

ORDINANCE NO. 2 of 2019

WEST CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF WEST CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AUTHORIZING THE ADOPTION OF THE 2015 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REPEALING PRIOR ORDINANCES, REVISING CERTAIN PROVISIONS AS NEEDED AND INCLUDING ADDITIONAL NEW PROVISIONS AS PART OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*.

WHEREAS, the Board of Supervisors of West Caln Township has determined a need to adopt an updated version of the International Property Maintenance Code to be implemented and utilized by the Township as the Township's property maintenance code;

WHEREAS, the Board of Supervisors of West Caln Township desires to authorize the use and implementation of the 2015 edition of the *International Property Maintenance Code*, which shall govern the conditions and maintenance of all property, buildings and structures in West Caln Township; by providing the standards for supplied utilities and facilities and other physical matters 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 West Caln Township while also providing for the issuance of permits and collection of any fees, fines and penalties related to same;

WHEREAS, the Board of Supervisors of West Caln Township, in consideration of the adoption of the above referenced property maintenance code, has also determined the need to repeal a certain ordinance which is in conflict with the newly adopted property maintenance code and related provisions.

BE IT ENACTED AND ORDAINED this 12th day of June, 2019 as follows:

SECTION 1. Ordinance No. 2-08 of West Caln Township, which adopted an earlier version of the International Property Maintenance Code, is hereby repealed in its entirety.

SECTION 2. There is hereby adopted by the Board of Supervisors of West Caln Township the International Property Maintenance Code, 2015 Edition, as now and as hereafter supplemented, reissued, amended and revised, as published by the International Code Council, Inc. Not fewer than three copies of the International Property Maintenance Code, 2015 Edition, are filed in the office of the Secretary of West Caln Township, and the same is hereby adopted and incorporated as fully as if set out at length herein.

SECTION 3. For the purposes of enforcing the 2015 Edition of the International Property Maintenance Code, the Code Enforcement Officer of West Caln Township is hereby designated as the Code Official.

SECTION 4. The following sections of the newly adopted 2015 International Property Maintenance Code are further revised, or language inserted as follows:

a. Section 101.1 Insert: West Caln Township

b. Section 103.5 shall be removed and replaced with the following language:

“103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be according to the fee schedule as adopted by the West Caln Township Board of Supervisors by resolution, which may be amended from time to time by subsequent resolution.”

c. Section 112.4. Insert: \$ 150.00 and \$1,000.00

d. Section 302.4. Insert: 10”

e. Section 304.14. Insert: APRIL 1st - SEPTEMBER 30th

f. Section 602.3. Insert: OCTOBER 15th – MARCH 15th

g. Section 602.4. Insert: OCTOBER 15th – MARCH 15th

SECTION 5. The following new provisions shall also be inserted as Section 302.4.1 to the International Property Maintenance Code, 2015 Edition as adopted by the Township:

“Section 302.4.1.

A. Removal of diseased or dangerous trees from public streets and public rights-of-way.

1. The property owner or person in possession and control of property within the Township shall be responsible for maintaining any and all trees, branches, vines, shrubs and other landscaping on their property so that they do not unreasonably affect or interfere with the health, safety or welfare of the public or the right of the public to the unobstructed use of the public roads or public property. If the condition of any tree, branch, vine, shrub or other landscaping on private property in the township, because of disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of the public roads or property, the Township shall send written notice via certified mail to the property owner or person in possession and control of the property ordering that such obstruction be cut and/or removed from the public road or public property within 30 days from

receipt of the notice. Upon failure of the property owner to remove the obstruction, the property owner shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. If the property owner fails to remove such obstruction within 30 days, the Township may enter the property and remove the obstruction. Thereafter, the Township's cost of cutting and/or removing the obstruction shall be billed to the property owner or the person in possession and control of the property and shall be due and payable within 10 days of the date the Township bills the property owner for the cost of the cutting and/or removal of the obstruction. If the amount of the bill is not paid within 10 days, all amounts due and owing shall be deemed to be delinquent and shall be subject to a penalty of 10% of the amount billed.

2. If the billing is not paid within 15 days, the Township may file an action in assumpsit or any proceeding otherwise provided by law to recover the amount of the delinquent bill together with any costs, attorney's fees or expenses, or may file a municipal lien against the property pursuant to the procedure established in the Pennsylvania Municipal Lien Law for any amounts due and owing the Township. Such lien shall be collected in the manner provided for by law for the filing and collection of such municipal liens. All of the Township's remedies shall be cumulative.
3. In the event that a tree, branch, vine, shrub or other landscaping has fallen into the Township right-of-way and obstructs the use of the public roads or is creating a hazardous condition which requires immediate attention, the Township is authorized to immediately remove the obstruction from the right-of-way and bill the property owner for the cost of removing the obstruction.”

SECTION 6. 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 Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

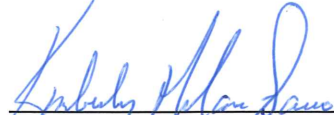
SECTION 7. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance shall become effective upon enactment as provided by law.

[SIGNATURE PAGE TO FOLLOW]

ENACTED AND ORDAINED this 12th day of June 2019.

ATTEST:




Township Secretary


**WEST CALN TOWNSHIP
BOARD OF SUPERVISORS**



Donald W. Martz, Chairman



Allen R. Martin, Vice Chairman



Joseph G. Hutton, Member