

NEW GARDEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 257

**AN ORDINANCE PURSUANT TO THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, AMENDING THE CODE OF ORDINANCES OF NEW GARDEN TOWNSHIP CHAPTER 136, PROPERTY MAINTENANCE, IN ORDER TO ADOPT AND MODIFY THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE TO REGULATE THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES IN NEW GARDEN TOWNSHIP. EFFECTIVE FIVE DAYS FROM ENACTMENT.**

AND NOW THEREFORE, this 17<sup>th</sup> day of October, 2022, The Board of Supervisors of the Township of New Garden, Chester County, Pennsylvania hereby **ENACTS** and **ORDAINS** as follows:

**SECTION 1.** The Code of the Township of New Garden, Chapter 136, Property Maintenance, Section 136-1, Adoption of standards, is hereby amended to reference the 2018 International Property Maintenance Code ("IPMC"), instead of the 2015 IPMC as follows:

**§ 136-1 Adoption of standards.**

There is hereby adopted by the Board of Supervisors of the Township of New Garden, Chester County, Pennsylvania, as the property maintenance code of the Township, the International Property Maintenance Code, 2018 edition, as published by the International Code Council ("2018 IPMC") for the establishment of minimum regulations governing the conditions and maintenance of all property, buildings and structures as provided therein; and each and all the regulations, provisions, penalties, conditions and terms of said 2018 IPMC are hereby referred to, adopted and made a part hereof as fully set out in this chapter with additions, insertions, deletions and changes, if any, described by this chapter.

**SECTION 2.** The Code of the Township of New Garden, Chapter 136, Property Maintenance, Section 136-2, Copy of standards on file, is hereby amended to reference the 2018 IPMC, instead of the 2015 IPMC as follows:

**§ 136-2 Copy of standards on file.**

Not less than one copy of the 2018 IPMC has been and now is filed in the Department of Zoning and Codes of the Township.

**SECTION 3.** The Code of the Township of New Garden, Chapter 136, Property Maintenance, Section 136-3, Modification of standards, is hereby amended to reference the 2018 IPMC, instead of the 2015 IPMC, to remove Appendix A from the 2018 IPMC, and to add a new section relating to private fire hydrants as follows:

**Section 136-3. Modification of Standards.**

A. Whenever the words “Name of Jurisdiction” appear in the 2018 IPMC, the words “Township of New Garden, Chester County, Pennsylvania” shall be substituted therefor.

B. The following additions, insertions, deletions, and changes are hereby made to the 2018 IPMC:

(1) Section 101, General, is amended to add the following subsection to read as follows:

**101.5 Conflict.** Where there is a conflict between a provision in this Chapter and another section of the New Garden Township Code, the most restrictive provision shall apply.

(2) Subsection 103.1, General, is amended by deleting the subsection in its entirety and substituting the following:

**103.1 General.** The department charged with enforcement of this chapter shall be the Department of Zoning and Codes and the executive official in charge shall be known hereafter as the *Code Official*.

(3) Subsection 103.2, Appointment, is amended by deleting the subsection in its entirety.

(4) Subsection 103.5, Fees, is amended by deleting the subsection in its entirety and substituting the following:

**103.5. Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the New Garden Township Fee Resolution.

(5) Subsection 106.4, Violation penalties, is amended by deleting the subsection in its entirety and substituting the following

**106.4 Violation.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be liable to a fine of not more than \$1000, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(6) Subsection 110.3, Failure to comply, is amended by deleting the subsection in its entirety and substituting the following:

**110.3 Failure to comply.** If the owner of a premises or owner’s authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the costs of such demolition and

removal, plus 10 percent for administrative costs, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(7) Subsection 111.2, Membership of board, and all of its constituent subparagraphs, are amended by deleting the subsection in its entirety and substituting the following:

**111.2. Membership of Board.** The Board of Appeals shall be established by resolution of the governing body of the Township of New Garden in conformity with the relevant provisions of this code. If at any time enforcement and administration is undertaken jointly with one or more municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.

(8) Subsection 112.4, Failure to comply, is amended by deleting the subsection in its entirety and substituting the following:

**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 more than \$1000, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(9) Subsection 302.4, Weeds, is amended by deleting the subsection in its entirety and substituting the following:

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches (10"). 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.

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 Section 106.3 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.

(10) Subsection 304.14, Insect screens, is amended by deleting the subsection in its entirety and substituting the following:

**304.14 Insect screens.** During the period from April 1 to September 30 every openable window in a residential structure and 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 not less than 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.

