

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 8 - 2008

ADMINISTRATION BILL NO. 8 - 2008

INTRODUCED – MAY 27, 2008

ADOPTED BY COUNCIL – JUNE 10, 2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED HEREIN AS THE PROPERTY MAINTENANCE CODE OF THE CITY; 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.

WHEREAS, by Ordinance No. 12-2004 dated June 22, 2004, the City of Lancaster adopted the Uniform Construction Code (UCC) of the Commonwealth of Pennsylvania;

WHEREAS, the City had previously adopted a Property Maintenance Code codified in Section 223 of the Code of the City of Lancaster; and

WHEREAS, the City desires to utilize the 2006 International Property Maintenance Code with amendments as set forth herein as its Property Maintenance Code;

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. PURPOSE. It is the intent and purpose of this chapter to adopt a modern property maintenance code which will prescribe effective standards and minimum requirements for the safeguarding of persons and buildings located in the City of Lancaster (“City”) and protect the public health and safety of citizens against the hazards of inadequate, defective or unsafe existing structures.

SECTION 2. ADOPTION OF STANDARDS. In accordance with Section 608 of the Optional Third Class City Charter Law, 53 P.S. §41608, 53 P.S. §41101, et seq., and

the Third Class City Code, 53 P.S. §35101, et seq., there is hereby adopted by the City that certain 2006 International Property Maintenance Code as published by the International Code Council, Inc. and all of its incorporated standards and codes, if any, as amended or republished from time to time, even with a new year number, by the International Code Council, Inc. (the “Property Maintenance Code”), for the purpose of prescribing specifications and regulations to ensure the structural safety of buildings and housing within the City, as therein and herein provided, save and except such provisions which are in conflict with state law. The aforesaid Property Maintenance Code and its incorporated standards and codes hereby adopted are incorporated herein by reference as if set out at length. Copies of the Property Maintenance Code are on file in the offices of the City Clerk and the Code Official where they are available for public examination. The provisions set forth in this chapter of the Code of the city of Lancaster and the Property Maintenance Code adopted herein shall be controlling within the limits of the City.

SECTION 3. AMENDMENTS. The following sections of the 2006 International Property Maintenance Code, as adopted herein, are added, amended or deleted as hereinafter indicated:

A. Section 101.1 is amended to read as follows:

“101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Lancaster, hereinafter referred to as “this code.”

B. Section 102.3 is amended to read as follows:

“102.3. Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and the ICC Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the zoning ordinance of the City of Lancaster.

C. Section 102.6 is amended to read as follows:

“102.6. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code Official to be safe and in the public interest of health, safety and welfare. Notwithstanding the foregoing, the Code Official does not have the authority to and shall not waive any requirements regarding historical structures as set forth in the Ordinances of the Code of the City of Lancaster.

D. Section 103.1 is amended to read as follows:

“103.1. General. The Bureau of Zoning and Inspections and the executive official in charge hereof shall be known as the Code Official.”

E. Section 103.2 is amended to read as follows:

“103.2. Designation. The Code Official shall be hired and/or designated by the Mayor of the City of Lancaster.

F. Section 103.3 is amended to read as follows:

“103.3. Deputies. In accordance with the prescribed laws and policies and procedures applicable to the City, with the consent of the Mayor of the City, the Code Official shall have the authority to appoint deputy code officials, other related technical officers, inspectors and other employees.

G. Section 103.5 is amended to read as follows:

“103.5. Fees. The fees for activities and services performed by the Bureau of Zoning and Inspections in carrying out its responsibilities under this code shall be as is set forth in a Resolution of City Council, which fees may be changed from time to time by resolution of the City Council of the City of Lancaster.

H. Section 106.3 is amended to read as follows:

“106.3. Prosecution of Violation.

(a) 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 provisions 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, it may, in accordance with the provisions of the Municipal Claims Act

and other applicable law impose a lien for the costs and charges of the same against the property or structure so cured.

(b) In addition to any other section or remedial procedure provided, whoever violates any provision of this code shall, upon conviction thereof in a summary proceeding, be fined not less than \$100.00 and not more than \$1,000.00 for the first offense, not less than \$200.00 and not more than \$1,000.00 for the second offense, and not less than \$300.00 and not more than \$1,000.00 for the third and all succeeding offenses and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible, and in default of payment thereof shall be imprisoned for not more than 90 days.

