

FILE OF THE COUNCIL OF THE CITY OF LEBANON, PA.

BILL NO. 18 SESSIONS 2024-2025

INTRODUCED BY Mr. Sean T. Maguire, September 22, 2025

AN ORDINANCE

ADOPTING THE 2018 EDITION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDING 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 CITY OF LEBANON; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; AND REPEALING BILL NO. 8, SESSIONS 2010-2011, THE SAME BEING ARTICLE 1901 OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PA., AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH.

Be It Ordained by the Council of the City of Lebanon, Pennsylvania, and it is hereby ordained by the authority of the same, That:

SECTION 1. A certain document, three (3) copies of which are on file in the Office of the City Clerk of the City of Lebanon, being marked and designated as the *International Property Maintenance Code*, 2018 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Lebanon 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 therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION 2. ADDITIONS, INSERTIONS AND CHANGES. The *International Property Maintenance Code*, 2018 Edition, is hereby amended and revised in the following respects:

Section 101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Lebanon, hereinafter referred to as “This Code”.

Section 102.6.1 Historic building demolition. Article 1308, Historic Building Demolition Approval Process and Incentives, which is part of the City of Lebanon Zoning Ordinance, applies to principal buildings located within the Historic Overlay District and built before 1940. If applicable, compliance with Article 1308 shall be required.

Section 103.5 Fees.

a. In the event of a re-occurrence of the violation within a twelve (12) month period the following service charges shall be set forth:

- (1) First re-occurrence \$75
- (2) Second re-occurrence \$150
- (3) Third through sixth re-occurrence \$200
- (4) All subsequent re-occurrences \$300

Repeat offender service fees shall be payable to the municipality within fifteen (15) days of receipt of invoice. Failure to pay said fee will result in the municipality instituting appropriate action against said offender to recover service and administrative fees.

b. Administrative fee for processing of work performed by the department or contracted service shall be Seventy Dollars (\$70.00).

c. Complaint Inspection. If a complaint is found to be valid, a fee of Seventy-Five Dollars (\$75.00) shall be assessed.

d. Compliance inspection fees. For inspection of property maintenance code violations, the following fees shall be assessed.

- (1) First inspection \$0
- (2) Second inspection \$50
- (3) Subsequent inspections \$75

Section 104.2 Inspections. The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to require the owner to engage expert opinion or the Code Official is authorized to engage

expert opinion and pass the cost of the expert onto the owner as deemed necessary to report on unusual technical or specialized issues that arise.

Section 104.3.1 Warrant. In the absence of permission from the owner, occupant, or operator of any structure or premises, or the person in charge thereof, the Code Official shall enter such structure or premises only after securing and properly presenting a duly authorized administrative search warrant issued upon probable cause of same.

Section 106.2 Notice of violation. The Code Official shall serve a notice of violation, order or violation ticket in accordance with section 107.

Section 106.4. Prosecution of violation and violation penalties.

a. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a criminal or civil infraction as set forth hereinafter and as determined in accordance with applicable law, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official may 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 provision of this code or of the order or direction made pursuant thereto, including, without limitation, having the unlawful occupancy cured by the staff of the City itself. In the instance that the City performs any services to remedy an unlawful occupancy of a structure pursuant hereto, the City may take any and all action available at law and in equity to recover its costs for performing the same, including imposing a lien on the subject real estate for the costs thereof in accordance with applicable law.

- (1) In addition to any other section or remedial procedure provided, whoever violates any provision of this code shall, upon conviction thereof in a summary proceeding, be fined not less than \$100 and not more than \$1,000 for the first offense, not less than \$200 and not more than \$1,000 for the second offense, and not less than \$300 and not more than \$1,000 for the third and all succeeding offenses and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible, and in default of payment thereof shall be imprisoned for not more than 90 days.
- (2) For violation of code 108.5, Prohibited occupancy, upon conviction thereof, a fine of \$1,000 shall apply.
- (3) In the case of a continual and uncorrected violation of the same subsection(s) of this code, a fine, not exceeding one per month on a single property and not less than \$300 nor more than \$2,000 shall be imposed for the first two continual and uncorrected violations and not less than \$2,000 nor more than \$5,000 for the third and any subsequent continual and uncorrected violations of the same subsection of this code on the same property, unless the violation is found to pose a threat to the public's health, safety or property, then, upon conviction thereof, penalties of fines shall be imposed as follows:

