

ORDINANCE NO. 199

AN ORDINANCE OF KENNETT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA 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 TOWNSHIP, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE TOWNSHIP IN CONFLICT THEREWITH

The Board of Supervisors of Kennett Township does ordain as follows:

SECTION 1. Adoption of Property Maintenance Code. A certain document, three (3) copies of which are on file in the office of the Secretary of Kennett Township, 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 Kennett Township 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 said Property Maintenance Code on file in the office of the Secretary of Kennett 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 Section 2 of this Ordinance.

SECTION 2. Additions, Insertions and Changes. The following sections of the Property Maintenance Code are hereby revised:

- A. Section 101.1. Title -Insert: Kennett 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 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 who violates or permits a violation of this Code shall, upon conviction in a summary proceeding brought before a District Justice 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 \$300 or more than \$1,000.
- E. Section 302.4. Weeds - Insert: Ten (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. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. Severability. 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 Board of Supervisors 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. Legal Effect. 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. Effective Date. 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 five (5) days from and after the date of its final passage and adoption.

ENACTED AND ORDAINED this 17th day of October, 2011.

KENNETT TOWNSHIP

Attest:

Manager/Secretary-Treasurer

BOARD OF SUPERVISORS

Allan F. Falcoff

Michael E. Elling

Robert A. Hammaker