

## AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 92 Thereof, Entitled Housing - Property Maintenance, To Provide For The Adoption Of The International Property Maintenance Code 2018, Including Appendix A, “Boarding Standards”, Providing Regulations For The Maintaining Of Property, Demolition Of Structures, Inspection Of Structures, Light, Ventilation And Space Requirements For Structures, Periodic Maintenance of Billboards, Providing Penalties For The Violation Of The Code, Providing For The Inspection And Licensing Of Residential Rental Units, And Providing For The Regulation And Permitting Of Certain Dumpsters.**

The Board of Commissions of the Township of Lower Merion hereby ENACTS and ORDAINS:

**Section 1.** The Code of the Township of Lower Merion, Chapter 92 thereof, entitled Housing - Property Maintenance, §92.1, shall be amended to provide as follows:

**§ 92-1. Adoption of Standards.**

A certain document, three (3) copies of which have been and are presently maintained on file in the office of the Secretary of the Township of Lower Merion, being marked and designated as "International Property Maintenance Code 2018" be and is adopted as the Property Maintenance Code of the Township of Lower Merion, creating a code of property maintenance regulations for the protection of public health, safety, and welfare as herein provided; and each and all of the regulations of the International Property Maintenance Code 2018, including Appendix “A” Boarding Standards, except as provided in §92-2 are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter, with the additions, insertions, deletions, and changes, if any, outlined in §92-2.

**Section 2.** The Code of the Township of Lower Merion, Chapter 92, entitled Housing - Property Maintenance, §92-2, shall be deleted and replaced in its entirety to provide as follows:

§ 92-2. Insertions, additions and revisions.

- A. In Section 101.1, insert "Township of Lower Merion".
- B. In Section 103.5, insert “Fees and costs shall be paid to the township as set forth in the Township Schedule of Fees, as adopted and amended from time to time by the Board of Commissioners.”
- C. Section 104.2 shall provide as follows:

**104.2 Inspections:** In order to perform his duties in safeguarding the health and safety of occupants of dwellings and of the general public, the Code Official or his duly authorized representative is hereby authorized and directed to investigate complaints alleging violations of this Code; and further it is deemed to be in the public interest for the Code Office, or his duly authorized representative, to conduct inspections, surveys, or examinations of areas when undue lapse of time has expired since the last official inspection of any such area or when the general condition of that area or the types of properties located within the area warrants inspection to determine the condition of dwellings, dwelling units, buildings, structures, apartments, apartment houses, and premises located within the Township of Lower Merion for those purposes of identifying, correcting, preventing, abating, and arresting the development of conditions which are hazardous to the public health and safety. The Code Official, or his duly authorized representative, is hereby authorized to conduct investigations, inspections, surveys and examinations to determine compliance with the provisions of the Code during all reasonable hours after presenting proper identification to the owner, agent, or tenant in charge thereof and after obtaining consent from the person in charge.

D. Section 104.3 shall provide as follows:

**104.3 Right of Entry:** In the event said Code Official, or his duly authorized representative, is unable to obtain consent of the owner, agent, or tenant in charge, to investigate, inspect, examine or survey the dwelling, dwelling units, buildings, structures, apartments, apartment houses or premises, he shall obtain a warrant to inspect from the District Justice to conduct such investigation, inspection, examination, or survey by making application to the District Justice stating by affidavit that he has been refused entry and that he has reason to believe based upon complaint that a violation of this Code exists, or that pursuant to the authority under Section 104.2 hereof, he is conducting an inspection, examination or survey at this time because of a lapse of time since the last official inspection, examination or survey or because of the condition of the area in which the particular property to be inspected, examined or surveyed; provided, that nothing in this section shall be constructed to prevent the entry of the Code official, or his duly authorized representatives, at any time when an actual emergency exists which may involve potential danger to life or severe property damage.

E. Section 106.1 shall provide as follows:

**106.1 Unlawful Acts:** It shall be unlawful for any person, firm or corporation to maintain any property or to erect, construct, alter, extend, repair, remove, demolish, use, permit the use of, occupy, or permit the occupancy of any structure or equipment regulated by this Code, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this Code.

