

**BOROUGH OF LEWISBERRY
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-02

**AN ORDINANCE OF THE BOROUGH OF LEWISBERRY, YORK COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 5 PART 3 OF THE BOROUGH OF
LEWISBERRY CODE OF ORDINANCES WITH RESPECT TO PROPERTY
MAINTENANCE CODE**

Chapter 5 Part 3 Property Maintenance Code is hereby amended and restated to read as follows:

§ 5-301. Intent. Adoption of the Property Maintenance Code.

A certain document, one copy of which is on file in the Office of the Borough Manager of Lewisberry Borough, being marked and designated as the International Property Maintenance Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Lewisberry in the Commonwealth of Pennsylvania 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 existing structures as herein provided; providing for the issuance of permits and collections of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough Manager, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-302 of this Part.

§5-302. Amendments to the Property Maintenance Code.

The following Sections are hereby revised:

1. Section 101.1 Title. Borough of Lewisberry.

2. Section 106.4 Violation Penalties. Insert: Any person who shall violate any provisions of this code, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000. Each day that a violation continues beyond the date fixed for compliance shall constitute separate offenses. It is further provided that, upon judgment against any person by summary conviction, or by proceedings by summons on default of payment of the fine and penalty imposed and the costs, the

defendant may be sentenced and committed to the county prison for a period not to exceed 30 days.

3. Section 111 Means of Appeal. Delete section 111.1 through 111.8 and replace with; Section 111.1 through 111.4.

4. Section 111.1 Appeals. Any person shall have the right to appeal the decision, notice or order of the Code Official to the Borough Council. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

5. Section 111.2 Timing of Appeals. Any appeal pursuant to Subsection 111.1 shall be commenced within 30 days of the issuance of the decision, notice or order of the Code Official.

6. Section 111.3 Council Decision. Any decision by the Code Official shall be reversed only upon a simple majority vote by the Borough Council.

7. Section 111.4 Court Review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to correct errors of law. Application for review shall be made in the manner and time required by law following the issuing of the decision by the Borough Council.

8. Section 112.4 Failure to Comply. Insert...not less than \$500.00 or more than \$1,000.00 for each day work continues.

9. Section 302.2 Exception. Revised to read as follows.

Approved detention, retention ponds and reservoirs as follows:

1.) No obstructions or foreign material at any and all outlet spillways, piping or other configurations.

2.) All inlets shall be free of any and all obstructions, spent liquids such as oils, fuels, antifreeze, sediment, vegetation, wood, grease, sand, rock, trash, debris.

3.) No growth of trees or brush shall be permitted in approved detention, retention ponds and reservoirs or upon any pond or reservoir embankment.

4.) All piping inlet and outlet structures shall be free of burrowing animals in approved detention, retention ponds, reservoirs and surrounding areas.

5.) All piping inlet and outlet structures shall be free of holes, depressions, cracks, seepage, leakage or other defects that may cause infiltration to the surrounding substrata.

6.) All required fencing around approved detention, retention ponds and reservoirs shall be structurally sound and without defects.

7.) All approved retention, detention ponds, reservoirs and surrounding areas shall be free of vegetation growth in excess of twelve (12") inches.

8.) All retention, detention ponds, reservoirs and immediate surrounding area shall be free of all brush, trash, oil, fuels, antifreeze, wood, appliances, building materials and debris.

10. **Section 302.4 Weeds.** Delete this section.

11. **Section 302.8 Motor Vehicles.** Delete this section.

12. **Section 304.14 Insert Screens.** Insert: April 15 to October 15.

13. **Section 304.18.1 Doors.** Delete this section.

14. **Section 305.3 Interior Surfaces.** Revised to read as follows: Floors, walls, windows, doors, ceilings, and other interior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be eliminated. Only substantial areas of peeling paint, cracked and/or loose plaster and the presence of any decayed wood shall constitute violations under this Code. The Dwelling must be free of hazardous conditions that seriously threaten the structural integrity of the interior wall or ceiling or pose other health and safety risks as evidenced by any leaning, large holes, loose surface materials, severe buckling or bulging, or noticeable movement under walking stress. Any defects that allow air to infiltrate or penetrate into the interior, such as large areas of loose material, shall be considered violations under this Code. Cracks of 1/8" wide or less that are not accompanied by large areas of loose materials shall not be deemed violations under this Code.

15. **Section 305.3.1** Add: Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained to be substantially impervious to water. Such floors shall be easy to clean and maintained in a sanitary condition. Flooring shall not have any defects that would either render the surface uncleanable or allow water penetration. Small holes, tears, depressions, slits or seams in kitchen floors that are not in close proximity to plumbing fixtures shall be acceptable, unless such defects present a tripping hazard.

16. **Section 602.3 Heat Supply.** Insert: October 15 to April 15.


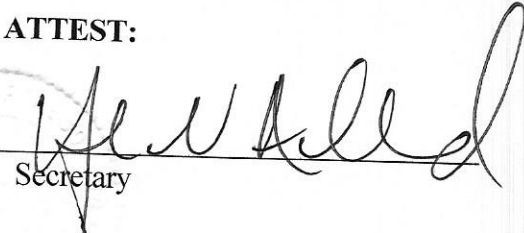
17. **Section 602.4 Occupied workspaces.** Insert: October 15 to April 15.

All Ordinances or parts of Ordinances inconsistent herewith shall be and are hereby repealed.

This Ordinance shall be effective immediately upon adoption.

ENACTED AND ORDAINED this 7th day of December, 2020.

ATTEST:



Secretary

BOROUGH OF LEWISBERRY

By: 

Patrick Groft,
President, Borough Council

Approved this the 7th day of December, 2020.

By: 

Wayne Branyan, Mayor