

BOROUGH OF PALMYRA

Lebanon County, Pennsylvania

ORDINANCE NO. 832

AN ORDINANCE TO AMEND THE PALMYRA BOROUGH CODE OF ORDINANCES TO REVISE AND RESTATE CHAPTER 270, PROPERTY MAINTENANCE, TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE/2024, AS THE PALMYRA BOROUGH PROPERTY MAINTENANCE CODE TOGETHER WITH CERTAIN REVISIONS AND ADDITIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of Palmyra Borough, Lebanon County, Pennsylvania, as follows:

Section 1. The Palmyra Borough Code of Ordinances, Chapter 270, Property Maintenance, shall be amended in its entirety to provide as follows:

Chapter 270

Property Maintenance

§ 270-1. Title.

This chapter shall be known and may be cited as the "Palmyra Borough Property Maintenance Code."

§ 270-2. Adoption of standards.

A certain document, copies of which have been and are presently on file in the office of the Secretary of the Borough of Palmyra, Lebanon 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 Borough of Palmyra, 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 § 270-3 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 § 270-3.

§ 270-3. Modification of standards.

Changes from the International Code Council, Inc., 2024 International Property Maintenance Code

to the Property Maintenance Code of the Borough of Palmyra are as follows:

A. Section 101.1 shall be amended by inserting "Borough of Palmyra, Lebanon County, Pennsylvania."

B. Section 103.1 shall provide as follows:

103.1. Code official function. The function of the 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 Borough Council.

D. Section 106, Means of Appeal, shall be deleted in its entirety. A new Section 106, 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 Borough Council. 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 Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established by ordinance or resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a prompt decision on such appeal. In making a decision, Borough Council 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. Borough Council shall render a written decision, copies of which shall be provided to the Code Official and the appellant.

E. Sections 107.2 and 107.3 shall provide as follows:

107.2. Notice of violation. The Code Official may serve notices of violation or may serve orders in accordance with Section 109.

107.2.1. Service fees. When a property has been declared a "public nuisance" due to refuse accumulation, insect, vermin or rodent infestation, lack of required utilities, facilities, equipment or other property maintenance violations deemed a detriment to the occupants of a property or the public at large and/or become a blighted property, the Code Official will notify the responsible party. In the event of a recurrence of the violation within a twelve-month period, repeat offender service charges shall be as established by ordinance or resolution of Council. Repeat offender service fees shall be payable to the Borough within 15 days of receipt of invoice. Failure to pay said fee will result in the Borough instituting

appropriate action against said offender to recover service and administrative fees.

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 Borough Council of the violation and shall request Borough Council to authorize institution of enforcement proceedings against the violator and/or authorize the Borough 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 be amended and a new Section 107.4.1 shall be inserted which 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, including the Borough's attorneys' fees, for a first offense, (b) not less than \$200 nor more than \$1,000 plus all costs of prosecution, including the Borough's attorneys' fees, for a second offense, and (c) not less than \$300 nor more than \$1,000 plus all costs of prosecution, including the Borough's attorneys' fees, 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 to the Borough 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 Lebanon County Court of Common Pleas.

107.4.1. Guilty Pleas. The Code Official and police officers shall have the authority to issue a Health/Housing Code violation ticket prior to the institution of formal enforcement proceedings. The Code Official or police officers shall identify on the Health/Housing Code violation ticket all violations of any provision of this chapter, indicating, in each case, the section violated, the location where the violation took place and any other facts that might be necessary in order to secure a clear understanding of the circumstances attending the violation. The Code Official or police officer shall personally serve the Health/Housing Code violation ticket upon the occupant of the property on which the violation has occurred or, if no occupant is present, shall attach to or place upon the door of such property the

Health/Housing Code violation ticket. The Health/Housing Code violation ticket shall contain instructions to the occupant of the property that if such person will, within 30 calendar days after the date of the Health/Housing Code violation ticket, report to the office of the Borough Manager and pay the sum as set forth in the fee schedule adopted from time to time by resolution of the Borough Council or if such person will place the ticket envelope with the sum as set forth in the fee schedule adopted from time to time by resolution of the Borough Council in the Palmyra Borough Health/Housing Code Fine-O-Meter box, that act will save the violator from prosecution.

