FOSTER TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 02-2023

AN ORDINANCE OF THE TOWNSHIP OF FOSTER, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2021 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 OF FOSTER; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

The Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania (the "Township"), hereby enacts and ordains as follows:

WHEREAS, the Foster Township Board of Supervisors previously enacted and ordained an ordinance adopting the Uniform Construction Code, pursuant to the Pennsylvania Construction Code Act (Act 45 of 1999) as amended, as its municipal building code; and

WHEREAS, the Foster Township Board of Supervisors had previously adopted what is known as the Pennsylvania Construction Code Act (Act 45 of 1999) as amended for purposes of property maintenance; and

WHEREAS, the Foster Township Board of Supervisors adopted the International Property Maintenance Code of 2006, by Ordinance No. 1-2007, along with amendments as made, as its Property Maintenance Code; and

WHEREAS, the Foster Township Board of Supervisors desires to adopt the International Property Maintenance Code of 2021, along with amendments as made, as its Property Maintenance Code; and

WHEREAS, the *International Property Maintenance Code*® (IPMC®) establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provisions. This 2021 edition is fully compatible with all of the International Codes® (I-Codes®) published by the International Code Council® (ICC®), including the *International Building Code*® (IBC®), *International Energy Conservation Code*® (IECC®), *International Existing Building Code*® (IEBC®), *International Fire Code*® (IFC®), *International Fuel Gas Code*® (IFGC®), *International Green Construction Code*® (IgCC®), *International Mechanical Code*® (IMC®), *International Plumbing Code*® (IPC®), *International Private Sewage Disposal Code*® (IPSDC®), *International Residential Code*® (IRC®), *International Swimming Pool and Spa Code*® (ISPSC®), *International Wildland-Urban Interface Code*® (IWUIC®), *International Zoning Code*® (IZC®) and *International Code Council Performance Code*® (ICCPC®); and

WHEREAS, the ICC maintains a copyright in all of its codes and standards. Maintaining copyright allows the ICC to fund its mission through sales of books, in both print and electronic formats. The ICC welcomes adoption of its codes by jurisdictions that recognize and acknowledge the ICC's copyright in the code, and further acknowledge the substantial shared value of the public/private partnership for code development between jurisdictions and the ICC; and

WHEREAS, the ICC also recognizes the need for jurisdictions, such as Foster Township, to make laws available to the public. All I-Codes and I-Standards, along with the laws of many jurisdictions, are available for free in a non-downloadable form on the ICC's website; and

WHEREAS, Foster Township will contact the ICC in order to distribute the code based on the IPMC in a manner that provides necessary access, while maintaining ICC's copyright; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1955, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes any Bboard of Township Supervisors to make and adopt ordinances necessary for the proper management, care, and control of the Township, and the maintenance of the health, safety, and welfare of the Public, the Township and its citizens; and

WHEREAS, Section 1527 of the Second Class Township Code, found at 53 P.S. 66527, entitled "Public Safety", authorizes the Board of Township Supervisors to adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, Section 4000.304 of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. 4000.304, grants power to a municipality to adopt ordinances for the storage and collection of municipal waste which shall not be less stringent than, and not in violation of or inconsistent with, the provisions and purposes of the Solid Waste Management Act, 35 P.S. 6018.101, and any regulations promulgated pursuant to same.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Second Class Township Code (53 P.S. § 65101, et seq.) that Foster Township hereby adopts the 2021 edition of the International Property Maintenance Code as though fully set forth herein, with the amendments, insertions and additions noted below:

The following additions, insertions, and modifications shall be made in the 2021 International Property Maintenance Code at the sections hereinafter indicated, and any section not referenced herein is adopted in its entirety.

Section 101.1, Title, shall be amended to read: These regulations shall be known as the "International Property Maintenance Code of Foster Township, Schuylkill County," hereinafter referred to as "this code."

Section 102.3, Application of other codes, shall be amended to read: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Pennsylvania Uniform Construction Code, as amended. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the Foster Township Zoning Ordinance, as amended.

Section 103.1, Agency, shall be amended to read: Foster Township Board of Supervisors hereby reserves the right to delegate the responsibilities to enforce and implement this Ordinance to a Township employee including, but not limited to, a code enforcement official, police officer, engineering firm or attorney, depending on the need. This delegation shall be done by motion of the Board on an as-needed basis. Anyone charged with said responsibility shall be known throughout this Ordinance as the code official. As such, that individual or organization can and will be referred to as "the Foster Township Maintenance Code Official" or simply "code official" throughout this Ordinance.

Section 103.2, Appointment, shall be amended to read: The code official shall be appointed by the Board of Supervisors as noted herein.

Section 104.1, Fees, shall be amended to read: The fees for activities and services performed for the administration and enforcement undertaken pursuant to this Ordinance and the Foster Township Property Maintenance Code shall be established by the Township Supervisors by resolution from time to time.

Section 109.4, Violation and penalties, shall be amended to read: Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who fail to comply with any of the requirements or provisions of the International Property Maintenance Code of Foster Township or the rules and regulations promulgated pursuant thereto, shall be subject to a fine of not less than Three Hundred ($300.00) Dollars and not more than One Thousand ($1,000.00) Dollars pursuant to 53 P.S. § 66601(c.1), as amended from time to time; and in default of payment, to imprisonment of not more than thirty (30) days. Each day's violation of any provision of this Ordinance shall constitute

a separate offense, and the violation of each section hereof shall constitute a separate offense. In addition to these penalties, all other remedies are hereby reserved including an action in equity for the proper enforcement of any ordinance or law of the State of Pennsylvania. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons, partnerships, corporations, bureaus or utilities, or the partners or officers thereof, shall be required to correct or remedy such violations and non-compliances within a reasonable time.

Section 110.04, Failure to Comply, shall be amended to read: Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who violates any provision of this Code or fails to comply therewith or with any the requirements thereof, shall be guilty of a summary offense as noted in Section 109.4, as amended. In addition, a failure to comply can also result in other remedies reserved under Section 109.4.

Section 201.3, Terms defined in other codes, shall be amended to read: Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, Foster Township Zoning Ordinance, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

Section 302.4, Weeds, shall be amended to read: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Sections 109.3 and 109.4 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 303.2, Enclosures shall be amended to read: Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool

enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

Section 304.14, Insect screens, shall be amended to read: During the period from **May 1st** to **September 30th**, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Section 602.3, Heat supply, shall be amended to read: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from **September 15th** to **May 31st** to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4, Occupiable workspaces, shall be amended to read: Indoor occupiable workspaces shall be supplied with heat during the period from **September 15th** to **May 31st** to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Appendix A, Boarding Standard, is adopted in its entirety.

Appendix B is <u>not</u> adopted.

Effective Date.

This Ordinance shall become effective immediately after the adoption hereof.

ENACTED AND ORDAINED by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, this 7th day of June, 2023, in lawful session duly assembled.

ATTEST:

Secretary

FOSTER TOWNSHIP BOARD OF SUPERVISORS, FOSTER TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA

Chairperson

(SEAL)

AN ORDINANCE OF THE TOWNSHIP OF FOSTER, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2021 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 OF FOSTER; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, on the 7th day of June, 2023.

TOWNSHIP SEAL

Janet L Mitchell

JANET MITCHELL, Secretary
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