

HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #176-2014

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF CERTAIN PROPERTY, BUILDINGS AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURE.

SECTION 1. SHORT TITLE

This Ordinance shall be known as the "Honey Brook Township Property Maintenance Ordinance."

SECTION 2. ADOPTION OF THE PROPERTY MAINTENANCE CODE

The International Property Maintenance Code of 2009, (herein referred to as "PM"), as published and amended from time to time by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Honey Brook Township, subject to the additions, insertions, deletions and changes set forth in Section 3 below.

SECTION 3. ADDITIONS, INSERTIONS, DELETIONS AND CHANGES

A. Subsection 101.1 shall read:

101.1 Title. These regulations shall be known as the Property Maintenance Code of Honey Brook Township, hereinafter referred to as "this code".

B. Subsection 103.5 shall be amended to read as follows:

103.5 Fees. The fees for all work permits, charges, etc. shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

C. Subsection 106.3 shall be amended to read as follows:

106.3 Prosecution of violation and penalties. Any failure to comply with a notice of violation or order served in accordance with Section 107 shall constitute a summary offense, and prosecution for every such failure to comply shall accord with practice in cases of summary offenses. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any professional fees, including but not limited to engineering fees, attorneys fees, or other professional fees incurred by the municipality in connection with the prosecution of the violation shall be assessed against the person charged with the violation.

Any person who shall violate a provision of this Code or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. A minimum fine of one-hundred dollars (\$100)

shall be assessed for each occurrence. The maximum fine that may be assessed for each violation shall be five-hundred dollars (\$500) per day.

D. Subsection 106.4 entitled "Violation penalties" shall be deleted in its entirety.

E. Subsection 106.5 shall be amended as follows:

106.4 Abatement of violation. In addition to the penalties herein prescribed, the Board of Supervisors of Honey Brook Township is also authorized to institute proceedings in the Court of Common Pleas of Chester County, Pennsylvania, to seek other legal relief under the Second Class Township Code or equitable relief as may be deemed necessary to protect and safeguard the interests of the Township and its citizens.

F. Subsections 111.2 through 111.8 shall be deleted in their entirety.

G. Subsection 112.4 entitled "Failure to Comply" shall be revised as follows: substitute "one-hundred dollars (\$100)" for the first reference of [AMOUNT] and "five-hundred dollars (\$500)" for the second reference of [AMOUNT].

H. Section 202 entitled "General Definitions" is hereby amended to include the following additional definitions:

OCCUPIED. As applied to a building or portion thereof, shall be construed as though followed by the words, "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy".

ONE FAMILY DWELLING. A building containing one dwelling unit.

TWO FAMILY DWELLING. A building containing two dwelling units.

I. Section 302.4 entitled "Weeds" shall be revised as follows: substitute "twelve inches (12")" for the reference (jurisdiction to insert height in inches).

J. Section 302.8 entitled "Motor Vehicles" shall be revised in its entirety to read: "Only one intact inoperative or unlicensed motor vehicle shall be parked, stored or kept on any *premises*. A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes. Painting of vehicles is prohibited unless conducted in an *approved* spray booth."

K. Section 304.8 entitled "Decorative Features" shall be deleted in its entirety.

L. In Section 304.11, delete the text beginning with "All exposed" and ending with "surface treatment."

M. Section 304.14 entitled "Insect Screens" shall be revised as follows: substitute "May 1st" for the first reference of [DATE], and "October 1st" for the second reference of [DATE].

N. Section 304.17 shall be deleted in its entirety.

O. Section 305.3 shall be deleted in its entirety.

P. Section 502.3 shall be deleted in their entirety.

- Q. Section 503.2 shall be deleted in their entirety.
- R. Section 602.3 entitled "Heat supply" shall be revised as follows: substitute "October 1st" for the first reference of [DATE], and "May 1st" for the second reference of [DATE].
- S. Section 602.4 entitled "Occupiable work spaces" shall be revised as follows: substitute "October 1st" for the first reference of [DATE], and "May 1st" for the second reference of [DATE].
- T. In all relevant Sections of the PM, the words "the Board of Supervisors of Honey Brook Township" shall be substituted for [THE GOVERNING BODY].

SECTION 4. REPEALER.

All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. SEVERABILITY

If any 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, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. CONTINUATION OF EXISTING REGULATIONS

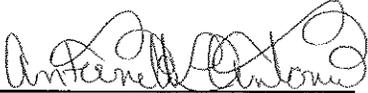
The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

SECTION 7. EFFECTIVE DATE.

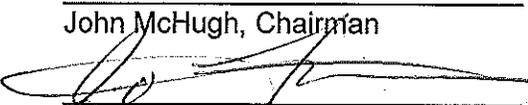
This Ordinance shall become effective five days after enactment as provided by law.

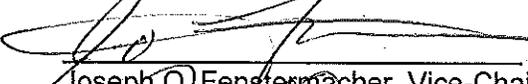
SO IT IS ENACTED AND ORDAINED this 12th day of November, 2014.

ATTEST:


Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


John McHugh, Chairman


Joseph O. Fenstermacher, Vice-Chairman


Tracy Olsen, Member