

**Woodcock Township
Crawford County, Pennsylvania
Ordinance No. 2008-1**

ORDINANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION, AS THE PROPERTY MAINTENANCE CODE FOR WOODCOCK TOWNSHIP WITH CERTAIN AMENDMENTS AND MODIFICATIONS AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROPERTY MAINTENANCE CODE.

Now Therefore, be It Ordained and Enacted by the Board of Supervisors of Woodcock Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority of same as follows:

- Section 1. Title.** The title of this Ordinance shall be the Woodcock Township Property Maintenance Ordinance or Code.
- Section 2. Authority.** This Property Maintenance Ordinance is adopted in accordance with authority existing under Sections 1517 and 1601 of the Second Class Township Code.
- Section 3. Purpose.** The Property Maintenance Ordinance is being adopted to establish recognized minimal standards for maintenance of property to protect the health and safety of occupants and the public.
- Section 4. Adoption of International Property Maintenance Code.** The International Property Maintenance Code, 2006 Edition as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of Woodcock Township for the regulation and control of buildings, structures, premises and facilities as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of this International Property Maintenance Code are hereby incorporated, adopted, and made a part hereof as if fully set forth in this Ordinance, with the additions, insertions, deletions, and changes as set forth in Sections 5, 6, 7 and 8 below.
- Section 5. Administration and Enforcement.** Sections 101 through 107, and 111 of Chapter 1 of the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, are hereby replaced in their entirety with Sections 6 through 12 of this Ordinance, and these Sections shall be substituted for the above referenced sections of the International Property Maintenance Code hereby adopted.

Section 6. Application.

- a. *Scope.* The provisions of this Ordinance and the Code hereby adopted shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises and structures.
- b. *Intent.* This Ordinance and the code hereby adopted shall be construed to secure their expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- c. *Application of Other Codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Pennsylvania Uniform Construction Code and other applicable codes.
- d. *Referenced Codes and Standards.* The codes and standards referenced in Chapter 8 of the Code are hereby adopted to the extent applicable.
- e. *Requirements Not Covered by Code.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Code Official in a manner consistent with this ordinance

Section 7. Administration.

- a. *Administrative Official.* A Code Official and other designated assistants appointed by the Township Board of Supervisors shall be responsible for the administration of this Property Maintenance Ordinance and the Code hereby adopted.
- b. *Inspections.* The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. Subject to the approval of the Board of Supervisors, the Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

- c. *Right of Entry.* The Code Official is authorized to enter the structure or premises at reasonable times to inspect for compliance with this Code, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.
- d. *Identification.* The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Ordinance and the Code hereby adopted.
- e. *Notices and Orders.* The Code Official shall issue all necessary notices or orders to ensure compliance with this Ordinance and the Code hereby adopted.
- f. *Records.* The Code Official shall keep official records of all business and activities. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.”

Section 8. Modifications to Standards

- a. *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this ordinance, the Code Official shall have the authority to grant modifications for individual cases, subject to the approval of the Board of Supervisors, provided the Code Official shall first find that special circumstances exist that make the strict letter of this ordinance impractical or unreasonably burdensome and the modification is in compliance with the intent and purpose of this Ordinance and the Code hereby adopted, and that such modification does not lessen health, life and fire safety requirements. A record of such modifications shall be retained by the Township.
- b. *Material and Equipment Reuse.* Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition, and approved.”

Section 9. Violations.

- a. *Unlawful Acts.* It shall be unlawful for any person to cause or permit a condition to exist with respect to, maintain or fail to maintain, provide or fail to provide for, use or occupy any structure, premises, or equipment regulated by this Ordinance,

contrary to or in violation of the provisions of this Ordinance or the provisions of the Code hereby adopted; to permit another person to use or occupy any structure, premises or equipment in violation of this ordinance or the Code hereby adopted; or to cause such unlawful acts to occur; or to fail to obey a lawful order of the Code Official; or to remove or deface a plaque or door notice posted under the provisions of this ordinance.

