

CHAPTER 5
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Part 1

Civil Enforcement Procedures

§5-101. Purpose.

Except for violations of the Township's Zoning Ordinance [Chapter 27], this Part shall be utilized to enforce violations of the Earl Township Code of Ordinances.

(Ord. 4-1996, 7/1/1996, §1)

§5-102. Civil Enforcement Remedies.

1. Except for those chapters enumerated in Subsections 2 and 3 below, any person who violates the Earl Township Code of Ordinances shall be subject to a civil penalty or fine not to exceed \$1,000 for each violation.
2. Any person who violates Chapters 6 (Conduct), 7 (Fire Prevention and Fire Protection), 10 (Health and Safety), 14 (Mobile Homes and Mobile Home Parks), 20 (Solid Waste) and 21 (Streets and Sidewalks) shall be subject to a civil penalty or fine not to exceed \$600 for each violation.
3. Any person who violates Chapter 15 (Motor Vehicles and Traffic Ordinances) of the Earl Township Code of Ordinances shall be subject to a fine or civil penalty not to exceed \$300 for each violation.
4. Any person who violates or permits the violation of the Earl Township Code of Ordinances shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay the fine or civil penalty prescribed by the Board of Supervisors in Subsections 1, 2 and 3 and shall pay all court costs, including reasonable attorney fees, incurred by the Township.
5. For continuing violations of the Earl Township Code of Ordinances, each day that the violation continues shall constitute a separate violation.

(Ord. 4-1996, 7/1/1996, §102)

§5-103. Injunctive Relief.

The Township and its agent shall have full equity powers to enforce the Township Code of Ordinances.

(Ord. 4-1996, 7/1/1996, §103)

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§5-104. Filing of Civil Enforcement Remedy.

The Board of Supervisors may authorize the Code Enforcement Officer, the Police Department, one of the Supervisors, or another Township representative to file and prosecute a civil enforcement action to enforce any or all portions of the Code of Ordinances. The police shall enforce Chapter 15 of the Code of Ordinances. The Supervisors, by motion, shall authorize an individual to institute enforcement action under other chapters of the Code of Ordinances.

(Ord. 4-1996, 7/1/1996, §104)

Part 2

Uniform Construction Code

§5-201. Adoption of the Uniform Construction Code.

1. Earl Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Earl Township.
3. Administration and enforcement of the Code within Earl Township shall be undertaken in any of the following ways, as determined by the governing body of Earl Township from time to time by resolution:
 - A. By the designation of an employee of Earl Township to serve as the municipal code official to act on behalf of Earl Township.
 - B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Earl Township.
 - C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.
 - D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Earl Township.
 - E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.
4. A Board of Appeals shall be established by resolution of the governing body of Earl Township in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.
5. A. All building code ordinances or portions of ordinances which were adopted by Earl Township on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.

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- B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
 - C. All relevant ordinances, regulations and policies of Earl Township not governed by the code shall remain in full force and effect.
6. Fees assessable by Earl Township for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the governing body by resolution from time to time.

(Ord. 2004-2, 7/6/2004, §1)

Part 3

Property Maintenance

§5-301. Adoption of Code.

A certain document, three copies of which are on file in the office of the Township Secretary of Earl Township, being marked and designated as the "International Property Maintenance Code, 2006 Edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Earl Township, 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 collection of fees therefor; and providing for a means of appeal to an appointed Board of Appeals; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Earl Township 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.

(Ord. 2007-06, 1/5/2007)

§5-302. Revisions to Code.

The following sections are hereby revised:

- A. Section 101.1: Insert "Earl Township."
- B. Section 103 shall be entitled "Code Official."
- C. Section 103.1 shall provide as follows:

The Board of Supervisors shall designate a person or persons to serve as the code official.

- D. Section 103.5: Insert "All fees shall be pursuant to the Township Supervisors' adopted fee resolution, which shall be changed and/or updated from time to time."
- E. Section 104.7 shall provide as follows:

Code Official Records. The code official shall keep official records of all his business and activities specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure

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to which such records relate remains in existence, unless otherwise provided for by other regulations.

F. Section 106.3 shall read as follows:

Prosecution of Violations. Any person who shall violate a provision of this code; or who shall fail to comply with any of the requirements thereof; or violate any order or notice of violation of the code official shall be liable, upon summary conviction thereof, to fines and penalties not less than \$100 nor more than \$1,000, plus costs of prosecution (which fines and penalties may be collected as provided by law), or imprisonment for a term not to exceed 30 days. All fines and penalties collected for violation of this code shall be paid over to the Township treasury. Each day that a violation continues after due notice has been served shall be deemed a separate offense. If a notice of violation is not complied with, the 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.

G. Section 107.1 shall read as follows:

Notice to Person Responsible. 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 as specified in this code. Prior to issuing a notice of violation, the code official shall obtain approval from the Board of Supervisors, unless there is an immediate and imminent threat to life or property, in which case the code official shall respond as provided for in Section 109, of the code. Should emergency measures be taken by the code official under Section 109, the code official shall as expediently as possible notify the Board of Supervisors, the Police Department and any other required municipal authorities as deemed necessary. Notices for condemnation procedures shall also comply with Section 108.3.

H. Section 302.4: Insert "10 inches."

I. Section 304.14: Insert "April 15 to September 15."

J. Section 602.3: Insert "September 1 to April 30."

K. Section 602.4: Insert "September 1 to April 30."

(Ord. 2007-06, 1/5/2007)

§5-303. Repealer.

Any ordinances previously adopted by Earl Township that are inconsistent with this Part are hereby revoked to the extent of the inconsistency.

(Ord. 2007-06, 1/5/2007)

§5-304. Severability.

If any section, subsection, sentence, clause or phrase of this Part is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. Earl Township hereby declares that it would have passed this Part, 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.

(Ord. 2007-06, 1/5/2007)

§5-305. Construal of Provisions.

Nothing in this Part 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 §5-303 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 2007-06, 1/5/2007)

§5-306. When Effective.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect five days from and after the date of its final passage and adoption.

(Ord. 2007-06, 1/5/2007)