(11) Subsection 308, Rubbish and Garbage is hereby amended to add the following subsection to read as follows:

**308.4 Unlawful dumping:** It shall be unlawful to throw, deposit or dump paper, trash, rubbish, ashes, junk, waste or discarded materials of any kind including, but not limited to, refrigerators, electrical or gas ranges, worn out tires, plumbing or electrical fixtures, building supplies, tree limbs, grass or other vegetation in or on any private or public property, vacant or occupied, within New Garden Township, or to maintain any accumulations of such materials in or on any public or private property, vacant or occupied, within said Township, that creates a condition which endangers the safety, health or comfort of the citizens of New Garden Township.

(12) Subsection 602.3, Heat supply, is amended by deleting the subsection in its entirety and substituting the following:

**602.3 Heat supply.** 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 1 to April 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

**Exceptions:**

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

(13) Subsection 602.4, Occupiable work spaces, is amended by deleting the subsection in its entirety and substituting the following:

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to April 30 to maintain a temperature of not less than 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.

(14) Appendix A, Boarding Standard, is hereby amended by deleting the appendix in its entirety.

(15) Section 704, Fire Protection Systems, is hereby amended to add the following subsection to read as follows:

**704.1.4 Private fire hydrants.** Private fire hydrants shall be maintained in accordance with NFPA 24 and shall be inspected and tested annually and after each operation. Records of inspection, testing, and maintenance shall be recorded and returned to the Township Fire Marshal or Township Code Official.

(16) Chapter 7, Fire Safety Requirements, is hereby amended by adding the following section:

**SECTION 706  
KEROSENE HEATERS**

**706.1 General.** The use of portable kerosene heating units is permitted only as a supplement to the central heating system in single-family, twin or half double residential units and multiple-dwelling-unit complexes in which the individual units are separated by approved fire walls.

**706.2 Prohibited uses.** The use of portable kerosene heating units is not permitted in apartment houses, multiple dwellings with two or more dwelling units, boardinghouses, motels or hotels.

**706.3 Prohibited uses - flammable materials.** The use of portable kerosene heating units is prohibited in structures where hazardous or highly flammable materials are stored.

**706.4 Storage.** All containers used for outdoor storage of kerosene shall be constructed of materials and equipment approved under UL regulations or Commonwealth of Pennsylvania State Police Fire Marshal Regulations. These containers shall be clearly labeled "kerosene" with letters at least two inches high. A maximum of 10 gallons of kerosene shall be stored in a

building subject to the regulations contained herein and such storage place must be at least 10 feet distant from any permanent heating unit, boiler, furnace, or wood-burning stove or portable kerosene heating unit. The storage of kerosene is prohibited in kitchens, bathrooms, closets, bedrooms, hallways, or in any room that does not have adequate ventilation.

**SECTION 4.** The Code of the Township of New Garden, Chapter 136, Property Maintenance, is amended to add a new Section 136-4, Denial, suspension and revocation of permits and approvals, as follows:

**§ 136-4 Denial, suspension and revocation of permits and approvals.**

The Township reserves all of its rights under and pursuant to the Abandoned and Blighted Property Act, including, but not limited to, the right to deny or condition a permit application of an applicant who owns, operates, or maintains a property in violation of this Chapter.

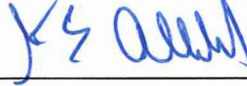
**SECTION 5.** All ordinances, resolutions or parts of ordinances or resolutions that are directly inconsistent herewith are hereby repealed to the extent of any such inconsistency.

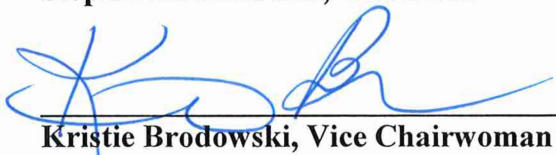
**SECTION 6.** If any sentence clause section or part of this chapter is for any reason found to be unconstitutional, illegal or invalid such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions sentences clauses sections or parts of this chapter. It is hereby declared to be the intent of the Board that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 7.** This Ordinance shall be effective five (5) days from the date of enactment.

Adopted this 17<sup>th</sup> day of October 2022.

**BOARD OF SUPERVISORS OF  
NEW GARDEN TOWNSHIP**

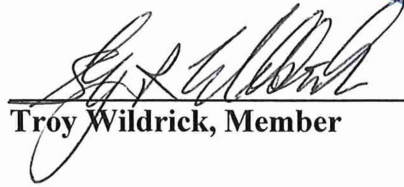
  
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**Stephen E. Allaband, Chairman**

  
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**Kristie Brodowski, Vice Chairwoman**

  
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**David Unger, Member**



**Ted Gallivan, Member**



**Troy Wildrick, Member**

**ATTEST:**



**John Granger, Secretary**



**Lew Gay, Assistant Secretary**