

**NEW BRITAIN TOWNSHIP
Bucks County, Pennsylvania**

ORDINANCE #2022-04-01

**AN ORDINANCE AMENDING CHAPTER 5, PART 2 OF THE
CODIFIED ORDINANCES OF NEW BRITAIN TOWNSHIP
ADOPTING THE 2018 EDITION OF THE INTERNATIONAL
PROPERTY MAINTENANCE CODE AS THE TOWNSHIP'S
PROPERTY MAINTENANCE CODE.**

WHEREAS, pursuant to Articles XV, XVIII, XXIII, XXIV, XXV, and XXVI of the Second-Class Township Code, including but not limited to Sections 66505, 66506, 66527, 66517, 66529, 66704-A, 67101, and 67105, New Britain Township has the ability to govern the conditions and maintenance of all property, buildings, and structures within the Township; and

WHEREAS, the New Britain Township Board of Supervisors desires to establish minimum regulations 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

WHEREAS, the Board of Supervisors does further desire to authorize the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of New Britain Township, as follows:

ARTICLE I Adoption and Codification of the Property Maintenance Code

Section 5-201 of the Codified Ordinances of New Britain Township is hereby amended to read as follows:

§5-201 Adoption of Standards.

The *2018 International Property Maintenance Code*, as published by the International Code Council, Inc., as amended, revised, and/or reprinted from time to time, is hereby adopted as the Property Maintenance Code of New Britain Township; for the control and maintenance of property, buildings, and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Property Maintenance Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions, and changes as prescribed below in this Chapter.

ARTICLE II Modification of International Property Maintenance Code Standards

Section 5-202 of the Codified Ordinances of New Britain Township is hereby amended to read as follows:

§5-202 Revisions to Standards.

The following replacements, insertions, and modifications shall be made in the *2018 International Property Maintenance Code* at the places hereinafter indicated:

A. Subsection **101.1 Title:** (page 1)

Replace "[NAME OF JURISDICTION]" with "New Britain Township".

B. Subsection **102.3 Application of other codes:** (page 1)

Modify to read as follows: "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 ("UCC"), as adopted by New Britain Township. Where the UCC does not apply, the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70 shall be followed when making repairs, additions or alterations to a structure, or changes of occupancy. Nothing in this code shall be construed to cancel, modify, or set aside any provision of Chapter 27 - the New Britain Township Zoning Ordinance."

C. Subsection **103.5 Fees:** (page 2)

Modify to read as follows: "The fees for activities and services performed by the Township in carrying out its responsibilities under this code shall be set by resolution of the Board of Supervisors of New Britain Township."

D. Subsection **104.3 Right of entry:** (page 2)

Modify the last sentence to read as follows: "If entry is refused, the code official is authorized to seek an administrative warrant to secure entry."

E. Subsection **106.3 Prosecution of violation:** (page 3)

Modify to read as follows: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed in violation of this case, and this violation shall be considered a *strict liability offense*. If the notice or order is not complied with, the Township may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation; to impose fines and penalties for such

violation; and/or to require the removal or termination of the unlawful *occupancy* of the structure or property in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the Township shall be charged against the real estate upon which the violation is located and shall be a lien upon such real estate."

F. Subsection **106.4 Violation penalties:** (page 3)

Modify to read as follows: "Any person who is found. by a court of competent jurisdiction, including but not limited to a Magisterial District Court or Court of Common Pleas, to have violated a provision of this code; to have failed to comply with any of the requirements of this code; or to have failed to comply with an order, directive, or notice of the *code official* concerning this code shall be liable for a civil penalty not less than Two Hundred Dollars (\$200.00) or more than One Thousand Dollars (\$1,000.00) for each violation, plus any and all costs incurred by the Township in bringing an action against such violation, including but not limited to consultant fees, attorney's fees, and expert witness fees. Each day that a violation continues shall be deemed a separate violation."

G. Subsection **107.1 Notice to person responsible:** (page 3)

Modify to read as follows: "Whenever the *code official* determines that there has been a . violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation and the *owner of the premises* upon which the violation has occurred as specified in the code. Notices for condemnation procedures shall also comply with Section 108.3."