(c) In the case of a continual and uncorrected violation of the same subsection(s) of this code, a fine, not exceeding one per month on a single property and not less than \$300.00 nor more than \$2,000.00 shall be imposed for the first two continual and uncorrected violations and not less than \$2,000.00 nor more than \$5,000.00 for the third and any subsequent continual and uncorrected violations of the same subsection of this code on the same property, unless the violation is found to pose a threat to the public's health, safety or property, then, upon conviction thereof, penalties of fines shall be imposed as follows:

(1) Not exceeding one citation per five calendar days for a continual and uncorrected violation of the same subsection(s) of this code on the same property;

(2) Limited to not less than \$600.00 and not more than \$2,000.00 for the first two continual and uncorrected violation of the same subsection(s) of this code on the same property and not less than \$1,000.00 and not more than \$10,000.00 for the third and any subsequent continual and uncorrected violations of the same subsection(s) of this code on the same property, or imprisonment for not more than 90 days, or both.

(d) The Code Official may issue citations to the owners or persons responsible for a structure or property for failure to comply with a notice of violation following the expiration of the time established for filing an appeal or following the hearing of an appeal by the Board of Appeals and Revisions.”

(e) Notwithstanding the foregoing and as an additional remedy, the City may issue an administrative ticket and follow the

enforcement provisions set forth in Ordinance No. 2-2008, adopted March 25, 2008.

I. Section 107.1 is amended by adding the following Section 107.1.1:

“107.1.1. Exceptions.

(a) Notice requirements shall not apply to an owner or operator of a rooming house, hotel, or multi-family dwelling required to be licensed by this code, when such owner or operator has failed to secure the necessary City of Lancaster, Pennsylvania Housing License. When an owner or operator of a rooming house, hotel or multi-family dwelling does not have a City of Lancaster, Pennsylvania Housing License, the Code Official may commence prosecution for such failure and for any other violation of this code without issuing the notice provided for in this section.

(b) Notice requirements shall not apply to the owner or operator of a one-family or two-family dwelling required to be registered as rentals by this code when such owner or operator has not duly registered such one-family or two-family dwelling. When an owner or operator has failed to register a one-family or two-family dwelling as required by this code, the Code Official may commence prosecution for such failure and for any other violations of this code without issuing the notice provided for in this section.

J. Section 108.4.1 is amended to read as follows:

“108.4.1. Placard Removal. The Code Official shall remove the condemnation placard whenever all violations of this Property Maintenance Code have been corrected or eliminated and the violator has paid to the City the condemnation placard removal fee established in accordance with the terms of this code. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties for violations of this code as provided herein.”

K. Section 109.5 is amended to read as follows:

“109.5. Costs of Emergency Repairs. Costs incurred in the performance of emergency work may be paid by the City. In the instance that emergency work is performed by the City, 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.”

L. Section 111.1 is amended by modifying the time period for filing or appeal from 20 days after the day the decision, notice or order was served to “10 days after the day the decision, notice or order was served.”

M. The following Section 111.1.1 is hereby added:

“111.1.1. Form of Approval. All written appeals referenced in Section 111.1 shall be on the forms for same provided by the Code Official.”

N. The following Section 111.1.2 is hereby added:

“111.1.2. Fees for filing appeals as established in accordance with the provisions hereof shall be paid in advance for each appeal taken hereby. Further, the Board of Housing Appeals and Revisions (the “Board”) may require the party bringing the appeal to pay any costs associated with hearing the appeal, including, but not limited to, advertising and stenographic services (where appropriate), whether the Board partially or fully upholds the Code Official’s issuance of the appealed notice of violation.”

O. Section 111.2 and Sections 111.2.1 through 112.5 be and hereby are deleted and are replaced with the following Sections 111.2 and 111.2.1:

“111.2 Membership Board. The Mayor shall appoint a Board of Housing Appeals and Revisions consisting of three members and an alternate member who shall be residents of the City. 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 his 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.

111.2.1. Powers. The Board of Housing Appeals and Revisions is a board of limited powers. Although its function is

primarily to provide for reasonable interpretation of the provisions of this Property Maintenance Code, the Board shall have the power to make variances and grant extensions of time in cases where strict enforcement of this Property Maintenance Code would cause undue or unnecessary hardship. The Board may, in specific cases, authorize such variances to the provisions and requirements of this Property Maintenance Code as will not be contrary to the public interest.

1. In applying to the Board for such variance, the applicant must show:

(a) That his property was acquired in good faith.

(b) That by reasons of existing topographic conditions or by reason of other peculiar and exceptional conditions pertaining to a specific piece of property, literal enforcement of the provisions or requirements of this Housing Code would cause undue or unnecessary hardship. A claim or even proof merely of a more profitable use, if the variance were granted, is not in itself evidence of such hardship.

