

**MIDDLETOWN BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024 -1413

AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 210, PROPERTY MAINTENANCE, TO MODIFY THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) TO PROVIDE FOR IMMEDIATE CITATIONS AND CORRECTIVE ACTION BY THE BOROUGH FOR REPEAT OFFENDERS OF PROVISIONS RELATING TO IPMC SECTION 302.4 RELATING TO WEEDS, NOXIOUS VEGETATION, AND TREES AND SECTION 308 RELATING TO RUBBISH AND GARBAGE TO ELIMINATE THE NEED FOR REPEATED NOTICES OF VIOLATIONS WITH OPPORTUNITIES TO CURE.

WHEREAS, pursuant to the Borough Code of the Commonwealth of Pennsylvania, including but not limited to Section 1202, the Borough of Middletown is authorized to regulate the conditions and maintenance of all property, buildings, and structures within the Borough; and

WHEREAS, Chapter 210 (Property Maintenance) of the Borough Code addresses property maintenance within the Borough of Middletown; and

WHEREAS, the Borough Council wishes to amend Chapter 210 (Property Maintenance) of the Middletown Code to modify the notice and enforcement procedures of the 2018 edition of the International Property Maintenance Code (IPMC) with respect to repeat offences within a consecutive twelve (12) month period relating to weeds, noxious vegetation or tree related violations under Section 302.4 of the IMPC, or rubbish and garbage violations under Section 308 of the IPMC.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, that the Middletown Code, Part II (General Legislation), Chapter 210 (Property Maintenance) is hereby amended in accordance with this Ordinance.

I. AMENDMENTS. The Middletown Code, Part II (General Legislation), Chapter 210 (Property Maintenance), Section 210-3 (Additions, Insertions and Changes to the International Property Maintenance Code), Subsection (A) (Chapter 1 [Scope and Application]) is hereby amended to add the following new Paragraphs (A)(16), (A)(17), and (A)(18) as further revisions to the International Property Maintenance Code:

(16) Section 106.2 (Notice of Violation) shall be amended to read in its entirety as follows:

The *code official* shall serve a notice of violation or order in accordance with Section 107; *provided, however*, that no notice of violation providing

for an opportunity to cure the violation shall be required in the case of a third or additional violation of Section 302.4 or Section 308 of the same type within any consecutive twelve (12) month period, and the *code official* may proceed with a Quick Ticket in accordance with Section 107.7 in lieu of, or in addition to, a notice of violation.

(17) Paragraph 4 of Section 107.2 (Form) shall be amended to add the following underlined provisions and delete the following struck through provisions:

4. Except in the case of a third or additional repeated violation of Section 302.4 or Section 308 of the same type within twelve (12) consecutive months to the extent that the *code official* in the *code official's* discretion proceeds with a Quick Ticket under Section 107.7, include a correction order allowing a reasonable time to make the repairs or improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code. In the case of a Quick Ticket under Section 107.7, the repeat offender may be ordered to immediately bring the premises into compliance and may be immediately subject to penalties without being allowed additional time to cure the violation to avoid penalties.

(18) Insert new Section 107.7 which shall provide as follows:

107.7 Quick Ticket Procedures for Repeated Violations of Section 302.4 or Section 308. In addition to other enforcement mechanisms available to the Borough under this code, the *code official* is authorized to issue Quick Tickets for the third or additional violation of the same general type regarding (a) high weeds and grass, tree violations, or other violations of Section 302.4, or (b) rubbish and garbage or other violations of Section 308 at the same *premises* within any twelve (12) consecutive months. The *code official* may issue a Quick Ticket in addition to or in lieu of issuing a notice of violation. The Quick Ticket shall require immediate correction of the violation and shall subject the violator to immediate penalties without an opportunity to cure the repeated violation in order to avoid the penalty. The Quick Ticket penalties for the above-referenced violations shall be payable within five (5) business days. Failure to pay the Quick Ticket within five (5) business days may result in a summary citation being issued through the local Magisterial District Judge's office. Borough Council shall approve Quick Ticket forms and penalty amounts by resolution.

II. SEVERABILITY. If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal,

unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 210 of the Middletown Code as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 210 of the Middletown Code. Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, phrase and word thereof, irrespective of the fact that any one or more of those sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

III. REPEALER. All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.

IV. EFFECTIVE DATE. This Ordinance shall become effective in accordance with applicable law.

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BE IT DULY ORDAINED AND ENACTED into law this 3rd day of September, 2024, by the Borough of Middletown, Dauphin County, Pennsylvania, in lawful session duly assembled.

**BOROUGH COUNCIL OF THE
BOROUGH OF MIDDLETOWN**

BY: Jennifer W. Miller
Jennifer D. Miller
Borough Council President

ATTEST:

Grace Miller
Grace Miller
Borough Secretary

AND NOW, THIS _____ day of _____, 2024, the foregoing Ordinance is approved.

James H. Curry III
Mayor

I hereby certify the foregoing Ordinance was advertised in the Patriot News on the 15 day of August, 2024, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the municipality's governing body held on the 3^d day of September, 2024.

Grace Miller
Grace Miller
Borough Secretary