F. Section 106.2 shall provide as follows:

**106.2 Notice of Violation:** Whenever the Code Official observes an apparent or actual violation or has reasonable grounds to believe there is a violation of a provision of this Code or other codes or ordinances under the code official's

jurisdiction, the code official shall prepare a written notice of violation. This notice may be by citation or may be a notice describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The citation or the written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served in any of the following manners: by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, by delivering it in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

G. Section 106.3 shall provide as follows:

**106.3 Prosecution:** In case any notice of violation is not promptly complied with, the Code Official shall proceed against the violator by citation or by instituting an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. The Code Official may also request the Township Solicitor to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. to restrain, correct or remove the violation or refrain from any further execution of work;
2. to restrain or correct the erection, installation, or alteration of such structure;
3. to require the removal of work in violation; or
4. to prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this Code, or in violation of a plan or specifications under which an approval, permit or certificate was issued.

H. Section 106.4 shall provide as follows:

**106.4 Penalty for Violation:** Any person who shall violate a provision of this Code or who shall fail to comply with any of the requirements thereof or who shall maintain property or use, erect, construct, alter, or repair a building or structure in violation of an approved plan or of a directive of the Code official or of a permit or certificate issued under the provisions of this Code shall be guilty of a summary offense upon issuance of a citation and be liable upon conviction to a fine or penalty for each such offense not exceeding One Thousand Dollars (\$1,000.00) which sum can likewise be collected by suit brought in the name of the Township of Lower Merion before any magisterial district judge or recovered as such debts of a like amount are now by law recoverable. All fines and penalties collected for the violation of this code shall be paid over to the Township treasury. Each day that a violation continues shall be deemed a separate offense.

- I. Sections PM 107.1, 107.2 and PM 107.3 shall be deleted in their entirety.
- J. Section 108.2 shall be amended to provide as follows:

**108.2 Closing of Vacant Structures, Removal of Debris:** If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, or if debris is strewn about the premises, the Code Official shall be permitted to post a placard of condemnation on the premises and order the structure closed and/or the debris removed so it will not be an attractive nuisance to youngsters. The Boarding Standards can be found in Appendix A. Upon failure of the owner to close up the premises and/or remove the debris within the time specified in the order, the Code Official shall cause the structure to be closed and/or the debris removed through any available public agency, or by contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located or the debris found and shall be a lien upon such real estate.

- K. Section 110.5 shall be inserted to provide as follows:

**110.5 Removal of Structures:** Whenever the owner of a property fails to comply with a demolition order within the time period prescribed, the Code Official shall request the legal representative of the jurisdiction to institute an action at law or in equity against the property owner to obtain an order authorizing the Code Official to raze and remove such structure or contract for the razing and removal of such structure at the expense of the owner of the property. At the completion of such razing and removal, the jurisdiction's legal representative shall place a lien in the amount of the Township's costs against the property and may institute any proceedings in law or in equity to provide for the collection of the Township's costs.

- L. Section 111 Means of Appeal, shall be deleted in its entirety and replaced with the following:

**111.1 Appeals:** An appeal from any decision of the Director of Building Regulations may be taken to the Building and Planning Committee of the Board of Commissioners. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the Township Secretary. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. A prompt decision of such appeal shall be made by the Building and Planning Committee. In making a decision, the Building and Planning Committee may vary or modify any provision of this code where there are practical difficulties in the way of executing the strict letter of the law so that the spirit of the law shall be observed, public safety secured, and substantial justice done. Such variation or modification shall be the minimum necessary in order to grant relief. Every action of the Building and Planning Committee on such appeals shall be resolution, copies of which shall be certified to the Director of Building Regulations and the appellant.

- M. A new Section 113.0 Licensing, shall be added to provide as follows:

### **SECTION 113.0 Licensing**

**113.1 License Required:** No person, firm or corporation shall operate any residential rental unit or rooming house unless that person, firm or corporation holds a current operating license issued by the Department of Building Regulations and Permits for the specific residential rental unit or rooming house named therein. Such license shall be valid until December 31st in the year in which it is issued, unless revoked, and shall be renewed for successive periods of one (1) year. Licenses are not transferable.

