

TOWNSHIP OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. 344-2024

AN ORDINANCE TO AMEND THE MOUNT JOY TOWNSHIP CODE OF ORDINANCES TO REVISE AND RESTATE CHAPTER 96, PROPERTY MAINTENANCE, TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE/2024, AS THE MOUNT JOY TOWNSHIP PROPERTY MAINTENANCE CODE TOGETHER WITH CERTAIN REVISIONS AND ADDITIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Mount Joy Township, Lancaster County, Pennsylvania, as follows:

Section 1. The Mount Joy Township Code of Ordinances, Chapter 96, Property Maintenance, shall be amended in its entirety to provide as follows:

Chapter 96

Property Maintenance

§ 96-1. Title.

This chapter shall be known and may be cited as the "Mount Joy Township Property Maintenance Code."

§ 96-2. Adoption of standards.

A certain document, copies of which have been and are presently on file in the office of the Secretary of the Township of Mount Joy, Lancaster County, Pennsylvania, being marked and designated as "International Code Council, Inc., 2024 International Property Maintenance Code," be and is adopted as the Property Maintenance Code of the Township of Mount Joy, creating a code of property maintenance regulations for the protection of public health, safety and welfare as herein provided. Each and all of the regulations of the 2024 International Property Maintenance Code, except as provided in § 96-3 of this chapter, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, enumerated in § 96-3.

§ 96-3. Modification of standards.

Changes from the 2024 International Property Maintenance Code to the Property Maintenance Code of the Township of Mount Joy are as follows:

A. Section 101.1 shall be amended by inserting "Township of Mount Joy, Lancaster County, Pennsylvania."

B. Section 103.1 shall provide as follows:

103.1. Code official function. The function of the Mount Joy Township Code Compliance Official, referred to herein as Code Official, shall be the implementation, administration and enforcement of the provisions of this code.

C. Section 104.1 shall provide as follows:

104.1. Fees. The fees for activities and services performed by the Code Official in carrying out his responsibilities under this code shall be established by resolution or ordinance of the Board of Supervisors.

D. Section 106, Means of Appeal, shall be deleted in its entirety. A new Section 107, Appeals, shall be inserted which shall provide as follows:

106.1. Appeals. An appeal from any decision of the Code Official may be taken to the Board of Supervisors. Such appeal shall be made in writing within 10 days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Township Secretary. The appeal shall be accompanied by the appeal fee which shall be established by ordinance or resolution of the Board of Supervisors. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The Board of Supervisors shall make a prompt decision on such appeal. In making a decision, the Board of Supervisors may vary or modify any provision of this code where there are practical difficulties in the way of executing the strict letter of the law so that the spirit of the law shall be observed, public safety secured, and substantial justice done. Such variation or modification shall be the minimum necessary in order to grant relief. The Board of Supervisors shall render a written decision, copies of which shall be provided to the Code Official and the appellant.

E. Section 107.3 shall provide as follows:

107.3. Prosecution of violation. If the Code Official has served a notice of violation and the notice of violation is not complied with within the time specified in such notice, or if the Code Official determines that there is insufficient time to serve a notice of violation or that such notice of violation will have no practical or beneficial effect, the Code Official shall notify the Board of Supervisors of the violation and shall request the Board of Supervisors to authorize institution of enforcement proceedings against the violator and/or authorize the Township Solicitor to institute the appropriate proceedings at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the

unlawful occupancy of the structure in violation of the provisions of this Code or any order or direction made pursuant thereto. If the Code Official or if any police officer observes a violation of Section 302 or Section 308 of this Code, in addition to the foregoing, such Code Official or police officer is hereby empowered to institute summary criminal proceedings against the violator.

