

**BOROUGH OF RICHLAND
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 396

AN ORDINANCE OF THE BOROUGH OF RICHLAND, LEBANON COUNTY, PENNSYLVANIA, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED HEREIN, TO REGULATE AND GOVERN THE CONDITIONS AND MAINTENANCE OF ALL PROPERTIES, BUILDINGS AND STRUCTURES WITHIN THE BOROUGH 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; THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND DEMOLITION OF SUCH STRUCTURES; THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING ANY ORDINANCE OR RESOLUTIONS THAT MAY BE IN CONFLICT THEREWITH; AND ADOPTING QUALITY OF LIFE PROVISIONS FOR THE MAINTENANCE OF PROPERTIES WITHIN THE BOROUGH OF RICHLAND AND PROVIDING FOR A TICKET PROCESS FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania (the "Borough"), and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1. The Borough of Richland, Lebanon County, Pennsylvania (the "Borough") hereby designates and adopts the *International Property Maintenance Code, 2021 Edition*, as amended herein, as the Property Maintenance Code of the Borough. A copy of the *International Property Maintenance Code, 2021 Edition* is attached hereto and made a part hereof by reference.

SECTION 2. The following sections of the *International Property Maintenance Code, 2021 Edition* are hereby amended, supplemented and revised, as follows:

Section 101.1 entitled Title is amended and supplemented to read as follows:

These regulations shall be known as the *International Property Maintenance Code of the Borough of Richland, Lebanon County, Pennsylvania*, and shall be hereinafter referred to as "the Code".

Section 202 entitled "General Definitions" is hereby amended and supplemented to include the following definition:

The defined term "Borough Council" shall be substituted in all relevant Sections and Subsections of the Code for "the Governing Body".

Section 302.4 entitled "Weeds" shall be amended to establish the height in inches of the weeds or plant growth to no more than seven inches (7").

Section 304.2 entitled "Protective Treatment" shall be amended and supplemented to add the word "significant" at the beginning of the third sentence of said Section.

Section 304.13 entitled "Window, Skylight and Door Frames" shall be deleted in its entirety.

Section 304.14 entitled "Insect Screens" shall be deleted in its entirety.

Section 304.17 entitled "Guards for Basement Windows" shall be deleted in its entirety.

Section 404.4.2 entitled "Access From Bedrooms" shall be deleted in its entirety.

Section 404.4.3 entitled "Water Closet Accessibility" shall be deleted in its entirety.

Section 602.3 entitled "Heat Supply" shall be amended to establish the heating period from October through April of every year.

Section 602.4 entitled "Occupiable Work Spaces" shall be amended to establish the heating period from October through April of every year.

Section 605.2 entitled "Receptacles" shall be amended to provide for one (1) separate and remote receptacle outlet in every habitable space in a dwelling instead of two (2) separate and remote receptacle outlets.

SECTION 3. The Borough Council hereby adopts the following Quality of Life regulations.

1. Purpose.

a. Lack of maintenance of properties, improper storage of trash and rubbish, storage of inoperable/non-registered vehicles, and the accumulation of snow and ice are costly problems that contribute to the deterioration of property values and general disorder in a community. These problems degrade the physical appearance of the Borough of Richland (the "Borough"), which reduces business and tax revenue and inhibits economic development. The quality of life and community pride of the citizens of the Borough are negatively impacted by the occurrences and existence of these activities. Recognizing these are community problems, the purpose of this Ordinance is to promote the health, safety, and general welfare of the Borough by helping to create a clean environment for the citizens of, and visitors to, the Borough.

b. The only resolution at the current time for the Borough to correct these matters is through traditional ordinance enforcement which often leads to involvement by the court system.

c. Traditional ordinance enforcement often requires a lengthy and expensive process for both the Borough and the violator to resolve such a matter.

d. The Borough would like to expedite the resolution process relative to eliminating property maintenance and nuisance issues in the community's neighborhoods and desires to use a program similar to what has proven beneficial throughout many communities in Pennsylvania.

e. The purpose of this Ordinance is to provide a mechanism for issuance of a violation ticket before issuance of a non-traffic citation or notice of violation pursuant to the terms of an Ordinance to permit a violator the choice of abating and correcting the violation and paying the violation ticket amount, or be subject to the issuance of a non-traffic citation or notice of violation for the alleged violation of an ordinance and the ensuing ordinance enforcement process.

f. The purpose of this Ordinance is to potentially reduce the amount of non-traffic citations and notices of violations issued through traditional ordinance enforcement, potentially expedite the resolution process, and save time and money for both the Borough and violator.

