

ALLEN TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-03

PROPERTY MAINTENANCE CODE

AN ORDINANCE OF THE TOWNSHIP OF ALLEN, NORTHAMPTON COUNTY, PENNSYLVANIA, ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* AS CHAPTER 5, PART 1 OF THE CODE OF THE TOWNSHIP OF ALLEN; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES WITHIN ALLEN TOWNSHIP; 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; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE TOWNSHIP OF ALLEN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN.

Whereas, the Board of Supervisors of the Township of Allen previously enacted the 2006 edition of the International Property Maintenance Code set forth in Chapter 5, Part 1 of the Code of the Township of Allen; and

Whereas, the Board of Supervisors now desires to repeal Chapter 5, Part 1 of the Code of the Township of Allen (the 2006 International Property Maintenance Code) and replace it, in its entirety, with the International Property Maintenance Code of 2015.

Now therefore, be it enacted and ordained by the Board of Supervisors of the Township of Allen, Northampton County, Pennsylvania, as follows:

Section 1. REPEAL AND REPLACEMENT OF CHAPTER 5, PART 1 OF THE CODE OF THE TOWNSHIP OF ALLEN

Chapter 5, Part 1 of the Code of the Township of Allen is hereby repealed and replaced in its entirety as follows:

“Section 5-101. Adoption of Property Maintenance Code.

A certain document, three (3) copies of which are on file in the office of the Zoning Officer of Allen Township, being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Allen, 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 Township of Allen 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 5-102. Amendments, Additions and Deletions.

The following sections of the International Property Maintenance Code of 2015 are hereby revised:

Section 101.1. (Title): Insert “Township of Allen, Northampton County”

Section 103.5. (Fees): Insert “See Allen Township General Fee Schedule Resolution, as adopted annually”

Section 302.4. (Weeds): Insert “Twelve (12) Inches. Any plantings referenced in Chapter 22, Section 412, Subsection F regarding Natural Area Design Standards shall be exempt from the provisions of this Section.

Any plant or noxious weed that is determined by the Allen Township Board of Supervisors or the Commonwealth of Pennsylvania to be injurious to the public health, crops, livestock, agricultural land or other property shall be eradicated by the owner or agent responsible for the property. Treatment of invasive plant and or weed species shall be in accordance with best management practices endorsed by the Pennsylvania Invasive Species Council and in accordance with the state and federal regulations for the application of herbicides.”

Section 304.14. (Insect Screens): Insert “April 1st to November 1st”

Section 602.3. (Heat Supply): Insert “September 15th to May 15th”

Section 602.4. (Occupiable Work Space): Insert “September 15th to May 15th”

Section 5-103. Repealer.

All other ordinances, parts of ordinances, or other Sections of the Code of the Township of Allen in conflict herewith are hereby repealed.

Section 5-104. Severability.

If any section, subsection, sentence, clause or phrase of this Part 1 is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions

of this Part 1. The Board of Supervisors hereby declares that it would have passed this Part 1, 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 5-105. Construction.

Nothing in this Part 1 or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending 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 Part 1; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part 1.

Section 5-106. Violations and Penalties.

Any person, partnership, or corporation who or which has violated any of the provisions of this Chapter 5, Part 1, upon being found liable therefore in a criminal enforcement proceeding commenced by the Township, in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall pay a judgment of not more than \$1,000 plus all court costs plus reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Part 1 to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the District Justice and, thereafter each day that the violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition of the violator, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.”

Section 2. SEVERABILITY

If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of Allen Township that this Ordinance would have been adopted had such stricken provisions not been included herein

Section 3. REPEAL

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 4. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption thereof.

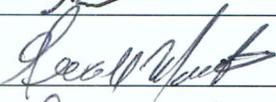
ENACTED and ORDAINED this 14 day of August, 2018.

ATTEST:

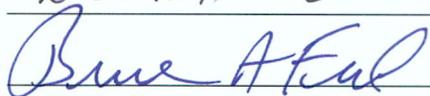


ALLEN TOWNSHIP
BOARD OF SUPERVISORS





Dale N. Hauler



(SEAL)