- b. *Notice of Violation.* The Code Official shall serve a notice of violation or order in accordance with the requirements of Section 11.
- c. *Time to Correct Violations.* Except when the Code Official shall determine that the health or safety of the public or occupants requires corrective action in a shorter time, action to correct the violation shall be taken within 30 days. The time may be extended by the Code Official, if requested in writing for good cause.
- d. *Action to Remedy Unlawful Act.* If action is not taken to remedy a violation or to comply with a notice or order directing certain action to correct a violation, the Code Official may, with approval of the Board of Supervisors, institute an action for imposition of a penalty in accordance with Section 10; institute appropriate legal proceedings to restrain, correct or abate the violation; institute legal proceedings to remove persons from or to terminate occupancy of a structure in violation of the provisions of this Ordinance; institute legal proceedings to enforce an order; or in the case of an emergency, with the approval of the Board of Supervisors, take immediate action to protect the public health, safety and welfare. In the event the Township incurs expenses in conjunction with the correction or abatement of any violation which creates a serious health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with orders/notices issued by the Code Official, such expense including reasonable attorney fees and costs may be collected by means of a municipal lien against the subject property or by suit against the persons responsible for the violation or property, or in any other manner permitted by law.

Section 10. Penalty. Any person who shall fail to comply with any of the requirements of this Ordinance or the Property Maintenance Code hereby adopted; or who shall maintain a structure or premises in violation of this Ordinance or the Code hereby adopted; or who shall fail to comply with an order issued by the Code Official, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00 plus

costs, and in default of payment, shall be sentenced to imprisonment for not more than thirty (30) days. Each day that a violation continues shall be deemed a separate violation.

Section 11. Notices of Violations.

- a. *Notice to Persons Responsible.* When the Code Official determines that a violation exists, notice shall be given in the manner set forth below to the owner of the property, any person in possession of the property, and any other person responsible for the property or the violation.

In the event the Code Official determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the Code Official shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with notice of any notices and orders affecting said property.

- b. *Form of Notice.* The notice shall be in writing and contain the following information:

- (1) a description of the real estate sufficient for identification.
- (2) a statement of the violation or violations and why the notice is being issued.
- (3) a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or premises into compliance with the provisions of this ordinance with due regard for public safety.
- (4) information about the right to appeal.
- (5) a statement of the right of the Township to take corrective action under certain circumstances and recover the Township's costs of doing so, and to seek penalties for failure of the responsible person to correct the violation.

- c. *Method of Service.* Such notice shall be deemed to be properly served if it is:

- (1) Delivered personally;
- (2) Sent by certified mail addressed to the last known address;
or

- (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be mailed by regular mail and posted in a conspicuous place on or about the structure or premises affected by the notice.”

Section 12. Appeals.

- a. *Appeal.* Any person directly affected by a decision of the Code Official or a notice or order issued under this ordinance shall have the right to appeal to the Board of Appeals, provided that a written application for appeal setting forth the reasons for the appeal is filed within 20 days of the day the decision, notice or order was served and that an appeal fee as established by Resolution of the Board of Supervisors is paid at the time of appeal.
- b. *Board of Appeals.* The Board of Appeals shall consist of 3 members who are qualified by experience or training regarding matters which are the subject of the ordinance and who shall hold no other elected, appointed or position of employment within the Township. The board shall be appointed by the Board of Supervisors, and shall serve staggered three-year terms. Two alternate members shall be appointed, who may be called by the Board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership. The board shall select one of its members to serve as chairman. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
- c. *Hearings.* The Board of Appeals shall hold a hearing within 60 days of the date the appeal and appeal fee are received. All hearings shall be open to the public. The appellant, the appellant’s representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.
- d. *Procedure.* Hearings and appeal proceedings shall be conducted in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa. C.S. § 551 *et seq.*, and in accordance with the applicable requirements of the Pennsylvania Sunshine Law, 65 Pa. C.S. § 701 *et seq.* Proceedings need not comply with the strict rules of evidence.
- e. *Board Decision.* The board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the three board members. The decision of the board shall be in writing

and recorded. Copies shall be furnished to the appellant, to the Code Official, and to the Township.

