

Ordinance 2018 - 04

AN ORDINANCE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, AMENDING, ADDING AND DELETING CERTAIN ADMINISTRATIVE PROVISIONS THEREOF AND REPEALING ORDINANCE NOS. 2004-9, 2010-8 AND 2015-12.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Manheim Township , Lancaster County, Pennsylvania that the International Property Maintenance Code, 2015 Edition, as presently promulgated, is hereby adopted as the Property Maintenance Code of Manheim Township as if fully set forth in this Ordinance, with the additions, insertions, deletions and changes described herein. Copies of the Property Maintenance Code of Manheim Township, with the additions, insertions, deletions and changes set forth in Section of this Ordinance are on file in the Office of the Director of Code Compliance.

Section 1. The following sections are hereby amended as follows:

- 1. Section 101.1 Title** is amended by inserting "Manheim Township".
- 2. Section 102.3 Application of other codes** is amended by deleting "International Zoning Code" and inserting "Zoning Ordinance of Manheim Township 2014, as amended".
- 3. Section 102.7 Referenced Codes and Standards** shall be amended by deleting The International Zoning Code (IZC-15)
- 4. Section 102.8 Requirements not covered by the code** shall be amended by deleting the words "code official" and inserting the words "Director of Code Compliance"
- 5. Section 103.1 General** is amended as follows:

The Property Maintenance Code of Manheim Township shall be enforced by the Manheim Township Department of Code Compliance. The Department of Code Compliance consists of the Director of Code Compliance and those persons appointed by the Commissioners of Manheim Township to assist him. Such persons are known as Code Officials. All references to a "code official" in this code shall mean the Director of Code Compliance or the Code Officials , as the case may be.
- 6. Section 103.2 Appointment and Section 103.3 Deputies** are deleted in their entirety.

7. **Section 103.5 Fees** is amended by deleting "the following schedule" and inserting "the current Manheim Township Fee Resolution".

8. **Section 104.3.1 Refusal of entry** is added as follows:

104.3.1 Refusal of entry. If any owner, occupant or other person in charge of a structure subject to the provision of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the code official may promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. For the purposes of this section, a reasonable or probable cause to gain access for an inspection shall include, without being limited to, the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the Township; or
2. That the Code Compliance Department, after investigation or upon information received, has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the Township exist; or
3. That such entry is for the purpose of inspecting a previous notice of violation; or
4. That the Code Compliance Department has received a complaint concerning a violation on or within the premises; or
5. That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet the standards of this code and building, fire, and health codes and for the safety and welfare of the public.

9. **Section 104.3.2 Right of entry by owner** is added as follows:

104.3.2 Right of entry by owner. Every occupant of a dwelling unit, building, structure or premises shall give the owner thereof, or his agent or employee access to any part of such dwelling, dwelling unit, building, structure or premises, at all reasonable times for the purpose of conducting inspections to determine whether or not a violation of the code may exist, or for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this code or with any lawful rule or

regulation adopted or any lawful order issued pursuant to the provisions of this code.

10. **Section 104.3.3 Notification to tenants** is added as follows:

Section 104.3.3 Notification to tenants. Every owner of a dwelling unit, building, structure or premises shall give the tenants thereof notice of an inspection and obtain their authorization to grant a code official entry to their unit. If the tenant(s) object(s) to entry by the code official, the owner shall so notify the code official.

11. **Section 106.3 Prosecution of violation** is amended by deleting the word "misdemeanor" and inserting the words "summary offense"

12. **Section 106.4 Violation penalties** is amended by deleting the last sentence and replacing it with the following:

Any person convicted of violating a provision of this code shall be sentenced to pay a fine of not less than \$75 nor more than \$500 for the first two continual and uncorrected violations of the same subsection on the same property and not less than \$150 nor more than \$1,000 for the third and subsequent continual and uncorrected violation of the same subsection of the code on the same property, plus costs and restitution. Every section of this code that is violated shall constitute a separate offense punishable by a separate fine as set forth herein. Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a separate fine as set forth herein.

