TOWNSHIP OF CENTER
ORDINANCE NO. 1-2025

AN ORDINANCE OF THE TOWNSHIP OF CENTER, BEAVER COUNTY, PENNSYLVANIA, ADOPTING THE 2024 EDITION OF THE ICC *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; 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; PROVIDING FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND FOR THE DEMOLITION OF SUCH STRUCTURES IN THE TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR THE CREATION OF A PROPERTY MAINTENANCE CODE BOARD OF APPEALS; PROVIDING FOR PROCEDURE TO APPEAL FROM ADVERSE DECISIONS; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, pursuant to its power under law to regulate the conditions and maintenance of all property, buildings, and structures within Center Township (hereinafter the "Township"), the Township Board of Supervisors (hereinafter the "Board") is authorized to adopt and enforce as its Property Maintenance Code a nationally recognized standard or code in whole or in part and with such further additions, revisions and provisions as determined necessary in its sound judgment; and

WHEREAS, the Board finds that the 2024 International Property Maintenance Code provides a modern and effective set of standards for promoting full and proper maintenance of properties within the Township; and

WHEREAS, the Township has elected to administer and enforce its Property Maintenance Code through the appointment of a Code Administrator and the creation and establishment of a Property Maintenance Code Appeals Board; and

WHEREAS, the Township wishes to adopt standards for the established Appeals Board; and

WHEREAS, all previous references to property maintenance codes and all ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance are hereby repealed to the extent they are in conflict with this Ordinance.

NOW THEREFORE, IT IS ORDAINED and ENACTED by the Board of Supervisors of Center Township, Beaver County, as follows:

Section 1: Property Maintenance Code Standards

1. Adoption of International Property Maintenance Code Standards. That a certain document, a copy of which is on file in the office of the Secretary of the Township, marked and designated as the *International Property Maintenance Code, 2024 Edition*, by the International Code Council, Inc., also available online at https://codes.iccsafe.org/content/IPMC2024P1, be and is hereby adopted as the Property Maintenance Code of the Township; for regulating and governing the conditions and maintenance of all property, buildings and structures; 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 condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Township; 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 ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2: Modifications to Property Maintenance Code Standards

1. Modifications. The 2024 International Property Maintenance Code is amended and revised, with additions, deletions and changes noted in the following respects:

(A) **Section 101.1**, page 1, second line. Insert "Center Township" in space provided.

(B) **Section 102.3, Application of Other Code.** Replace the last sentence to read: Nothing in this code shall be construed to cancel, modify or set aside any provision of the Center Township Zoning Ordinance.

(C) **Section 103, Department of Property Maintenance Inspection**. Delete the reference to "Department of Property Maintenance Inspection" and replace the deleted reference with a reference to "Code Administrator."

1. Revise Section 103.1 to read:

103.1. General.
The administrator in charge of enforcing this Ordinance shall be known as the Code Administrator. The Code Administrator may be an individual or a corporation or other organization providing Property Maintenance Code enforcement services.

2. Revise Section 104.1 to read:

104.1. Fees.
Fees shall be as set forth in the Center Township Fee Schedule as adopted by the Board of Supervisors from time to time.

(D) **Section 107.4. Violation Penalties**. Delete Subsection 107.4, Violation Penalties, and replace it with the following:

107.4. Penalties. Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of and not more than $1,000 dollars. Each day that a violation continues shall constitute a separate offense.

(E) **Section 110.4.** Delete Subsection 110.4, Costs of Emergency Repairs, and replace it with the following:

Section 110.4. Costs of Emergency Repairs. Costs incurred in the performance of emergency work may be paid by the Township. Said costs incurred shall be a municipal claim and municipal lien on the property. The legal counsel of the Township shall institute appropriate action to enforce the municipal claims and lien on the property and may also institute such other legal action against the property owner or agent of the premises where the unsafe structure is or was located for the recovery of such costs, plus attorney's fees, including but not limited to filing of municipal claims pursuant to 53 P.S. §7107 et seq. for the cost of the emergency work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorney's fees and costs incurred by the Township in connection with the emergency work and filing of the municipality claim.

(F) **Section 106, Means of Appeal**. Delete Section 106, Means of Appeal, in its entirety and replace it with the following:

106.1, Application for Appeal. Any person aggrieved by a decision of the Code Administrator or a notice or order issued under this Code shall have the right to appeal, within twenty (20) days after the date of the decision, notice or order appealed from, to the Property Maintenance Codes Appeals Board for the Township of Center ("Board of Appeals"), which shall have jurisdiction to hear and rule on appeals filed hereunder. Such appeal shall be filed in writing, shall state the grounds for appeal and be accompanied by the required appeal fee as may be set hereafter by Resolution under the Township of Center Fee Schedule as adopted or modified from time to time and shall be processed and heard in accordance with the procedural requirements of the Board of Appeals.

106.2, All appeals under the Property Maintenance Code must be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not apply, that the requirements of this Code are satisfied by other means or that the strict application of the Code would cause an undue hardship due to the unique circumstances involving the property in question such that strict application of the Code would prevent the property owner or occupant from making reasonable use of the property.

