

SPRING GROVE BOROUGH

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

ORDINANCE NO. 2-2008

AN ORDINANCE OF THE BOROUGH OF SPRING GROVE 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 BOROUGH OF SPRING GROVE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO.1-1976 OF THE BOROUGH OF SPRING GROVE AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Borough of Spring Grove, on August 2, 1976, adopted Ordinance 1-1976 creating a Property Maintenance Code for the Borough; and

WHEREAS, the Borough of Spring Grove desires to update its Property Maintenance Code in order to protect the health, safety, general welfare and the property of the inhabitants of the Borough of Spring Grove, York County, Pennsylvania.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Spring Grove 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 Borough of Spring Grove, 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 Borough of Spring Grove, 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 Spring Grove 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. As successor editions of the *International Property Maintenance Code* are published, such successor editions and additions, insertions, deletions and changes thereto may be adopted by Resolution of the Borough Council.

Section 2. Revisions, Amendments and Additions to International Property Maintenance Code.

A. The following sections of the International Property Maintenance Code, 2006 edition, are hereby revised, as follows:

Section 101.1. Insert: **Borough of Spring Grove**

Section 103.5. Insert: **Set from time to time by resolution adopted by the Borough Council**

Section 302.4. Insert: **Five (5) Inches**

Section 304.14. Insert: **May 1st to October 1st**

Section 602.3. Insert: **October 1st to April 30th**

Section 602.4. Insert: **October 1st to April 30th**

B. The following sections of the International Property Maintenance Code, 2006 edition, are hereby amended as follows:

Section 106.4. Delete in its entirety and replace with the following:

Violation penalties. Any owner or occupant who has received notice of a violation of this ordinance or of the existence of a nuisance and fails to rectify the conditions constituting the nuisance or to remove and demolish the offending dwelling, building or structure shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00 together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. Each day of continued violation shall constitute a separate offense.

C. The following sections are hereby added to the International Property Maintenance Code, 2006 edition:

Section 109.7. Add:

Abatement by the Borough. If the owner, occupant, mortgagee or lessee fails to comply with the order of the Codes Enforcement Officer or the Borough Manager within the time specified in the notice issued by such person and no petition for a hearing is filed within fifteen (15) days thereafter, or following a hearing by the Borough of Spring Grove, the order is sustained thereby, the Codes Enforcement Officer or the Borough Manager shall cause such building or structure to be repaired, vacated or demolished as determined by the Borough of Spring Grove in accordance with the standards hereinbefore provided. The Borough of Spring Grove may collect the cost of such repair, vacation or demolition together with a penalty of ten (10%) percent of such cost plus attorney fees incurred by the Borough regarding the same, in the manner provided by law, or the Borough of Spring Grove may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

Section 110.5. Add:

Excavation to be refilled. After removal of said building or structure, any excavation there under shall be refilled with earth or other suitable material to match the existing ground level.

Section 111.4.2. Add:

Duties of Code Enforcement Officer. The Codes Enforcement Officer shall appear at all hearings conducted by the Building Appeals Board or District Justice, and testify to the condition of properties found to be in violation or found to be a nuisance.

Section 304.3.1. Add:

Rear premises identification. All properties located within Spring Grove Borough, and such property that has access to the rear by an alley or street shall display a house number. Address numbers shall comply with the above Section 304.3. Numbers shall be located on the subject garage or other such building within thirty (30) feet of the rear property.

Section 3. Repealer.

That Ordinance No. 1-1976 of Borough of Spring Grove entitled Borough of Spring Grove Property Maintenance Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severability.

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 Borough Council of the Borough of Spring Grove 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. Effective Date.

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 January 1, 2009 from and after the date of its final passage and adoption.

ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF SPRING GROVE THIS 1ST DAY OF DECEMBER, 2008.

ATTEST:

BOROUGH OF SPRING GROVE

Andrew N. Shaffer, Secretary

Richard P. Legore, Council President

EXAMINED AND APPROVED BY ME this 1st day of December, 2008

Seal

Dolores J. Aumen, Mayor