

LOWER PROVIDENCE TOWNSHIP
Montgomery County, Pennsylvania

ORDINANCE # 628
(Duly Adopted December 17, 2015)

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES
OF LOWER PROVIDENCE TOWNSHIP ADOPTING THE 2009
EDITION OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE AS THE TOWNSHIP'S PROPERTY
MAINTENANCE CODE.**

WHEREAS, pursuant to Articles XV, XVIII, XXIII, XXIV, XXV, and XXVI of the Second Class Township Code, the Lower Providence Township has the ability to govern the conditions and maintenance of all property, buildings, and structures within the Township; and

WHEREAS, the Lower Providence Township Board of Supervisors desires to establish minimum regulations 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

WHEREAS, the Board of Supervisors does further desire to authorize the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of Lower Providence Township, as follows:

ARTICLE I Adoption and Codification of the Property Maintenance Code

Chapter 114 of the Codified Ordinances of Lower Providence Township is hereby amended to read as follows:

CHAPTER 114
PROPERTY MAINTENANCE

§114-1. Adoption of Standards.

The *2009 International Property Maintenance Code*, as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of Lower Providence Township; for the control and maintenance of property, buildings, and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said

International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes as prescribed below in this Chapter.

§114-2. Modification of Standards.

The following replacements, insertions, and modifications shall be made in the *2009 International Property Maintenance Code* at the places hereinafter indicated:

A. Subsection **101.1 Title:** (page 1)

Replace “[NAME OF JURISDICTION]” with “Lower Providence Township”.

B. Subsection **102.3 Application of other codes:** (page 1)

Modify the last sentence to read as follows: “Nothing in this code shall be construed to cancel, modify, or set aside any provision of Chapter 143 - the Lower Providence Township Zoning Ordinance.”

C. Subsection **103.5 Fees:** (page 2)

Modify to read as follows: “The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by resolution of the Board of Supervisors of Lower Providence Township.”

D. Subsection **104.3 Right of entry:** (page 2)

Modify the last sentence to read as follows: “If entry is refused, the *code official* is authorized to seek an administrative warrant to secure entry.”

E. Subsection **106.3 Prosecution of violation:** (page 3)

Modify to read as follows: “Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed in violation of this code. If the notice or order is not complied with, the *code official* may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation; to impose fines and penalties for such violation; and/or to require the removal or termination of the unlawful *occupancy* of the structure or property in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the Township shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate.”

F. Subsection **106.4 Violation penalties:** (page 3)

Modify to read as follows: “Any person who is found by a court of competent jurisdiction, including but not limited to a Magisterial District Court or Court of Common Pleas, to have violated a provision of this code; to have failed to comply with any of the requirements of this code; or to have failed to comply with an order, directive, or notice of the *code official* concerning this code shall be liable for a civil penalty not less than Two Hundred Dollars (\$200.00) or more than One Thousand Dollars (\$1,000.00) for each violation, plus any and all costs incurred by the Township in bringing an action against such violation, including but not limited to consultant fees, attorneys fees, and expert witness fees. Each day that a violation continues shall be deemed a separate violation.”

G. Subsection **107.1 Notice to person responsible:** (page 3)

Modify to read as follows: “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 in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation and the *owner* of the *premises* upon which the violation has occurred as specified in the code. Notices for condemnation procedures shall also comply with Section 108.3.”

H. Subsection **109.5 Costs of emergency repairs:** (page 5)

Modify to read as follows: “Costs incurred in the performance of emergency work are the responsibility of the owner of the premises where the unsafe structure is or was located. Such costs, however, shall be initially paid by the Township. The Township Solicitor may institute the appropriate proceeding at law or in equity against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.”

I. Subsection **111.1 Application for appeal:** (page 5):

Modify to read as follows: “**111.1 Means of appeal.** Any appeal from any decision of the Property Maintenance Code Official shall be heard by the Lower Providence Township Building Code Board of Appeals, pursuant to and consistent with the practices and procedures established for or by such Board.”

J. Subsections **111.2** through **111.6**, inclusive, and subsection **111.8** shall be deleted in their entirety and marked as “Reserved”.

K. Subsection **111.7 Court review:** (page 6)

Modify to read as follows: “Any person aggrieved by a Board decision may appeal this decision to the Court of Common Pleas. Such an appeal shall be filed within 30 days of the issuance of the decision. Within 30 days of the filing of an appeal, the Township and the *owner* and/or *tenant* of the *premises* directly involved in the appeal may intervene in

the appeal as of course by filing a notice of intervention, accompanied by proof of service of the same upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure."

L. Subsection **112.4 Failure to comply:** (page 7)

Replace the phrase "a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars." with "a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00). Each day the work continues after the issuance of the stop work order shall constitute a separate finable offense. Such fines are in addition to any fines or penalties imposed pursuant to Section 106 concerning the violation(s) on the premises."