F. Section 107.4 shall provide as follows:

107.4. Penalty. Any person who shall violate a provision of this Code; or who shall fail to comply with any of the requirements thereof; or who shall use, maintain or alter a lot, building or structure in violation of any approved plan or directive of the Code Official or of any order, permit or certificate issued under the provisions of this Code; or who shall violate any order of the Code Official; or who shall fail to remedy or who shall negligently or improperly remedy any health hazard; or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Code Official shall be liable, upon summary conviction therefor, to fines and penalties of (a) not less than \$100 nor more than \$1,000 plus all costs of prosecution for a first offense, (b) not less than \$200 nor more than \$1,000 plus all costs of prosecution for a second offense, and (c) not less than \$300 nor more than \$1,000 plus all costs of prosecution for a third offense, which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Code shall be paid over to the Township Treasurer. Each day that a violation continues and each section of this Code which is violated shall be deemed a separate offense. This Code may also be enforced by an action in equity brought in the Lancaster County Court of Common Pleas.

G. Section 108.2 shall provide as follows:

108.2. Method of service. Service of said notice shall be made upon the owner or occupant of the said premises in any of the following manners: by delivering the same to such owner or occupant personally or by delivering the same to and leaving it with any adult person in charge of the said premises or by affixing the same in a conspicuous position upon said premises or by sending said notice by certified or registered mail addressed to the owner at the last known address with return receipt requested. Such procedures shall be deemed the equivalent of personal notice.

H. Insert new Sections 108.5 through 108.5.2 which shall provide as follows:

108.5. Notice to abate health hazard or public nuisance. It shall be the duty of the Code Official to cause a notice to be served upon the owner or occupant of any premises whenever property is maintained so as to constitute a health hazard or a public nuisance and to require abatement of the health hazard or public nuisance within 10 days from the date of service of such notice or such other time period as may be set forth in the notice. Service of such notice shall be as provided in Section 108.2.

108.5.1. Performance of work upon noncompliance with notice. In the event that the owner or occupant shall refuse or neglect to abate such health hazard or public nuisance within the time period as required by such notice, or in the event that the owner or occupant shall

perform action necessary to eliminate the health hazard in a negligent or incomplete fashion, the Code Official may cause such condition to be eradicated and/or removed, or take action necessary to eliminate such health hazard or nuisance of which the owner or occupant has been notified, keeping an account of the expenses of inspecting the premises, service of notice and abating the health hazard and nuisance. All such costs and expenses shall be charged to and paid by the owner or occupant.

108.5.2. Collection of costs. All costs and expenses the Township incurs in the abatement of such health hazards and public nuisances shall be a lien upon the premises, and whenever a bill therefor remains unpaid after it has been rendered, the Township Solicitor shall file a municipal claim and/or civil action for such costs and expenses, together with a penalty of 10% of the costs and expenses, and for allowable attorneys' fees, in the manner provided by law for the collection of municipal claims and/or the filing of civil actions.

I. Section 111.3 shall provide as follows:

111.3. Failure to comply. Whenever the owner of a property fails to comply with a demolition order within the time period prescribed, the Code Official shall request the Township Solicitor to institute an action at law or in equity against the property owner to obtain an order authorizing the Code Official to raze and remove such structure or contract for the razing and removal of such structure at the expense of the owner of the property. At the completion of such razing and removal, the Township Solicitor shall file a municipal claim as a lien against the property in the amount of the Township's costs plus a penalty of 25% of such costs and for allowable attorneys' fees. The Township Solicitor may also institute any proceedings at law or in equity to provide for the collection of the Township's costs and expenses.

J. Section 111.4 shall be deleted in its entirety.

K. Section 202, General Definitions, shall be amended by inserting the following definitions:

ABATE/ABATEMENT. When used in connection with lead-based coating, the reduction of, removal of, or encapsulation of lead, followed by thorough cleanup and post-cleanup treatment, from the surfaces and sources that promote exposure resulting in the possibility of lead toxicity or poisoning, which abatement shall be in a manner approved or determined to be appropriate by the Code Official. The methods of abatement and subsequent disposal of lead shall not present a hazard to health from fumes, dust or vapors by inhalation, ingestion or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations and safety standards of the Township, the state and federal agencies.

BOARD OF SUPERVISORS. The governing body of the Township.