(a) Not exceeding one citation per five calendar days for a continual and uncorrected violation of the same subsection(s) of this code on the same property;

(b) Limited to not less than \$600 and not more than \$2,000 for the first two continual and uncorrected violations of the same subsection(s) of this code on the same property and not less than \$1,000 and not more than \$10,000 for the third and any subsequent continual and uncorrected violations of the same subsection(s) of this code on the same property, or imprisonment for not more than 90 days, or both.

b. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

c. The Code Official may issue citations to the owners or persons responsible for a structure or property for failure to comply with a notice of violation following the expiration of the time established for filing an appeal or following the hearing of an appeal by the Board of Housing Appeals.

d. The Department of Public Safety may post a sign not to exceed 3' x 3' in size stating the property owner's name and address and that the property is in violation of this code. The sign may remain at the property until the violations are corrected.

e. Any person who has been issued a Health/Housing code violation ticket may discharge such obligation upon either appearing at the Public Safety Office and voluntarily entering a plea of guilty by paying either the fifty-dollar (\$50.00) fine or seventy-five-dollar (\$75.00) fine within fifteen (15) calendar days from the time of issuance of the violation ticket, or by placing an envelope with the proper fine amount in the City of Lebanon Fine-O-Meter box. Non-payment will result in a violation citation being filed with the Magisterial District Court.

Section 107.2.1 Violation ticket. If the Code Official determines that a violation of this code has an immediate effect on public safety, health and general welfare, such as, but not limited to, weeds, garbage, rubbish, feces and snow removal, an instant Health/Housing code violation ticket may be issued without prior notice.

Section 107.3 Method of Service.

Such notice shall be deemed to be properly served if a copy thereof is:

(a) Delivered to the owner personally;

(b) Sent by first-class mail addressed to the owner at the last known address. If the first-class mail is returned showing that the letter was not delivered, a copy of the notice shall be posted in a conspicuous place on or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner;

(c) Issued a Health/Housing Code violation ticket.

Section 107.6 Transfer of ownership.

(a) It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a Buyer Notification Certificate issued by the City of Lebanon which will include a true copy of any compliance order or notice of violation issued by the Code Official.

- (1) In addition to obtaining the Buyer Notification Certificate, the owner shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.
- (2) Acceptance of a Buyer Notification Certificate by the grantee, transferee, mortgagor, or lessees with or without a signed notarized statement, acknowledges responsibility to fully accept, without condition, for making the corrections or repairs required by such compliance order or notice of violation.

Section 108.4 Placarding. Whenever the Code Official has condemned a structure or equipment under the provisions of this section, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

Section 108.4.1 Lifting of condemnation status and placard removal.

- a. An inspection by the Code Official shall be required to remove the condemnation status and placard. A fee of two hundred fifty dollars (\$250) will be imposed upon any person requesting an inspection for the purpose of removing a condemnation placard. The condemnation status and placard shall be removed by the Code Official whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. The fee for inspection to remove the placard notice shall be payable in full in advance. If upon inspection the defect or defects in the property upon which the condemnation action was based remain, the placard shall not be removed.
- b. A fee of two hundred fifty dollars (\$250) will be imposed on any person requesting a subsequent inspection(s) for the purpose of lifting the condemnation status and removing the placard.
- c. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by the code.

Section 108.6 Abatement methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe, unfit for human occupancy and/or unlawful by the Code Official shall abate or cause to be abated or corrected such unsafe, unfit for human occupancy or unlawful conditions either by repair, rehabilitation, demolition or other approved corrective action.