**113.2 Application:** Applications for licenses to operate residential rental units or rooming houses and for renewal thereof shall be on forms provided by the Department of Building Regulations and Permits. Such forms shall set forth the owner's name and address, the number of residential rental units or rooming units, the name of the person, firm or corporation located in the township responsible for the care and maintenance of the building and any other information which the Department of Building Regulations and Permits may require.

**113.3 Revocation:** A license may be revoked for any violation of the Property Maintenance Code or any other regulation of the Township of Lower Merion relating to the use and occupancy of improved real estate.

**113.4 Residency Requirement:** A license will not be issued or renewed to a person, firm or corporation who does not either reside in the Township of Lower Merion or have an office in the township, unless that person, firm or corporation designates, in writing, an agent in the township for the receipt of any notice of violation.

**113.5 Residential Rental Unit:** Each application for a license to operate a residential rental unit shall be accompanied by a fee set forth in the then current fee schedule which shall have been adopted by resolution or ordinance of the Board of Commissioners.

**113.6 Rooming House Fee:** Each application for a license to operate a rooming house shall be accompanied by a fee set forth on the then current fee schedule which shall have been adopted by resolution or ordinance of the Board of Commissioners.

**113.7 Occupant Registration:** The owner or agent of any residential rental unit located in the Township of Lower Merion shall submit to the Department of Building Regulations and Permits a list of the names of all occupants eighteen (18) years of age and older residing in each rental unit. Said list shall be submitted within sixty (60) days from the effective date of this chapter and shall be updated annually thereafter or if there is any change in occupancy.

**113.8 Maintenance of Common Areas; Emergency Access:** In every multiple-family apartment house, the owner shall be responsible or shall engage a person or persons who shall be capable of and responsible for the repair and maintenance of

the common areas of the dwelling and responding to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to, and shall, service tenant and emergency calls with reasonable dispatch, provided that in the event of such multiple dwellings or combination of apartment houses on the same parcel containing forty-five (45) or more units, such person or persons shall be situated on the premises. The owner shall conspicuously post in the common areas of the dwelling and advise the tenants individually of the names, addresses and telephone numbers of such person or persons.

**113.9 Addressing:** All dwelling units shall have a number or letter designation placed on the main entrance door to each unit.

- N. In Section 202.0 General Definitions, the definitions of hotel, multi-family apartment house, one-family dwelling, two-family dwelling, family, residential rental unit and rooming house shall be amended to provide as follows:

**FAMILY:** Any number of individuals living and cooking together as a single housekeeping unit, but not more than three (3) unrelated individuals. The term unrelated individual shall be as defined in the definition of Family in Chapter 155 of the code of the Township of Lower Merion.

**HOTEL:** A building comprised of a group of ten (10) or more lodging units that provide temporary residential accommodation for tourism and business purposes, typically with space and services for dining, meeting, and recreation.

**MULTI-FAMILY APARTMENT HOUSE:** A building designated for and occupied exclusively as a residence for three (3) or more families living independently of one another.

**ONE-FAMILY DWELLING:** A building containing one (1) dwelling unit.

**RESIDENTIAL RENTAL UNIT:** Any dwelling unit, including one-family dwelling units, let for occupancy.

**ROOMING HOUSE:** A dwelling, not a one-family dwelling or two-family dwelling, apartment house or hotel, providing lodging without meals and having lodging accommodations for less than ten (10) guests, or as otherwise defined Chapter 155 of the Code of the Township of Lower Merion.

**TWO-FAMILY DWELLING:** A building containing two (2) dwelling units.

- O. Section 302.4 shall be amended by inserting a height limit for weeds or plant growth of ten (10) inches.
- P. New Sections 302.10 Outdoor Storage in Residential Areas and 302.11 Tree Maintenance shall be added to provide as follows:

**302.10 Outdoor Storage in Residential Areas:** Not more than one (1) boat, house trailer, pop-up trailer, camper top motor home, unregistered and/or uninspected motor vehicle, or other similar device for the transportation of persons on highways or water, or the accommodation of persons for temporary living purposes shall be parked or otherwise stored out-of-doors on any residentially zoned or used property. Vehicles/equipment regulated under this section shall be parked on a gravel or paved surface.

