

**Borough of New Milford
Susquehanna County, Pennsylvania**

Ordinance No. 213

INTERNATIONAL PROPERTY MAINTENANCE CODE

AN ORDINANCE OF THE BOROUGH OF NEW MILFORD, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 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 IN THE BOUROUGH OF NEW MILFORD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

The Council of the Borough of New Milford, Susquehanna County, Commonwealth of Pennsylvania, hereby enacts and ordains as follows:

Section 1. Adoption

Pursuant to an Act of April 18, 2014 (P.L. 432, No. 37), § 1, codified as 8 Pa. C.S.A. §1202(15) and §32A04, the Borough of New Milford hereby adopts a certain document known as the *International Property Maintenance Code*, 2018 edition, including Appendix A: Boarding Standard, as published by the International Code Council, Inc., as the Property Maintenance Code of the Borough of New Milford, Susquehanna County, Commonwealth of Pennsylvania:

1. for regulating and governing the conditions and maintenance of all property, buildings and structures; and
2. 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

3. for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and
4. providing for the issuance of permits and collection of fees therefor; and
5. for the incorporation of each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code, all of which are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. Revisions

The following sections of the *International Property Maintenance Code*, 2018 edition, are hereby revised:

1. Section 101.1: Insert where indicated the term "the Borough of New Milford".
2. Section 103.5: Insert the following sentence after the sentence contained in the Code: "The following schedule may be amended by Resolution of the Council of the Borough of New Milford." In addition, insert therein the Schedule attached hereto as Exhibit "A".
3. Section 106.3 is hereby amended by deleting the language therein and adding the following language: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense. If the notice of violation is not complied with, the Borough, by and through its code official, shall institute the appropriate proceeding at 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. Any 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."
4. Section 106.4 is hereby amended by deleting the language therein and adding the following language: "Any person who shall violate a provision 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 of not more than \$1,000.00 per violation and may be imprisoned to the extent allowed by law for the punishment of summary

offenses. A separate offense shall arise for each day or portion of a day in which a violation is found to exist or for each section of this Ordinance or of the Property Maintenance Code which is found to have been violated. Any person so convicted of a violation, as above, shall be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. In addition to the aforesaid penalties, the Borough may institute appropriate actions or proceedings at law or in equity to prevent or restrain work that is in violation of the Property Maintenance Code. A court having appropriate jurisdiction shall require the person engaging in work that is violating the Property Maintenance Code to reimburse the Borough for all court costs and reasonable attorney fees incurred by the Borough in an action at law or in equity to prevent and/or restrain the illegal work."

5. Section 112.4 is hereby amended by deleting the language therein and adding the following language: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 per violation and may be imprisoned to the extent allowed by law for the punishment of summary offenses. A separate offense shall arise for each day or portion of a day in which work is found to have been conducted after a stop work order has been served. Any person so convicted of violating a stop work order, as above, shall be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings. In addition to the aforesaid penalties, the Borough may institute appropriate actions or proceedings at law or in equity to prevent or restrain work that is in violation of the Property Maintenance Code. A court having appropriate jurisdiction shall require the person engaging in work that is violating the Property Maintenance Code to reimburse the Borough for all court costs and reasonable attorney fees incurred by the Borough in an action at law or in equity to prevent and/or restrain the illegal work."
6. Section 302.4: Insert six (6) inches.
7. Section 304.14: Insert May 1st to November 1st.
8. Section 602.1: Insert the following sentence after the sentence currently existing: "Primary heating facilities shall not be comprised of individual or multiple space heaters. All primary heating facilities shall be maintained in good working order."

9. Section 602.3 is hereby amended by deleting the language therein and adding the following language: "**Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall maintain heating systems capable of supplying heat during the period from October 1st to May 1st which is capable of maintaining a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. An owner and operator may limit the temperature within any building to 72°F (22.2°C)." The "Exceptions" in Section 602.3 shall remain unmodified.
10. Section 602.4 Insert October 1st to May 1st.

Section 3. Filing of the Property Maintenance Code

1. The Secretary of the Borough of New Milford, upon enactment of this Ordinance, shall make available three (3) copies of this Ordinance for public inspection and use during normal business hours of the Borough offices and shall make a copy of this Ordinance available to any interested party upon the payment of the cost of copying the Ordinance by said interested party.
2. The Secretary of the Borough of New Milford, upon enactment of this Ordinance, shall file the full text of the Property Maintenance Code herein adopted in the office of the Borough Secretary for public inspection.