Section 110.1.1 Blighted Property. When the property has been declared a public nuisance by the Board of Health and meets the criteria set forth for blighted properties, the Code Official shall order the owner of the property to demolish and remove such structure.

Section 111.1 Application for Appeal. Any person affected by decision of the Code Official or of notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within ten (10) days after the day of the decision, notice or order was served. Any 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. An application fee of six hundred dollars (\$600.00) shall be paid upon filing an appeal. In cases where there are more than twenty (20) pages of transcript, the appellant will be billed for the costs thereof.

Section 111.2 Membership of the Board. The Board of Appeals shall consist of five (5) members who are not employees of the City of Lebanon. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the Mayor for a five-year term.

Section 111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 30 days of the filing of an appeal, or at stated periodic meetings.

Section 111.5 Postponed Hearing. When three members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Section 112.4 Failure to Comply. 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 be liable to a fine of not less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00) each day the property is found to be in violation.

Section 202 General Definitions. Add the following definitions:

BLIGHTED PROPERTY/PUBLIC NUISANCE.

- a. Any premises which because of physical condition or use is regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.
- b. Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- c. Any dwelling which because it is dilapidated, unsanitary, unsafe, insect or vermin infested or lacking in the facilities and equipment required by this code, and has been designated by the Board of Health of the City of Lebanon as unfit for human habitation or occupancy.
- d. Any structure which is a fire hazard, or is otherwise dangerous to the safety of person or property.
- e. Any structure from which the utility, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
- f. Any vacant or unimproved lot or parcel of ground in a predominately building up neighborhood, which by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for rodents and other vermin.
- g. Any unoccupied property which has been tax delinquent for a period of two (2) years prior to the effective date of this ordinance, and those in the future having a two (2) year tax delinquency.
- h. Any property which is vacant but is not tax delinquent, which has not been rehabilitated within one (1) year of the receipt of notice to rehabilitate from the Department of Public Safety.

FEED or FEEDING. The placing of cat food, or similar food products or consumable materials attractive to cats, which may result in cats congregating thereon on a regular basis, placed on the ground, in an obviously intended feeder, or in a feeder at a height accessible to cats.

FERAL CAT. Any homeless, wild or untamed cat.

STRAY CAT. Any domestic cat whose owner or keeper from time to time allows the cat to run free off of the property of its owner or keeper.

Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs located anywhere on the property including the area between the curb and the sidewalk; provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in

accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 302.8 Motor Vehicles and Trailers. Except as provided for in other regulations, no inoperative, unlicensed, or uninspected motor vehicle or trailer shall be parked, kept or stored on any premises for more than five (5) days. 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.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Section 302.8.1. No off-street parking of any motor vehicle or recreational vehicle shall be permitted on an unimproved yard surface as determined by the City of Lebanon Zoning Officer.

Section 302.10. Use and storage of furniture. Other than furniture contained within a structure, use or storage of furniture which is not designed or constructed for exterior use is prohibited in property exterior areas.

Section 304.8.1. Removal of Exterior Architectural Features. The removal of architectural features shall be in compliance with Article 1308, “Historic Building Demolition Process and Incentives” of the Codified Ordinances of the City of Lebanon, Pennsylvania.

Section 304.12.1. Guards shall be compliant with section R312 of the International Residential Code.

Section 304.14 Insect screens. Screens are required to be in place and/or available at all times for every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any other areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

Section 309.4.1 Use of pesticide. The use of pesticide shall be compliant with laws and regulations of the Commonwealth of Pennsylvania.

Section 310.1 Responsibilities of cat owners regarding stray cats

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless said cat has been:

- a. Neutered or spayed to prevent it from procreating;
- b. Immunized against rabies in compliance with Pennsylvania law; and
- c. Appropriately “tipped” on the left ear to signify that it has been neutered/spayed and immunized.

