

RUSH TOWNSHIP
SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 187

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, 2009 EDITION, WITH CERTAIN ENUMERATED ALTERATIONS, AS THE PROPERTY MAINTENANCE CODE OF RUSH TOWNSHIP, EXCEPTING DE MINIMIS VIOLATIONS, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, Sections 1506 and 1517 of the Second Class Township Code, 53 P.S. §§66506,66517, authorizes the Board of Supervisors to adopt an ordinance regulating maintenance of buildings and housing; and

WHEREAS, the Board of Supervisors wishes to regulate such maintenance in Rush Township to prevent buildings and housing from deteriorating into such a dilapidated condition so as to constitute blight, which could affect property values in Rush Township, and have a deleterious affect on the health, safety and welfare of the residents of Rush Township;

NOW, THEREFORE, the following is hereby ORDAINED and ENACTED:

Section 1. This Ordinance shall be titled and may be referred to as the Property Maintenance Code of Rush Township.

Section 2. Rush Township hereby adopts, as amended below, the International Property Maintenance Code, as published by the International Code Council, 2009 edition, a copy of which is attached as Exhibit A, as the property maintenance code of Rush Township as authorized by 53 P.S. §§66506,66517.

Section 3. The following amendments are hereby made to the following sections of the International Property Maintenance Code as said Code shall be applicable in Rush Township:

A. Section 101.1: insert Rush Township.

B. Section 101.3: amend to read as follows: This code shall be construed to secure the intent of the Rush Township Board of Supervisors in adopting it, which is to insure the health, safety and welfare of the citizens and residents of Rush Township, to prevent structures within Rush Township from deteriorating into blight, and to protect property values in Rush Township, insofar as these aims are effected by the continued occupancy and maintenance of existing structures, premises and equipment.

C. Section 103.5: insert the following fee schedule: no cost for initial inspection; re-inspection if not corrected \$25.00; second re-inspection if not corrected \$50.00; cost incurred by Rush Township for workers if non-compliant; cost incurred by Rush Township for contractors if non-compliant; cost incurred by Rush Township for materials if non-compliant. This fee schedule may be amended from time to time by resolution.

D. Section 104.1: amend to read as follows: Rush Township may appoint a code official from time to time by resolution to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

E. Section 106.3: substitute "summary offense" for any reference to "misdemeanor".

F. Section 106.4: amend to read as follows: Enforcement of this Ordinance may be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, owner, operator, occupant, or tenant, who has control over the condition of a structure, premises or equipment, and is in violation of any provision of this Ordinance, upon conviction thereof, shall pay a fine of not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars per violation, and/or be sentenced to a term of imprisonment either upon conviction or for failure to pay a fine or costs for a time not exceeding thirty (30) days per violation. Any such person, owner, operator, occupant or tenant shall also pay court costs. Each day on which a violation of this Ordinance exists shall be considered a separate violation.

G. Section 106.5: amend to read as follows: The imposition of the penalties prescribed in Section 106.4 shall not preclude Rush Township from instituting appropriate equitable action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

H. Section 107.2: the notice form as stated in this section is adopted in its entirety except subpart 5, relating to informing the property owner of the right to appeal, which subpart shall only be required when a condemnation is sought under Section 108 (see Section 4 of this Ordinance) or a demolition is sought under Section 110.

I. Section 109.1: amend as follows: The word "may" is substituted for the word "shall" in the second sentence of this section; additionally the third sentence of this section is amended to state "If a notice as described in the previous sentence is posted by the code official, it shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same."

J. Sections 109.2, 109.3, 109.4, 109.5, 110.1 and 110.3; amend as follows: The word "may" is substituted for the word "shall" anytime the word "shall" is used or appears in any of these sections.

K. Section 111.1; amend to read as follows: Any person directly affected by a decision of the code official or a notice or order issued under this code relating to a condemnation under Section 108 or a demolition under Section 110 shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed with the Rush Township Secretary within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

L. Section 111.2; amend to read as follows: The board of appeals shall consist of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of Rush Township. The board shall be appointed by the Rush Township Board of Supervisors from time to time by resolution. The Board of Supervisors may, in its discretion, also appoint from time to time by resolution an independent solicitor to guide the appeals board in dealing with any legal issues arising in the course of the appeal.

M. Section 111.2.1; amend to read as follows: The Rush Township Board of Supervisors may appoint two or more alternate members, from time to time by resolution, who shall 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.

N. Section 111.2.4; amend to read as follows: The Rush Township Board of Supervisors shall designate, from time to time by resolution, a qualified person to serve as secretary to the board, who may be an employee of Rush Township. The secretary shall file a detailed record of all proceedings with the Rush Township Board of Supervisors.

O. Section 111.2.5; amend to read as follows: Compensation of members of the appeal board, the secretary of the appeal board, and the solicitor to the appeal board, if any, shall be provided for by Rush Township from time to time by resolution.

P. Section 111.4.1; amend to read as follows: The appeals board shall conduct a hearing consistent with requirements of due process, but strict compliance with rules of evidence shall not be required.

Q. Section 111.5; amend to read as follows: A hearing shall be scheduled before the appeals board within sixty (60) days of the filing of the application for appeal. Any party may request a reasonable continuance of the hearing for good cause shown, and the appeals board shall decide any requests for continuance.

R. Section 111.6.1: amend to read as follows: Any hearing before the appeals board shall be stenographically recorded. The decision of the board shall be in writing with copies furnished to the appellant or his legal representative and to the code official, and shall be filed with the Rush Township Secretary. The decision shall be made within thirty (30) days of the final hearing, but no later than one hundred twenty (120) days from the date the appeal was filed, unless extension of these dates are agreed upon by both the appellant or his legal representative and the code official on the record at one of the hearings or in writing addressed to the appeals board. Failure to file a timely decision shall constitute a granting or sustaining of the appeal.

S. Section 111.6.2: amend to read as follows: The code official shall take immediate action in accordance with the decision of the board, subject to the rights specified in Section 111.7 below.

T. Section 111.7: amend to read as follows: Appeals from the decision of the appeals board shall be made pursuant to the Local Agency Law.

U. Section 112.4: amend to read as follows: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, commits a violation of this code and is subject to prosecution and penalties as provided in Sections 106.3 and 106.4.

V. Section 304.2: amend as follows: the second sentence, beginning "Exterior wood surfaces...", and the third sentence, beginning "Peeling, flaking...", are deleted.

W. Section 304.7: amend as follows: the last sentence, beginning "Roof water..." is deleted.

X. Section 304.13.1: amend to read as follows: All glazing materials shall be maintained free from holes.

Y. Section 305.3: amend as follows: the second sentence, beginning "Peeling, chipping...", and the third sentence, beginning "Cracked or...", are deleted.

Z. Section 308.2: amend to read as follows: Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner:

AA. Section 308.3: amend to read as follows: Every occupant of a structure shall dispose of garbage in a clean and sanitary manner.

BB. Section 308.3.2: amend to read as follows: The owner or occupant of every premises producing garbage shall provide and utilize leakproof containers for the storage of garbage until said garbage is removed from the premises.

CC. Section 404.4.5: amend to read as follows: Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the plumbing facilities and water-heating facilities requirements of Chapter 5; and the heating facilities and electrical receptacle requirements of Chapter 6.