

## Chapter 42

### PROPERTY MAINTENANCE

#### § 42-1. Adoption of code.

#### § 42-2. Additions, insertions and changes.

[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 8-1-2005 by Ord. No. 8-05.<sup>1</sup> Amended in its entirety 7-4-2009 by Ord. No. 2-09<sup>2</sup>; subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Building construction — See Ch. 34.

Fire prevention — See Ch. 51.

Code enforcement — See Ch. 36.

Littering on property — See Ch. 60.

Uniform construction codes — See Ch. 36A.

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#### § 42-1. Adoption of code.

The International Property Maintenance Code, 2009, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Pennsburg Borough.

#### § 42-2. Additions, insertions and changes.

The following subsections and/or words in the International Property Maintenance Code, 2009, (hereafter the "Property Maintenance Code") are hereby revised to substitute the following words for the original words contained in the code.

- A. Section 101.1. Substitute "Pennsburg Borough" for [NAME OF JURISDICTION];
- B. The title of Section 103 shall read as follows: Building Code Official And Deputies.
- C. Section 103.1 shall read as follows:

Creation of the Office of the Building Code Official. The office of Building Code Official is hereby created and the executive official(s) in charge thereof shall be known as the Building Code Official.

- D. Section 103.2 shall read as follows:

Appointment. The Building Code Official shall be appointed by Borough Council and shall serve at the pleasure of Borough Council.

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- 1. Editor's Note: This ordinance also repealed former Ch. 42, Property Maintenance, adopted 2-7-1994 by Ord. No. 3-94.
  - 2. Editor's Note: This ordinance also provides that "in the event that the International Code Council prepares and adopts a later version of the Property Maintenance Code, that most recent edition of the Code shall become part of the Code of Ordinances of the Borough of Pennsburg, without the need for adoption of an amending ordinance."

- E. Section 103.5 shall read as follows:

Fees. The fees for all work, permits, charges, etc. shall be paid in accordance with the Fee Schedule Resolution in effect at the time application is made.

- F. The Title of Section 104.7 shall read as follows: Building Code Official's Record.

- G. Subsection 106.3 shall read as follows:

Prosecution of Violation. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directives of the Building Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000 per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- H. Subsection 107.4 is hereby revised by deleting the reference to Section 106.4 and substituting "106.3."

- I. Section 111 is hereby deleted in its entirety. A new Section 111 is hereby enacted to read as follows:

Appeals. The creation of the Board of Appeals and its authority and qualifications and the filing of appeals shall be in accordance with Sections 403.121 and 403.122 contained in 34 Pa. Code, Chapter 403.

- J. Section 202 is hereby revised to include the following additional definitions:

Occupied. As applied to a building or portion thereof, shall be construed as though followed by the words, "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy."

One-Family Dwelling. A building containing one dwelling unit.

Two-Family Dwelling. A building containing two dwelling units.

- K. Section 202 is hereby amended as follows: in the definition of "owner" the phrase "if ordered to take possession of real property by a court" is hereby deleted from the definition.

- L. Section 301 is hereby amended to include the following additional subsection known as 301.2.1:

301.2.1. Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line.

- M. Section 302 is hereby amended to include the following additional subsection known as 302.3.1:

302.3.1. Where sidewalks exist, those responsible (see Section 301.2.1, as amended) for the sidewalks shall have at least a two-foot-wide path cleared of snow and ice within twenty-four (24) hours after the cessation of the snowfall.

EXCEPTION: When more than 12 inches of snow has fallen, those responsible for the sidewalk shall have at least a two-foot-wide path cleared of snow and ice within 48 hours after the cessation of the snowfall.

- N. Section 302 is hereby amended to include the following additional subsection known as 302.4.2:

302.4.2. The Building Code Official, or any officer or employee of the Borough designated thereby for this purpose, is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant or any adult person in charge of said premises, as the case may be, of any property wherein grass or other vegetation is in violation of Section 302.4 or Section 302.4.1, directing and requiring such occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance within five days after issuance of such notice.

Whenever, in the judgment of the Building Code Official, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Borough or any officer or employee of the Borough designated thereby for that purpose may give notice by posting conspicuously on the property where such nuisance exists a notice or order directing and requiring that such nuisance be abated within five days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof, shall be collected by the Borough from such person, firm or corporation, in the manner provided by law and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance.

- O. Section 302.8 shall read as follows:

Motor Vehicles. Only one intact inoperative or unlicensed motor vehicle shall be parked, stored, or kept on any premises. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- P. Section 304.14. Substitute "May 15" for the first reference of [DATE] and "October 15" for the second reference of [DATE].
- Q. Section 602.3. Substitute "October 1" for the first reference of [DATE] and "May 1" for the second reference of [DATE].
- R. Section 602.4. Substitute "October 1" for the first reference of [DATE] and "May 1" for the second reference of [DATE].
- S. Substitute in all relevant sections of the code "Building Code Official" for [THE BUILDING CODE OFFICIAL].
- T. Substitute in all relevant sections of the code "the Borough Council" for [THE GOVERNING BODY].