

ORDINANCE NO. __ OF 2023

**AN ORDINANCE OF THE TOWNSHIP OF DALLAS AMENDING AND RESTATING
THE DALLAS TOWNSHIP PROPERTY MAINTENANCE CODE ENACTED BY
ORDINANCE NO. 3 OF 2012**

The Board of Supervisors of the Township of Dallas does hereby ordain as follows:

SECTION 1. That this Ordinance as amended and restated shall be known as the “International Property Maintenance Code of Dallas Township”.

SECTION 2. 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 Dallas Township Administrative Office, be and is hereby adopted in its entirety and incorporated herein by reference, as the International Property Maintenance Code of Dallas Township, Luzerne 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 condemnation of buildings and structures unfit for human occupancy 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 International Property Maintenance Code of Dallas Township on file in the Dallas Township Administration 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 International Property Maintenance Code of Dallas 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:

Section 101.1	Insert: Dallas Township
Section 103.1	Code Enforcement Office

Section 104.1	Insert additional sentence: The fees for activities and services performed by the code official in carrying out the responsibilities under this code shall be set by resolution of the Board of Supervisors of Dallas Township, from time to time.
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Section 110.4	Insert additional sentence: Such fines shall be in an amount not less than THREE HUNDRED AND 00/100 (\$300.00) DOLLARS and not more than FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS per day and/or thirty (30) days
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imprisonment in County jail. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 302.4 Insert: 6 inches
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 Luzerne County and is one acre or less in size regardless of whether such lot is improved with a structure.

Section 302.10 (New) Insert: **302.9 Construction materials.** Construction materials, including, but not limited to, lumber, shingles, etc., shall not be stored at the exterior of any premises for a period exceeding sixty (60) days, unless approved in writing by the code official. For purposes of this Section, the term "stored" means being located at the exterior of the premises and not used for a period exceeding seven consecutive (7) days.

Section 302.11 (New) Insert: **302.10 Unattended excavated openings.** Immediately upon the opening of any excavation, during any period of time during which such excavation is unattended, temporary fencing and/or other appropriate security measures shall be in place. The code official shall determine, if necessary, in his sole discretion, if such temporary fencing or other security measures are adequate.

Section 304.14 Insert: May 1 to September 30

Section 602.3 Insert: _____ to _____

Section 602.4 Insert: _____ to _____

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 a 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 (\$300.00) DOLLARS and not more than FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS per day and/or thirty (30) days imprisonment in County jail. 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 Dallas 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 Dallas Township 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, subsections, sentences, clauses and phrases by 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 day following the enactment of this Ordinance.

ORDAINED AND ENACTED at a duly assembled public meeting of the Board of Supervisors of Dallas Township held on the 4th day of April, 2023.

DALLAS TOWNSHIP BOARD OF SUPERVISORS

William J. Grant, Chairman

Elizabeth A. Martin, Vice Chairman

Robert J. Wagner

Attest: _____
K. Gary Kirk, Secretary/Treasurer

Seal: