

**FILE OF THE CITY CLERK**

**ADMINISTRATIVE ORDINANCE NO. 4 - 2010**

**ADMINISTRATION BILL NO. 4 - 2009**

**INTRODUCED –MARCH 10, 2009**

**ADOPTED BY COUNCIL – MARCH 24, 2010**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AMENDING SECTION 223-3 OF THE CODE OF THE CITY OF LANCASTER— AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE - TO ALLOW THE CITY TO TAKE ALL ACTIONS AVAILABLE AT LAW OR EQUITY TO ENFORCE THE ORDINANCE AND TO INCREASE THE MEMBERSHIP OF THE BOARD OF APPEALS FROM THREE TO FIVE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.**

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED** by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

**SECTION 1.** The Code of the City of Lancaster, Chapter 223—Property Maintenance Code, Section 223-3—Amendments, Subsection 8 amending Section 106.3 of the 2006 International Property Maintenance Code, Sub-subsection 1 be and hereby is amended to read as follows:

“1. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a criminal or civil infraction as set forth hereinafter and as determined in accordance with applicable law, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official may institute the appropriate proceeding 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 provision of this code or of the order or direction made pursuant thereto, including, without limitation, having the unlawful occupancy cured by the staff of the City itself. In the instance that the City performs any services to remedy an unlawful occupancy of a structure pursuant hereto, the City may take any and all action available at law and in equity to recover the same, including imposing a lien on the subject real estate for the costs thereof in accordance with applicable law.

SECTION 2. The Code of the City of Lancaster, Chapter 223—Property Maintenance, Section 223-3—Amendments, Subpart O providing for Section 111.2—Membership of the Board—of the International Property Maintenance Code of 2006 be and hereby is amended to read as follows:

“111.2 Membership Board. The Mayor shall appoint a board of housing appeals and revisions consisting of five members and an alternate member who shall be residents of the City. At all meetings of the board, a majority of the board members and/or an alternate shall constitute a quorum (as such, a quorum shall be three members of the board or two members plus the alternate). Members so appointed shall have experience in one of the following areas: building design, construction or maintenance, real property sales, inspection, insurance, or the provision or preservation of housing, commercial or industrial property. In addition, an attorney licensed with the Commonwealth of Pennsylvania is qualified for membership. The members who are first appointed shall serve for terms of one, two, three and four years, respectively, from the date of their appointment, as shall be specified at the time of their appointment. Thereafter, the term of office shall be four years. The member to serve as alternate shall be designated at the time of appointment. A member shall hold office until a successor has been appointed. The members shall select among themselves a chairman and a vice chairman. The alternate member shall attend the meetings of the board and act in the place of any absent member, as provided by law.”

SECTION 3. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 4. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 5. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 24th day of March, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

\_\_\_\_\_  
Janet Spleen, City Clerk

By: \_\_\_\_\_  
J. Richard Gray, Mayor