

TOWNSHIP OF WEST MANHEIM
COUNTY OF YORK, PENNSYLVANIA

ORDINANCE NO. 2015-04

AN ORDINANCE OF WEST MANHEM TOWNSHIP, YORK COUNTY, PA. ADOPTING THE 2009 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND COVERING 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 THE DEMOLITION OF SUCH EXISTING STRUCTURES IN WEST MANHEIM; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO. 02-2007 OF WEST MANHEIM AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

Be it ORDAINED by the Supervisors of West Manheim Township, as follows:

Section 1 Adoption of Property Maintenance Code

That a certain document, a copy of which is on file in the office of the Secretary of the Township of West Manheim, being marked and designed as “The International Property Maintenance Code, 2009 edition” as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of West Manheim, York County, Pennsylvania, (the “Township”); for regulating and governing the conditions and maintenance of all property, buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, and deletions and changes, if any, prescribed in Section 3 of this ordinance.

Section 2 Inconsistent Ordinances Repealed

That Ordinance No. 02-2007 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3 Additions, Insertions and Changes

That the International Property Maintenance Code is amended and revised in the following respects:

101.1 Title

Shall be amended to read:

“These regulations shall be known as the West Manheim Township Property Maintenance Code, hereinafter referred to as “*this code*”.

103.5 Fees

Shall be amended to read:

“The fees for activities and services performed by the Township in carrying out its responsibilities under this code shall be indicated in the most recently adopted fee schedule for services and permits.”

106.4 Violation Penalties

Shall be amended to read:

“Any person, firm or corporation who shall violate any provision of this code, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this code continues or each section of this article which shall be found to have been violated shall constitute a separate offense.”

107.2 Form (Notices and Orders)

Portions of which currently read:

- “1. Be in writing.
5. Inform the property owner of the right to appear”.

Shall be amended to read:

- “1. A written notice shall be sent to the property owner and the *occupant*.
2. Inform the property owner and *occupant* of the right to appeal.”

107.3 Method of Service

Which currently reads:

“Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class 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 posted in a conspicuous place in or about the structure affected by such notice.”

Shall be amended to read:

“Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally to either the owner or *occupant*;

2. Sent by certified or first-class mail addressed to the *occupant* or to the last known address of the owner; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.”

108.3 Notice

Which currently reads:

“Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3.....”

Shall be amended to read:

“Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, occupant or the person or persons responsible for the structure or equipment in accordance with Section 107.3....”

108.4 Placarding

Which currently reads:

“Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.”

Shall be amended to read:

“Upon failure of the owner, occupant or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.”

111.2 Membership of Appeals Board

Shall be amended to read:

“The Board of Appeals shall consist of a minimum of three members of the West Manheim Township Board of Supervisors. The code official shall be an ex-officio member but shall not have a vote on any matter before the Appeals Board.”

111.2.1 Alternate Members

Shall be amended to read:

“The Board of Supervisors may appoint two or more alternate members who shall be called by the Board President to hear appeals during the absence of or disqualification of a member.”

111.2.2 Chairman

Shall be amended to read:

“The Board Chairman shall be the current Chairman of the Board of Supervisors.”

112.4 Failure to comply

Which currently reads:

“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 condition, shall be liable to a fine of not less than (Amount) dollars or more than (Amount) dollars.”

Shall be amended to read:

“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 condition shall be subject to fines and penalties as described in Section 106.4 of this Code”

302.4 Weeds

The first sentence shall be amended to read:

“All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.”

304.3 Premises Identification

Shall be amended to read:

“Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high, with a minimum stroke width of 0.5 inches for residential uses and 6 inches high for non-residential uses.

304.14 Insect Screens

The first sentence shall be amended to read:

“During the period from January 1st to December 31st, every door...”

The following Section shall be added:

Section 310 Brush and Limb

310.1 General. If authorized by the Board of Supervisors, West Manheim residents may place brush/limbs curbside on a dedicated township street or road for collection.

310.2 Placement of Brush/limbs. Upon notification by the Township of a brush/limb collection project, every occupant of a residential structure may place brush/limbs curbside in front of the residence from which the brush/limbs originated. Brush/limbs shall not be placed curbside sooner than ten (10) days prior to the scheduled collection date.

310.3 Vehicular Hazard. Brush/limbs shall not be placed in front of driveways and/or mailboxes or within thirty feet (30') of any street intersection.

310.4 Excessive Accumulation. Curbside placement of brush/limbs shall be limited to normal and routine property maintenance and not for the purpose of removing large trees or shrubbery associated with landscaping projects. Should the Township determine that the accumulation of brush/limbs is excessive and/or beyond the collection capabilities of the public works department, the resident shall be notified to have the excessive accumulation removed within five (5) days of notification.

310.5 Size Requirements. Brush/limbs shall be no larger than three inches (3") in diameter or smaller than one-half inch (1/2") in diameter.

602.3 Heat Supply

Insert: "January 1st to December 31st."

602.4 Occupiable Workspace

Insert: "January 1st to December 31st."

Section 4 Severability

That if any section, subsection, sentence, clause or phase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. West Manheim Township hereby declares that it would have passed this ordinance, and each sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5 Saving Clause

That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or

ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6 Date of Effect

This ordinance shall become effective immediately.

Enacted and ordained this 1st day of October 2015.

**West Manheim Township
Board of Supervisors**

Miriam E. Clapper
Secretary

Harold J. Dauter
Chairman

Vice Chairman

Marcus
Member

J. D. King
Member

Member