

ORDINANCE NO. 5-2007

**AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL
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 SCHUYLKILL; PROVIDING FOR THE ISSUANCE OF
PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO.
OF THE TOWNSHIP OF SCHUYLKILL AND ALL OTHER ORDINANCES AND PARTS
OF THE ORDINANCES IN CONFLICT THEREWITH**

The Board of Supervisors of the Township of Schuylkill does ordain as follows:

SECTION 1. That a certain document, three (3) copies of which are on file in the office of the Department of Code Enforcement of Schuylkill Township, being marked and designated as the “International Property Maintenance Code, 2006 edition”, as published by the International Code of Schuylkill Township, 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 thereof; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Department of Code Enforcement of Schuylkill Township 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. ADDITIONS, INSERTIONS AND CHANGES.

That the following sections are hereby revised as follows:

Section 101.1. Insert: Schuylkill Township

Section 103.5. Insert:

Schedule of permit fees: The fees for activities and services performed by this department in carrying out its responsibilities under this code shall be in accordance with the Fee Schedule as established by Schuylkill Township, by Resolution.

Section 106.3. Prosecution of violations. Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100.00 and not more than \$1,000.00, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for term of not more than 30 days. Each section of this ordinance violated shall constitute a separate offense, and each day or portion thereof in which a violation of this ordinance 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 \$100.00 and not more than \$1,000.00, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term not more than 30 days.

Section 106.4 Violation penalties. Violations shall be a summary offense subject upon conviction of a fine not less than \$100.00 and no more than \$1,000.00, and/or 30 days imprisonment. Each violation constitutes a separate offense.

Section 107.3 Method of service. 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. (Nothing contained herein shall prevent service of the notice by regular and certified mail and posting the property simultaneously)

Section 111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals provided that a written application for appeal is filed within the same number of days as set forth for compliance in the decision, notice or order. If no time period was set for abatement or compliance in said notice or if no time period is required to be provided by the terms of this Ordinance, then written application for appeal be filed with the Borough Secretary within 20 days after service.

Section 111.2 Membership of board. The board of appeals shall consist of members of the Schuylkill Township Supervisors. The code official shall be an ex-officio member but shall have no vote on any matter before the board.

Section 302.3 shall read as follows:

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas for public use shall be kept in a proper state of repair, free of all snow, ice, mud, overhanging trees, shrubs, and other debris which obstruct walkways shall be maintained free of hazardous conditions. Removal of snow and/or ice is to be accomplished so that a walkway of at least three (3) feet in width shall be cleared along the entire extent of such

sidewalk within twenty four (24) hours after the same has ceased to fall or to be formed.

Section 302.4 (page 9, second and third line)

Insert: 10 inches

Section 302.8 shall read as follows:

302.8 Motor Vehicles. Except as provided for in other regulations, no inoperative, unregistered, uninspected or unlicensed motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Section 304.14 (page 10, first and second line)

Insert: May 15th to October 1st

Section 602.3. (Page 17, fifth line)

Insert: October 1st to May 15th

Section 602.4. (page 17, third line)

Insert: October 1st to May 15th

SECTION 3. INCONSISTENT ORDINANCES REPEALED.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. VALIDITY

herewith are hereby repealed.

SECTION 4. 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 Township of Schuylkill 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. SAVINGS 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.


ENACTED AND ORDAINED this 5th day of September, 2007

TOWNSHIP OF SCHUYLKILL


BY: _____
Joseph Boran, Chairman


BY: _____
Maureen Vanek, Vice Chairman

ATTEST:



Mary E. Bubel, Secretary


BY: _____
Linda Decindio, Supervisor