

ORDINANCE NO. 2012-03

AN ORDINANCE OF ROCKLAND TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, ADOPTING THE INTERNATIONAL PROPERTY
MAINTENANCE CODE, 2009 EDITION, AND ESTABLISHING THE MINIMUM
REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE
OF ALL PROPERTY, BUILDINGS AND STRUCTURES TO INSURE 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 STRUCTURES

Pursuant to the provisions of the Second Class Township Code, specifically Sections 1517 and 1601, permitting second class townships to adopt ordinances regulating buildings and housing, and to adopt by reference a nationally recognized code in a Township ordinance, the Board of Supervisors of Rockland Township hereby enacts and ordains the following to be an ordinance of the Township:

SECTION 1. ADOPTION OF THE PROPERTY MAINTENANCE CODE

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 Rockland Township.

SECTION 2. ADDITIONS, INSERTIONS AND CHANGES

A. Subsection 101.1 shall read:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Township of Rockland, hereinafter referred to as “this code”.

B. Subsection 102.3 shall read:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and NFPA 70. Nothing in this code shall be construed to counsel, modify or set aside any provision of the *International Zoning Code*, the Rockland Township Zoning Ordinance or the Rockland Township Subdivision Ordinance, then and there in effect.

C. Subsection 103.1 shall read:

103.1 Creation of the Office of the Building Code Official. The office of Building Code Official is hereby created and the executive official(s) in charge thereof shall be known as the Building Code Official.

D. Subsection 103.2 shall read:

103.2 Appointment. The Building Code Official shall be appointed by the Board of Supervisors, by resolution, and shall serve at the pleasure of the Board of Supervisors.

E. Subsection 103.5 shall read:

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. Said fee Resolution may be amended from time to time.

F. Subsection 106.3 shall read:

106.3 Prosecution of Violation. Persons who shall violate a provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Subsection 107.5 is hereby revised by deleting the reference to Section 106.4 and substituting "106.3".

H. Section 111, entitled "Means of Appeal", is hereby deleted in its entirety.

I. Subsection 112.4 shall read:

112.4 Failure to comply. 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 Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00).

- J. 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.
- K. Section 301 is hereby amended to include the following additional Subsection known as 301.2.1:
- “Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line.”
- L. Subsection 302.4 entitled “Weeds” shall be deleted in its entirety.
- M. Section 302.8 shall read:
- 302.8 Motor Vehicles.** 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 body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- N. Section 304.14 substitute “April 1st” for the first reference of [DATE], and “October 31st” for the second reference of [DATE].
- O. Section 602.3 substitute “October 1st” for the first reference of [DATE], and “May 31st” for the second reference of [DATE].
- P. Section 602.4 substitute “October 1st” for the first reference of [DATE], and “May 31st” for the second reference of [DATE].
- Q. Substitute in all relevant Sections of the Code “Building Code Official” for [THE BUILDING OFFICIAL].
- R. Substitute in all relevant Sections of the Code “the Board of Supervisors” for [THE GOVERNING BODY].

SECTION 3. INCONSISTENT ORDINANCES REPEALED

Any and all ordinances which conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY

The provisions of this Ordinance are severable, and if any section, sentence, clause or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

SECTION 5. 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 6. DATE OF EFFECT

This Ordinance shall take full force and be in effect five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Rockland Township on the 14th day of February, 2012.

ATTEST:

ROCKLAND TOWNSHIP BOARD
OF SUPERVISORS

Karen K. Krall, Secretary

Russell W. Coffin, Chairman

Harold K. Meadway, Vice-Chairman

Terry L. Fegley, Member