

**PUBLIC NOTICE IS HEREBY GIVEN - NOTICE OF INTENT TO ADOPT ORDINANCE
LOWER GWYNEDD TOWNSHIP**

NOTICE IS HEREBY GIVEN that pursuant to the Second Class Township Code, the Lower Gwynedd Township Board of Supervisors, Montgomery County, Pennsylvania, at its regular public meeting to be held on Wednesday, July 25, 2023, at 7:00 PM, at the Lower Gwynedd Township Municipal Building (located at 1130 N. Bethlehem Pike, Spring House, PA 19477), will hold a hearing to consider the adoption of the following proposed Ordinance summarized below:

‘PROPERTY MAINTENANCE CODE”

AN ORDINANCE OF THE TOWNSHIP OF LOWER GWYNEDD, MONTGOMERY COUNTY, PENNSYLVANIA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE TOWNSHIP PROPERTY MAINTENANCE CODE, WITH AMENDMENTS THERETO, ESTABLISHING REGULATIONS FOR THE MAINTENANCE OF PROPERTIES WITHIN THE TOWNSHIP, PROVIDING FOR REMEDIAL ACTION BY THE TOWNSHIP IN SPECIFIED SITUATIONS, AND PRESCRIBING CIVIL PENALTIES FOR VIOLATIONS.

The Board of Supervisors shall take evidence, testimony, public comment, or presentations with respect to the proposed Ordinance during the public hearing. The Board may, if no substantial changes are made, adopt the Ordinance at the meeting or at a subsequent meeting. Anyone who wishes to be heard should attend. This meeting will be conducted in-person at the Lower Gwynedd Township Building, 1130 N. Bethlehem Pike, Spring House, Pennsylvania as well as via the Zoom telecommunication device platform (call-in information is provided in this public notice). The Zoom information is below:

<https://us02web.zoom.us/j/87993286253?pwd=dHo1MGN4dVhXOXIrRmFqRzFSZmZmUT09>

Meeting ID: 879 9328 6253

Passcode: 393026

Call In #: 1 646 876 9923

Copies of the complete text of the proposed ordinance are available at the Lower Gwynedd Township Municipal Building (located at 1130 N. Bethlehem Pike, Spring House, PA 19477, Telephone: (215) 646-5302 and may be examined by appointment only from Monday through Friday between the hours of 8:00AM and 4:30 PM (excepting holidays). If any person who wishes to attend the hearing has a disability and/or requires auxiliary aid, service, or other accommodation to observe or participate in the proceedings, please contact the Township to discuss how those needs may be accommodated.

Mimi Gleason, Township Manager

Publish:

Proof of Publication Required

LOWER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF LOWER GWYNEDD, AMENDING TITLE FOUR OF THE TOWNSHIP CODE ENTITLED "BUILDING STANDARDS", BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE TOWNSHIP PROPERTY MAINTENANCE CODE, WITH AMENDMENTS THERETO, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES IN LOWER GWYNEDD TOWNSHIP.

WHEREAS, a property maintenance code is a tool used by governments to improve the condition of properties that have fallen into disrepair. The Township Board of Supervisors (the "**Board**") has recognized the need to be proactive in maintaining neighborhoods and protecting property values; and

WHEREAS, a property maintenance code does not replace any existing building or occupancy regulations, or any inspection procedure, particularly those procedures which are set forth in the Pennsylvania Uniform Construction Code and its regulations; and

WHEREAS, traditional zoning and nuisance abatement regulations are not always adequate to address specific properties that have fallen into disrepair, become unsightly, unsafe, or unsanitary; and

WHEREAS, even when violations are identified, the Township will endeavor to resolve maintenance problems amicably and to arrive at a reasonable solution for both neighbors and violators within the time limits set for compliance; and

WHEREAS, the Board has reviewed the 2015 International Property Maintenance Code and desires to adopt the same with local amendments as identified in Section Three below; and

WHEREAS, Sections 1506 and 1529 of the Second Class Township Code authorizes townships of the second class to prohibit nuisances, to remove same, and to impose penalties therefore; to regulate property maintenance within the township; and to promote in other respects, the health, comfort, and safety of its citizens.

NOW THEREFORE, pursuant to the Second Class Township Code, as amended, and other relevant laws of the Commonwealth of Pennsylvania, the Lower Gwynedd Township Board of Supervisors hereby **ENACTS** and **ORDAINS** the following:

Section One: Title

This Ordinance shall be known as the "Property Maintenance Code of Lower Gwynedd Township."