106.3, The Board of Appeals may consider the following factors in deciding a claim of hardship:

106.3.1 Whether the owner or occupant has complied with prior orders or agreements covering maintenance of the property;

106.3.2 Whether the owner or occupant has a history of investment or improvement at the property;

106.3.3 Whether the cost of repair or compliance is reasonable in relation to the value of the property and the danger presented by the property;

106.3.4 Whether enforcement of the Code would result in a taking without compensation;

106.3.5 The length of time any violations have existed;

106.3.6 Degree of mitigation attempted;

106.3.7 Number and severity of violations at the property;

106.3.8 Visibility of violations from the street and neighboring properties;

106.3.9 Existence of similar conditions at neighboring properties;

106.3.10 Danger presented by the violations to children, sick or elderly.

106.4 The Board of Appeals shall have no authority to waive requirements of the Property Maintenance Code except upon a finding of undue hardship made pursuant to Sections 111.1, 111.2 and 111.3.

106.5 Stays of Enforcement. Appeals of notices and orders of the Code Administrator (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Appeals.

106.6 Board of Appeals Hearing and Decision. A hearing shall be held before the Board of Appeals, within thirty (30) days of the appeal, to determine the propriety of the decision, notice or order in accordance with the criteria set forth in Section 111.A. The Board of Appeals shall render a Decision in the matter within forty-five (45) days of the close of the hearing. The written Decision shall be served upon appellant by U.S. Mail, First Class, mailed within five (5) business days of the date of the Decision.

106.7 Administration of Board of Appeals` Decision. The Code Administrator shall take immediate action in accordance with the Decision of the Board of Appeals.

106.8 Court Review. Any property owner or other person aggrieved by a Decision of the BFP Board of Appeals shall have the right to apply to the appropriate court for a petition for a writ of certiorari to correct errors of law. Applications for review shall be made in the manner and within such time required by law following the Date of the Notice of Decision.

(G) **Chapter 3, General Requirements, Section 302, Exterior Property Areas.**

i. In Section 302.1, Sanitation, delete and replace with the following:

Exterior property and *premises* shall be maintained in a clean, safe and sanitary condition, including but not limited to, removal of any and all debris and garbage. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

Upon failure of the *owner* or agent having charge of a property to remove any and all debris and garbage after service of a notice of violation, they shall be subject to prosecution in accordance with the Code and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and remove the debris and/or garbage thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

ii. In Section 302.4, Weeds, delete and replace with the following:

All premises and exterior property shall be maintained free from weeds or grasses in excess of ten inches (10") in height and shall be free from any dead and/or diseased trees and shrubs. 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. Diseased and/or dead trees and shrubs shall be prohibited. Diseased and/or dead trees and shrubs shall be defined as any tree or shrub, as they are commonly defined, that is infected with disease or decay to the point that they cannot be healed back to full health. A dead tree or shrub is one that cannot be nursed back to full health. Further, no grasses, weeds, trees, shrubs, or any other vegetation shall impede the vision of traffic or traffic signs.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds, diseased and/or dead trees or shrubs after service of a notice of violation, they shall be subject to prosecution in accordance with the Code and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds, diseased and/or dead trees or shrubs growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

ii. Add new Subsection 302.10, Prohibited Furniture, to read as follows:

302.10 Prohibited Furniture. Furniture which would be adversely affected by the elements and are susceptible to infestation by insects, rats or other vermin is prohibited from being placed or stored on exterior property. Such prohibited furniture shall include, but is not limited to, upholstered couches and couches, davenports, beds, sofas and any other interior-type fabric-covered articles not designed or intended for use in an exterior area.

(H) **Section 304.14, Insect Screens**. Insert dates as follows in the space provided in the Code: "from May 1st to October 1st."

(I) **Section 308.2** Disposal of Rubbish. Amend this section to read as follows:

308.2 Disposal of Rubbish

Both the owner and occupant of a structure shall be responsible for the disposal of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(J) **Section 308.3 Disposal of Garbage.** Amend this section to read as follows:

308.3 Disposal of Garbage.

Both the owner and occupant of a structure shall be responsible for the disposal of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(K) **Section 602.3**. Insert dates as follows in the space provided: "from October 31st to April 1st."

(L) **Section 602.4. Occupiable Work Spaces**. Insert dates as follows in the space provided: "from October 31st to April 1st."

Section 3: Property Maintenance Code Appeals Board

1. Creation of a Property Maintenance Code Board of Appeals. The Township hereby establishes a board of the Township to be known as the Property Maintenance Code Appeals Board, hereafter referred to as the "Appeals Board" who shall decide appeals concerning the Property Maintenance Code.

2. Powers and Duties of the Property Maintenance Code Board of Appeals. The Appeals Board shall hear and decide appeals of orders, decisions or determinations made by the Code Administrator relative to the application and interpretation of the Property Maintenance Code adopted by the Township. The application for appeal shall be based on a claim that the true intent of the Property Maintenance Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The Appeals Board does not have the authority to waive requirements of the Property Maintenance Code unless applicant has shown the need for hardship as outlined in section 106.3 in the modifications above.