EXPOSED SURFACE. When used in connection with lead-based coatings, all interior surfaces of a dwelling or other structures which may be occupied by children and those exterior surfaces of such dwelling or structures which are readily accessible to children under six years of age, such as stairs, decks, porches, railings, windows, doors and sidings.

Any yard or other area in the vicinity of a dwelling or structure, including without limitation, any soil, yard or other area which may be subject to contamination from flaking or peeling lead-based coatings or any other source of lead is also considered an exposed surface.

LEAD-BASED COATING. Any paint, varnish, glaze or other applied liquid surface coating and putty or plaster which contains a quantity of lead in excess of 0.6 milligrams per square centimeter of surface.

POLICE DEPARTMENT. The Northwest Regional Lancaster County Police Department.

POLICE OFFICER. A member of the Police Department.

RECOGNIZED METHOD OF ANALYSIS. Any recognized method of lead detection and analysis which results in measurement of lead in milligrams in a square centimeter of a particular area, including without limitation, a radio isotope x-ray fluorescent analyzer for in-place determination of lead content.

TOWNSHIP. The Township of Mount Joy, Lancaster County, Pennsylvania.

VEHICLE, HAZARDOUS. A vehicle, including but not limited to an automobile, bus, van, truck, recreational vehicle or trailer, which:

- (1) Contains one or more broken windows or one or more missing doors or a missing trunk or hood which allow entry into the vehicle by children or vermin; or
- (2) Is structurally unstable or supported by blocks, jacks or other devices which may slip or move, presenting a danger to passersby; or
- (3) Is parked upon property in such a manner as to obstruct the vision of drivers or interfere with the free movement of pedestrians or traffic or create a fire hazard.

L. Insert a new Section 301.4 which shall provide as follows:

301.4. Interference with compliance. No person shall take or cause any person to take any action which creates a condition which results in a premises violating any requirement of this Code, including but not limited to the tampering with water service or sewer service or facilities, depositing of rubbish or garbage or any other discarded materials on a premises, removal of fire extinguishers, and blocking exits. Notwithstanding the foregoing, it shall not be a violation of this Code for the supplier of public water service to cease service for nonpayment of water or sewer rates or charges in accordance with applicable laws and procedures.

M. Section 302.4 shall provide as follows:

302.4. Weeds. All premises and exterior property shall be maintained free from weeds in excess of six inches, except for properties 2 acres or greater used principally for agriculture.

All 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, protected wildflowers and wetlands.

The Board of Supervisors, the Code Official or any officer or employee of the Township designated for this purpose is hereby authorized to give notice, by personal service, by United States mail or by posting the property, to the owner of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this Code, directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Code, within ten business days after the issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice, within ten business days after the issuance of such notice, Township authorities may remove, trim or cut such grass, weeds or vegetation, and the cost thereof, together with a penalty of 15% of such cost, and allowable attorneys' fees may be collected by the Township from such person in the manner provided by law.

If the Board of Supervisors, the Code Official or any officer or employee of the Township has given notice under this section in the calendar year and the owner did not comply with the notice within the required ten business days, the Township shall not be required to give additional notice to the owner before the Township removes, trims or cuts grass, weeds or vegetation on the property in that same calendar year, and the Township may collect the cost thereof, together with a penalty of 15% of such cost, and allowable attorneys' fees from such person in the manner provided by law.

N. Section 302.8 shall be amended to provide as follows:

302.8. Vehicles. Except as provided in other regulations, the parking and storage of motor vehicles, including but not limited to automobiles, buses, vans, trucks, recreational vehicles, and trailers, shall be limited as provided herein.

302.8.1. Licensed and inspected vehicles. Vehicles which have a current license and inspection may be stored upon a premises in accordance with the requirements of the Township Zoning Ordinance and other applicable ordinances and regulations unless such vehicles are hazardous vehicles as defined herein.