**302.11 Tree Maintenance:** Dead or defective trees, or dead branches on trees, in a location outside of a right of way that create a risk of injury or damage to persons or to improved property (hazard trees) shall be removed.

- Q. A new Section 302.12 Abandoned Worksites, shall be added to provide as follows:

**302.12 Abandoned Worksites:** Any active construction site which ceases operations, for whatever reason, for a period exceeding 180 days shall be considered abandoned. When that occurs, a temporary construction fence shall be placed around the worksite, all construction materials shall be removed from the public view, all trash and debris shall be removed from the site and all erosion control barriers shall be installed and maintained until construction resumes.

- R. In Section 304.14, insert the dates “April 1st to October 31st”

- S. Section 305.3 shall be amended to add the following language:

“All shower walls and enclosures shall have non-absorbent surfaces.”

- T. A new Section 308.2.3 Dumpsters, shall be added to provide as follows:

**308.2.3 Dumpsters:** Dumpsters may not be stored unenclosed on residential or non-residential property and may not be placed unless a permit therefore has been issued by the Township upon payment of a fee. Exceptions: (a) those permitted pursuant to Chapter 82 of the Lower Merion Township Code; and (b) those utilized for the removal of debris and rubbish in conjunction with an active construction or renovation project, provided they are removed within five days following completion of the project. Garbage, as defined in this code, may not be placed in an open, or uncovered, dumpster.

- U. A new Section 310 Periodic Maintenance of Billboards shall be added to provide as follows:

### **Section 310 Periodic Inspection of Billboards**

**310.1 Definitions:** The following definitions shall apply to this Section PM-310:

**BILLBOARD:** Any off premises freestanding sign with a mean height above grade in excess of 19’ to the top of the sign and a sign face in excess of 60 square feet.

**PROFESSIONAL:** A Commonwealth of Pennsylvania licensed Professional Engineer experienced in the practice of structural engineering.

**SAFE:** A condition of a billboard, structure, or building wall or any appurtenance thereto that is neither in Unsafe condition nor Safe with a Repair and Maintenance Program.

**SAFE WITH A REPAIR AND MAINTENANCE PROGRAM:** A condition of a Billboard or any part thereof that the Professional does not consider Unsafe at the time of inspection but requires repairs or maintenance within a time period designated by the Professional in order to prevent its deterioration into an Unsafe condition.

**UNSAFE CONDITION:** A condition of a Billboard or part thereof that is dangerous to persons or property and requires prompt remedial action.

**310.2 Inspections Required:** The owner of each Billboard shall be responsible for retaining a Professional to conduct annual inspections, and to prepare and file a report on such inspection as required by this Section.

1. For existing Billboards, the first inspection must be performed by December 31<sup>st</sup>, 2021. For all other Billboards, the first inspection shall be conducted, and the required report shall be filed with the Lower Merion Building and Planning Department, within two years after the certificate of occupancy was issued.
2. Following the Initial Inspection, a Billboard shall be re-inspected, and the required report shall be filed every two years based on the original schedule.

**310.3 Inspection Procedures:**

1. Before inspecting a Billboard, the retained Professional shall review previous reports, inspections, and evidence of repairs made in the past year, including confirmation that all areas determined to require remediation in the previous year have been addressed.
2. The inspection shall be conducted by or under the supervision of the Professional and performed to the best of his/her knowledge and belief. The Professional shall determine the extent of the inspection required, based upon the known history of the Billboard, the nature of the materials used, and the conditions observed. The Professional shall determine methods employed in the inspection but need not be physically present at the location where the inspection is made provided adequate photos or video recordings are submitted to the design professional to document the conditions and prepare the required inspection report.
3. The methods used to inspect a Billboard shall permit a physical, hands-on inspection of the structure. The Professional may use other methods of inspection as deemed appropriate.



