

The Whitpain Township Board of Supervisors has scheduled a public hearing for Tuesday, March 3, 2015 at 8 p.m. at the Whitpain Township Building, 960 Wentz Road, Blue Bell, PA to consider enactment of Ordinance No. 22-40. Persons with a disability who wish to attend the Administrative Hearing should contact the ADA Coordinator at 610-277-2400. Copies of the proposed ordinance are available at the Township Administration Building during normal business hours of 8:30 a.m. to 4:30 p.m., Monday through Friday.

**BOARD OF SUPERVISORS
WHITPAIN TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 22-40

"Property Maintenance Ordinance"

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN, CHAPTER 71 (BUILDING CONSTRUCTION), PART 6 (PROPERTY MAINTENANCE CODE), SECTION 71-33 (ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE) TO REPEAL THE EXISTING SECTION 71-33 AND REPLACE IT WITH A NEW SECTION 71-33 ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND ANY SUBSEQUENT AMENDMENT, REVISION, SUPPLEMENT, EDITION, UPDATE OR SUCCESSOR TO SUCH CODE, AS THE PROPERTY MAINTENANCE CODE FOR WHITPAIN TOWNSHIP; AND FURTHER AMENDING CHAPTER 71 (BUILDING CONSTRUCTION), PART 6 (PROPERTY MAINTENANCE CODE), SECTION 71-34 (REVISIONS) TO REPEAL THE EXISTING SECTION 71-34 AND REPLACE IT WITH A NEW SECTION 71-34 TO ADD INSERTIONS AND REPLACEMENTS COMPATIBLE WITH THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AND ANY SUCCESSOR CODES.

The Board of Supervisors of Whitpain Township does hereby **ENACT** and **ORDAIN**:

SECTION I. - Amendment to Code Section 71-33

The Code of the Township of Whitpain, Chapter 71 (Building Construction), Part 6 (Property Maintenance Code), Section 71-33 (Adoption of International Property Maintenance Code, 2009 Edition) is hereby repealed and replaced with the following new Section 71-33:

§ 71-33 Adoption of the International Property Maintenance Code, 2012 Edition and Successor Codes.

The 2012 Edition of the International Property Maintenance Code, as published by the International Code Council, and any subsequent amendment, revision, supplement, edition, update or successor to such Code, as may be issued, published, and made effective, is hereby adopted as the Property Maintenance Code of Whitpain Township, and shall regulate and govern the condition and maintenance of all property, building and structures; and shall provide 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 shall provide standards for the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as herein provided; and shall provide for the issuance of permits and collect of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of the edition of the Property Maintenance Code in effect, are here by referred to, adopted and made a part hereof, as fully as though set out in this Ordinance.

SECTION II. - Amendment to Code Section 71-34

The Code of the Township of Whitpain, Chapter 71 (Building Construction), Part 6 (Property Maintenance Code), Section 71-34 (Revisions) is hereby repealed and replaced with the following new Section 71-34:

§ 71-34 Revisions.

The following sections of the 2012 Edition of the International Property Maintenance Code, and all corresponding sections of any successor codes, are hereby amended to read as follows:

- A. Section 101.1: insert “Whitpain Township.”
- B. Section 103.5: insert “Whitpain Township Fee Schedule.”
- C. Section 302.4: change the first paragraph to read:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers and gardens, land actively cultivated for crop production, land actively

utilized as pasture or meadow and non-noxious grasses planted for some useful or ornamental purpose.

- D. Section 304.14: insert “May 1st to September 30th.”
- E. Section 506.3: change “Code Official” to “Sewer Superintendent.”
- F. Section 602.3: insert “October 1st to May 31st.”
- G. Section 602.4: insert “December 1st to March 31st.”

SECTION III. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION IV. - Failure to Enforce not a Waiver

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 V. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION VI. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Whitpain Township,
Montgomery County, Pennsylvania, this _____ day of _____, 2015.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**

By: _____
Frederick R. Conner, Jr.
Chairman

Attest: _____
Anthony F. Greco
Secretary

DRAFT

NOTICE

NOTICE is hereby given that the Board of Supervisors of Whitpain Township, at its public meeting on Tuesday, March 3, 2015 in the Township Building, 960 Wentz Road, Blue Bell, Pennsylvania, will hold a public hearing on and could vote to adopt Ordinance No. 22-40 entitled "Property Maintenance Ordinance" amending the Code of the Township of Whitpain, Chapter 71 (Building Construction), Part 6 (Property Maintenance Code), Section 71-33 (Adoption of International Property Maintenance Code, 2009 Edition) is hereby repealed and replaced with the following new Section 71-33 adopting the 2012 International Property Maintenance Code, and any subsequent amendment, revision, supplement, edition, update or successor to such Code, as the Property Maintenance Code for Whitpain Township; and further amending Chapter 71 (Building Construction), Part 6 (Property Maintenance Code), Section 71-34 (Revisions) is hereby repealed and replaced with the following new Section 71-34 to add insertions and replacements compatible with the 2012 International Property Maintenance Code and any successor Codes.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Times Herald*, 410 Markley Street, Norristown, Pennsylvania 19404, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401 and the Whitpain Township Building, 960 Wentz Road, Blue Bell, Pennsylvania 19422 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

JAMES J. GARRITY, ESQUIRE
WISLER PEARLSTINE, LLP
Solicitors for Whitpain Township