

REC'D JUL 15 2009

**BLOOMFIELD TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA
ORDINANCE NO. 2009-2**

ORDINANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION, AS THE PROPERTY MAINTENANCE CODE FOR BLOOMFIELD TOWNSHIP WITH CERTAIN MODIFICATIONS, AND TO PROVIDE FOR ITS ENFORCEMENT.

Now Therefore, be It Ordained and Enacted by the Board of Supervisors of Bloomfield Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority of same as follows:

- Section 1. Title.** The title of this Ordinance shall be the Bloomfield Township Property Maintenance Ordinance.
- Section 2. Adoption of International Property Maintenance Code.** The International Property Maintenance Code, 2006 Edition as published by the International Code Council, Inc., is hereby adopted as the Property Maintenance Code of Bloomfield Township for the regulation and control of buildings, structures, premises and facilities as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of this International Property Maintenance Code are hereby incorporated, adopted, and made a part hereof as if fully set forth in this Ordinance, with the additions, insertions, deletions, and changes as set forth in the following sections of this Ordinance.
- Section 3. Purpose.** Property Maintenance regulations are being established by adoption of nationally recognized minimal standards for maintenance of property for purposes of protecting the health and safety of occupants and the public.
- Section 4. Authority.** This Property Maintenance Code is adopted in accordance with authority existing under Sections 1517 and 1601 of the Second Class Township Code.
- Section 5. Additions, Insertions, and Changes to International Property Maintenance Code.** The following sections of the International Property Maintenance Code adopted hereunder are modified as follows:
- A. Section 101.1 Title – Insert “Bloomfield Township.”
 - B. Section 103 entitled “Department of Property Maintenance Inspection” is deleted in its entirety.

- C. Section 104.2 entitled Rule Making Authority is deleted in its entirety.
- D. Section 106 entitled Violations is deleted and replaced by the provisions of Section 6 of this Ordinance.
- E. The following portions of Section 107 entitled "Notices and Orders" are amended to read as follows:

"107.1 Notice to Persons Responsible. When the Code Official determines that a violation exists, notice shall be given in the manner set forth below to the owner of the property, any person in possession of the property, and any other person responsible for the property or the violation.

"In the event the Code Official determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the Code Official shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with notice of any notices and orders affecting said property."

...

"107.2(6) Include a statement regarding the Township's right to take corrective action under certain circumstances and recover the costs and to seek penalties as permitted by the Code and the law."

...

"107.3(3) If the notice is returned undelivered, a copy shall be mailed by regular mail and posted on the property or affected structure in a conspicuous manner."

- F. The following portions of Section 111 entitled "Means of Appeal" are amended to read as follows:

"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 setting forth the reasons for the appeal is filed within 20 days of the day the decision, notice or order was served and that an appeal fee as established by the Board of Supervisors is paid at the time of the application."

...

"111.2.5 Compensation. Compensation of members shall be determined by the Board of Supervisors.

...

"111.4.1 Procedure. Hearings and appeal proceedings shall be conducted in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa. C.S. § 551 et seq., and in accordance with the applicable requirements of the Pennsylvania Sunshine Law, 65 Pa. C.S. § 701 et seq. Proceedings need not comply with the strict rules of evidence."

...

"111.7 Court Review. An aggrieved person may take an appeal from the decision of the Board of Appeals in accordance with the applicable provisions of law."

- G. Section 202 entitled Definitions shall have the following definitions inserted:

"Jurisdiction: shall mean Bloomfield Township.

"Code Official" shall mean the person appointed by the Board of Supervisors to administer and enforce the Property Maintenance Code.

"Chief Appointing Authority" shall mean the Board of Supervisors of Bloomfield Township.

- H. Section 302.4 entitled Weeds - The first sentence of Section 302.4 entitled Weeds shall read as follows:

"All yards of all premises and exterior property in the RV, RR, RLD, CG & CR Zoning Districts shall be maintained free from weeds and plant growth in excess of 10" in height."

The remaining portion of Section 302.4 shall remain unchanged.

- I. Section 304.14. Insect Screens – Insert "May 1st to October 1st."

- J. Section 302.8 entitled Motor Vehicles – The first sentence of Section 302.8 entitled Motor Vehicles shall read as follows:

"No in operable or unlicensed motor vehicle shall be parked, kept or stored outdoors on any premises except that 2 or less such vehicles may be kept outdoors if being stored or repaired. This exception shall not apply to motor vehicles in a state of major

disassembly or damaged condition or in the process of being stripped or dismantled.”

The remaining portion of Section 302.8 shall remain unchanged.

- K. Sections 307.2 and 307.3 entitled Disposal of Rubbish and Disposal of Garbage – Sections 307.2 and 307.3 are deleted and replaced by the following new Section 307.2:

“307.2. *Disposal of Rubbish and Garbage.*

1. Every occupant of a structure shall keep and dispose of garbage and rubbish in a clean and sanitary manner by placing garbage and rubbish in appropriate containers.
2. No rubbish, refuse or garbage shall be accumulated or stored outside of an enclosed building or structure, except in appropriate containers which are set outside for collection, not more than 24 hours in advance of the time for collection. Appropriate containers are those cans, receptacles, or bags which will secure the contents and keep the contents from being scattered or leaked.
3. All rubbish, refuse and garbage accumulated or stored inside of an enclosed building shall be regularly disposed of by use of a refuse collection service or other lawful means.
4. No rubbish, refuse or garbage shall be accumulated or stored inside an enclosed building so as to create a nuisance.
5. *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
6. *Demolition Dumpsters.* Appropriate dumpsters or other containers shall be provided at all demolition or other work sites where building material waste will be generated, and such materials shall be removed from the site in accordance with applicable regulations.”

