

**EAST GREENVILLE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010- 06

AN ORDINANCE OF THE BOROUGH OF EAST GREENVILLE ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING 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 CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF EAST GREENVILLE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO. 2007-03 OF THE BOROUGH OF EAST GREENVILLE AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED and enacted by the East Greenville Borough Council, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. ADOPTION OF PROPERTY MAINTENANCE CODE.

That a certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of East Greenville, being marked and designated as "The I.C.C. 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 Borough of East Greenville, in the Commonwealth of Pennsylvania; for regulating and governing 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 condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of East Greenville are hereby referred to,

adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

SECTION 2. INCONSISTENT ORDINANCES REPEALED.

That Ordinance No. 2007-03 of the Borough of East Greenville entitled "Property Maintenance" and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. ADDITIONS, INSERTIONS AND CHANGES.

That the International Code Council International Property Maintenance Code, 2009 edition, is amended and revised in the following respects:

- A. Section 101.1 is hereby amended by inserting "East Greenville Borough".
- B. Section 103.5 is hereby deleted in its entirety and is replaced as follows:

103.5. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as from time to time approved by Borough Council resolution.

- C. Section 102.9 is hereby amended to read as follows:

102.9. Transfer of Ownership. No person shall occupy or use a building or structure, the ownership of which is hereafter transferred, absent a Certificate of Occupancy, certifying that the property conveyed complies with all provisions of this code. Upon written application of the owner of an existing building or structure, the code official shall issue a Certificate of Occupancy, provided there are no violations of the code, or orders of the Code Official pending, and further provided that the fee accompanies such application imposed by the borough for its inspection of the premises.

- D. Section 106.3 is hereby amended to read as follows:

Prosecution of Violation. 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 offense or civil infraction as determined by the Borough, 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.

E. Section 106.4 is hereby amended to read as follows:

106.4. Violation Penalties. Any person who shall violate a provision of this code shall upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) at the discretion of the court.

F. Sections 111.1 through 111.8, inclusive, are hereby deleted in their entirety, and in place thereof, the following is hereby added:

111.1. Appeals. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto shall have the right to request and shall be granted a hearing on the matter before the East Greenville Borough Council, provided that such person shall file with the Borough Secretary a written petition requesting such hearing and containing a statement of the grounds therefore within ten (10) days after the day the notice is served.

G. Section 112.4 is hereby amended by inserting "Not less than \$100.00 nor more than \$1,000.00".

H. Section 302.3 is amended to read as follows:

302.3. Public Areas. All sidewalks, steps, driveways, parking spaces, and similar paved areas for public use shall be maintained free of all mud, overhanging trees and shrubs that obstruct walkways and other debris. Whenever the Code Official determines that a walkway obstruction, as set forth herein, exists, he shall serve, in the fashion and upon the persons set forth in Section PM-107.3 hereof, a notice of such violation in the form established by Section 107 hereof, with seventy-two (72) hours from the time of such service being, in all instances, the period of time within which the violation must be corrected.

In addition to those legal remedies vested in the borough by Sections 106 hereof for failure of any person to comply with a violation order, the borough may through its Code Official, cause the trimming of overhanging trees and shrubs and/or the removal of such mud or debris which is obstructing a walkway within the borough and collect the expenses thereof, with any additional amount allowed by law, from the owner of the property upon which such violation exists, such collection to be by means of an action at law for quantum meruit as established by the Pennsylvania Rules of Civil Procedure or by way of the recordation of a municipal lien against the subject property as such liens are provided for by act of Assembly.

All such areas as are above set forth shall be kept in a property state of repair, sidewalks in accordance with the provisions contained in Chapter 83 of the Code of the Borough of East Greenville and steps in accordance with the provisions of the Building Code dealing with exterior stairs. They shall also be maintained free from ice and snow in accordance with the requirements set forth in Section 83-14 of the Code of the Borough of East Greenville.

I. Section 302.4 is hereby amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Whenever the Code Official determines that a violation of this section exists, he shall serve, in the fashion and upon the persons set forth in Section 107 hereof, a notice of such violation in the form established by Section 107 hereof, with seventy-two (72) hours from the time of such service being, in all instances, the period of time within which the violation must be corrected.

In addition to those legal remedies vested in the borough by Sections 106 hereof for failure of any person to comply with a violation order, the Borough may, through its Code Official, cause the trimming of overhanging trees and shrubs and/or the removal of such mud or debris which is obstructing a walkway within the borough and collect the expenses thereof, with any additional amount allowed by law, from the owner of the property upon which such violation exists, such collection to be by means of an action at law for quantum meruit as established by the Pennsylvania Rules of Civil Procedure or by way of the recordation of a municipal lien against the subject property as such liens are provided for by act of Assembly.

J. Section 304.14 is hereby amended to read as follows:

304.14 Insect screens. During the period from October 1 to May 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, and food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other Approved means, such as air curtains or insect repellent fans, are employed.

K. Section 304.18.1 is hereby amended to read as follows:

Section 304.18.1. Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall tightly secure the door. Such lock shall be installed according to the manufacturer's specifications and maintained in good working order.

L. Section 602.3 is hereby amended by inserting "October 1 to May 1".

M. Section 602.4 is hereby amended by inserting "October 1 to May 1".

N. Sections 704.2, 704.3 and 704.4 are amended to read as follows:

Section 704.2. Smoke Alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single- or multiple-station alarms shall be installed in other groups in accordance with the International Fire Code.

Section 704.3. Power Source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection.

Exception: Smoke alarms are permitted to be solely battery operated in one- and two-family dwellings, in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or

basement available which could provide access for building wiring without the removal of interior finishes.

Section 704.4. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Group R-3 one- and two-family dwellings.
2. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
3. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space, or basement available which could provide access for interconnection without the removal of interior finishes.

SECTION 4. REPEAL

That Ordinance No. 2007-03 of the Borough of East Greenville, Pennsylvania Entitled **PROPERTY MAINTENANCE CODE** and all other ordinances, or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. VALIDITY

That if any section, subsection, sentence, clause or phrase 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. The East Greenville Borough does hereby declare that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6. SAVING CLAUSE.

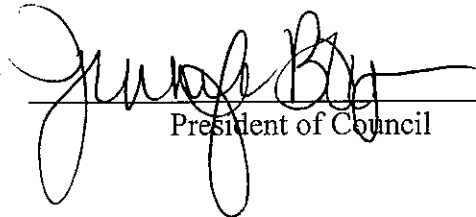
That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor

shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7. DATE OF EFFECT.

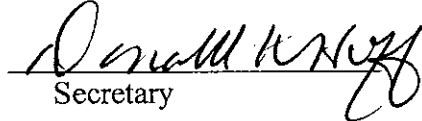
That the Borough Secretary shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance and the rules, regulations, provisions, requirements orders and matters established and adopted hereby shall take effect and be in full force and effect twenty-four hours from and after the date of its final passage and adoption.

ENACTED AND ORDAINED by the said Borough this 4TH day of OCTOBER, 2010.



President of Council

ATTEST:



Secretary

Approved this 4TH day of OCTOBER, 2010.



Mayor