

ORDINANCE NO. 552-17

**BOROUGH OF ATGLEN
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE BOROUGH OF ATGLEN, CHESTER COUNTY,
PENNSYLVANIA, ADOPTING THE 2012 EDITION OF THE INTERNATIONAL
PROPERTY MAINTENANCE CODE, AS AMENDED BY THIS ORDINANCE, AS THE
BOROUGH OF ATGLEN PROPERTY MAINTENANCE CODE**

WHEREAS, 8 Pa. C.S. § 32A04 confers upon Boroughs of the Commonwealth of Pennsylvania the power to adopt standard or nationally recognized regulations for the maintenance of property, buildings and structures; and

WHEREAS, Borough Council believes it to be in the public interest of the citizens of the Borough of Atglen to adopt the International Property Maintenance Code, 2012 Edition, three (3) copies of which are on file in the office of the Borough Manager of the Borough of Atglen, as amended by this Ordinance as the Property Maintenance Code of the Borough of Atglen, which sets forth the minimum regulations governing the conditions and maintenance of all property, buildings and structures, providing standards for supplied utilities and facilities and other physical conditions and things 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 structures in the Borough of Atglen; and repeal all prior inconsistent property maintenance code ordinances of the Borough of Atglen.

NOW THEREFORE, be it Ordained and Enacted by the Borough Council of the Borough of Atglen, Chester County, Pennsylvania:

SECTION I. The Borough Council of Atglen officially hereby adopts the 2012 Edition of the International Property Maintenance Code, three (3) copies of which are available for inspection and copying in the office of the Borough Manager of the Borough of Atglen, as amended by this Ordinance as follows:

A. Section 101.1: These regulations shall be known as the Borough of Atglen Property Maintenance Code.

B. Section 103 Heading: The heading to this section of regulations shall be titled Section **103 DEPARTMENT OF BUILDING AND CODES ENFORCEMENT**.

C. Section 103.1: These regulations are deleted in their entirety and replaced with the following:

103.1 Code Official. The Department of Building and Codes Enforcement shall administer and enforce the provisions of this Code. The term “Code Official” shall mean the executive official in charge of the Department of Building and Codes Enforcement and executive official’s designees.

D. Section 103.5 Fees. These regulations are deleted in their entirety and reserved.

E. Section 106.4 Violation Penalties. These regulations are deleted in their entirety and replaced with the following:

106.4 Violations 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 a certificate issued under the provisions of this Code shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine of not less than Twenty-Five Dollars (\$25) and not more than One Thousand Dollars (\$1,000) plus the costs of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the County prison for not more than thirty (30) days. Each section of this Code that is violated shall constitute a separate offense, and each day or 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 Twenty-Five Dollars (\$25) and not more than One Thousand Dollars (\$1,000) plus the costs of prosecution, and upon default of payment thereof, the defendant may be sentenced to imprisonment in the County prison for not more than thirty (30) days.

F. Section 111 Means of Appeal. These regulations are deleted in their entirety and replaced with the following:

111.1 General. The Borough of Atglen is a member of the Western Chester County Regional UCC Appeals Board (WCCRUCAB) pursuant to an Intergovernmental Cooperation Agreement with other local municipalities. The WCCRUCAB has formed a Board of Appeals to hear and decide appeals for orders, decisions, or determinations made by the municipality's Code Official relative to the interpretation of the municipality's Property Maintenance Code. The Board of Appeals shall be appointed by the WCCRUCAB and shall be governed by the rules and regulations adopted by the WCCRUCAB.

G. Section 112.4 Failure to Comply. These regulations are deleted in their entirety and replaced with the following:

112.4 Failure to comply. 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 violations and penalties per Section 106.4 of this Code.

H. Section 302.4 Weeds. These regulations are deleted in their entirety and replaced with the following:

302.4 Weeds, Obnoxious Growths Prohibited. No person having an interest in any property, land, sidewalk, or curbs shall permit any grass, weeds or any vegetation whatsoever, not grown for human consumption or planted for some useful or ornamental purpose, to grow upon such premises so as to exceed a height of 10 inches, or to throw off any unpleasant or noxious odor, or to conceal any filthy deposit.

302.4.1. Removal, Trimming or Cutting Required. The owner of any premises and/or occupant thereof shall remove, trim or cut all grass, weeds, or other vegetation growing or remaining upon such premises in violation of the provisions of this Code.

302.4.2. Enforcement, Removal by Borough, Collection of Costs. The Code Official or his designee, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds, or other vegetation is growing or remaining in violation of this Code, directing and requiring such occupant to remove, trim, or cut such grass, weeds, or vegetation so as to conform to the requirements of this Code within five (5) days after issuance of such notice. In case any person shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Code Official or his designee may have removed, trimmed, or cut such grass, weeds or vegetation, and the cost thereof together with an additional penalty of ten percent (10%), shall be collected by the Borough from such person in the manner provided by law for the collection of municipal claims, either by filing a lien or by action of assumpsit, or in any other authorized manner.

I. Section 304.14 Insect Screens. The time period defined under this Section shall be April 20 to October 14.

J. Section 602.3 Heat Supply. The time period defined under this Section shall be October 15 to April 19.

K. Section 602.4 Occupiable Work Spaces. The time period defined under this Section shall be October 15 to April 19.

SECTION II. That Ordinance No. 380-06 of the Borough of Atglen titled Property Maintenance Code, Ordinance No. 229 of Year 1987 titled Weed Ordinance, and all other ordinances or parts of laws in conflict herewith are hereby repealed.

SECTION III. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Council of the Borough of Atglen hereby declares that it would have passed this law, 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 IV. That nothing in this legislation 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 II of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.


SECTION V. That the Borough Manager/Secretary shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

SECTION VI. That this Ordinance shall take effect and be in full force and effect at the time of adoption.

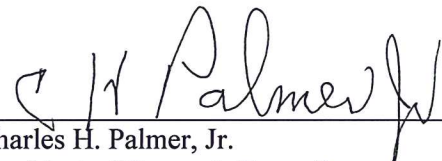
DULY ORDAINED AND ENACTED by the Borough Council of the Borough of Atglen, this 1st day of May 2017, in lawful session duly assembled.

BOROUGH OF ATGLEN

Attest:

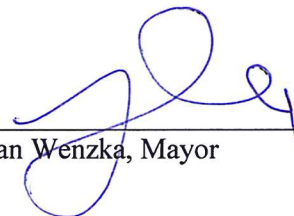


Caren D. Andrews, Manager/Secretary

By: 

Charles H. Palmer, Jr.
President of Borough Council

APPROVED THIS 1st DAY OF May, 2017

By: 

Brian Wenzka, Mayor