G Insert new Sections 107.6 through 107.6.2 which shall provide as follows:

107.6. 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 109.

107.6.1. 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.

107.6.2. Collection of costs. All costs and expenses the Borough 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 Borough 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.

H Insert new Section 108.2.1 which shall provide as follows:

108.2.1. Method of service. Service of said notice shall be in accordance with Section 109.

I. 109.4, Notice, shall provide as follows:

109.4. Notice. Whenever the Code Official determines there has been a violation of this code or has grounds to believe that a violation has occurred, the Code Official is authorized to give notice in the manner prescribed herein. The Code Official is not required to serve

a notice 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 or if the Code Official has served a notice in accordance with Section 308.

109.4.1. Form. Notices shall be in writing, shall identify the record owner of the real estate and identify the real estate on which the violation has occurred, shall identify the violation(s) and corrective action(s) required, and shall inform the recipient of the right to appeal.

109.4.2. 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.

J. 109.7.1, Placard Removal, shall provide as follows:

109.7.1. Placard Removal. A fee established by resolution or ordinance of Borough Council will be imposed upon any person requesting an inspection for the purpose of removing a condemnation placard. A condemnation placard shall be removed when the defect or defects in the property, in violation of the Property Maintenance Code, have been eliminated. The fee for inspection to remove the placard notice shall be payable in full in advance. If upon inspection the defect or defects in the property, in violation of the Property Maintenance Code remain, the placard shall not be removed. A fee established by resolution or ordinance of Borough Council will be imposed on any person requesting a subsequent inspection for the purpose of removing a condemnation placard. Any person who defaces or removes a condemnation placard without the approval of the Property Maintenance Code Official shall be subject to the penalties provided by the code.

J. 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 Borough Council to authorize the Borough 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 Borough Solicitor shall file a municipal claim as a lien against the property in the amount of the Borough's costs plus a penalty of 10% of such costs and for allowable attorneys' fees. The Borough Solicitor may also institute any proceedings at law or in equity to provide for the collection of the Borough's costs and expenses.

K. Section 111.4 shall be deleted in its entirety.

L. Section 202, General Definitions, shall be amended by inserting or amending the following

definitions:

BLIGHTED PROPERTY/PUBLIC NUISANCE.

1. Any premises which because of physical condition or use is regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.
2. 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, basement, excavations, and unsafe fences or structures.
3. Any dwelling which, because it is dilapidated, unsanitary, unsafe, insect- or vermin-infested or lacking in the facilities and equipment required by this code and has been designated by the Code Official as unfit for human habitation or occupancy.
4. Any structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.
5. Any structure from which the utility, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
6. Any vacant or unimproved lot or parcel of ground in a predominately built-up neighborhood, which by reason of neglect or lack of maintenance, has become a place for the accumulation of trash and debris, or a haven for rodents and other vermin.
7. Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this chapter, and those in the future having a two-year tax delinquency.
8. Any property which is vacant but is not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the Borough.

BOROUGH. Palmyra Borough, Lebanon County, Pennsylvania.

BOROUGH COUNCIL. The governing body of the Borough.

CODE OFFICIAL. The Borough Zoning & Codes Enforcement Officer or any other Borough official empowered to enforce this code, or any duly authorized representative.

POLICE DEPARTMENT. The Western Lebanon County Police Department or any successor agency providing police services within the Borough.

POLICE OFFICER. A member of the Police Department.

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.

M. 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.

N. Section 302.4 shall be deleted.

O. 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 Borough 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 106 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 109 herein and shall additionally be posted upon the hazardous vehicle. If the owner of the premises fails to remove the hazardous vehicle, the Borough may take action to abate the health and/or safety hazard resulting from the hazardous vehicle in the manner provided in Section 107.6 herein.