Section 4. Appointment of Property Maintenance Inspectors to be Known as the Borough's Code Officials

The Council of the Borough of New Milford shall appoint at least one (1) code official to act as the Borough's Property Maintenance Inspector. The code official has the authority to enter, subject to constitutional standards in a similar manner as provided under 8 Pa. C.S.A. §3107, and inspect any premises at reasonable hours and in a reasonable manner for the administration and enforcement of the Borough's Property Maintenance Code. All fees payable to the code official under this Ordinance shall be paid by the code official as soon as possible to the Borough Treasurer for the use of the Borough.

Section 5. Repealer

That all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 6. Severability

That 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 remaining portions of this Ordinance. The Council of the Borough of New Milford hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

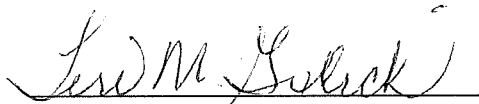
Section 7. Suits and Rights Not Impaired

That nothing in this Ordinance or in the Property Maintenance Code 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 5 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

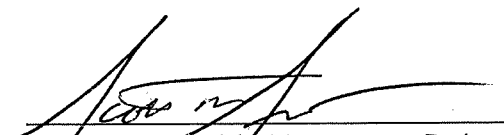
Section 8. Effective date

This Ordinance shall be effective immediately.

ENACTED AND ORDAINED this 16th day of December, 2021 by the Borough Council of the Borough of New Milford, Susquehanna County, Commonwealth of Pennsylvania in lawful session, duly assembled.

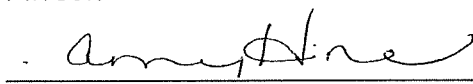


Council President
Borough of New Milford



Honorable Mayor Date
Borough of New Milford

Attest:



Borough Secretary
Borough of New Milford

EXHIBIT A

BOROUGH OF NEW MILFORD SUSQUEHANNA COUNTY COMMONWEALTH OF PENNSYLVANIA

INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

FEE SCHEDULE

1. **Inspections:**

a. **Initial Inspections:**

- i. **Accompanying an application:** Whenever an inspection is required pursuant to the IPMC, the fee for an initial inspection shall be \$100.00, and shall accompany an application, if an application is required.
 - ii. **As a result of a complaint or enforcement action by the codes official:** If an inspection is performed as a result of a complaint or enforcement action by the codes official, there shall be no charge to the individual/entity who/that may be liable for a violation of the IPMC. However, if the inspection reveals that a violation of the IPMC exists or existed, then the individual/entity liable for the violation shall be responsible for payment of the inspection fee of \$100.00.
- b. **Subsequent Inspections:** Whenever an inspection is required subsequent to the initial inspection, arising from the same application or the same complaint/enforcement action, then the applicant or the individual/entity responsible for the violation, as the case may be, shall pay \$35.00 for each inspection performed after the initial inspection.

c. **Payments:**

- i. All payments shall be made payable to New Milford Borough and shall be paid at the Borough offices during normal business hours or mailed to the Borough with a self-addressed, stamped return envelope if a receipt of payment is requested by the applicant or violator.
- ii. Payments shall be made in cash or by money order or cashier's check.
- iii. Applications shall not be processed, and inspections shall not be completed, until payment of the proper fee(s) is/are received by the Borough.
- iv. Failure of a responsible individual or entity to pay an inspection fee resulting from a complaint or enforcement action within

thirty (30) days after the inspection, shall constitute a violation of the IPMC and shall subject the individual/entity to the penalties set forth in § 106.4 of the IPMC.

2. **Review of Documents/Reports Resulting from an Application or Violation of the IPMC:**

- a. Review of documents, maps, surveys, architectural plans and engineering plans by the Codes Official shall be at a rate of \$50 per hour, to be billed on a quarterly hour basis.
- b. Review of documents, maps, surveys, architectural plans and engineering plans by the Borough's engineer(s) or other experts engaged by the Borough shall be the actual fees charged by said engineer(s) /expert(s).
- c. The fees identified in Sections 2(a) & (b) shall apply to requests for modifications under the IPMC involving review of documents, maps and plans by the Codes Official and/or Borough Engineer(s) and/or expert(s).
- d. The applicant, or individual/entity liable for a violation, shall submit a retainer of \$500.00 to the Borough from which the Codes Official's and/or Borough engineer's/experts' fees shall be paid. The Borough will refund any portion of the unused retainer. In the event the initial retainer is insufficient to pay for the Code Officials and/or Borough engineer's/experts' fees, then the Borough may request additional retainers. Review of the documentation, maps or plans shall not be initiated or continued unless all requested retainers are paid to the Borough.