13. **Section 106.6 Extensions** is added as follows:

Section 106.6 Extensions. Upon application, an extension of time beyond that given on the correction order to bring the violations set forth on the inspection into compliance with this code may be granted for a reasonable cause. An application for extension shall include:

- (a) Name, address and phone number of applicant;
- (b) Address of property referenced on correction order; and
- (c) Violation(s) referenced on correction order for which an extension is being requested.

14. **Section 107.1 Notice to person responsible** shall be amended by adding the following sentences to the end of the section. No notice shall be required when a property is open and unsecure and the code official has determined that the property shall be secured. The code official may order the structure secured.

15. The title of **Section 108** shall be deleted and replaced with **Unsafe Structures, Equipment and Premises**.

16. **Section 108.1.5. Dangerous structure or premises** shall be amended by adding the following numbered provisions:

12. Any *premises* which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, excavations, and unsafe fences or structures.

13. Any premises which because of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

14. Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two-year tax delinquency.

15. Any property which is vacant, but not tax delinquent, and which identified defects have not been eliminated within one year of the receipt of notice to rehabilitate from the Department of Code Compliance.

16. Any abandoned structure or premises. Abandoned shall be defined as:

(a) A vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;

(b) A vacant property or vacant or unimproved lot or parcel of ground on which the total sum of municipal liens on the property for taxes or any other type of municipal claim exceed 150% of the fair market value of the property as established by anybody with legal authority to determine the taxable value of the property; or

(c) A property declared abandoned by the owner, including an estate that is in possession of the property.

(d) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

(e) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

17. **Section 108.6 Abatement methods** is amended by adding the following sentences after the last sentence:

The *owner, operator or occupant* of a *building, premises or equipment* shall notify the code official when the corrective action has been completed . The code official shall then inspect the *building, premises, or equipment* and shall notify the owner, operator or occupant that the corrective action either does or does not comply with this code. If not, the code official may take such other action as is provided by this code.

18. **Section 111.1 Application for appeal** is amended by deleting "board of appeals" in the first sentence and replacing the term with "Manheim Township Uniform Construction Code (UCC) Board of Appeals".

19. **Section 111.2 Membership of board** is deleted in its entirety, including subsections 111.2.1, 111.2.2, 111.2.3, 111.2.4, and 111.2.5.

20. **Section 111.7 Court review** is deleted in its entirety and replaced as follows:

Any person aggrieved by any decision of the Manheim Township UCC Board of Appeals or any officer or department of the Township, may appeal the decision to the Court of Common Pleas of Lancaster County, Pennsylvania pursuant to the Local Rules of Court governing Local Agency and Administrative Agency Appeals Other than Land Use Appeals; which appeal must be filed with the Court within 30 days after service of the decision filed by the board.

21. **Section 112.4 Failure to comply** is amended to provide a fine of not less than \$100 nor more than \$1,000 per day plus court costs.

22. **Section 202 General Definitions** is amended to include:

HEATING FACILITY. A fixed, non-portable heating equipment or unit.

LAVATORY. A fixed washbowl with running water and drainpipe (sink).

PLUMBING. Refers to water pipes, waste pipes, water closets, sinks, installed dishwashers, lavatories, bath tubs, shower baths, installed clothes-washing machines, catch basins, drains, garbage disposal units, as well as gas pipes, and gas-burning equipment, water heating facilities and vents and other similar supply fixtures, together with all connections to water, sewer and gas lines.

WATER CLOSET. A compartment or room with plumbing fixtures used for the elimination of bodily wastes (toilet bowls and urinals).

23. **Section 302.1 Sanitation** is amended by adding "free of any offensive odor(s)" to the end of the second sentence.

24. **Section 302.3 Sidewalks and driveways** is amended by adding the following sentence:

The exit discharge(s) as defined in the International Building Code shall be kept in a proper state of repair, and maintained free from hazardous conditions.

