

COVINGTON TOWNSHIP

ORDINANCE NO. 2023 - 05

PROPERTY MAINTENANCE CODE OF COVINGTON TOWNSHIP

AN ORDINANCE OF THE TOWNSHIP OF COVINGTON, COUNTY OF LACKAWANNA, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2021 EDITION.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Covington Township, Lackawanna County, Commonwealth of Pennsylvania as follows:

Section 1. Title:

This Ordinance shall be known as the "International Property Maintenance Code of Covington Township".

Section 2. Purpose:

That the International Property Maintenance Code 2021 edition as published by the International Code Council, three (3) copies of which are on file in the Covington Township Administrative Office, be and is hereby adopted in its entirety, including Appendix A and Appendix B, and incorporated herein by reference, as the Property Maintenance Code of Covington Township, Lackawanna County, Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings, and structures as set forth in such 2021 edition by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said chapters of said Property Maintenance Code on file in the Covington Township Administrative Office are hereby referred to, adopted, and made a part hereof, as fully set out in this Ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in Section 3 of this Ordinance. Any amendments, additions and/or supplements to the International Property Maintenance Code 2021 edition as published by the International Code Council shall be deemed to be part of the Property Maintenance Code of Covington Township as of the date on which such amendments, additions, and/or supplements become effective.

Section 3. That the following sections are hereby revised and/or supplemented:

101.1 **Insert:** Covington Township

103.1 **Insert:** Code Enforcement Officer and/or Zoning Officer

107.5 **Insert:** 107.5 Time for Appeal. Any appeal shall be filed within thirty (30) days from the date of the order, decision or determination made by the

code official.

110.4 **Insert additional sentence:** Such fines shall be in an amount not less than Three Hundred and 00/100 Dollars (\$300.00) and not more than Five Hundred and 00/100 Dollars (\$500.00) per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

302.4 **Insert:** 6 Inches plus below, or just remove entire section

In addition, the first paragraph of this section is further revised as follows:

1. The words "manageable lot" are substituted for the word "premises"; and
2. The following sentence is added to such paragraph: The words "manageable lot" mean and refer to a piece or parcel of land which has a separate and distinct property identification number given to it by the Assessor's Office of Lackawanna County and is one acre or less in size regardless of whether such lot is improved with a structure.

302.14 **Insert:** May 1 to September 30

602.3 **Insert:** October 1 to April 30

602.4 **Insert:** October 1 to April 30

Section 4. Any person failing to comply with a notice of violation or order issued and served in accordance with Sections 109, 110, 111, 112, and/or 113 of the 2021 International Property Maintenance Code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with within ten (10) days, the code official shall institute the appropriate proceedings of 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. An action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 5. Any person who shall violate any provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws with a fine imposed of not less than Three Hundred and 00/100 Dollars (\$300.00) and not more than Five Hundred and 00/100 Dollars (\$500.00) per day. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 6. That all ordinances and parts of ordinances in conflict herewith are hereby repealed, and all ordinances, regulations and policies of Covington Township not amended, supplemented, affected, modified, or repealed by this Ordinance shall remain in full force and effect.

Section 7. That if any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Covington Township Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses,

and phrases be declared unconstitutional.

Section 8. That nothing in this Ordinance or in the International Property Maintenance Code 2021 edition as hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights, acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 9. That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall become effective upon the fifth (5th) day following the enactment of this Ordinance.

Section 10. That Covington Township acknowledges and agrees that the International Code Council, Inc. ("ICC") owns registered copyrights in the 2021 edition of the *International Property Maintenance Code*. ICC makes the 2021 edition of the *International Property Maintenance Code* available to view for free on its website at <https://codes.iccsafe.org/content/IPMC2021P1> and numerous other International Codes (I-Codes) available to view for free on its website at : codes.iccsafe.org. Without advance written permission from the copyright owner, no part of the 2021 edition of the *International Property Maintenance Code* may be reproduced, distributed, or transmitted in any form, by any means, including without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying, or recording by or in an information retrieval system). For information on the use rights and permissions, please contact: Publications, 4051 Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

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The Public Hearing for this Ordinance was held on _____.

ORDAINED AND ENACTED at a duly assembled public hearing of the Board of Supervisors of Covington Township held on this ____ day of _____, 2023

COVINGTON TOWNSHIP BOARD OF SUPERVISORS

BY:

Melissa A. Kearney
Chairwoman

Vicki L. Williams
Vice-Chairwoman

F. Marshall Peirce
Supervisor

Wanda R. Andreoli
Supervisor

William J. Willson
Supervisor

ATTEST:

(Seal)

Melissa Kearney
Secretary