

ORDINANCE 2011-4

WRIGHTSVILLE BOROUGH

YORK COUNTY PENNSYLVANIA

An Ordinance of the Borough of Wrightsville, adopting the 2009 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 Wrightsville; providing for the issuance of permits and collection of fees there for; repealing other ordinances and parts of ordinances in conflict therewith.

The Council of Wrightsville Borough does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Secretary of Wrightsville Borough, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Wrightsville, in the state 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 there for; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Secretary of the Borough of Wrightsville are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with additions, insertions, deletions and changes as prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

- a. Section 101.1. Insert: Wrightsville Borough
- b. Section 102.3. Amended as follows; Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Pennsylvania Uniform Construction Code.

- c. Section 106.3. Amended as follows; Enforcement shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure." Furthermore, 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 action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- d. Section 106.4. Amended as follows; Any person, persons, firm, association or corporation who shall violate any of the provisions of this article herein adopted or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall operate or maintain or fail to operate or maintain a building, structure or premises in violation of this Code or any order, rule or regulation thereof from which no appeal has been taken shall, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each day that prohibited conditions continue shall constitute a separate offense.
- e. Section 111.2. Amended as follows; The board of appeals shall consist of a quorum of the Wrightsville Borough Council. The code official shall be an ex-officio member but shall have no vote on any matter before the board.
- f. Section 111.2.1. Removed
- g. Section 111.2.2. Amended as follows; The chairman of the board shall be the President of the Wrightsville Borough Council or in his or her absence the Vice President.
- h. Section 111.2.4. Amended as follows; The Wrightsville Borough Secretary shall serve as the secretary of the board.
- i. Section 111.2.5. Removed
- j. Section 112.4. Amended as follows; 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 liable to a fine of not less than \$100 dollars or more than \$1,000 dollars.
- k. Section 302.4. Insert: Six (6) inches
- l. Section 304.14. Insert: April 15- October15

- m. Section 602.3. Insert: September 15- May 15
- n. Section 602.4. Insert: September 15- May 15

Section 3. The following ordinances of the Borough of Wrightsville are hereby repealed.

- a. Ordinance 73-3, Chapter 4, Part 1, Dangerous Structures, of the Code of Ordinances of the Borough of Wrightsville is hereby repealed as it is superseded by the International Property Maintenance Code.
- b. Ordinance 252. Chapter 10, Part 1, Weeds and Vegetation, of the Code of Ordinances of the Borough of Wrightsville is hereby repealed as it is superseded by the International Property Maintenance Code.
- c. Ordinance 02-3. Chapter 10, Part 3, Motor Vehicle Nuisances, of the Code of Ordinances of the Borough of Wrightsville is hereby repealed as it is superseded by the International Property Maintenance Code.
- d. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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 Wrightsville Borough Council 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. That the Secretary of the Borough of Wrightsville is hereby ordered and directed to cause this ordinance to be published.

Section 7. 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 seven (5) days from and after the date of its final passage and adoption.

ANY ORDINANCE OR PARTS OF ORDINANCES WHICH ARE INCONSISTENT WEREWITH ARE
HEREBY REPEALED.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2011.

ATTEST:

BOROUGH COUNCIL:

MELISSA WIRLS
BOROUGH SECRETARY

THOMAS GROFT
COUNCIL PRESIDENT

APPROVED

This _____ day of _____, 2011

BY:

NEIL HABECKER
MAYOR