Section 310.2 Feeding of stray or feral cats

- a. It shall be unlawful for any person to continue to feed feral cats, if such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety and welfare of the community, unless such person participates in a trap, neuter and return program managed by the City of Lebanon or sponsor of the City of Lebanon.
- b. Any person feeding stray or feral cats may be required to cooperate with any humane program sponsored by the City, or operating under the City’s auspices, that traps stray and feral cats for the purpose of spaying/neutering the cats, immunizing the cats from rabies, “tipping” the cat’s left ear and then returning the cat to its environment in the general vicinity in which it was trapped.

Section 310.3 Violations and Penalties.

Any person failing to comply with any of the provisions of this article shall, upon summary conviction before a Magisterial District Judge, be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), and to imprisonment for not more than thirty (30) days for each offense, together with the costs of prosecution.

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one (1) or more dwelling units, on terms, either expressed or implied, to furnish heat to the occupant thereof shall supply sufficient heat to maintain the room temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 Occupiable Work Spaces. Indoor work spaces shall be supplied with sufficient heat to maintain a temperature of not less than sixty-five (65) degrees F (18 degrees C) during the period the spaces are occupied.

Exceptions:

- 1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 605.2 Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. All bathroom receptacle outlets shall have ground fault circuit interrupter protection. All bathroom receptacle outlets shall have the appropriate faceplate cover for the location.

Section 605.4.1 Power Consumption. For equipment that uses a large or higher watts per hour (i.e., air conditioner, refrigerator, space heaters), the power source must be directly connected into the outlet.

Section 704.6.1 Where Required. Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. One in each sleeping room.
2. One outside each sleeping area in the immediate vicinity of the bedrooms.
3. One on each story of the dwelling, including basements and habitable attics.

Section 704.6.1.5 Installation of Equipment Required. It shall be mandatory for the owner or owners of Group E, I and R occupancies; hospitals, hotels, motels, schools, convalescent homes, group and personal care homes of five (5) or more residents, rooming and boarding homes of five (5) or more residents, and any apartment building containing five (5) or more apartment units; new, renovated or existing situated in the City limits to install a supervised automatic fire alarm system which shall be monitored twenty-four (24) hours from an outside source.

Section 704.6.2. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Section 704.6.2.1 Installation. In new, renovated or existing multi-family residential occupancy of three or four units, smoke detectors shall be wired directly (hard wired) to the building's power, with a battery backup. In renovated or existing multi-family residential occupancy of five or more units, smoke detectors shall either be wired directly (hard wired) to the building's power supply or have wireless transmitting smoke detectors, with battery backup. In single or two-family residential occupancies, single station battery-operated detectors may be installed in lieu of hard-wired detectors.

In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall

be equipped with battery backup. Wiring shall be permanent and without a disconnecting switch other than as required for over current protection. Smoke alarms shall emit a signal when the batteries are low.

It shall be the responsibility of the tenants or residents to maintain the smoke detectors, to include keeping the units connected to the electrical source or replacement of batteries. The removal or destruction of any smoke detector by any person except the owner for the purposes of immediate replacement is strictly prohibited

Section 704.6.3 Power Source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exceptions:

1. Single-station smoke alarms may receive their primary power from the building wiring provided such wiring is served from a commercial source and shall be equipped with a battery backup.
2. Single-Station smoke alarms may be solely battery operated if equipped with a ten-year sealed lithium tamper-resistant battery

Section 705.1 Location. A minimum of one carbon monoxide alarm shall be installed and maintained outside the immediate vicinity of sleeping rooms and one carbon monoxide alarm shall be installed on each story of a dwelling, including basements and habitable attics.

Section 705.3 Power Source. Carbon monoxide alarms shall be hardwired with battery backup or equipped with a ten-year sealed lithium tamper-resistant battery.

SECTION 3. Bill No. 11, Sessions 2010-2011, File of the Council of the City of Lebanon, Pa., entitled “The BOCA Basic Property Maintenance Code, 2009 Edition”, and all other ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lebanon 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 5. Nothing in this ordinance or in the Property Maintenance 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 as cited in Section 2 of this ordinance, nor shall any just or legal right or remedy of any character be list, impaired or affected by this ordinance.