

SOUTH SHENANGO TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA
ORDINANCE NO. 2007 - /

AN ORDINANCE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION, AS THE TOWNSHIP PROPERTY MAINTENANCE CODE TO ESTABLISH MINIMUM REGULATIONS FOR THE MAINTENANCE OF PROPERTY, BUILDINGS AND STRUCTURES BY PROVIDING MINIMUM STANDARDS FOR UTILITIES, FACILITIES AND PHYSICAL CONDITIONS ESSENTIAL FRO SAFE AND SANITARY STRUCTURES FIT FOR HUMAN OCCUPATION AND USE, TO ESTABLISH MEANS OF REMEDYING UNSAFE AND UNFIT CONDITIONS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Whereas, the Board of Supervisors of South Shenango Township finds that establishing certain regulations for the maintenance of property, buildings and structures within the Township is necessary in order to protect the health, safety and welfare of the citizens of the Township; and

Whereas, the Township believes that adoption of the nationally recognized International Property Maintenance Code provides the most efficient means of securing a uniform, fair and well established regulation; and

Whereas, the Township has authority under Sections 1517, 1533 and 1601 of the Second Class Township Code to enact and adopt building and housing regulations and codes by reference.

Now, Therefore, be it enacted and ordained by the Board of Supervisors of South Shenango Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of same, as follows:

Section 1. Adoption of International Property Maintenance Code by Reference

The International Property Maintenance Code, 2006 Edition, as published by International Code Council, is hereby adopted as the Property Maintenance Code of South Shenango Township for the regulation of property, buildings and structures and the provisions, regulations, standards and terms of said International Property Maintenance Code are incorporated herein by reference as though fully set forth in this Ordinance except as set forth in Sections 2 and 3 hereafter.

Section 2. General Additions, Insertions and Changes to International Property Maintenance Code

The following sections of the International Property Maintenance Code adopted hereunder are modified as follows:

- a.) Section 101.1. Title - Insert: "South Shenango Township."

- b.) Section 103.5: Insert "Fees shall be those currently in force, or such as may be adopted or modified from time to time by action of the Board of Supervisors.
- c.) Section 302.4. Insert: "12".
- d.) Section 304.14. Insert: "May 1 to November 1".
- e.) Section 602.3. Insert "October 1 to May 31".
- f.) Section 602.4. Insert "October 1 to May 31".
- g.) Delete Section 102.4.
- h.) Section 103.1. General. is modified by adding:

"The officer referred to herein as the Code Official shall be the South Shenango Housing Code Inspector."

Section 3. Changes to Section 104.3 of the International Property Maintenance Code

There is added to Section 104.3 of the International Property Maintenance Code, entitled "Inspections", the following:

The Code Official shall inspect any building, structure or premises which are the subject of complaints made by any person including police, firemen or other Township officials, to determine whether there exists an unsafe or unfit structure, unsafe equipment, or other violation of this Code; or condition which the Code Official has reasonable cause to believe may constitute an unsafe or unfit structure, unsafe equipment, or violation;

The Code Official shall make a report of all inspections of any premises, building or structure or condition found to be an unsafe or unfit structure or unsafe equipment or other violation. This report shall include, among other things, the dates and times of inspection, persons in attendance, description of premises inspected, description of conditions warranting action, reference to photos or videotapes, and any other significant details or facts.

Section 4. Changes to Section 107, "Notices and Orders"

There is added to Section 107.1, "Notice to Persons Responsible", the following:

Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given to the *owner* and the *person* or *persons* responsible therefor in the manner prescribed in Sections 107.2 and 107.3. Persons responsible shall include tenants or other persons in possession or control of the premises.

Section 5. Modify Section 111, "Means of Appeal"

Section 111 of the International Property Maintenance code, entitled "Means of Appeal", is hereby modified as follows:

- a.) Section 111.1. Application for appeal. Substitute "10 days" for "20 days".
- b.) The following Sections 111.9-111.14 are added to section 111:

111.9 Disqualification of Member. A member shall not hear an appeal in which that member has any personal, professional, or financial interest.

111.10 Notice of Appeal: An appeal shall be taken by filing a written notice thereof on a form prescribed by the Township Supervisors setting forth the reason for the appeal, and payment of fees as established from time to time by Resolution of the Board of Supervisors.

111.11 Hearing: The Board shall hold a public hearing on the appeal within 30 days of the filing of the appeal pursuant to the Pennsylvania Local Agency Law, 2 Pa.C.S. § 551-555, and amendments thereto. If a stenographic record is requested by any party or required for any reason, reasonable stenographic fees shall be paid one-half by the Township and one-half by the appellant, who shall pay in advance a deposit toward stenographic fees in an amount designated by the Township.

111.12 Board Decision: Board action may be taken by two members. The Board may affirm, reverse or modify a decision of the Code Official.

111.13 Appeals to Court: An appeal from a Board decision may be taken by an aggrieved person in accordance with the Pennsylvania Local Agency Law, 2 Pa. C.S. § 751-754, and amendments thereto.

111.14 Administration: Unless there is a pending appeal, the Code Official shall act in accordance with the decision of the Board.

Section 6. Addition of New Sections 112 and 113 to the International Property Maintenance Code.

