

## ORDINANCE 2016-3

### AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 126, PROPERTY MAINTENANCE, OF THE CODE OF WESTTOWN TOWNSHIP.

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that Chapter 126, Property Maintenance, of the Code of Westtown Township, as amended, be amended as follows:

**SECTION 1.** Amend §126-1, Adoption of Property Maintenance Code, to read as follows:

#### **§126-1. Adoption of Property Maintenance Code.**

A certain document, three copies of which are on file in the office of the Secretary of Westtown Township, being marked and designated as the *International Property Maintenance Code*, 2009 Edition, as published by the International Code Council, and as may be amended from time to time, be and is hereby adopted as the Property Maintenance Code of Westtown Township, Chester County, 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 Property Maintenance Code on file in the office of the Secretary of Westtown Township 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 §126-2 below.

**SECTION 2.** Amend §126-2, Additions, Insertions and Changes, to read as follows:

#### **§126-2. Additions, insertions and changes.**

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

- A. **Section 101.1 Title**, Insert: Westtown Township, Chester County, Pennsylvania.
- B. **Section 103.5 Fees**, Insert: Fees assessable by the Township for the administration and enforcement undertaken pursuant to this article and the Property Maintenance code shall be established by the Board of Supervisors by resolution from time to time.
- C. **Section 106.4 Violation penalties**, delete in its entirety and replace with the following: Any person, firm or corporation who violates or permits a violation of this Code shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Code that is violated shall also constitute a separate offense.

- D. **Section 112.4 Failure to comply**, Insert: Not less than \$500 or more than \$1,000.
- E. **Section 302.4 Weeds**, Insert: 10 inches.
- F. **Section 304.14 Insect screens**, Insert: March 1 to November 1.
- G. **Section 602.3 Heat supply**, Insert: October 31 to February 28.
- H. **Section 602.4 Occupiable work spaces**, Insert: October 31 to February 28.

**SECTION 3.** 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 that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4.** All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

**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 4 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.** This amendment shall take effect and be in full force and effect 5 days from and after the date of its final passage and adoption.

ENACTED AND ORDAINED this 4<sup>TH</sup> day of April, 2016.

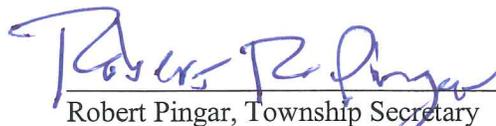
WESTTOWN TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Carol De Wolf

  
\_\_\_\_\_  
Thomas Haws

  
\_\_\_\_\_  
Michael Di Domenico

ATTEST:

  
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Robert Pingar, Township Secretary