Section 2. Adoption of Property Maintenance Code.

That a certain document, copies of which are on file with the Office of the Secretary of the Township of Lower Gwynedd, Montgomery County, Pennsylvania, being marked and designated as the International Property Maintenance Code (2015 Edition), be and is hereby adopted as the Property Maintenance Code of the Township of Lower Gwynedd, to be designated as Chapter 1452, Section 1452.01 of Title Four of the Lower Gwynedd Township Code, to be entitled "Property Maintenance Code", regulating and governing the conditions and maintenance of all property, buildings and structures for the protection of the health, safety, and welfare of the Township as herein provided. All regulations, provisions, penalties, conditions, and terms of the Property Maintenance Code on file with the Township, are hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, with the additions, insertions, deletion, and changes enumerated in **Section 3** of this Ordinance

Section Three: Additions, Insertions, Deletions, and Changes.

The International Property Maintenance Code of 2015, adopted as the Lower Gwynedd Township Property Maintenance Code, is hereby modified as follows:

- A. Chapter 1, Scope and Administration, Section 101, General, Article 101.1, shall read:

Title. These regulations shall be known as the "International Property Maintenance Code of Lower Gwynedd Township," hereinafter referred to as "this Code."

- B. Chapter 1, Scope and Administration, Section 102, Applicability, Article 102.3, Application of other codes, is hereby eliminated in its entirety and replaced with the following language:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Pennsylvania Uniform Construction Code, and the building, plumbing, mechanical, and electrical codes as adopted by Lower Gwynedd Township. Nothing in this Code shall be construed to cancel, modify, or set aside any provisions of the Lower Gwynedd Township Zoning Ordinance.

- C. Chapter 1, Scope and Administration, Section 103, Department of Property Maintenance Inspection, Article 103.1, shall read:

General. The Lower Gwynedd Township Building Department and the executive official in charge thereof shall be the Township-appointed Code Enforcement Officer, hereinafter referred to as the "Code Official."

- D. Chapter 1, Scope and Administration, Section 103, Department of Property Maintenance, Article 103.5, shall read:

Fees. The fees for activities and services performed by the Department in carrying out its

responsibilities under this Code shall be set by resolution of the Board of Supervisors from time to time.

E. Chapter 1, Scope and Administration, Section 111, Means of Appeal, is hereby repealed in its entirety, and any appeals section contained in a future edition of the International Property Maintenance Code (IPMC) shall be void unless specifically adopted by the Township hereinafter. Violations of the Township Code and International Property Maintenance Code that are not adequately remedied as determined by the Township Code Official and/or done so in a timely manner as detailed in the notice of violation or stop work order, shall result in a citation being filed with the local Magisterial District Court. Any aggrieved party shall have the right to appeal the Magistrate's decision to the Montgomery County Court of Common Pleas.

F. Chapter 1, Scope and Administration, Section 112, Stop Work Order, Article 112.4 shall read:

Failure to comply. Any person who shall continue any work after having been served with a citation, notice of violation, or stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Three Hundred Dollars (\$300) or more than One Thousand Dollars (\$1,000).

G. Chapter 2, Definitions, Section 202, General Definitions, is hereby amended by adding the following definitions:

ABANDONED VEHICLE – Any vehicle that does not have a current license plate, valid registration, current certificate of inspection or an ascertainable identification number.

BLIGHTED PROPERTY — As defined in 35 P.S. § 1712.1(c), a blighted property must meet one of the following criteria:

- 1) Any premises which, because of physical condition or use, is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.
- 2) Any premises which, because of physical condition, use or occupancy, is considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- 3) Any dwelling which, because it is dilapidated, unsanitary, unsafe, vermin- infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.
- 4) Any structure which is a fire hazard or is otherwise dangerous to the safety of persons or property.

- 5) Any structure from which the sewerage has been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
- 6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood which, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents or other vermin.
- 7) Any unoccupied property which has been tax-delinquent for a period of two (2) years prior to the effective date of this Part, and those in the future having a two (2)-year tax delinquency.
- 8) Any property which is vacant but not tax-delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.
- 9) Any abandoned property. A property shall be considered abandoned if:
 - i. It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six (6) months;
 - ii. It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality is in excess of one hundred fifty percent (150%) of the fair market value of the property as established by the Tax Assessment Office of Montgomery County or other body with legal authority to determine the taxable value of the property; or
 - iii. The property has been declared abandoned by the owner, including an estate that is in possession of the property.

