

COUNCIL OF THE TOWN OF LA PLATA
Ordinance No. 06-20

Introduced By: Mayor Gene Ambrogio

Date Introduced: July 18, 2006

Amendments Adopted:

Date Adopted: August 8, 2006

Date Effective: August 24, 2006

1 **An Ordinance** concerning
2

3 **INTERNATIONAL PROPERTY MAINTENANCE CODE 2003**
4

5 **FOR** the purpose of adopting the International Property Maintenance Code 2003, with certain
6 modifications, as the property maintenance code for the Town of La Plata; providing for the
7 administration and enforcement of that code; specifying penalties for violations; providing that
8 the provisions of this Ordinance are severable; and all matters generally related thereto.
9

10 * * * * *

11
12 **BY** repealing and reenacting with amendments
13 Chapter 152 – PROPERTY MAINTENANCE STANDARDS
14 Sections 152-1 and 152-2
15 Code of the Town of La Plata
16 (1998 Edition and Supplements
17

18 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**, That
19 Sections 152-1 and 152-2 of the Code of the Town of La Plata (1998 Edition and Supplements) be
20 and they are hereby repealed and reenacted, with amendments, to read as follows:
21

22 **Chapter 152 – PROPERTY MAINTENANCE STANDARDS**
23

24 **152-1. Adoption of standards; copies on file.**
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26 Subject to the provisions of §152-2, there is hereby adopted by the Town of La Plata for the
27 purpose of establishing minimum regulations governing the conditions and maintenance of buildings,
28 structures and property in the town, and the condemnation and demolition of buildings and structures unfit
29 for human occupancy or use, a certain document entitled the International Property Maintenance Code
30 ((2000)) 2003, as published by the International Code Council. Not less than one (1) copy of the

31 International Property Maintenance Code ((2000)) 2003 shall be kept on file in the office of the TOWN
32 Clerk ((-Treasurer of the town)).

33

34 **152-2 Modifications.**

35

36 The International Property Maintenance Code ((2000)) 2003, as adopted by §152-1, is modified as
37 set forth below:

38

* * *

39

40
41 F. Sections 106.3, 106.4 and 106.5 on page 3 are deleted and new Sections 106.3 and
42 106.4 are substituted, to read as follows:

43

44 **106.3 Violations and Penalties:**

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46 1. Knowing and intentional violations of this code, failures to comply with this code,
47 or refusals or failures to comply with a notice issued pursuant to Section 107 of this Code, are
48 declared to be misdemeanors. Any person who knowingly and willfully commits any of these
49 acts shall, upon conviction, be subject to a penalty as set forth in Chapter 1, Article III, and
50 particularly §1-21, of the Code of the Town of La Plata 1998. Each day that one of these acts
51 continues is a separate offense.

52

53 2. Except as provided in paragraph 1 above, violations of this code, failures to comply
54 with this code, or refusals or failures to comply with a notice issued pursuant to Section 107
55 of this Code, are declared to be municipal infractions, and shall be subject to the penalties and
56 procedures as provided in Chapter 1, Article III, and particularly § 1-22, of the Code of the
57 Town of La Plata 1998. These acts are strict liability offenses. Each day that one of these acts
58 continues is a separate offense.

59

60 ((G. Section 106.4 on page 3 is revised to read as follows:))

61

62 **106.4 Prosecution:** In addition to the penalties provided for in Section 106.3, in case of any
63 unlawful acts the code official, with the approval of the chief executive officer of the Town,
64 may institute in the name of the Town an appropriate civil action or proceeding against the
65 person responsible for the violation for the purpose of ordering that person:

- 66 1. To restrain, correct or remove the violation or refrain from further execution of work;
- 67 2. To restrain or correct the erection, installation, maintenance, repair or alteration of such
68 structure;
- 69 3. To require the removal of work in violation; or
- 70 4. To prevent the occupancy of the structure that is not in compliance with the provisions of
71 this code.

72

73 ((H.)) G. The second sentence of Section 108.2 on page ((3)) 4 is revised to read as follows:

74
75 Upon failure of the owner to close up the premises within the time specified in the order, the code
76 official shall cause the premises to be closed and secured through any available public agency or by
77 contract or arrangement with private persons, and the cost thereof shall be the responsibility of the
78 owner of the structure, shall be a lien on the real estate upon which the structure is located, and
79 may be collected and have the lien enforced in the same manner, and have the same rights, priority
80 rights, interest and penalties as Town real property taxes.

81
82 ((J)) H. Section 110.3 on page 5 is revised to read as follows:

83
84 **110.3 Failure to comply:** If the owner of a premises fails to comply with a demolition order
85 within the time prescribed, the code official shall cause the structure to be razed and removed,
86 either through an available public agency or by contract or arrangement with private persons, and
87 the cost of such razing and removal shall be the responsibility of the owner of the structure, shall be
88 a lien on the real estate upon which the structure is located, and may be collected and have the lien
89 enforced in the same manner, and have the same rights, priority rights, interest and penalties as
90 Town real property taxes.

91
92 ((K.)) I. Sections 111.2 through 111.7, inclusive, on page 5 are deleted, and new
93 Section 111.2 is substituted, to read as follows:

94
95 **111.2 Board of Appeals:** The board of appeals referred to in Section 111.1 is the same board of
96 appeals provided for in Chapter 9 of the Code of the Town of La Plata. All appeals filed pursuant
97 to Section 111.1 shall be governed by the provisions of Chapter 9 and by any rules of procedure
98 adopted by the board of appeals pursuant to Chapter 9.

99
100 ((L)) J. The definition of “Code official” as contained in Section 202 on page 7 is revised to read as
101 follows:

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103 **Code official:** The director of the department of inspections of the Town, or such other person as
104 the Town’s Chief Executive Officer may designate.

105
106 ((M.)) K. In the first line of Section 304.14 on page ((11)) 10, insert “January 1” in the space
107 labeled “[DATE]”; and in the second line of Section 304.14 insert “December 31” in the space labeled
108 “[DATE]”.

109
110 ((N.)) L. In the fifth line of Section 602.3 on page 17, insert “January 1” in the first space
111 labeled “[DATE]”; and insert “December 31” in the second space labeled “[DATE]”.

112
113 ((O.)) M. In the third line of Section 602.4 on page 17, insert “January 1” in the first space
114 labeled “[DATE]”, and insert “December 31” in the second space labeled “[DATE]”.

115
 116 **SECTION 2. AND BE IT FURTHER ENACTED**, That if any provision of this Ordinance, or the
 117 application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not
 118 affect the other provisions or any other application of this Ordinance which can be given effect without the
 119 invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to
 120 be severable.

121 **SECTION 3. AND BE IT FURTHER ENACTED**, That this Ordinance shall become effective at
 122 the expiration of fifteen (15) calendar days after its approval by the Council.

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

 Gene Ambrogio, Mayor

 R. Wayne Winkler, Councilman

 C. Keith Back, Councilman

ATTEST:

 Paretta D. Mudd, Councilwoman

 Judith T. Frazier, Town Clerk

 Vic E. Newman, Councilman

Date: _____

<p align="center">EXPLANATION:</p> <p>CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. ((Double Parenthesis)) indicate matter deleted from existing law. <u>Underlining</u> indicates amendments to bill. Strike Out indicates matter stricken from bill by amendment or deleted from the law by amendment.</p>