There are hereby added to the International Property Maintenance Code, hereby adopted, new Sections 112 and 113 as follows:

112.0 Hearing Procedures for Unsafe and Unfit Structures Requiring Vacation or Demolition: No action shall be taken by the Township to have a dangerous structure demolished, removed or vacated without following the procedures listed below:

112.1 Upon receipt of a report by the Code Official that there is an unsafe or unfit structure or hazardous condition of the structure or premises which has not been corrected after notice and opportunity, and the Code Official shall have determined to vacate the structure or to demolish and remove the structure to avoid serious risk of harm or injury to occupants or the public, the Township shall give written notice in a manner consistent with the requirements of this Code.

112.2 After serving notice, then, in the event that any affected person shall bring an appeal as provided under Section 1.11 of the Code and Section 5 of this Ordinance, the Code Appeals Board shall hold a public hearing pursuant to public notice to review the investigation of the building as performed by the Code Officer and other representatives, and hear such testimony as the owners, responsible persons or any other person having an interest in said premises, shall offer relative to the alleged dangerous conditions.

112.3 Following the hearing, the Board shall make written findings of fact from the testimony and evidence offered at the hearing as to whether or not the building in question is an unsafe or unfit structure within the terms of this Code. The Board shall issue an order based upon the findings of fact demanding the owners and persons responsible, or any other person having an interest in said building to repair, vacate or demolish any building found to be an unsafe or unfit structure within the terms of this Code. The Board shall forthwith cause written notice of its findings of fact and order to be served upon the owners and responsible persons, in accordance with the provisions of this code.

113.0 Enforcement Remedies and Penalties: If any person or persons shall maintain a structure, equipment or premises in violation of this Code, fail to comply with notices and orders lawfully issued under this Code, or in any other manner violate the provisions of this Code, they shall be subject to the following penalties or remedial action by the Township which shall supplement and amend Section 106 of the International Property Maintenance Code:

113.1 Any person who fails to comply with any or all of the requirements or provisions of this Code or who fails or refuses to comply with any notice or order of the Code Official or any other authorized representative of the Township shall be guilty of a summary offense and, upon conviction, shall pay a fine not to exceed \$1,000.00 per violation, plus costs of prosecution, including court costs and reasonable attorney fees incurred by the Township

in the enforcement proceedings. In default of such payment, such person shall be imprisoned for a period not to exceed ten (10) days. Each day or portion thereof that a violation is found to exist shall constitute a separate offense. Each section of the Code which is being violated shall also constitute a separate offense.

113.2 If the owners or responsible persons fail to comply with any Notice or Order issued by the Code Official or Code Appeals Board after hearing in accordance with the provisions of this Code, to repair, vacate or demolish any dangerous structure within the time established in the Order, the Township may cause such unsafe or unfit structure or other dangerous condition to be repaired, vacated or demolished and the debris removed by the Township, as the circumstances may warrant, and collect the costs of such repairs, vacation, or demolition, together with reasonable attorney fees and costs, and a penalty of ten percent (10%) from the owners or responsible persons. The Supervisors may collect these costs and charges by a suit at law against the owners and responsible persons or may file a municipal lien against the lands on which the subject structure was located, or both. The recovery of such costs and expense, together with the penalty, may be in addition to other penalties imposed in this Code.

113.3 In the event that after notice and opportunity to correct the situation, violations continue unabated without any remedial action, or are determined to constitute a public nuisance, or in the event it is determined that the condition creates an immediate and substantial danger to the public, the Township Supervisors may institute an action in equity or at law to abate the nuisance and obtain such other relief as is appropriate, including but not limited to an order:

- (1) To restrain, correct or remove the violation or refrain from any further execution of work;
- (2) To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- (3) To require the removal of work in violation; or
- (4) To prevent the *occupancy* of the structure that is not in compliance with the provisions of this Code.

113.4 The Supervisors may take any appropriate action to recover any penalties or costs imposed including instituting suit for collection, executing on the judgment, or filing a municipal claim and lien for any amounts due.

113.5 The remedies provided herein for the enforcement of this Code, or any remedy provided by law, shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Township.

Section 7. Maintenance of Code for Public Use

The Township shall maintain copies of the International Property Maintenance Code, 2006 Edition, in CD-ROM format, at the office of the Township Housing Inspector which shall be available for public use, inspection and copying during regular business hours. The Housing Inspector shall make these materials available upon reasonable request. The Township may charge reasonable copying charges to the person requesting copies.

Section 8. Other Ordinances

Any ordinances or parts of ordinances inconsistent or in conflict with this Ordinance and the International Property Maintenance Code are hereby repealed.

Section 9. Severability

The provisions of this Ordinance and Code shall be severable, and if any provisions shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance and Code. It is hereby declared as legislative intent that this Ordinance and Code would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

Section 10. Effective Date

This Ordinance and the International Property Maintenance Code adopted hereby shall become effective five days after enactment.

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Ordained and Enacted as an Ordinance of South Shenango Township, Crawford County, Pennsylvania, the 8 day of May, 2007.

SOUTH SHENANGO TOWNSHIP BOARD OF SUPERVISORS

By: [Signature]
Chairman

By: [Signature]
Supervisor

By: [Signature]
Supervisor

Attest:

By: [Signature]
Secretary