4. The Professional shall employ the appropriate professional standard of care to detect distressed conditions such as corrosion, delaminating, separating, splitting or fracturing of material or components as well as movement or displacement indicative of unsound materials or loss of structural support. If a distressed condition is identified, the Professional shall order any other inspections and/or tests that may be required to determine the significance and probable cause of the observed distress.
5. During the course of the inspection, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either Unsafe or Safe with a Repair and Maintenance Program.
6. Upon discovery of any Unsafe condition the Professional shall immediately notify the owner of the structure by electronic mail; and shall, within 12 hours of discovery, notify the code official in writing and by electronic mail.

#### **310.4 Report Requirements:**

1. The Professional shall submit to the owner of the Billboard a written report as to the result of each inspection, certifying that the inspection was performed and completed in accordance with this Code, and detailing all conditions not classified as Safe. The Professional shall also submit a summary of the written report to the code official in a form determined by the code official. The code official may by regulation impose a processing fee, not to exceed one hundred dollars (\$100), that must be paid upon submission of the summary of the written report. If the report identifies an Unsafe condition, then the Professional, within 24 hours of completion of the report, shall file the full report with the code official in writing and in an electronic format determined by the code official. The owner or its agent shall retain all written reports submitted pursuant to this Section and keep them readily available for inspection by the code official.
2. The report shall include, on the front page, the name and license number of the Professional and shall be signed, sealed and dated by the Professional in accordance with the professional registration laws of the Commonwealth of Pennsylvania, and shall include:
  - (a) The address and the location from the nearest intersection.
  - (b) The name, mailing address, and telephone number of the owner of the Billboard and of the owner's agent or person in charge, possession or control of the Billboard, if any.
  - (c) A description of the Billboard, including height, plan dimensions, age and type of construction.
  - (d) A brief history of any repairs, if available.

- (e) The date of the start and completion of the inspection, a detailed description of the procedures used in making the inspection, and the extent and location of all physical inspections performed.
- (f) A report of all conditions including but not limited to significant deterioration and movement observed. The report shall classify each such condition as Safe, Unsafe, or Safe with a Repair and Maintenance Program.
- (g) If repairs are required, the probable causes of the reported conditions.
- (h) The status of the maintenance.
- (i) For any conditions listed in the previously filed report (if any), whether such conditions have been repaired and/or maintained as recommended in that report.
- (j) Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for the repairs or maintenance to be performed.
- (k) The classification of the Billboard according to the following scheme:
  - (i) "Unsafe," if there is at least one unsafe condition.
  - (ii) "Safe with a Repair and Maintenance Program," if there is a condition that is "Safe with Repair and Maintenance Program" and there are no Unsafe conditions.
  - (iii) "Safe", in all cases other than a or b.
- (l) Photographs and/or sketches documenting the locations of any conditions that are either Unsafe or Safe with a Repair and Maintenance Program.
- (m) A statement by the Professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.
- (n) A statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging all required repairs and/or maintenance (if any) and the recommended time frame for performing such repairs and/or maintenance.
- (o) The Professional's certification that the physical inspection was performed in accordance with applicable rules and regulations and within the appropriate professional standard of care.

(p) The Professional's seal and signature.

(q) Such other matters as the code official may by regulation require.

3. If the initial report is amended, the Professional shall submit an amended report within thirty (30) days of the initial submission. The amended report shall clearly indicate any change from the initial report and all reasons for such changes.

### **310.5 Unsafe Conditions:**

1. Within twenty-four (24) hours of being notified of an Unsafe condition by a Professional, the owner of a Billboard shall take any actions necessary to protect public safety, such as closing sidewalks, providing fences, and/or safety netting. Such actions shall be considered as an effort to remedy an emergency situation and appropriate permit applications shall be submitted within the next three (3) days to the code official.
2. Within ten (10) days of the receipt or filing of a report identifying an Unsafe condition, the owner of a Billboard shall commence work to correct the condition and work shall continue without interruption until the Unsafe condition has been corrected, unless there has been an unforeseen delay (e.g. weather, labor strike). Within two weeks after the Unsafe condition has been corrected, the Professional shall reinspect the Billboard and file with the code official a detailed amended report stating the condition of the Billboard.
3. If the condition of the billboard represents an immediate hazard and the potential for an imminent collapse, the owner and the Township shall be notified immediately and any safeguards to protect the area shall be started immediately.