- f. *Court Review.* An aggrieved person may take an appeal from the decision of the Board of Appeals in accordance with the applicable provisions of law.”

Section 13. Unsafe Structures. Sections 108, 109, and 110 of the International Property Maintenance Code, 2006 Edition, as published by The International Code Council, shall remain as set forth in the published Code.

Section 14. Unsafe Structures Requiring Extraordinary Remedial Action. A new Section 111 entitled “Actions Involving Unsafe Structures, Emergency Measures, and Demolition” is hereby added to the Property Maintenance Code as follows:

111 Actions Involving Unsafe Structures, Emergency Measures and Demolition.

111.1 *Review and Notice of Remedial Actions.* Whenever the Code Official determines that a building or structure should be vacated under Section 108, or demolished under Section 110, or that emergency measures need to be taken under Section 108.2, or 109, unless the circumstances require immediate action, such remedial action shall not be taken without:

- consulting with designated professionals as necessary to determine that the proposed action is the minimum action required to protect occupants and the public;
- the approval of the Board of Supervisors;
- making reasonable efforts to identify and give notice to all persons with an ownership or possessory interest in the premises, and to all persons who may be adversely affected, of the actions to be taken by the Township; and
- providing a reasonable opportunity for an appeal to persons adversely affected by such action who may request same.

111.2 *Scope of Remedial Action.* The remedial action taken under Sections 108.2, 109, and 110 should be no more than necessary to protect the occupants and property and the public health, safety and welfare.

Section 15. Definitions. Section 202 of the International Property Maintenance Code hereby adopted, is revised to add the following definitions:

- *Code* or *Property Maintenance Code* shall mean the International Property Maintenance Code, 2006 Edition, published by the International Code Council, as amended by this Ordinance.
- *Person* shall mean any corporation, partnership, business entity, association, estate, trust, foundation, natural person, governmental entity, or other entity. In any provisions of this Ordinance or the Code hereby adopted prescribing a fine or penalty, the term “person” shall include the officers and directors of any corporation or other legal entity with officers and directors.
- *Township* shall mean Woodcock Township, its Board of Supervisors, and its duly-appointed and authorized representatives.

Section 16. Modifications to Chapter 3 of the International Property Maintenance Code. The following amendments and changes are made to Chapter 3, the General Requirements section, of the International Property Maintenance Code:

Section 302 – Exterior Property Areas

Delete: 302.3 – 302.4
302.8 – 302.9

Section 303 – Swimming Pools

Delete: Section 303

Section 304 – Exterior Structure

Delete: 304.8 – 304.9
304.12
304.13.1 – 304.15
304.17 – 304.18.3

Amend the following subsections of Section 304 to read as follows:

304.2 *Protective Treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition.

304.3 *Premises Identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

304.6 *Exterior Walls.* All exterior walls shall be maintained, weatherproof, and properly surface coated to prevent deterioration.

304.16 *Basement Hatchways and Openings.* Every basement hatchway and window shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

Section 305 – Interior Structure

Delete: 305.3
 305.5
 305.6

Amend subsection 305.4 of Section 305 to read as follows:

305.4 *Stairs and Walking Surfaces.* Every stair, ramp, landing, balcony, porch, deck, or other walking surface, together with handrails, shall be maintained in sound condition and good repair.

Section 306 – Hand Rails

Delete: Section 306

Section 307 – Rubbish and Garbage

Delete: 307.2.1 – 307.3.2

Amend subsection 307.2 of Section 307 to read as follows:

307.2 *Disposal of Garbage and Rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing it in appropriate containers and having it removed by a licensed waste hauler. Rubbish which is readily burnable without smoke, odor, or residue capable of being harmful or hazardous may be burned in appropriate containers in a manner consistent with applicable DEP regulations. Waste materials appropriate for composting may be composted in a manner permitted by applicable DEP regulations.

