

WEST CALN TOWNSHIP
ADOPTION OF THE
INTERNATIONAL PROPERTY MAINTENANCE CODE
ORDINANCE NO. 2-08, 2008

An ordinance of the Township of West Caln adopting the 2006 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 Township of West Caln; providing for the issuance of permits and collection of fees therefor.

The Board of Supervisors of the Township of West Caln does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Manager of the Township of West Caln, being marked and designated as the *International Property Maintenance Code*, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of West Caln, in the County of Chester and Commonwealth of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplies 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 collections of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of West Caln 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 2 of this ordinance.

Section 2. The following sections are hereby revised.

Section 101.1. Insert: "Township of West Caln" between the words "of" and "hereinafter" in the second line thereof.

Section 103. The heading of Section 103 is hereby deleted in its entirety and replaced with the following: **"SECTION 103 WEST CALN TOWNSHIP DEPARTMENT OF CODE ENFORCEMENT."**

Section 103.5. Section 103.5 is hereby deleted in its entirety and replaced with the following:

"103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated by a fee schedule as may be adopted by the Board of Supervisors by resolution from time to time."

Section 106.3 is hereby modified by deleting the word "misdemeanor" in the third line and inserting the words "summary offense" in its place.

Section 106.4 is hereby deleted in its entirety and replaced with the following:

"106.4 Violation and Penalties. Any person who violates or permits the violation of any provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official or of a permit or certificate issued under the provisions of this code, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offence and shall be subject to the payment of a fine of not less than \$25.00 and not more than \$1,000, plus the costs of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the County prison for a period of not more than 30 days. Each section of this code that is violated shall constitute a separate offence, and each day or a portion thereof in which a violation of this code is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$25.00 and not more than

\$1,000, plus the costs of prosecution, and in default of payment thereof, the defendant may be imprisoned in the County prison for not more than 30 days.

Section 302.4. The first paragraph of Section 302.4 is hereby deleted in its entirety and such first paragraph is hereby replaced with the following (the second paragraph of Section 302.4 shall remain unmodified and in full force and effect):

“302.4 Weeds. All residential and commercial premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches within the front, side and rear yards as defined in the Township Zoning Ordinance. All noxious weeds shall be prohibited in such area. Weeds shall be defined as all grasses, annual plants and vegetation other than trees and shrubs; provided however, that this term shall not include cultivated flowers and gardens, protected wildflowers, woodlands as defined in the Township Zoning Ordinance, wetlands as defined in the Township Zoning Ordinance and lands used for agriculture as defined in the Township Zoning Ordinance.

Section 304.14. Insert: “April 1st” between the words “from” and “to” in the first line thereof. Insert “October 31st” before the word “every” in the second line thereof.

Section 602.3. Insert: “October 1st” between the words “from in the fourth line thereof and the word “to” in the fifth line thereof. Insert “April 15th” between the words “to” and “to” in the fifth line thereof.

Section 602.4 Insert: “October 1st” between the words “from” in the second line thereof and “to” in the third line thereof. Insert “April 15th” between the words “to” and “to” in the third line thereof.

Section 3. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed. Except as specifically modified by this Ordinance, the Property

Maintenance Code adopted by this Ordinance shall remain unmodified and in full force and effect.

Section 4. 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 Board of Supervisors hereby declares 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 5. 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.

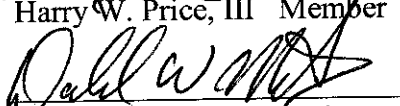
Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 5 days from and after the date of its final passage and adoption.

ENACTED AND ORDAINED this 8TH day of December, 2008.

WEST CALN TOWNSHIP
BOARD OF SUPERVISORS


Paul Pritzenmeyer, Chairman


Harry W. Price, III Member


Donald Martz Member