2. **Definitions.** The following words when used in this Ordinance shall be defined as follows, unless the context clearly indicates otherwise:

The defined term "Public Officer" shall mean any authorized inspector or representative of the Borough, the Borough Code Enforcement Officer, the Borough Zoning Officer, any State Police officer of any duly designated Borough public official or representative designated by the Borough to enforce the Borough Ordinances.

The defined term "Violation Ticket" shall mean a form issued by a public officer to a person who violates any provision of this Ordinance. The violation ticket is an offer by the Borough extended to a person to settle a violation by paying a fine in lieu of a citation being issued against the violator.

3. **Quality of Life Violations.**

a. A person, owner, or local responsible agent commits a quality of life violation by any of the following:

i. **Animal Maintenance and Waste/Feces Clean-Up.** People owning, harboring, or keeping an animal within the Borough shall not permit any waste matter / feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous, or offensive living condition. No person shall cause or allow any animal to defecate upon any property within the Borough without immediately removing said feces and depositing the same in approved containers of said person.

ii. **Motor Vehicles.** It shall be unlawful to store, park, or place any unregistered, uninspected, inoperative, unlicensed, or nuisance motor vehicle in view of the public for a period of time in excess of seventy-two (72) continuous hours on any premises. No such unregistered, uninspected, inoperable, unlicensed or nuisance motor vehicle shall be parked on the streets or alleys or roads of the Borough. Any such vehicles may be towed and impounded with such towing and impounding costs payable by the owner of the motor vehicle. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The prohibition of painting set forth in this subsection excludes touch-up painting.

iii. **Outside Placement of Indoor Appliances/Furniture.** It is prohibited to store or place any / all appliances or furniture including, but not limited to, ranges, refrigerators,

air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs, or interior tables on the exterior of any property for the purpose of sale or any other reason, except for the temporary purpose to perform maintenance on said property.

iv. **Sidewalk Areas - Snow and Ice Removal from Sidewalks and Prohibitions Against Weeds.** Every owner, tenant, occupant, lessee, property agent, or any other person who is responsible for any property within the Borough, is required to properly maintain all sidewalk areas and to remove snow and ice from all sidewalks within the Borough on the same day of the cessation of any fall of snow, sleet, or freezing rain or within the first four (4) hours of daylight after the cessation of any such fall, whichever period is longer. Furthermore, they must create a path, free from any snow or ice, of thirty (30) inches on said sidewalk. Snow and ice shall be removed from sidewalks in all business districts within two (2) business days after the cessation of any fall of snow, sleet, or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter. Business hours shall be between 9:00 a.m. and 5:00 p.m., Monday through Friday, exclusive of official federal holidays. In addition, all sidewalk areas shall be maintained such that they are free from any weeds or other unsightly or unsanitary grasses and vegetation.

v. **Storage Containers for Waste or Trash.** The owner of every premises shall supply approved containers for waste/trash, as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, water tight, and made of metal or plastic. Containers must have tight fitting covers, and must be kept clean and odor free at all times. All containers must be stored in a location on the owner's property not within the public right-of-way or readily visible from the public right-of-way. Waste/trash containers may only be placed in front of any property no sooner than 6 PM before the day of the scheduled waste/trash pick-up day. Once the Borough hauler removes the waste/trash from any property, all containers must be stored so they are not on the public right-of-way or readily visible from the public right-of-way within twenty-four (24) hours after pick-up.

vi. **Storing of Hazardous Material.** It shall be unlawful for any person, business or entity to store combustible, flammable, explosive, or other hazardous materials including, but not limited to, paints, volatile oils and cleaning fluids, or combustible rubbish including, but not limited to, wastepaper, boxes, or rags unless the storage of said materials is stored in compliance with applicable law.

vii. **Storing of Recyclables.** It shall be the responsibility of the owner of all residential, commercial, and industrial property to ensure storage, collection, and disposal of all recyclables from their property in such a manner not to create a public nuisance. (Storage of recyclables is only permitted as described in Paragraph v. above, which must be kept clean and sanitary at all times).

viii. **Swimming Pools.** Swimming pools shall be maintained in good repair at all times. Swimming pools shall also be kept clean, safe, covered, and sanitary as well.