3. **Application Fee With No Inspection:** All applications must be accompanied by a payment of \$100.00. If the Codes Official determines that an inspection is not required, then the Borough shall reimburse \$50.00 to the applicant.

4. **Requests for Public Records:** The fees listed in the fee schedule adopted by the Pennsylvania Office of Open Records, a copy of which is attached hereto as Exhibit "A", is incorporated herein by reference and shall apply to all requests for copies of Public Records.

5. **Testing:**

- a. Whenever testing is required pursuant to the IPMC, or requested by the applicant or ordered by the Codes Official, the actual cost of the testing shall be paid by the applicant, the individual/entity liable for a violation, or the owner of the premises/equipment.
- b. The applicant, individual/entity liable for a violation, or the owner, shall submit a retainer, in an amount to be determined by the Codes

Official, to the Borough from which the cost of testing and the Codes Official's and/or Borough engineer's/experts' fees for participating in the testing shall be paid. The Borough will refund any portion of the unused retainer. In the event the initial retainer is insufficient to pay for the testing and/or the Code Officials and/or Borough engineer's/experts' fees, then the Codes Official may request additional retainers. Testing shall not be initiated or continued unless all requested retainers are paid to the Borough.

6. Closing Vacant Structures (IPMC §108.2):

- a. Whenever the Codes Official or his designee closes up a premises pursuant to § 108.2 of the IPMC, any time spent by the Codes Official or his designee in furtherance of the said authorized activities shall be at a rate of \$50 per hour, to be billed on a quarterly hour basis. The owner of the premises to be closed up shall be liable for payment of the Code Official's / his designee's fees and shall make payment pursuant to and be subject to the provisions of §1(c) of this Fee Schedule.
- b. Any costs expended by the Borough to close up a premises pursuant to §108.2 of the IPMC, plus an additional five percent (5%) administrative fee of the cost, shall be paid by the owner of the premises to be closed up. The owner of the premises shall make payment pursuant to and be subject to the provisions of §1(c) of this Fee Schedule.

7. Emergency Measures (IPMC §109):

- a. Whenever the Codes Official or his designee initiates emergency measures pursuant to § 109 of the IPMC, any time spent by the Codes Official or his designee in furtherance of the said authorized activities shall be at a rate of \$50 per hour, to be billed on a quarterly hour basis. The owner of the premises that is the subject of the emergency measures shall be liable for payment of the Code Official's / his designee's fees and shall make payment pursuant to and be subject to the provisions of §1(c) of this Fee Schedule.
- b. Any costs expended by the Borough upon emergency measures to a premises pursuant to §109 of the IPMC, plus an additional five percent (5%) administrative fee of the cost, shall be paid by the owner of the premises to which emergency measures were taken. The owner of the premises shall make payment pursuant to and be subject to the provisions of §1(c) of this Fee Schedule.
- c. Nothing contained herein shall limit the powers and rights afforded to the Borough and its Codes Official in §109.5 of the IPMC.

8. Demolition (IPMC §110):

- a. Whenever the Codes Official or his designee orders demolition pursuant to §110 of the IPMC, any time spent by the Codes Official or his designee in furtherance of the said authorized activities shall be at a rate of \$50 per hour, to be billed on a quarterly hour basis. The owner of the premises that is the subject of the demolition shall be liable for payment of the Code Official's / his designee's fees and shall make payment pursuant to and be subject to the provisions of §1(c) of this Fee Schedule.
- b. Any costs expended by the Borough upon demolition pursuant to §110 of the IPMC, plus an additional five percent (5%) administrative fee of the cost, shall be paid by the owner of the premises to be demolished. The owner of the premises shall make payment pursuant to and be subject to the provisions of §1(c) of this Fee Schedule.
- c. Nothing contained herein shall limit the powers and rights afforded to the Borough and its Codes Official in §110.3 of the IPMC.

9. Appeals:

- a. Applications for appeals pursuant to §111.1 of the IPMC shall be accompanied by an appeal fee of \$800.00. An application that is not accompanied by a payment of \$800.00 (cash, money order or cashier's check) shall not be accepted by the Borough and shall not be considered timely filed.
- b. An individual or entity that appeals the decision of the Board of Appeals to the Court of Common Pleas will be responsible to pay for the actual cost of all hearing transcripts related to the subject matter of the appeal.