M. **Section 202 GENERAL DEFINITIONS:** (page 9-10)

The following definitions shall be inserted at the appropriate alphabetical spot into this Section and shall read as follows:

"JURISDICTION, THE. Lower Providence Township"

"NOXIOUS WEEDS. Any noxious vegetation covered under and prohibited by the Noxious Weed Control Law (3 P.S. §255.1 *et seq.*), as amended, or by regulations of the Pennsylvania or United States Departments of Agriculture including, but not limited to, the following:

- Cannabis sativa, commonly known as Marijuana
- Cirsium arvense, commonly known as Canadian Thistle
- Rosa multiflora, commonly known as Multiflora Rose
- Sorghum halepense, commonly known as Johnson Grass
- Polygonum perfoliatum, commonly known as Mile-a-Minute
- Pueraria lobata, commonly known as Kudzu Vine
- Cirsium vulgare, commonly known as Bull or Spear Thistle
- Carduus nutans, commonly known as Musk or Nodding Thistle
- Sorghum bicolor, commonly known as Shattercane
- Datura stramonium, commonly known as Jimsonweed
- Lythrum salicaria, commonly known as Purple Loosestrife (all cultivars)
- Heracleum mantegazzianum, commonly known as Giant Hogweed
- Galega officinalis, commonly known as Goatsrue
- Chicory, succory, or blue daisy"

“WEEDS. All grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.”

N. Subsection **302.4 Weeds:** (page 11)

Modify first paragraph to read as follows: “All premises and exterior property within 100 feet of any habitable structure or building shall be maintained free from *weeds* in excess of six (6) inches. This height restriction, however, does not apply to naturalized areas, riparian buffers, managed meadows, and other no-mow zones, as determined by the Township. All *noxious weeds* shall be prohibited throughout the entire *premises* and exterior property.”

O. Subsection **304.3 Premises Identification:** (page 12)

Modify to read as follows: “The Township shall have final authority as to the assignment of a street number or address to each *structure* or *premises*. Each *structure* or *premises* to which a street number has been assigned by the Township or if the *structure* or *premises* is located in a private community, to which a street or identification number has been assigned by the community, shall have the appropriate number displayed in a location and size as to be readily observed and readable from the public or private right of way that provides access to the *structure* or *premises*. All street or identification numbers and letters shall be in Arabic characters with a minimum height of four (4) inches and a minimum stroke width of one half (½) inch. Structures that are set back more than fifty (50) feet from the right of way providing access, or any distance where the number/letter can not be readily seen from the right-of-way, shall have the assigned street or identification numbers/letters attached to a post or mailbox placed at the end of the driveway on the same side of the road as the structure is located. These numbers/letters shall be placed on both sides of the post or mail box, at a minimum height of three (3) feet so as numbers/letters can be seen by vehicles traveling from either direction. All street or identification numbers/letters shall be illuminated when possible and shall be colored in contrast with the background upon which the number is placed. Nonresidential structures shall have the name of the tenant/occupant, along with the address/suite number, placed or painted on the rear entryway to the leasehold or area of the building occupied by said entity and shall meet the above height and width requirements of street numbers/letters.

P. Subsection **304.14 Insect screens:** (page 13)

Replace the phrase “During the period from [DATE] to [DATE]” with “Where appropriate, during the period from May 1 to September 1”.

Q. Subsection **602.3 Heat supply:** (page 21)

Replace the phrase “during the period from [DATE] to [DATE]” with “during the period from September 1 to June 15”.

R. Subsection **602.4 Occupiable work spaces:** (page 21)

Replace the phrase “during the period from [DATE] to [DATE]” with “during the period from September 1 to June 15”.

S. Appendix A, Boarding Standard, is adopted in its entirety.

ARTICLE II SAVINGS CLAUSE

Nothing in this Ordinance, or in the Property Maintenance Code adopted hereby, shall be construed to affect any enforcement action, suit, or proceeding pending before any court or other legal body nor construed to affect any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Ordinance. Furthermore, no just or legal right or remedy of any character shall be lost, impaired, or affected by the adoption of this Ordinance.

ARTICLE III REPEALER

Lower Providence Township Ordinance 567, adopted July 7, 2008 is hereby repealed in its entirety. All other Township ordinances or parts of ordinances which are inconsistent herewith are hereby repealed but only to the extent of such conflict.

ARTICLE IV SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE IV EFFECTIVE DATE

This Ordinance shall become effective five (5) days after final enactment.

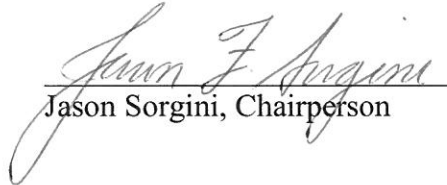
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LOWER PROVIDENCE TOWNSHIP
Montgomery County, Pennsylvania

ORDINANCE # 628
PROPERTY MAINTENANCE CODE – Chapter 114
(Duly Adopted December 17, 2015)

ENACTED and ORDAINED this 17th day of December, A.D., 2015.

LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS:



Jason Sorgini, Chairperson

ATTEST:



Richard Gestrich, Township Manager

Patrick T. Duffy, Vice Chair

Colleen Eckman

Don Thomas

Jill Zimmerman