4. **Authority for Issuance of Violation Ticket.** Upon finding any quality of life violation, any Public Officer of the Borough, may issue a quality of life violation ticket to the owner and/or occupant of the property at issue or to any individual(s) known to have violated this Ordinance.

5. **Enforcement.**

a. The provisions of this Ordinance shall be enforced by the Borough, the Borough Code Enforcement Officer, the Borough Zoning Officer, Borough Manager, any Police Officer of the Borough, or any other public officer or Borough representative authorized to enforce ordinances.

b. Any violation of the provisions of this Ordinance may be cause for a citation, a violation ticket, and/or a notice of violation to be issued to any person in violation of this Ordinance.

6. **Service.** A violation ticket in the form attached to this Ordinance as Exhibit A (which may be amended from time to time) shall be served upon a person in violation of this Ordinance by any one (1), or a combination of, the following means: by personally handing it to the person in violation of this Ordinance; by handing it to an adult member of the household or other person in charge of the residence at the residence of the person to be served; by leaving or affixing the notice or violation ticket to the property where the violation exists; by handing it to the agent of the person in violation of this Ordinance or to the person for the time being in charge at any office or usual place of business of the person in violation of this Ordinance, or by mailing the notice to the address of record of the person in violation of this Ordinance by regular United States Mail and/or Certified United States Mail, return receipt requested. Service by regular United States mail is complete upon mailing and in and of itself constitutes effective service if not returned as undelivered by the United States Postal Service.

7. **Separate Offense.** Each day a violation of this Ordinance continues after the issuance of a violation ticket constitutes a separate offense for which a separate fine may be imposed without the filing of any additional violation tickets.

8. **Abatement of Violations.**

a. Any person or business violating this Ordinance is hereby directed to satisfy the Borough and its citizens, upon issuance of a quality of life ticket, by correcting the violation in question. A Public Officer is authorized and empowered to cause a violation to be corrected. The cost shall be determined by the Borough Code Enforcement Officer or Borough Council in order that the Borough shall be compensated for both direct and indirect costs and expenses incurred.

b. The Borough and/or its contractor, per the direction of the Borough, reserve the right to abate the violation in question at the expense of the owner. If the Borough has effectuated the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant, or offending party as provided herein. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket, which will also be paid separately.

c. In all instances where the Borough abates the violation, in addition to the fine set forth in the quality of life ticket, the Borough is authorized to recover from the offending party, the owner of the property, or tenant the abatement charges and such other charges established by the Code Enforcement Officer or Borough Council and the rules and regulations.

d. **Borough Cleanup.** The Borough reserves the right to perform any necessary work to abate any violation once seventy-two (72) hours passes from the date of issuance of the quality of life ticket. Should the violation, at the discretion of the Code Enforcement Officer, present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to perform the abatement immediately. The Borough will perform this work at a rate of Fifty Dollars (\$50.00) per hour, per man, and forward the cost of any material necessary for the abatement. The Borough reserves the right to charge an additional twenty percent (20%) on all material purchases to cover all miscellaneous expenses, such as wear and tear on equipment and the ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

e. **Contractor Cleanup.** The Borough reserves the right to direct a contractor to perform the abatement of the violation in question once seventy-two (72) hours passes from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the Borough reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for their work to the Borough and the Borough will forward these costs to the violator. The Borough reserves the right to add a thirty percent (30%) processing fee in addition to the cost of the contractor. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

9. **Violation, Fines and Penalties / Appeals Process.**

a. For the first violation of the terms of this Ordinance within a 12-month period by any person, a violation ticket shall be issued in the amount of One Hundred Dollars (\$100.00), as set forth on the chart below. For the purposes of this Ordinance, the beginning of the 12-month period will begin on the date of the initial violation ticket and end on the same date of the next calendar year.

b. For the second violation of the terms of this Ordinance within a 12-month period by the same person, a violation ticket shall be issued in the amount of Three Hundred Dollars (\$300.00), as set forth on the chart below.

c. For the third violation of the terms of this Ordinance within a 12-month period by the same person, a violation ticket shall be issued in the amount of Five Hundred Dollars (\$500.00), as set forth on the chart below.