302.8.2. Unlicensed or uninspected vehicles. Vehicles which do not have both a current license and a current inspection may be stored within a completely enclosed structure on any premises. Unlicensed or uninspected vehicles shall not be stored outside of a completely enclosed structure on a premises if such storage constitutes a nuisance or if such vehicle is a hazardous vehicle. Except as provided below, prior to the unenclosed storage of any unlicensed or uninspected motor vehicle on any premises, the owner of the premises shall obtain a permit from the Code Official for the storage of such vehicle. The Code Official shall determine that the motor vehicle is not a hazardous vehicle and that the proposed storage shall not constitute a nuisance prior to the issuance of a permit. Such permit shall authorize the storage of the motor vehicle for a period of 90 days. The owner shall have the right to appeal a denial of a permit by the Code Official as provided in Section 107 herein. Storage of an unlicensed or uninspected vehicle without obtaining a

permit as required herein shall constitute a violation of this Code. The Code Official and/or the Police Department may order the removal of an unlicensed or uninspected vehicle for which a permit has not been obtained using the procedure set forth in Section 302.8.3. Exceptions: No permit shall be required by the operator of a motor vehicle towing or repair establishment. Such establishments shall be permitted to store unlicensed or uninspected motor vehicles for a period of not more than 90 days.

302.8.3. Hazardous vehicles. No person who owns a hazardous vehicle shall park, place, deposit or permit the parking, placement or depositing of the hazardous vehicle on any property. No property owner shall permit any hazardous vehicle to remain on a premises. If any hazardous vehicle is parked or placed upon a premises, the Code Official and/or the Police Department shall notify the owner or occupant of the premises of the duty to remove the hazardous vehicle. The Code Official and/or the Police Department shall post upon the hazardous vehicle in a conspicuous place a notice directing the removal of the hazardous vehicle within ten days. Should the vehicle not be removed, the Code Official and/or the Police Department shall serve a second notice which shall be in writing and shall provide a time limit not to exceed five days within which the hazardous vehicle has to be removed. Said notice shall be served as provided in Section 110.2 herein and shall additionally be posted upon the hazardous vehicle. If the owner of the premises fails to remove the hazardous vehicle, the Township may take action to abate the health and/or safety hazard resulting from the hazardous vehicle in the manner provided in Section 110.2 herein.

O. A new Section 302.10 shall be added which shall provide as follows:

302.10. Used vehicle parts and tires. No person shall place, deposit or permit the placement or depositing of used vehicle parts or tires outside of an enclosed structure on any property unless such used vehicle parts or tires are secured to prevent removal and unless such used vehicle tires are wrapped or covered in a manner sufficient to prevent the accumulation of any standing water, to eliminate all breeding grounds for insects and to eliminate all areas which could be used as harborage for rodents or other animals.

P. Section 304.2, Protective treatment, shall be amended by adding the following sentence to the existing section: "If exterior painted surfaces contain lead levels as set forth in Section 305.7 herein, all requirements of Section 305.7 shall be met."

Q. Section 304.14 amended to provide as follows: Insect Screens, shall be amended by starting the section with: Every door, window and other outside opening...

R. A new Section 305.7 shall be added which shall provide as follows:

305.7. Lead-based coatings. Any source of lead, including without limitation a lead-based coating, shall be considered a health hazard to a child under six years of age who has demonstrated an elevated blood level (which for the purposes of this Code shall be considered to be a level equal to or greater than 10 micrograms per deciliter or any future standard established by the United States Public Health Service Centers for Disease Control) if:

1. It exists in or about a dwelling or other structure in which a child under six years of age who has demonstrated an elevated blood lead level commonly resides or visits; and
2. It is determined to be on any flaking, peeling, nonintact deteriorated surface or on any exposed surface or in any soil or dust found in or about the dwelling or structure or in any rugs, carpet or other surface coverings in or about the dwelling or structure; and
3. It contains a quantity of lead in excess of 0.6 milligrams per square centimeter of surface when measured by a recognized method of analysis.

305.7.1. Notices. Sources of lead, including lead-based coating areas, must be marked with warnings immediately upon positive testing, and notice of these areas shall be given to the occupant at the time of testing to avoid further child poisoning.