- L. The following sections will be deleted:

Section 404.2 entitled Minimum Room Widths

Section 404.3 entitled Minimum Ceiling Heights

Section 404.4 entitled Bedroom and Living Room Requirements

- M. Sections 602.2, 602.3 and 602.4 entitled Residential Occupancies, Heat Supply and Occupiable Workspaces shall be deleted and replaced with the following new Section 602.2, which shall read as follows:

“602.2. Dwellings, dwelling spaces and Occupiable workspaces shall be provided with proper and safe heating facilities capable of maintaining a reasonable room temperature for safe and healthful living in all habitable rooms, bathrooms, and spaces used for work. Cooking appliances shall not be used for heating.”

Section 6. Violations. A new Section 106 entitled Violations is added to the Property Maintenance Ordinance to replace Section 106 as set forth in the Property Maintenance Code, which shall read as follows:

“106.1 *Unlawful Acts.* It shall be unlawful for any person to cause or permit a condition to exist with respect to, maintain or fail to maintain, provide or fail to provide, use or occupy any structure, premises, or equipment regulated by this Code, contrary or in violation of any of the provisions of this Code; to permit another person to use or occupy any structure, premises or equipment in violation of this Code; or to cause such unlawful acts to occur; or to fail to obey a lawful order of the Code Official; or to remove or deface a plaque or door notice posted under the provisions of this Code.

“106.2 *Notice of Violation.* The Code Official shall serve a notice of violation or order in accordance with the requirements of Section 107.

“106.3 *Action to Remedy Unlawful Acts.* If action is not taken to remedy a violation or to comply with a notice or order directing certain action to correct a violation, the Code Official may institute an action for imposition of a penalty in accordance with Section 106.4; institute appropriate legal proceedings to restrain, correct or abate the violation; institute legal proceedings to remove persons from or to terminate occupancy of a structure in violation of the provisions of this Code; institute legal proceedings to enforce an order; or in the case of an emergency, with the approval of the Board of Supervisors, take immediate action to protect the public health, safety and welfare. In the event the Township incurs expenses in conjunction with the correction or abatement of any violation which creates a serious health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with orders/ notices issued by the Code Official, such expense, including reasonable attorney fees and costs, may be collected by means of a municipal lien against the subject property or by suit against the persons responsible for the violation or property, or in any other manner permitted by law.

“106.4 *Penalty.* Any person who shall violate or fail to comply with any of the requirements of this Code or who shall fail to comply with any of the requirements thereof, or who shall fail to comply with an order issued by the Code Official, shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00 plus costs, and in default of payment, shall be sentenced to imprisonment of not more than 30 days. Each day that a violation continues shall be deemed a separate violation.”

Section 7. Actions Involving Unsafe Structures, Emergency Measures and Demolition. A new Section 112 entitled Actions Involving Unsafe Structures, Emergency Measures and Demolition is added to the Property Maintenance Code, which shall read as follows:

“112. *Actions Involving Unsafe Structures, Emergency Measures, and Demolition.*

“112.1 *Review and Notice of Remedial Actions.* Whenever the Code Official determines that a building or structure should be vacated under Section 108, or demolished under Section 110, or that emergency measures need to be taken under Section 108.2 or 109, unless the circumstances require immediate action, such remedial action shall not be taken without:

1. consulting with the designated professionals as necessary to determine that the proposed action is the minimum action required to protect occupants and the public;
2. the approval of the Board of Supervisors;
3. making reasonable efforts to identify and give notice to all persons with an ownership or possessory interest in the premises, and to all persons who may be adversely affected, of the actions to be taken by the Township; and
4. providing a reasonable opportunity for an appeal to persons adversely affected by such action who may request same.

“112.2 *Scope of Remedial Action.* the remedial action taken under Sections 108.2, 109 and 110 should be no more than necessary to protect the occupants and property and the public health, safety and welfare.

Section 8. Maintenance of Code for Public Use. The applicable Property Maintenance Code shall be maintained at all times at the Township Office and shall be available for public use, inspection and copying during regular business hours. Copies of the Code or portions thereof shall be furnished upon request at reasonable cost.

Section 9. Severability. Should any section, part or provision of this Ordinance or Property Maintenance Code be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any code of which this Ordinance may be considered to be a part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

Section 10. Repealer. All ordinances and codes and parts of ordinances and codes inconsistent herewith are hereby repealed. Saved from repeal is the Bloomfield Township Junk Yard Ordinance, No. 2004-1. To the extent the ordinances are inconsistent, the more restrictive ordinance or provisions thereof shall govern.

Section 11. Effective Date. This Ordinance and the International Property Maintenance Code hereby adopted shall be in effect 5 days after enactment.

Ordained and Enacted by the Board of Supervisors of Bloomfield Township this 7
day of July, 2009.

BLOOMFIELD TOWNSHIP BOARD OF SUPERVISORS

By: Shelma J. Morgan
Chairman

By: Christopher Berner
Supervisor

By: [Signature]
Supervisor

ATTEST:

May Pabiz
Secretary