

**NORTH WALES BOROUGH
ORDINANCE #789**

**AN ORDINANCE REPLACING CHAPTER 159 OF THE CODE
OF ORDINANCES TO PROVIDE CLARIFICATION AND MODIFICATIONS TO THE
ADOPTED INTERNATIONAL PROPERTY MAINTENANCE CODE**

WHEREAS, as a result of extensive discussions by the Borough Council it was found to be in the best interest of the borough to provide clarification and modifications to the adopted International Property Maintenance Code.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of North Wales as follows:

SECTION 1

§ 159-1. Adoption of standards.

A certain document, copies of which are on file in the office of the Secretary of the Borough of North Wales, being marked and designated as the "International Property Maintenance Code, 2009 Edition" as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of North Wales in the Commonwealth of Pennsylvania; for regulating and governing the conditions and maintenance of all property, buildings and structures; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted and made a part hereof; as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 159-2 of this chapter.

§ 159-2. Modification of standards.

The following information shall be included in and as part of the text of the aforesaid Property Maintenance Code:

- A. In Section 101.1, the words "Borough of North Wales" shall be inserted where the words "Name of Jurisdiction" appear.
- B. Section 103.5, Fees, is revised to read: "Fees for activities and services performed by the Code Officials in carrying out their responsibilities under this Code shall be as indicated on the schedule of fees adopted from time to time by resolution of the Borough Council."
- C. Section 104.2, Inspections, shall be amended to add a paragraph stating: In addition to any inspection or inspections mandated by the Code, the Code Official shall make the following property inspections:

1. All residential uses, structures or dwellings shall be inspected prior to the purchase or occupancy by a new owner. The inspection(s) required by this provision shall be as indicated on the Residential Resale Use and Occupancy Permit Application and Borough of North Wales Residential Resale Use and Occupancy Permit Inspection form adopted from time to time by resolution of the Borough Council.
2. All other non-residential uses including but not limited to industrial, institutional commercial and retail establishments: each unit; and common areas, including but not limited to hallways, corridors, stairways and common rooms, prior to being occupied by a new owner or tenant. The inspection(s) required by this provision shall be as indicated on the Commercial Resale Use and Occupancy Permit Application and Borough of North Wales Commercial Resale Use and Occupancy Permit Inspection form adopted from time to time by resolution of the Borough Council.

Nothing in this Chapter shall be read to alter, supersede or nullify any and all inspections required pursuant to the Uniform Construction Code as adopted in Chapter 107 of the Borough Code.

- D. In Section 106.3, Prosecution of violation, the first sentence to be revised to read as follows: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a non-traffic summary violation and shall be subject to the penalties as prescribed by the Borough Code and noted in Section 106.4."
- E. Section 106.4, Violation penalties, shall be revised to read as follows: "Any person, firm or corporation who shall violate any provision of this Code, or fail to comply with any requirements thereof, shall upon conviction thereof, be guilty of a summary offense, and shall be subject to a fine of not more than \$500 for each and every offense plus costs of prosecution and, in default of payment of such fine and costs, shall be sentenced to imprisonment for a period of not more than 30 days." Each day that a violation continues after notice has been served shall be deemed a separate offense."
- F. Section 111.2 relating to the Board of Appeals shall be modified to read as follows: The board of appeals shall be the Borough Council. The code official shall be an ex-officio member but shall have no vote on any matter before the board.
- G. Section 111.2.1 relating to alternate members shall be deleted.
- H. Section 112.4, Failure to Comply. Shall be revised to read as follows: "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 subject to a fine as set forth in Sections 106.3 and 106.4."

- I. Section 302.4 Weeds. The first sentence shall be revised to read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches.
- J. Section 602.3 is revised to replace the words "(DATE) to (DATE)" with the words "September 30 to March 30."
- K. Section 602.4 is revised to replace the words "(DATE) to (DATE)" with the words "September 30 to March 30."

§ 159-3. Repealer.

This ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this ordinance.

§ 159-4. Effect on pending proceedings.

Nothing in this chapter or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending 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 § 159-3 of this chapter; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

SECTION 2

The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

SECTION 3

This ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this ordinance.

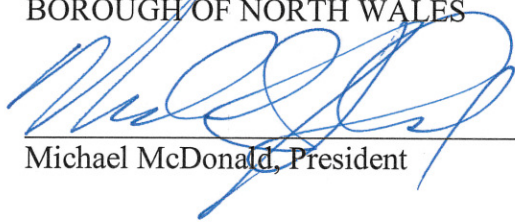
SECTION 4

This ordinance shall take effect immediately as provided by law.

ORDAINED AND ENACTED this 10th day of July, 2012

BOROUGH COUNCIL OF THE
BOROUGH OF NORTH WALES

BY:



Michael McDonald, President

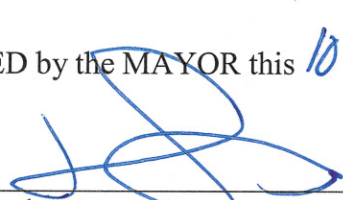
ATTEST:



Nathaniel Dysard, Secretary

APPROVED by the MAYOR this 10th day of July, 2012

BY:



Douglas Ross, Mayor