

WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO.3 of 2023

AN ORDINANCE AMENDING CHAPTER 72, ARTICLE II OF THE CODE OF THE TOWNSHIP OF WILLISTOWN PERTAINING TO PROPERTY MAINTENANCE, BY ADOPTING AS THE PROPERTY MAINTENANCE CODE THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2021. EFFECTIVE FIVE DAYS FROM THE ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

Section 1. Chapter 72, Article II of the Code of the Township of Willistown is hereby amended to read as follows:

Article II. Property Maintenance

§ 72-3. Standards adopted by reference.

The Property Maintenance Code of Willistown Township previously adopted, being the International Property Maintenance Code/2018, is hereby amended to adopt the International Property Maintenance Code/2021, which shall include Appendix A (Boarding Standard) found therein, so that, from and after the effective date of this article, the Property Maintenance Code of Willistown Township shall be the International Property Maintenance Code/2021, together with the supplements and amendments as hereinafter set forth in §72-4 of this chapter.

§ 72-4. Additions, amendments, and deletions.

The International Property Maintenance Code/2021 is hereby further supplemented and amended as follows:

- A. Section 101.1 is supplemented by inserting "Willistown Township" as the name of the jurisdiction.
- B. Section 103.1 is supplemented by inserting "Willistown Township Building Department" as the name of the department.
- C. Section 104 concerning fees is deleted in its entirety and in place thereof it is hereby substituted with the following:
104 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as set forth in § 78 of the Code of the Township of Willistown.

- D. Section 108.1 concerning membership of board shall be deleted in its entirety.
- E. Section 109.4 concerning penalties is deleted in its entirety and in place thereof it is hereby substituted with the following:

109.4 Violation penalties. Any person or persons, partnership, firm or corporation who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof before any District Justice, be subject to a fine not to exceed \$1,000 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court, 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.

- F. Section 107 is amended to add the following:

107.5 Procedure. In addition to the rules set forth below, the Commonwealth of Pennsylvania's Local Agency Law, 2 Pa.C.S.A. § 551, *et seq.*, shall also apply to proceedings before the Board of Appeals. The Township intends these Rules to supplement the Local Agency Law and, in the event of any conflict between these Rules and the Local Agency Law, the Local Agency Law shall govern.

107.5.A. The Board of Appeals shall be an appellate body, as designated under the Township's ordinances adopting IPMC, and shall hear and rule on all appeals under the IPMC as adopted or modified by the Township's Code of Ordinances. An application for appeal shall be based on a claim that the true intent of the IPMC has been incorrectly interpreted or the provisions of the IPMC do not fully apply.

107.5.B. The Board of Supervisors shall appoint no less than 3 members of the Board of Appeals. The Board of Supervisors may also appoint no more than 2 alternate members, who may be called by the chairman of the Board of Appeals to hear appeals during the absence or disqualification of a member.

107.5.C. The Board of Appeals shall annually select one of its members to serve as chairman. The Board of Supervisors shall designate a qualified person to serve as secretary to the Board of Appeals, who shall keep a detailed record of all proceedings at the Township Building

107.5.D. A quorum of the Board of Appeals shall be 3 members and all actions will require a majority of members present.

107.5.E. Members of the Board of Appeals may not cast a vote or participate in a hearing in any appeal in which the member has a personal, professional, or financial interest.

107.5.F. Appeals to the Board of Appeals shall be filed within 20 days of the date the decision, notice, or order being appealed was served. The postmark date or the date of personal service upon the Township shall establish the filing date of an appeal to the Board of Appeals.

107.5.G. The fee for an appeal to the Board of Appeals shall be set by resolution of the Board of Supervisors.

107.5.H. In deciding an appeal, the Board of Appeals shall review documents and written briefs/arguments and shall hold a hearing within 30 days of the date of filing of an appeal, unless the applicant agrees in writing to an extension of time. Notice of the date, time and place of the hearing shall be given to the property owner or the owner's agent and the building code official at least 10 days prior to the hearing.

107.5.I. The Board of Appeals shall schedule meetings and provide public notice of meetings in accordance with the Pennsylvania Sunshine Act, 65 Pa. C.S.A. § 701, *et seq.*

107.5.J. The Rules of Evidence shall not apply to hearings before the Board of Appeals, but only relevant information may be submitted and considered at a hearing.

107.5.K. The Board of Appeals may either grant the request in whole or in part, deny the request in whole or in part, or grant the request upon certain conditions being satisfied. The Board of Appeals shall render a written decision within 20 days of the close of the hearing and shall provide written notice of such decision to the property owner or owner's representative and to the building code official via electronic or first-class mail or by personal service.

G. Section 110.4 concerning failure to comply is deleted in its entirety and in place thereof it is hereby substituted with the following:

110.4 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 deemed a violation under this code and subject to penalties as set forth in Section 109.

H. Section 202 is supplemented by adding at the end thereof the following:

"Whenever 'jurisdiction', 'Township', or 'local municipality' is referred to herein, such term shall be deemed to mean the Township of Willistown, Chester County, Pennsylvania; whenever the term 'appointing authority' or 'chief appointing authority' is used herein, it shall be deemed to mean the Board of Supervisors of the Township of Willistown; whenever the term 'board of appeals', or 'board' is referred to herein, such term shall be deemed to mean the Board of Appeals, created under Section 107 herein.

- I. Section 302.4 is supplemented by inserting "10 inches (254 mm)" as the height in inches for weeds and plant growth.
- J. Section 304.14 is supplemented by inserting therein the dates May 1 to November 30.
- K. Section 602.3 is supplemented by inserting therein the dates October 15 to April 30.
- L. Section 602.4 is supplemented by inserting therein the dates October 15 to April 30.

ENACTED and **ORDAINED** this 22nd day of May, 2023.

BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP

Molly H.B. Perrin, Chair

William R. Shoemaker, Vice-Chair

ATTEST:

Robert T. Lange, Member

Shanna Lodge, Township Secretary