Description	Fine 1	Fine 2	Fine 3
Accumulation of rubbish or garbage	\$100.00	\$300.00	\$500.00
Animal maintenance and waste / feces clean up	\$100.00	\$300.00	\$500.00
High weeds, grass, or plant growth	\$100.00	\$300.00	\$500.00
Motor vehicles	\$100.00	\$300.00	\$500.00

Description	Fine 1	Fine 2	Fine 3
Outside placement of indoor appliances / furniture	\$100.00	\$300.00	\$500.00
Sidewalk Area	\$100.00	\$300.00	\$500.00
Storing Containers for waste or trash	\$100.00	\$300.00	\$500.00
Storing of Hazardous Material	\$100.00	\$300.00	\$500.00
Storing of Recyclables	\$100.00	\$300.00	\$500.00
Swimming Pools	\$100.00	\$300.00	\$500.00

d. For each violation of the terms of this Ordinance after the third violation of this Ordinance within a 12-month period by the same person, each violation ticket shall increase the fine and penalty in the amount of One Thousand Dollars (\$1,000.00) per offense, cumulative for each subsequent offense.

e. Any person who receives a violation ticket for any violation of the terms of this Ordinance may, within fifteen (15) days of receipt of the violation ticket, admit the violation, waive a hearing, and pay the fine in full satisfaction; or such person may, within fifteen (15) days of receipt of the ticket, appeal to the Appeal Officer's office by filing an appeal request in writing, stating the reasons for the appeal. An Appeal Officer, designated by the Borough or Borough Council or Borough Council President, shall be responsible for reviewing and rendering of a decision on any appeal as it relates to this Section. The violator may request an opportunity to meet in person with the Appeal Officer concerning their appeal, and the request may be granted at the sole discretion of the Appeal Officer, who may also deem it appropriate to consult with the Public Officer involved in the matter or any other concerned parties.

f. In addition to the fines and penalties set forth above, any person who violates the terms of this Ordinance shall also be liable to the Borough for any and all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation. The Borough may collect these costs, together with a penalty of ten percent (10%) of the cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit, or the Borough may seek relief by bill in equity pursuant to 8 PA.C.S Section 1202(4), and all other applicable laws.

g. Failure of any person to make payment of a violation ticket or timely appeal within fifteen (15) days of service of the violation ticket shall result in the filing of a Citation, for failure to pay, with the local Magisterial District Judge.

h. In addition to the assessment of all penalties and liens set forth above, any person who violates or permits a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding before the local Magisterial District Judge, shall pay a fine and/ or penalty of not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Dollars

(\$1,000.00) per violation, or imprisoned no more than ninety (90) days or both, plus all court costs, including reasonable attorneys' fees incurred by the Borough in the enforcement of this Ordinance. Each day the violation exists shall constitute a separate offense. In any case where a penalty for a violation has not been timely paid, and the person against whom the penalty was imposed is found to have been liable therefor in a civil proceeding, such violator shall be liable for the penalty imposed, including all additional daily penalties and attorneys' fees incurred by the Borough in the enforcement proceedings. If the violator neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure and all other applicable law. Nothing herein is intended to impede or restrict the prosecution of any criminal offense for any person continuing to violate the terms of this Ordinance or any order to stop or desist from any illegal conduct or from being charged with any separate offense under the criminal codes or otherwise.

i. In addition to, or in lieu of, a civil action before a Magisterial District Judge, the Borough may enforce this Ordinance in equity. The appropriate officers, agents or representatives of the Borough, specifically including, but not necessarily limited to, Borough Council, the Borough Manager, the Code Enforcement Officer or the Borough Zoning Officer are authorized to seek equitable relief, including injunctions, to enforce compliance with the terms of this Ordinance.

j. The Borough shall be exempt from the payment of costs in any civil case brought to enforce this Ordinance.