P. 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.

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

R. 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. Borough Council, the Code Official or any officer or employee of the Borough 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 five 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, Borough authorities may remove such accumulations of rubbish or garbage, and the cost thereof, together with a penalty of 10% of such cost, and allowable attorneys' fees may be collected by the Borough from such person in the manner provided by law.

If Borough Council, the Code Official or any officer or employee of the Borough has given notice under this section in the calendar year and the owner did not comply with the notice within the required five business days, the Borough shall not be required to give additional notice to the owner before the Borough removes accumulations of rubbish or garbage on the property in that same calendar year, and the Borough may collect the cost thereof, together with a penalty of 10% 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 Borough Council, the Code Official, or other officer or employee of the Borough provides the notice set forth below. Any police officer and the Code Official may institute summary enforcement proceedings pursuant to Section 107 of this Code. Such prosecution shall not prevent the Borough from also proceeding under the provisions of Section 308.4 to abate nuisance conditions on the property.

S. Section 309.5 Occupant. The occupant of any structure shall be responsible for the continued insect-, vermin- and rat-proof condition of the structure, and if the occupant fails to maintain the insect-, vermin- and rat-proof condition, the cost of extermination shall be the responsibility of the occupant.

T. Section 505.1, General, shall provide as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code. The water service into a building that is occupied shall be usable and operating.

U. Section 507.1, General, shall be revised and a new Section 507.2, Continued maintenance, shall be added which shall provide as follows:

507.1 General. All roofs, paved areas or yards shall be drained into a separate storm sewer system or to a place of disposal satisfactory to the Code Official and/or the Sanitation

Officer. In the case of one- and two-family dwellings, stormwater may be discharged on flat areas such as streets or lawns so long as the stormwater will flow away from the building from which it is being discharged. In no way will it be allowed to flow over any adjoining property or properties. Each building, home or homes shall have their own independent roof gutter and downspouts.

507.2 Continued Maintenance. All roof gutters and downspouts shall be kept in a good state of repair and be kept free of debris. If a roof gutter or downspout is found in a decaying, leaking or unsatisfactory condition by the Code Official or the Sanitation Officer, the owner of the property in which such condition exists will be notified in writing to correct such conditions. Should any person served by such notice fail or refuse to comply with the order contained therein within the time specified, the Code Official or Sanitation Officer shall institute proceedings to force compliance with such order.

- V. Section 602.3, Heat supply, shall be amended by inserting "October 1" and "April 15" into the appropriate places.
- W. Section 602.4, Occupiable work spaces, shall be amended by inserting "October 1" and "April 15" into the appropriate places.
- X. Section 602.4, Occupiable Work Spaces, shall provide as follows:

602.4 Occupiable Work Spaces. Every enclosed occupied work space shall be supplied with sufficient heat to maintain a temperature of not less than 65° F. (18° C.) during all working hours.

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

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

- Y. 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 Palmyra Borough 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 Borough Council 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 from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 25TH day of JUNE, 2024, by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF PALMYRA
Lebanon County, Pennsylvania

Attest: *Ryan E. Pencil*
(Assistant) Secretary

By: *Beth Shearer*
(Vice) President
Borough Council



Examined and approved as an Ordinance this 25TH day of JUNE, 2024.

By: *David J. Caputo*
Mayor

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Palmyra, Lebanon County, Pennsylvania ("Borough") certify that: The foregoing is a true and correct copy of an Ordinance of Borough Council of the Borough which duly was enacted by affirmative vote of a majority of the members of Borough Council of the Borough of Palmyra at a meeting duly held on the 25TH day of JUNE, 2024; and was examined and approved by the Mayor; such Ordinance has been duly recorded in the Ordinance Book of the Borough; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Palmyra met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S.§701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Palmyra or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Palmyra, this 25TH day of JUNE, 2024.

Roger E. P... [Signature]
(Assistant) Secretary

[BOROUGH SEAL]