Section 17. Deletion of Chapter 4. Chapter 4 of the International Property Maintenance Code, entitled “Light, Ventilation, and Occupancy Limitation,” is deleted.

Section 18. Modifications to Chapter 5 of the International Property Maintenance Code. The following amendments and changes made to Chapter 5, the Plumbing Facilities section, of the Code:

Section 502 – Required Facilities

Delete: 502.2 – 502.4.1

Amend subsection 502.1 of Section 502 to read as follows:

502.1 *Residential Plumbing Facilities.* Every dwelling unit shall have lavatory, toilet, bathing and kitchen sink facilities which shall meet regulatory standards for operation, be safe for use, sanitary, and in good working order. Except for dwelling units with no water under pressure and no piped wastewater, or where other lawful exceptions exist, such facilities shall be located inside the dwelling unit in appropriate locations.

Section 503 – Toilet Rooms

Delete: Section 503

Section 504 – Plumbing Systems

Delete: 504.2 – 504.3

Section 505 – Water Systems

Delete: 505.2 – 505.4

Amend subsection 505.1 of Section 505 to read as follows:

505.1 *Water System Facilities.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to a private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code. The water supply shall be maintained free from contamination. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Section 506 – Sanitary Systems

Amend Section 506.1 to read as follows:

506.1 *Sanitary Sewage Facilities.* All plumbing fixtures shall be properly connected to either a public sewer system or to a permitted and properly operating private sewage disposal system.

Section 507 – Storm Drainage

Delete: Section 507

Section 19. Modifications to Chapter 6 of the International Property Maintenance Code. The following amendments and changes are made to Chapter 6, the Mechanical and Electrical Facilities section, of the Code:

Section 602 – Heating Facilities

Delete: 602.1 – 602.5

Section 603 – Mechanical Equipment

Delete: 603.4 – 603.6

Amend subsection 603.1 of Section 603 to read as follows:

603.1 *Heating System and Mechanical Appliance Facilities.* All mechanical appliances and heating systems, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Section 604 – Electrical Facilities

Delete: 604.1 – 604.3

Section 605 – Electrical Equipment

Delete: 605.2 – 605.5

Amend subsection 605.1 of Section 605 to read as follows:

605.1 *Electrical System Facilities.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. The electrical system in a structure shall not constitute

a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage.

Section 606 – Elevators, Escalators

Delete: Section 606

Section 20. Modifications to Chapter 7 of the International Property Maintenance Code. The following amendments and changes are made to Chapter 7, the Fire Safety section, of the Code:

Section 702 – Egress

Delete: 702.2 – 702.4

Section 703 – Fire Resistance Rating

Delete: Section 703

Section 704 – Fire Protection Systems

Delete: 704.2 – 704.4

Section 21. Maintenance of Code for Public Use. The applicable Property Maintenance Code shall be maintained at all times at the Township Office and shall be available for public use, inspection and copying during regular business hours. Copies of the Code or portions thereof shall be furnished upon request at reasonable cost.

Section 22. Severability. Should any section, part or provision of this Ordinance or Property Maintenance Code be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any code of which this Ordinance may be considered to be a part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

Section 23. Repealer. All ordinances and codes and parts of ordinances and codes inconsistent herewith are hereby repealed. Expressly saved from repeal are the following Woodcock Township Ordinances:

- **Woodcock Township Junk Ordinance, #4-89-1.**

Section 24. Effective Date. This Ordinance and the International Property Maintenance Code hereby adopted shall be in effect 5 days after enactment.

Ordained and Enacted by the Board of Supervisors of Woodcock Township this _____ day of _____, 2008.

WOODCOCK TOWNSHIP BOARD OF
SUPERVISORS

By: _____
Chairman

By: _____
Supervisor

By: _____
Supervisor

ATTEST:

Secretary