H. Subsection **109.5 Costs of emergency repairs:** (page 6)

Modify to read as follows: "Costs incurred in the performance of emergency work are the responsibility of the owner of the premises where the unsafe structure is or was located. Such costs, however, may be initially paid by the Township. The Township Solicitor may institute the appropriate proceeding at law or in equity against the owner of the premises where the unsafe structure is or was located for the recovery of such costs."

I. Subsection **111.1 Application for appeal:** (page 6):

Modify to read as follows: "**111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or by a notice or order issued under this code shall have the right to appeal such decision, notice, or order, provided that written application on a Township-approved form is filed with the Township within 30 days of the issuance of the decision, notice, or order being appealed from. 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 the requirements of this code are adequately satisfied by other means."

J. Subsection **111.2 Membership of board:** (page 6):

Modify to read as follows: "**111.2 Jurisdiction over appeal.** Any appeal filed under Subsection 111.1 shall be heard by the New Britain Township Building Code Board of Appeals, pursuant to and consistent with the practices and procedures established for or by such Board and in accordance with the Pennsylvania Local Agency Law (2 Pa.C.S.A §101 et seq., as amended). The Board of Appeals shall have exclusive jurisdiction to hear and render final adjudications on such appeals."

- K. Subsections **111.3** through **111.6**, inclusive (page 7), and subsection **111.8** (page 7) shall be deleted in their entirety and marked as "Reserved".

- L. Subsection **111.7 Court review:** (page 7)

Modify to read as follows: "Any person aggrieved by a Board of Appeals decision, including the Township, may appeal this decision to the Court of Common Pleas. Such an appeal shall be filed within 30 days of the issuance of the decision. Within 30 days of the filing of an appeal, the Township and the owner and/or tenant of the premises directly involved in the appeal may intervene in the appeal as of course by filing a notice of intervention, accompanied by proof of service of the same upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure."

- M. Subsection **112.4 Failure to comply:** (page 7)

Replace the phrase "a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars." with "a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00). Each day the work continues after the issuance of the stop work order shall constitute a separate finable offense. Such fines are in addition to any fines or penalties imposed pursuant to Section 106 concerning the violation(s) on the *premises*."

- N. **Section 202 GENERAL DEFINITIONS:** (page 9-10)

The following definitions shall be inserted at the appropriate alphabetical spot into this Section and shall read as follows:

"CODE OFFICIAL. The New Britain Township Code Enforcement Officer, Zoning Officer, or other person so designated by the New Britain Township Board of Supervisors."

"JURISDICTION, THE. New Britain Township."

"NOXIOUS WEEDS. Any noxious vegetation covered under and prohibited by the Noxious Weed Control Law (3 P.S. §255.1 et seq.), as amended, or by regulations of the Pennsylvania or United States Departments of Agriculture including, but not limited to, the following:

- *Cirsium arvense*, commonly known as Canadian Thistle
- *Rosa multiflora*, commonly known as Multiflora Rose
- *Sorghum halepense*, commonly known as Johnson Grass
- *Pueraria lobata*, commonly known as Kudzu Vine
- *Cirsium vulgare*, commonly known as Bull or Spear Thistle
- *Carduus nutans*, commonly known as Musk or Nodding Thistle
- *Sorghum bicolor*, commonly known as Shattercane
- *Lythrum salicaria*, commonly known as Purple Loosestrife (all cultivars)
- *Heracleum mantegazzianum*, commonly known as Giant Hogweed
- *Galega officinalis*, commonly known as Goatsrue
- *Amaranthus palmeri* S. Watson, commonly known as Palmer amaranth
- *Amaranthus rudis*, commonly known as common waterhemp
- *Amaranthus tuberculatus*, commonly known as tall waterhemp
- *Avena sterilis* L., commonly known as sterile oat
- *Cuscuta* spp., except for native species, commonly known as dodder
- *Hydrilla verticillata* Royle, commonly known as hydrilla
- *Opilismenus hirtellus*, commonly known as Wavyleaf basketgrass
- *Orobancha* spp, except for native species, commonly known as broomrape
- *Conium maculatum*, commonly known as poison hemlock”

and

"WEEDS. All grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."

O. Subsection **302.4 Weeds:** (page 11)

Modify first paragraph to read as follows: "All premises and exterior property within 200 feet of any habitable structure or building shall be maintained free from *weeds* in excess of six (6) inches. This height restriction, however, does not apply to naturalized areas, riparian buffers, managed meadows, and other no-mow zones, as determined by the Township. All *noxious weeds* shall be prohibited throughout the entire premises and exterior property."