25. **Section 302.4 Weeds** is amended by inserting at the end of the first section "in excess of 6 inches in height".

26. **Section 301.3.1 Exterior conditions** shall be added as follows:

The exterior of every vacant structure, accessory structure or *premises* shall be maintained free of broken windows, loose or deteriorating shingles, siding or decorative features or building materials, crumbling stone or brick, or excessive peeling paint.

27. **Section 302.10 Trees, bushes and shrubs** shall be added as follows:

All trees, bushes and shrubs shall be maintained to prevent the creation of a dangerous condition as determined by the code official.

28. **Section 304.3 Premises identification** is amended by deleting the third and fourth sentences and inserting the following sentences:

Residential Structures - The number(s) shall be at least 2-3/ 4 inches in height and shall be placed at least 18 inches above finished grade. Numbers displayed on the main front door or overhead doors are not permanent in nature and do not count towards the required premise identification.

Nonresidential Structures - The numbers(s) shall be at least 6 inches in height with a minimum stroke of at least 1/2 inch and shall be placed as directed by the Director of Code Compliance. Numbers installed on glass are to be white in color.

Each tenant in a multi-tenant commercial structure shall display numbers at both the front and all rear entrances to the unit.

29. **Section 304.7 Roofs and drainage** is amended by deleting the last sentence and adding the following sentence:

The controlled method of water disposal from roofs shall terminate at least 5 feet from the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s), and shall terminate no closer than 10 feet from the street right-of-way.

30. **Section 304.12 Handrails and guards** is amended by adding the following:

Guards which are deteriorated and deemed unsafe by the Director of Code Compliance shall be repaired and shall comply with the currently adopted guardrail provisions found in the International Residential Code or International Building Code.

31. The first sentence of **Section 304.14 Insect screens** is amended by inserting the following dates: from April 15 to October 1.

32. **Section 305.3 Interior surfaces** is amended by deleting the second sentence in its entirety.

33. **Section 306 Component Serviceability** is deleted in its entirety.

34. **Section 308.3.3 Storage, collection and removal** shall be added as follows:

The owner of every residential, commercial, institutional and industrial establishment shall ensure that all municipal waste from the premises is removed properly and in such a manner not to create a public nuisance.

35. **Section 308.3.4 Recyclables** shall be added as follows:

The owner of any residential, commercial or industrial establishment shall be responsible for the proper storage, collection and disposal of all recyclables from the property and in such a manner not to create a public nuisance.

36. **Section 308.4 Solid Waste and Recyclable Ordinance** shall be added as follows:

Every owner of every dwelling shall comply with the Solid Waste and Recyclable Ordinance of the Township in effect regarding the removal of municipal waste from the property.

37. **SECTION 310 Kitchen Facilities** shall be added as follows:

- 310.1 Kitchen stove.** The owner or operator of rental residential property shall provide every *dwelling unit* with utility connection for installed cooking appliance(s).
- 310.2 Kitchen sink.** The owner or operator of rental residential property shall provide every *dwelling unit* with a kitchen sink in good working condition which provides an adequate amount of heated and unheated running water under pressure.
- 310.3 Refrigerator.** The owner or operator of rental residential property shall provide every *dwelling unit* with a utility connection for refrigeration.
- 310.4 Counters and cabinets.** All counters, countertops and cabinets provided for cooking in a rental residential property shall be maintained in good repair.

38. **Section 504.1 General** is amended by adding the following:

Floor drains in existing residential and non-residential structures shall discharge by means of gravity, or an approved sump pump with a sealed lid, to the exterior of the structure. Floor drains shall not be connected to the sanitary sewer system. Piping materials and fittings used for discharge shall conform to the underground building drainage requirements in the adopted International Residential Code. Floor drain piping discharge termination shall be at least 5 feet from the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s), and shall terminate no closer than 10 feet from the street right-of-way.

39. **Section 506.1 General** is amended by adding the following:

Existing on-lot (private) sewage facilities shall comply with the Pennsylvania Code, Title 25, Chapter 71 and the Manheim Township Code of Ordinances, Chapter 399 Sewers and Sewage Disposal.