305.7.2. Abatement of health hazard. If it is determined that there exists a health hazard under Section 305.7, the owner shall be responsible to abate the hazard within such time as specified by the Code Official. The owner and/or occupant of the premises shall bear the cost of abatement and shall present a written plan of abatement to the Code Official for review and approval prior to initiating said abatement. The owner and/or occupant of the premises shall abate the health hazard in accordance with the approved plan, shall completely perform all steps of such approved plan, and shall perform the work set forth in the approved plan in a good and workmanlike fashion. The owner and/or occupant of the premises shall submit proof satisfactory to the Code Official of abatement promptly upon completion.

- S. Section 308, Rubbish and Garbage, shall be amended by adding new Sections 308.4, Notices of violation, and 308.5, Enforcement, which shall provide as follows:

308.4. Notices of violation. The Board of Supervisors, the Code Official or any officer or employee of the Township designated for this purpose is hereby authorized to give notice, by personal service, by United States mail or by posting the property, to the owner of any premises on which there exist accumulations of rubbish or garbage remaining in violation of the provisions of this Code, directing and requiring such owner to remove such accumulations of rubbish or garbage so as to conform to the requirements of this Code, within seven business days after the issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice, within seven business days after the issuance of such notice, Township authorities may remove such accumulations of rubbish or garbage, and the cost thereof, together with a penalty of 15% of such cost, and allowable attorneys' fees may be collected by the Township from such person in the manner provided by law.

If the Board of Supervisors, the Code Official or any officer or employee of the Township has given notice under this section in the calendar year and the owner did not comply with the notice within the required seven business days, the Township shall not be required to give additional notice to the owner before the Township removes accumulations of rubbish

or garbage on the property in that same calendar year, and the Township may collect the cost thereof, together with a penalty of 15% of such cost, and allowable attorneys' fees from such person in the manner provided by law.

308.5. Enforcement. The Code Official or any police officer shall be authorized to institute summary criminal proceedings against any person who fails to comply with the requirements of this Section 308 prohibiting accumulations of rubbish or garbage and requiring proper storage and disposal of rubbish and garbage. The failure to maintain exterior premises and property and the interior of a structure free from accumulation of rubbish and garbage and/or the failure of any person to comply with the requirements of Sections 308.2 and 308.3 of this Code is a violation of the provisions of this Code, whether or not the Board of Supervisors, Code Official, or other officer or employee of the Township provides the notice set forth below. Any police officer and the Code Official may institute summary enforcement proceedings pursuant to Section 106 of this Code. Such prosecution shall not prevent the Township from also proceeding under the provisions of Section 308.4 to abate nuisance conditions on the property.

T. Section 507.1, General, shall be amended to provide as follows:

507.1. General. Drainage of roofs and paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner which creates a nuisance. Without limiting the foregoing, drainage of stormwaters from any source shall not be directed into any drain connecting with any public sewer system, any individual or community sewage disposal system, any cesspool, or any absorption area for a sewage disposal system. Drainage water from any source shall not be directed on to the cartway of a public street or discharged in such a manner that water accumulates on the cartway of a public street.

U. Section 602.3, Heat supply, shall be amended by inserting "October 1" and "April 15" into the appropriate places.

V. Section 602.4, Occupiable work spaces, shall be amended by inserting "October 1" and "April 15" into the appropriate places.

W. Section 702.4, Emergency escape and rescue openings, shall be amended to add a new paragraph 3 which shall provide as follows:

3. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room but shall not be required in adjoining areas of the basement. Such an opening shall open directly to the exterior of the structure.

Section 2. All other sections, parts and provisions of the Code of Ordinances of Mount Joy Township shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions,

sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Mount Joy as provided by law.

DULY ORDAINED AND ENACTED this 19th day of February, 2024, by the Board of Supervisors of the Township of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: Patricia G Bailey
(Assistant) Secretary

By: Yvonne A. Decker
(Vice) Chairman
Board of Supervisors