CODE REQUIREMENT — A building, housing or property maintenance code or ordinance of the Township.

JUNKED VEHICLE - Any self-propelled, fuel-powered vehicle that has any part of its body missing or has been stripped or partially disassembled, has a broken windshield, has the wheels out, motor out, transmission out, or is missing any part that prevents the vehicle from moving on its own power, and any other mobile equipment that has parts missing, that is pulled or towed by another fuel-powered vehicle, or that lacks valid vehicle registration, a current certificate of inspection, or an ascertainable vehicle identification number.

MOTOR VEHICLE — A vehicle which is self-propelled, except an electric personal assistive mobility device or a vehicle which is propelled solely by human power.

- H. Chapter 3, Section 302, Exterior Property Areas, Article 302.8, is amended to read:

Motor Vehicles. Except as provided for by use or right, no unregistered or uninspected vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles, with automotive spray guns/devices, is prohibited unless conducted inside an approved spray booth.

No person, firm or corporation shall dump, deposit, or accumulate garbage and/or rubbish, including junked or abandoned vehicles, upon any private or public property in the Township.

Exceptions: This chapter shall not apply to any operable vehicle or equipment that is normally used in the operation of a farm owned or leased by the person actively farming the land.

Notice to correct: After the Code Enforcement Officer determines that a junked or abandoned vehicle or machinery or an accumulation of garbage or rubbish exists, the Officer shall notify the owner of the property upon which it is located that it shall be removed within the time specified in the notice of violation.

This section shall not be construed as prohibiting the registered owner of a motor vehicle or part thereof from performing minor repair of said vehicle in the driveway or other area of a residence, provided that the vehicle is registered to someone living in the residence and done so in accordance with all other Township, state or federal laws.

- I. Chapter 3, Article 302, Exterior Property Areas, the following article is added:

302.10. Deposits on public streets, sidewalks, and other public rights-of-way. No property owner shall, through action or inaction, cause or allow water, mud, snow, soil, stone, sand, yard debris, refuse, litter, or other substances to accumulate on streets, alleys, or sidewalks. Inaction shall include, but is not limited to, allowing erosion of materials from properties due to water, wind, subsidence, or other.

- J. Chapter 3, Article 304.2, "Protective Treatment," is hereby eliminated in its entirety pertaining to structures located on land used for agricultural purposes (active farming operations).

- K. Chapter 3, Article 304.14, "Insect Screens," is hereby eliminated in its entirety.

- L. Chapter 3, Article 304.15, "Doors," is hereby eliminated in its entirety.

- M. Chapter 3, Article 304.16, "Basement Hatchways," is hereby eliminated in its entirety.

- N. Chapter 3, Article 304.18.1, "Doors," is hereby eliminated in its entirety.

- O. Chapter 3, Article 304.18.2, "Windows," is hereby eliminated in its entirety.
- P. Chapter 3, Article 304.18.3, "Basement Hatchways," is hereby eliminated in its entirety.
- Q. Chapter 3, Section 305, Interior Structure, Article 305.1, General, is hereby eliminated in its entirety and replaced with the following language:

Interior General. Interior of structures must be maintained in a manner that does not create a condition on the property that is reasonably likely to negatively impact the peace, health, safety, and welfare of any residents and/or the public at large.

- R. Chapter 3, Section 308, Rubbish and Garbage, Article 308.3.1, "Garbage Facilities," is hereby eliminated in its entirety.

Section Four: Repeal

That any and all other ordinances or parts of laws that are in conflict herewith, are hereby repealed.

Section Five: Severability

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

Section Six: Pending Litigation

That nothing in this legislation or in the 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 Section Four of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section Seven: Failure to Enforce.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

Section Eight: Effect on Pending Actions.

Nothing in this article or in the 2018 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; nor shall any just

or legal right or remedy of any character be lost, impaired, or affected by this article.

Section Nine: Effective Date

Pursuant to Section 1601 of the Second Class Township Code, this Ordinance shall take effect in five (5) days after adoption.

ORDAINED and ENACTED this ____ day of _____, 2023, by the Board of Supervisors of Lower Gwynedd Township, in a public meeting duly convened.

ATTEST:

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS**

MIMI GLEASON, TOWNSHIP SECRETARY

By: _____
DANIELLE A. DUCKETT, CHAIRPERSON