

TOWNSHIP OF PENN, BUTLER COUNTY
ORDINANCE NO. 178

AN ORDINANCE OF THE TOWNSHIP OF PENN, BUTLER COUNTY PENNSYLVANIA ESTABLISHING PROPERTY MAINTENANCE STANDARDS TO PROTECT AGAINST UNSAFE AND/OR BLIGHTED STRUCTURES AND PROVIDING FOR THE ENFORCEMENT AND PENALTY FOR VIOLATION OF SAID ORDINANCE.

WHEREAS, the Board of Supervisors of the Township of Penn, Butler County, Pennsylvania (“Board”) has the power and the duty to protect the health, safety, and welfare of the people and property in the Township; and

WHEREAS, Section 1704-A of the Pennsylvania Second Class Township Code, 53 P.S. §66704-A, provides the Board of the Township of Penn, Butler County, Pennsylvania (“Township”) with the power and authority to enact a property maintenance ordinance; and

WHEREAS, the Board desires to enact an ordinance establishing property maintenance standards regarding to unsafe and/or blighted properties in the Township.

NOW THEREFORE, the Board of Supervisors of the Township of Penn, Butler County hereby ordains and enacts as follows, incorporating the foregoing recitals by reference:

SECTION 1 – SHORT TITLE

This Ordinance shall be known and may be cited as THE UNSAFE STRUCTURE ORDINANCE OF PENN TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA.

SECTION 2 – PURPOSE

The purpose of this Ordinance is to regulate unsafe and unlawful structures in the Township to protect the general health, safety, and welfare of the citizens of the Township, protect property values, and to enhance the appearance of properties within the community.

SECTION 3 – ADOPTION OF STANDARDS

The Township hereby adopts Sections 109, 111, 113, 202 of the International Property Maintenance Code, 2021 Edition, as published by the International Code Council, Inc., as the Property Maintenance Code of Penn Township for regulating and governing the conditions and

maintenance of all structures; by providing the standards to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of structures unfit for human occupation and use, and the demolition of such existing structures; and the penalties of said Property Maintenance Code on file in the Township office are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, hereby prescribed.

SECTION 4 – CODE OFFICIAL

The Township Building Code Official shall serve as the person responsible for enforcing the terms of this Ordinance. For purposes of this Ordinance, the Township Building Code Official shall be referred to as the “Code Official”.

SECTION 5 – RIGHT OF ENTRY FOR INSPECTION

Where it is necessary to make an inspection to enforce the provisions of this Ordinance, or whenever the Code Official has reasonable cause to believe that there exists in a structure or upon a premise a condition in violation of this Ordinance, the Code Official is hereby authorized to enter the structure at reasonable times to inspect or perform the duties imposed by this Ordinance, provided that if such structure is occupied, the Code Official shall present credentials to the occupant and request entry.

SECTION 6 – VIOLATIONS AND PENALTIES

Section 109.4 of the International Property Maintenance Code, 2021 Edition, is hereby restated as follows:

109.4 Violation penalties.

Any person, firm or corporation who shall violate any provision of this code or fails to comply therewith or with any of the requirements thereof, upon conviction thereof in an action brought before the District Magistrate Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000, plus costs, including reasonable attorney fees incurred by the Township, and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the code found to have been violated. The Township may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of this code. All fines and penalties collected for violation of this code shall be paid to the Township. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Township Manager, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Manager or the Township Board of Supervisors shall deem appropriate.

SECTION 7 – MEANS OF APPEAL

Any applicant or person aggrieved by a decision of the Code Official or a notice or order issued under this code shall have the right of appeal to the Penn Township Construction Code Board of Appeals established under Penn Township Ordinance No. 122 and Resolution No. 358, as amended, provided that a written application for an appeal is filed within 10 days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Township Board of Supervisors. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

SECTION 8 – SEVERABILITY

Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 9 – CONFLICTS

Should any provision of this Ordinance conflict with any other section, provision regulation or standard of any other Township Ordinance, the more restrictive shall apply.

SECTION 10 – EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Board of Supervisors of Penn Township, Butler County, Pennsylvania, this _____ day of _____ of 20_____.

Township Manager

Chairman of the Board

Vice-Chairman of the Board

Supervisor