3. Qualifications. The Appeals Board shall consist of five (5) members, and two (2) alternate members, who are qualified by experience and training on matters pertaining to the provisions of the Property Maintenance Code and are not employees of the Township.

4. Application and Right to Appeal. An owner or owner's agent may appeal a decision of the Code Administrator with the Appeals Board by filing a petition with the Township on a form provided by the Township. Any appeal to the Appeals Board will automatically suspend an action to enforce an order or to correct until the matter is resolved.

5. Membership and Terms. The Appeals Board shall be appointed by the Township Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. The term of office shall be three (3) years, except that of the membership of the Appeals Board first appointed: one member shall serve until the 31st day of December following adoption of this Ordinance, two members shall serve until the 31st day of the second December following the adoption of this ordinance, and two members shall serve until the 31st day of the third December following the adoption of this Ordinance. Alternate Appeals Board members shall serve for a period of three (3) years.

6. Vacancies. The Board of Supervisors may declare a vacancy on the Appeals Board upon the death, removal, permanent disability or removal from the Township of any member of the Appeals Board. In the event of a vacancy, a qualified person shall be appointed by the Board of Supervisors to fill the remainder of the unexpired portion of any term. Vacancies shall be filled expediently by the Board of Supervisors.

7. Conflict of Interest. Appeals Board members may not cast a vote or participate in a hearing in any appeal in which the Appeals Board member has a personal, professional, or financial interest.

8. Hearings and Procedures.

   a. If the owner or owner's agent requests a hearing, the Appeals Board shall schedule a hearing a notify the owner or owner's agent, the Township Secretary, and the Code Administrator of the time, date, and place of the hearing.

      i. The Appeals Board shall schedule meetings and provide public notice of meetings in accordance with 65 Pa. C.S.A. § 701 et seq. (hereinafter referred to as the "Sunshine Act").

      ii. The owner or owner's agent, the Code Administrator, and any person whose interests are affected shall be given an opportunity to be heard.

b. The Appeals Board shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.

c. When all five members of the Appeals Board are not present to hear an appeal, either the owner or owner's agent shall have the right to request a postponement of the hearing. At a minimum, a quorum is required and shall consist of at least a majority of all members of the Board in order to hold a hearing.

d. The Appeals Board shall provide a written notice of its decision to the owner, the Township Secretary, and to the Code Administrator. The Appeals Board shall render a written decision regarding an appeal within ten (10) business days of the conclusion of the hearing. The appeal shall be deemed granted if the Appeals Board fails to act within this time period.

9. Officers, Duties of Officers.

a. Chairman and Vice Chairman. A Chairman and Vice Chairman of the Appeals Board shall be elected by the members of the Appeals Board by the first meeting following the adoption of this Ordinance. Each officer shall serve until the 31st of December in the year of the enactment of this Ordinance, and then for one-year terms each year subsequent.

b. Secretary. A Secretary of the Appeals Board shall be elected by the members of the Appeals Board by the first meeting following the adoption of this Ordinance. Each officer shall serve until the 31st of December in the year of the enactment of this Ordinance, and then for one-year terms each year subsequent.

10. Compensation. No member of the Appeals Board shall be compensated for duties performed in such office.

11. Removal. Any member of the Appeals Board may be removed prior to the expiration of an appointed term by the Board of Supervisors in accordance with the laws of the Commonwealth of Pennsylvania. A member of the Appeals Board shall serve at the will of the Center Township Board of Supervisors.

12. Expenditure of Public Funds. The Appeals Board shall have no authority to spend Township funds unless provided for in the annual budget, as specifically approved by the Board of Supervisors.

13. Administrative Personnel. The Appeals Board, within the limit of funds

appropriated by the Board of Supervisors in an approved budget, may employ or contract from time to time, secretaries, legal counsel other than the Township Solicitor, consultants, and other technical or clerical services.

Section 4: Code Administrator

1. Code Administrator. The Board of supervisors shall appoint Code Administrator to administer and enforce the Property Maintenance Code standards within the Township. In addition, at the discretion of the Board of Supervisors, the Code Administrator may be appointed to enforce other Township ordinances and regulations in addition to the Property Maintenance Code.

Section 5: Required Fees

1. Fees Required. Appeals heard by the Appeals Board shall be contingent upon payment of the required fees at the time an appeal application is filed with the Township. Fees are established from time to time by resolution of the Board of Supervisors.

Section 6: Severability

1. Severability. The provisions of this Ordinance shall be severable and, should any provisions hereof be held invalid or unenforceable, the remaining provisions shall remain in full force and effect, inasmuch as the Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrases be declared unconstitutional. Therefore, if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remainder of this ordinance.

Section 7: Inconsistency

1. Inconsistency. All ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance repealed to the extent of such inconsistency.

Section 8: Effective Date

1. Effective Date. The provisions of this Ordinance shall take effect immediately.

ORDAINED AND ENACTED into law this 18th day of February, 2025.

ATTEST:

Secretary

THE TOWNSHIP OF CENTER

Bill DiCioccio, Jr., Chairman