2. No variance to the provisions or requirements of this Property Maintenance Code shall be authorized by the Board unless the Board finds that all the following facts and conditions of unnecessary hardship exist:

(a) The hardship arises from unique circumstances applying to the applicant's property which are not the general condition in the neighborhood.

(b) The hardship is not self-inflicted by the applicant.

(c) The strict application of the provisions of this Property Maintenance Code would impose an unreasonable restraint or unnecessary hardship on the use of the property inconsistent with the general purpose and intent of this Property Maintenance Code.

(d) The granting of the variance will not injure adjacent property.”

P. Section 111.6 is amended to read as follows:

“111.6. Board Decision. In deciding the appeals brought before it, the Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made.”

Q. Section 111.7 is amended to read as follows:

“111.7. Court Review. Any person aggrieved by any decision of the Board, or any taxpayer or any officer, department or bureau of the City, may appeal the Board’s decision to the Court of Common Pleas of Lancaster County, Pennsylvania by a petition duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of illegality; which petition must be presented to the court within 30 days after the filing of the decision by the Board.”

R. The following section 111.9 is hereby added:

“111.9. Additional Duties. The Board shall perform such other duties periodically assigned to it by City Council of the City and shall perform the additional duty of hearing appeals from initial notices of blight issued by the Lancaster Property Reinvestment Board as provided by Ordinance 14-1991 of the City of Lancaster adopted May 28, 1991, as amended from time to time.”

S. Section 202 is hereby amended by deleting, modifying or adding the following definitions.

“Family. Includes:

One or more persons related by blood (within and including the degree of first cousin), marriage or adoption, including foster children, living together in a single housekeeping unit and sharing all of the facilities of that unit in common;

Not more than two unrelated persons, including persons related to either/or both of them by blood (within and including the degree of first cousin) or adoption, and including foster children; provided, however, that they live together in a single housekeeping unit and share all of the facilities of that in common.”

“Hotel. A Commercial lodging establishment that offers units for sleeping purposes to transient guests and which provides 24-hour service for receiving and assisting guests.”

“Multifamily Dwelling. A building containing three or more dwelling units.”

The definitions of “Housekeeping Unit” and “Sleeping Unit” are deleted.

T. Section 302.4 is amended to read as follows:

“302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches. 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 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.”

U. Section 302.5 is deleted.

V. Section 302.8 is amended by changing the words “other regulations” to “other ordinances and regulations of the City.”

W. The following Section 302.10 is added: “Other than furniture contained within a structure, use or storage of furniture which is not designed or constructed for exterior use is prohibited in property exterior areas.”

X. Section 304.14 is amended to be applicable during the period of April 1 through October 31 of each year.

Y. Sections 307.1 through 307.3.2 are deleted.

Z. To the extent that the provisions of Sections 308.2 through 308.5 are inconsistent with the provisions of other sections of the Code of the City of Lancaster, the other provisions of the Code of the City of Lancaster shall apply.

AA. Section 404.6(1) be and hereby is deleted.

BB. Section 604.2 is amended by replacing the reference to 60 amperes with “100 amperes.”

CC. Section 605.2 is amended to read as follows:

“605.2. Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every kitchen, bathroom, garage, and laundry area and every exterior outlet shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlets shall have ground fault circuit interrupter protection.”

DD. The following section 704.5 is added:

“704.5. Battery Operated Smoke Detectors. Battery operated smoke detectors shall be tamperproof, lithium battery operated and shall possess a manufacturer’s warranty of no less than ten (10) years.

EE. The first sentence of 704.2 is amended to read as follows: “Single or multiple-station smoke alarms shall be installed and maintained in groups R-1, R-2, R-3, R-4 and in dwellings not regulated in group or occupancies, regardless of occupant load at all of the following locations: ...”

FF. The first sentence of Section 704.4 is amended to read as follows: “Where more than one smoke alarm is required to be installed within an individual dwelling unit in group R-1, R-2, R-3, R-4 and in dwellings not regulated as group or occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit.”

GG. The first sentence of Section 602.3 is amended to read as follows: “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 October 1 to May 1 to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.”

SECTION 4. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded. Further, Chapter 223 of the Code of the City of Lancaster be and hereby is repealed and replaced with the provisions of this Ordinance.

SECTION 5. 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 6. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 10th day of June, 2008, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

/s/ Janet E. Spleen

/s/ J. Richard Gray

Janet E. Spleen, City Clerk

By: _____
J. Richard Gray, Mayor