

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 214

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION, AS ADOPTED BY ORDINANCES NO. 187 AND NO. 202, TO ESTABLISH A NEW METHOD OF SERVICE OF A NOTICE OF VIOLATION, ADD A NEW DEFINITION OF SOLAR PANEL, AND ESTABLISH REGULATIONS RELATING TO SOLAR PANELS; ESTABLISHING PENALTIES FOR VIOLATION; AND CONTAINING SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS.

WHEREAS, Rush Township adopted the International Property Maintenance Code, 2009 Edition, with certain enumerated amendments/alterations, as the Property Maintenance Code of Rush Township via Ordinance No. 187 on or about September 18, 2014; and

WHEREAS, Rush Township adopted further amendments/alterations to the International Property Maintenance Code, 2009 Edition, and its Property Maintenance Code, via Ordinance No. 202 on or about June 20, 2019; and

WHEREAS, Rush Township currently has regulations in effect relating to solar panels in, amongst other sections, Section 1694 of its zoning ordinance, titled the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition), adopted on or about June 20, 2019;

WHEREAS, Rush Township desires to make additional amendments/alterations to the text of the International Property Maintenance Code, 2009 Edition to be effective and enforceable in Rush Township;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Section 107.3 of Chapter 1, Scope and Administration, Section 107, Notices and Orders, of the International Property Maintenance Code, 2009 Edition, as adopted and made enforceable by Rush Township Ordinance No. 187, and amended by Rush Township Ordinance No. 202, shall be amended as follows:

107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by first-class mail addressed to the address listed in the records of the Schuylkill County Tax Assessment office for the service of real-estate tax bills, or to the address of the structure affected by the notice if the person being served is reasonably believed to reside therein; or
3. Posted in a conspicuous place on or about the structure affected by the notice.

Section 2. There shall be added to Chapter 2, Definitions, Section 202, General Definitions, of the International Property Maintenance Code, 2009 Edition, as adopted and made enforceable by Rush Township Ordinance No. 187, and amended by Rush Township Ordinance No. 202, the following:

SOLAR PANEL. A solar cell panel, solar electric panel, or solar panel, also known as a photo-voltaic (PV) module or PV panel, is an assembly of photovoltaic solar cells mounted in a (usually rectangular) frame, for the purpose of capturing sunlight as a source of radiant energy, which is converted into electric energy in the form of direct current (DC) electricity.

Section 3. There shall be added to Chapter 3, General Requirements, Section 302, Exterior Property Areas, of the International Property Maintenance Code, 2009 Edition, as adopted and made enforceable by Rush Township Ordinance No. 187, and amended by Rush Township Ordinance No. 202, the following:

302.10 Solar Panels. All solar panels, whether ground-mounted or roof-mounted, including all components such as panels, mounting, footing, batteries, etc., shall be maintained in good repair, structurally sound, and with proper anchorage.

Section 4. There shall be added to Chapter 3, General Requirements, Section 304, Exterior Structure, of the International Property Maintenance Code, 2009 Edition, as adopted and made enforceable by Rush Township Ordinance No. 187, and amended by Rush Township Ordinance No. 202, the following:

304.19 Solar Panels. All solar panels, whether ground-mounted or roof-mounted, including all components such as panels, mounting, footing, batteries, etc., shall be maintained in good repair, structurally sound, and with proper anchorage.

Section 5. 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.

Section 6. If any part or provision of this Ordinance is declared unconstitutional, illegal or invalid by a court of competent jurisdiction, the rest and remainder of this Ordinance shall continue in full force and effect.

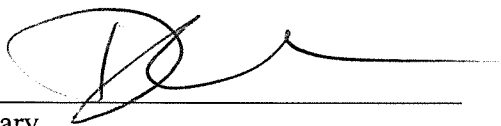
Section 7. The additions and amendments made in Sections 1 through 4 of this Ordinance are meant to supplement or amend only the particular parts of the International Property Maintenance Code, 2009 Edition, stated in Sections 1 through 4 of this Ordinance. The rest and remainder of the International Property Maintenance Code, 2009 Edition, as adopted and modified by Rush Township Ordinances No. 187 and No. 202 shall remain in full force and effect in Rush Township. The amendment stated in Section 1 of this Ordinance, however, is meant to amend the method of service of the notice relating to any violation of Ordinances 187 or 202, and not just a violation of Section 3 or 4 of this Ordinance. Additionally, no portion of this Ordinance is meant to amend, repeal or in any manner affect the provisions of the Zoning Ordinance, the Eastern Schuylkill Regional Planning Zoning Ordinance (2019 Edition).

Section 8. This Ordinance shall be effective five days after its adoption

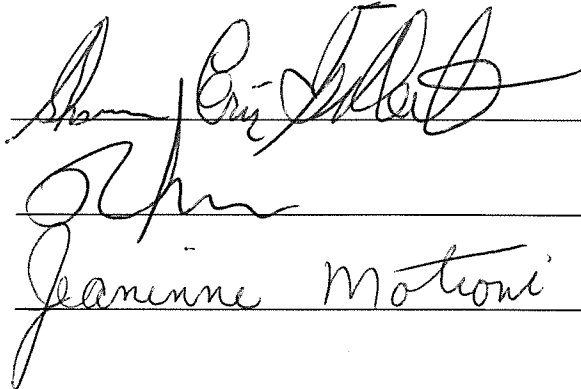
ORDAINED and ADOPTED this 5th day of April, 2023.

ATTEST:

Secretary



RUSH TOWNSHIP
BOARD OF SUPERVISORS



Janenne Motroni