P. Subsection **304.3 Premises Identification:** (page 13)

Modify to read as follows: "The Township shall have final authority as to the assignment of a street number/letter or address to each *structure or premises*. Each *structure or premises* to which a street number and/or letter has been assigned by the Township or if the *structure or premises* is located in a private community, to which a street or identification number/letter has been assigned by the community, shall have the appropriate number/letter displayed in a location and size as to be readily observed and readable from the public or private right of way that provides access to the *structure or premises*. All street or identification numbers and letters shall be in Arabic characters with a minimum height of 6 inches and a minimum stroke width of ½ inch. Structures that are set back more than 50 feet from the right of way providing access, or any distance where the number/letter cannot be readily seen from the right-of-way, shall have the assigned street or identification numbers/letters attached to a post or mailbox placed at the end of the driveway on the same side of the road as the structure is located. These numbers/letters shall be at least 4 inches in height with a minimum stroke width of ½ inch and shall be placed on both sides of the post or mailbox, at a minimum height of 3 feet so as numbers/letters can be seen by vehicles traveling from either direction. All street or identification numbers/letters shall be illuminated when possible and shall be colored in contrast with the background upon which the number/letter is placed. Nonresidential structures shall have the name of the tenant/occupant, along with the address/suite number, placed or painted on the rear entryway to the leasehold or area of the building occupied by said entity and shall meet the above height and width requirements of street numbers/letters.

No street numbers shall be painted upon any public curbs, streets, signs, posts, or sidewalks without prior written approval of the Township. Any resident wishing to display a street address upon the public curb line, may do so only with the permission of and in accordance with instructions provided by the Township Fire Marshal's office. All curb painting shall be in addition to the display of numbers listed above. Any person(s) soliciting for curb painting shall first obtain a Township soliciting permit, as well as prior approval of the Township Fire Marshal. Commercial contractors may be required to produce evidence of liability and worker's compensation insurance coverage.

Q. Subsection **304.14 Insect screens:** (page 13)

Replace the phrase "During the period from [DATE] to [DATE]" with "Where appropriate, during the period from April 1 to October 31".

R. Subsection **602.3 Heat supply:** (page 21)

Replace the phrase "during the period from [DATE] to [DATE]" with "during the period from October 1 to April 30".

S. Subsection **602.4 Occupiable workspaces:** (page 21)

Replace the phrase "during the period from [DATE] to [DATE]" with "during the period from October 1 to April 30".

ARTICLE III SAVINGS CLAUSE

Nothing in this Ordinance, or in the International Property Maintenance Code adopted hereby, shall be construed to affect any enforcement action, suit, or proceeding pending before any court or other legal body nor construed to affect any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Ordinance. Furthermore, no just or legal right or remedy of any character shall be lost, impaired, or affected by the adoption of this Ordinance.

ARTICLE IV REPEALER

New Britain Township Ordinance Nos. 2010-02-02 and 2019-04-02 are hereby repealed in their entirety. All other Township ordinances or parts of ordinances which are inconsistent herewith are hereby repealed but only to the extent of such conflict.

ARTICLE V SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE VI EFFECTIVE DATE

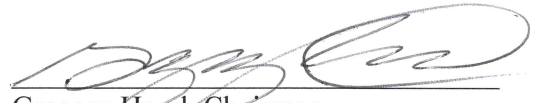
This Ordinance shall become effective five (5) days after enactment.

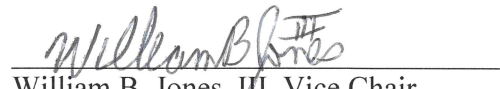
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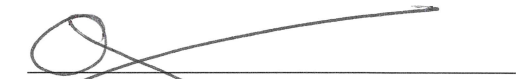
**NEW BRITAIN TOWNSHIP
ORDINANCE NO. 2022-04-01
IPMC**

ENACTED AND ORDAINED this 18th day of April, 2022, A.D., by the Board of Supervisors of New Britain Township in lawful session duly assembled.

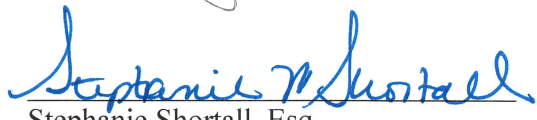
NEW BRITAIN TOWNSHIP
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