10. **Restitution.** The appropriate Magisterial District Judge may order any person found to be in violation of this Ordinance to make restitution where appropriate, to pay the Borough's costs of collection/citation proceedings/prosecution, reports, engineering or Code Enforcement Officer fees and to pay the Borough's costs, fees and reasonable attorneys' fees associated with the prosecution of the same. The reasonable attorneys' fees shall be at the current hourly rate of the Borough Solicitor. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance shall be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

11. **Collection.** At the discretion of the Borough, all violation tickets for which payment is not received within forty-five (45) days of issuance of a violation ticket, from which an appeal is not taken, and forty-five (45) days from the denial of appeal and monies paid by the Borough for abatement of a violation not paid within forty-five (45) days of billing, may be turned over by the Borough to a collection agency for receipt and collection. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

12. **Liens.** At the discretion of the Borough, liens may be placed upon a property against which violation tickets were issued for which payment is not received within forty-five (45) days of issuance of a violation ticket for which an appeal is not taken, and forty-five (45) days from denial of appeal and monies paid by the Borough for abatement of a violation and not paid within forty-five (45) days of billing. The ultimate expense of all such work performed by the Borough pursuant to this Ordinance will be collectible and enforceable as a Municipal Lien against the subject real estate pursuant to applicable law.

13. **Non-Exclusive Remedies.** The penalties, liens and collection provisions of this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the Borough in the case of a violation of any other Borough Code or Borough Ordinance, whether or not such other Code or Ordinance is referenced in this Ordinance, and whether or not an ongoing violation of such other Code or Ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

SECTION 4. Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending 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, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.


SECTION 5. All other ordinances or parts of ordinances of the Borough which are inconsistent herewith are hereby repealed.

SECTION 6. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 7. This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

ORDAINED and ENACTED as an Ordinance by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, in lawful session, duly assembled, this 13th day of February, 2024.

BOROUGH OF RICHLAND
Lebanon County, Pennsylvania

By: 
Council (Vice) President

Approved the 13th day of February, 2024:

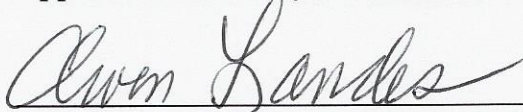

Owen Landes, Mayor

EXHIBIT A

QUALITY OF LIFE TICKET # _____
BOROUGH OF RICHLAND
5 PINE STREET
RICHLAND, PA 17087
(717) 866-5601

ZONING OFFICE AND CODE DEPARTMENT

Date: Date: _____

Time: _____

Officer: _____

Location of Violation: _____

Owner(s): _____

Owner(s) Address: _____

Other: _____

Remarks: _____

Description	Fine 1	Fine 2	Fine 3
Accumulation of rubbish or garbage	\$100.00	\$300.00	\$500.00
Animal maintenance and waste / feces clean up	\$100.00	\$300.00	\$500.00
High weeds, grass, or plant growth	\$100.00	\$300.00	\$500.00
Motor vehicles	\$100.00	\$300.00	\$500.00
Outside placement of indoor appliances / furniture	\$100.00	\$300.00	\$500.00
Sidewalk Area	\$100.00	\$300.00	\$500.00
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Storing of Hazardous Material	\$100.00	\$300.00	\$500.00
Storing of Recyclables	\$100.00	\$300.00	\$500.00
Swimming Pools	\$100.00	\$300.00	\$500.00

Any person who receives a violation ticket for any violation of this Ordinance may, within fifteen (15) days, admit the violation, waive a hearing, and pay the fine in full satisfaction . Any person who violates this Ordinance shall pay a fine as set forth herein for each offense, plus all direct and indirect costs incurred by the Borough for the cleanup and abatement of the violation. Failure of a person to make payment or request a hearing within thirty (30) days of receipt of a violation ticket shall make the person subject to a citation for failure to pay.

NOTE: THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

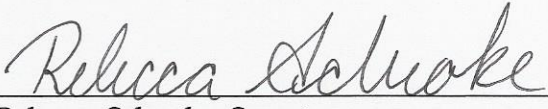
PAYMENTS CAN BE MADE TO:

Borough of Richland
7 Pine Street
Richland, PA 17087

MUNICIPAL CERTIFICATION

I, Rebecca Schnoke, Secretary, of the Borough of Richland, Lebanon County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 396 was advertised in the *Lebanon Daily News*, a daily newspaper of general circulation in the Borough of Richland and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on the 13th day of February, 2024.

[SEAL]



Rebecca Schnoke, Secretary