

ORDINANCE NO. 3rd 2017

FAIRVIEW TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA

AN ORDINANCE OF FAIRVIEW TOWNSHIP ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

Section 101. Adoption of International Property Maintenance Code. Fairview Township does hereby adopt the International Property Maintenance Code, 2015 edition, as published by the International Code, Inc. referred to in this Ordinance as the "Code".

Section 102. Title. The Code may be known and cited as the "2015 International Property Maintenance Code of Fairview Township".

Section 103. Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. The Code Official (being the Building Inspector or Code Enforcement Officer appointed by Fairview Township) shall administer and enforce the provisions of the 2015 International Property Maintenance Code.

Section 104. Notice of Violation. The Code Official shall serve a notice of violation or order in accordance with Section 107 of the 2015 International Property Maintenance Code.

Section 105. Prosecution of Violation. Any person failing to comply with a Notice of Violation or Order served in accordance with Section 107 of the 2015 International Property Maintenance Code shall be deemed guilty of a summary offense and be subject to the penalties delineated in Section 106.4 of the 2015 International Property Maintenance Code and Section 106 of this Ordinance, below. In addition, if the Notice of Violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code pursuant to Section 106.5 of the Code.

Section 106. Violations and Penalties under Section 106.4 of the Code. Any person who shall violate this Code shall be subject to one of the following enforcement proceedings as determined by the Code Official: (1) A civil enforcement proceeding with fines of not more than \$600.00 for each offense, together with the cost of prosecution; OR (2) A summary proceeding with fines of no more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court. In either type of proceeding, each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 107. Abatement of Violation. The imposition of the penalties prescribed under Section 106 above shall not preclude the Code Official from instituting appropriate action or 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.

Section 108. Amendments to the 2015 International Property Maintenance Code. The following sections of the 2015 International Property Maintenance Code are amended:

(A) **Section 101.1 Title.** *The following is inserted:* The regulations shall be known as the "2015 International Property Maintenance Code of Fairview Township" (hereinafter known as the "Code").

(B) **Section 102.3 Application of other codes.** *The last sentence is changed to read as follows:* "Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Fairview Township Zoning Ordinance".

(C) **Section 103.5 Fees.** *The following is inserted:* The schedule of fees for activities and services performed by the Department shall be those fees as established by Resolution of Fairview Township.

(D) **Section 106.3 Prosecution of violations.** *The section is replaced with:* Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(E) **Section 106.4. Violation penalties.** *This section is replaced with:* Any person who shall violate this Code shall be subject to one of the following enforcement proceedings as determined by the Code Official:

1. A civil enforcement proceeding with fines of not more than \$600.00 for each offense, together with the cost of prosecution; or

2. A summary proceeding with fines of no more than \$1,000.00 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the Court.

In either type of proceeding, each day that a violation continues after notice has been served shall be deemed a separate offense.

(F) **Section 111, Means of Appeal.** *This section is adopted except for the following subsections:* 111.2. Membership of board.; 111.2.1. Alternate members.; Section 111.2.2. Chairman.; 111.2.3. Disqualification of member.; 111.2.4. Secretary.; and 111.2.5. Compensation of members.

(G) **Section 112.4 Failure to comply.** *This section shall read that:* Any person who shall continue to 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

condition, shall be liable for fines in amounts as set forth in Section 106.4 of the Code, as amended above in Section 108(E).

(H) **Section 202. General definitions.** *The following definition is revised:* [A] Code Official- shall mean the Code Enforcement Officer appointed by the Fairview Township Board of Supervisors to enforce the Ordinances of the Township, including the administration and enforcement of this Code, or any duly authorized representative appointed by Fairview Township.

The following term is added: Appeals board- shall mean the Fairview Township Board of Supervisors, whose duties shall also include hearing appeals under this Code.

(I) **Section 302.4 Weeds.** *The following shall be inserted:* Weeds or plant growth in excess of six (6) inches in height.

(J) **Section 304.14 Screens.** *The following shall be inserted:* During the period from April 1 to October 1.

(K) **Section 602.3 Heat Supply.** *The following shall be inserted:* Heat supply must be provided by Landlord from September 1 to July 1 of each year.

(L) **Section 602.4 Work spaces.** *The following shall be inserted:* Occupy-able work spaces shall be provided from September 1 to July 1 of each year.

Except as amended in this Section 108 above, the International Property Maintenance Code of 2015 is adopted herein in its entirety.

Section 109. Filing of ordinance and code. One copy of the International Property Maintenance Code, 2015 edition, as published by the International Code, Inc. shall be kept on file in the office of the Township Secretary along with a copy of this Ordinance. A copy of the 2015 International Property Maintenance Code is also available on line for viewing at <http://www.iccsafe.org>. Copyright infringements apply.

Section 110. Severability. If any section, subsection, clause or provision of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect any other section, subsection, clause, or provision this Ordinance so long as it remains legally enforceable minus the invalid portion. Fairview Township hereby declares that it would have passed this Ordinance, section, subsection, clause and provision of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentence, clauses and phrases be declared unconstitutional.

Section 111. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 112. Effective Date. This Ordinance shall become effective immediately following its adoption.

ADOPTED by Fairview Township, this 7th day of March, 2017.

ATTEST:

Barbara Vasconcelos
Secretary

3/7/17

FAIRVIEW TOWNSHIP BOARD
OF SUPERVISORS:

Robert F. C. [Signature]
Chairperson

Vice-Chairperson

Michael W. [Signature]
Secretary/Treasurer