to the interior of all existing residential (excluding single family detached dwellings), and nonresidential structures. As to all premises and structures to which this code applies, this code shall do the following: (1) constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; (2) provide regulations for the responsibility of owners, operators and occupants; (3) regulate the occupancy of existing structures and premises; and (4) guide for administration, enforcement and penalties.”

Section 103.5 Fees. Delete the text in this Section and replace with the following:

“The fees for activities and services performed by the Township in carrying out its responsibilities under this Code shall be in accordance with a fee schedule adopted by the Township, by resolution, from time to time.”

Section 106.3 Prosecution of Violation. Delete the text in this Section and replace with the following:

“Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense per the Pennsylvania Rules of Criminal Procedure, and the violation shall be a strict liability offense. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.”

Section 106.4 Violation Penalties. Delete the text in this Section and replace with the following:

“Any person who shall violate any provision of the Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand and 00/100 Dollars (\$1,000.00) and the costs of prosecution, and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Each day the violation continues shall constitute a separate violation and therefore a separate fine. Each section of the Code that is violated shall constitute a separate offense punishable by a separate fine.”

Section 111.2 Membership of the Board. Delete the text in this Section and replace with the following:

“The Board of Appeals shall consist of the Board of Supervisors.”

Section 111.2.1 Alternate Members. Delete this Section in its entirety.

Section 111.2.2 Chairman. Delete the text in this Section and replace with the following:

“The Chairman of the Board of Appeals shall be the Chairman of the Board of Supervisors.”

Section 111.2.4 Secretary. Delete this Section in its entirety.

Section 111.3 Notice of Meeting. Delete the text of this Section and replace with the following:

“The board shall meet upon notice from the chairman, within thirty (30) days of the filing of an appeal.”

Section 112. Stop Work Order. This Section shall be deleted in its entirety.

Section 301.1 Scope. Delete the text of this Section and replace with the following:

“The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property which is subject to this code as provided for in Section 101.2 herein.”

Section 302.1 Sanitation. Delete the text of this Section and replace with the following:

“All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The property owner, unless maintenance is otherwise assigned by agreement, shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.”

Section 302.2 Grading and Drainage. Delete the text of the exception and replace with the following:

“Exception: Approved retention areas, delineated wetlands and reservoirs.”

Section 302.4 Weeds. Delete this Section in its entirety.

Section 304.14 Insect Screens. Delete the text of this Section and replace with the following:

“During the period from April 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.”

Section 401.1 Scope. Delete the text of this Section and replace with the following:

“The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure which is subject to this code as provided for in Section 101.2 herein.”

Section. 501.1 Scope. Delete the text of this Section and replace with the following:

“The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided which is subject to this code as provided for in Section 101.2 herein.”

Section 601.1 Scope. Delete the text of this Section and replace with the following:

“The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided which is subject to this code as provided for in Section 101.2 herein.”

Section. 602.3 Heat Supply. Delete the text of this Section and replace with the following:

“Every owner and operator of any building, which is subject to this code as provided for in Section 101.2 herein, who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.”

Section 602.4 Occupiable Work Spaces. Delete the text of this Section and replace with the following:

“Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

Section 701.1 Scope. Delete the text of this Section and replace with the following:

“The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided which is subject to this code as provided for in Section 101.2 herein.”

SECTION 3. All references to Department in the International Code shall be amended to refer to Richmond Township and its Code Official.

SECTION 4. 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 Ordinance.


SECTION 5. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.


SECTION 6. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.


SECTION 7. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Richmond Township, Berks County, Pennsylvania, this 11th day of March, 2013.

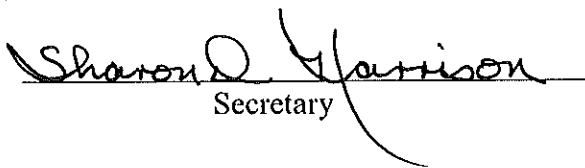
**BOARD OF SUPERVISORS OF RICHMOND
TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA**


Chairman


Vice Chairman


Member

ATTEST:


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2013- 03 adopted by the Board of Supervisors of Richmond Township, Berks County, Pennsylvania at a public meeting held on March 11, 2013, pursuant to notice as required by law.

Dated: March 11, 2013

Sharon D. Harrison
Township Secretary