In existing structures with on-lot sewage systems an inspection, performed by an approved septic service company in accordance with the current Manheim Township Administrative Order, shall evaluate and verify that the on-lot sewage facility(s) properly operates in accordance with Manheim Township Code of Ordinances, Chapter 399 Sewers and Sewage Disposal regulations prior to the issuance of any permit. Provisions shall be made for additional flows when bedrooms are added or as other conditions warrant. Noted deficiencies shall be corrected under a permit issued by the Manheim Township Sewage Enforcement Officer.

40. **Section 506.4 Sump pump discharge** is added as follows:

Sump pumps discharging groundwater shall not connect to the sanitary sewer, unless approved by the sewer authority having jurisdiction. The sump pit shall be an approved type with a sealed lid.

41. **Section 507.1 General** is deleted in its entirety and replaced with the following:

Section 507.1 Roof Drainage. The controlled method of water disposal from roofs shall terminate at least 5 feet beyond the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s) and shall terminate no closer than 10 feet from the street right-of-way.

42. **Section 507.2 Sump pump discharge** is added as follows:

Section 507.2 Sump pump discharge. Sump pump pipes discharging groundwater shall terminate at least 5 feet beyond the exterior foundation wall and discharge in a manner that does not create a nuisance on the adjacent property(s), but no closer than 10 feet from the street right-of-way.

43. **Section 602.1 Facilities required** is amended by adding "Permanent" at the beginning of the sentence.

44. **Section 602.3 Heat supply** is amended by requiring the supply of heat during the period from October 1 to April 15.

45. **Section 602.4 Occupiable work spaces** is amended by requiring the supply of heat during the period from October 1 to April 15.

46. **Section 602.6 Prohibited method of heating** shall be added as follows: Liquid-gas-type portable heating appliances shall be prohibited except in single-family residential homes. Wood-burning stoves are prohibited except in single-family residential owner-occupied homes.

47. **Section 606.1 General** is deleted in its entirety and replaced as follows:

All requirements relating to elevators and other lifting devices shall be administered and enforced by the PA Department of Labor and Industry Elevator Division in accordance with the applicable edition of ASME A.17.1 and any addenda.

48. **Section 701.3 Applicability of International Fire Code** is added as follows:

Applicability of International Fire Code. The International Fire Code shall be applied to provide minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in existing buildings, structures and premises and to provide safety to building occupants, fire fighters and emergency responders during emergency operations.

49. **Section 703.3 Fire sprinkler area** is added and reads as follows:

Existing building area currently protected by automatic fire sprinkler systems shall be separated from an adjacent building area which is not protected by a fire sprinkler system by constructing an approved 2-hour fire-resistive rated fire barrier assembly(ies) and/or horizontal assembly(ies) in accordance with the Fire Barrier requirements in the currently adopted International Building Code. More restrictive requirements shall apply as required by the International Building Code.

50. **Section 704.1 General** is amended by adding "inspected, tested and" after the word "be" and before the word "maintained"

51. **Section 704.5 Tampering** is added as follows: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

52. **Section 704.6 Maintenance** is added as follows: The property owner shall maintain all smoke detectors located in rental units.

Section 2. Manheim Township Ordinance No. 2004-09, Ordinance No. 2010-8 and Ordinance No. 2015-12 are hereby repealed.

Section 3. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any other remaining sections, clauses or sentences of the same.

Section 4. Nothing in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding pending 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 2 of this Ordinance.

Section 5. This Ordinance shall take effect 30 days after adoption.

ENACTED AND ORDAINED this 23 day of April 2018 by the Board of Commissioners of the Township of Manheim, Lancaster County, Pennsylvania.

BOARD OF COMMISSIONERS
OF MANHEIM TOWNSHIP

By: Robert B. Kline
(Vice) President

Attest:

J.P. Moll
(Assistant) Secretary