### **310.6 Conditions That Are Safe With a Repair and Maintenance Program:**

The owner of the Billboard is responsible for ensuring that the conditions described in the report as "Safe with a Repair and Maintenance Program" are repaired and the actions identified by the Professional are completed within the time frame designated by the Professional or by such time necessary to prevent a condition from becoming an Unsafe condition, whichever is sooner

### **310.7 Extensions:**

1. The code official may grant an extension of time of up to ninety (90) days to begin the repairs required to remove an Unsafe condition or to repair a Safe with Repair and Maintenance Program condition, after receipt and review of an initial extension application submitted by the Professional which includes:
  - (a) Proof that the premises have been made safe.

- (b) A copy of the contract indicating the scope of work necessary to remedy the Unsafe condition(s).
    - (c) The Professional's estimate of the length of time required for repairs, and a notarized affidavit by the owner of the Billboard or its agent that work will be completed within such time.
  - 2. A further extension of time will be considered by the code official only upon receipt and review of a further extension application which details that one of the following is met:
    - (a) The work has been substantially completed, but there has been an unforeseen delay (e.g. weather, labor strike).
    - (b) Unforeseen circumstances.
    - (c) The nature of hazard requires more than 90 days to remove.
- V. New sections 504.4, Sewer/utility vents, cleanouts and covers, 504.5 Hose Bibs, 504.6 Sink strainers and 504.7 Backflow Preventors shall be added to provide as follows:
  - 504.4 Sewer/utility vents, cleanouts and covers:** All sewer/utility vents and cleanouts shall be capped and properly secured.
  - 504.5 Hose bibs:** All hose bibs shall have a vacuum breaker installed in accordance with the Uniform Construction Codes adopted by Lower Merion Township when plumbing work is being performed in the building that requires a plumbing permit.
  - 504.6 Sink strainers:** All sinks shall have a strainer installed in accordance with the Uniform Construction Codes adopted by Lower Merion Township.
  - 504.7 Backflow Preventers:** After a flooding condition caused by a backup from the Township's sanitary sewer system, a backwater valve shall be installed in the building drain, branch of the building drain or horizontal branch serving any plumbing fixture whose flood level rim is below the elevation of the next upstream manhole cover in the public sewer servicing the building.
- W. Section 602.3 shall be amended to provide as follows:
  - 602.3 Heat:** 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 supply heat so as to maintain a temperature of not less than sixty-eight degrees Fahrenheit 68°F(20°C) in all habitable rooms, bathrooms and toilet rooms. All heat shall be supplied exclusively by a central-type heating system or systems and shall not be augmented by any portable-type heaters or cooking devices. The temperature shall be measured at a point three (3) feet above the floor and three (3) feet from any exterior wall

Exception: When the exterior temperature falls below zero degrees Fahrenheit (0°F)(-17.78°C)and the heating system is operating at its full capacity, a minimum room temperature of sixty-three degrees Fahrenheit (63°F.)(17.22°C) shall be maintained at all times.

X. Section 602.4 shall be amended to provide as follows:

**602.4 Other Structures:** Every owner of any structure who rents, leases or lets the structure or any part thereof on terms, either expressed or implied, to furnish heat to the occupant thereof shall supply sufficient heat so as to maintain a room temperature of not less than sixty-five degrees Fahrenheit (65°F.)(18.33°C) during all working hours. All heat shall be supplied exclusively by a central-type heating system or systems and shall not be augmented by any portable type heaters. The temperature shall be measured at a point of three (3) feet above the floor and three (3) feet from any exterior wall.

**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.

Y. Section 605.2 shall be amended to provide as follows:

**605.2 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. All bathroom receptacle outlets shall have ground fault circuit interrupter protection

Z. A new section 605.4 Light Switches shall be added to provide as follows:

**605.4 Light Switches:** Light switches are required at the top and bottom of stairs in one and two family dwellings that operate at least one light fixture that is capable of lighting the entire stairway.

AA. Appendix “A”, Boarding Standards, sections A101.1, General, and A102.3, Boarding fasteners, shall be amended to provide as follows:

**A101.1 General:** All windows and doors shall be board in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

Exception: The painting of boards shall only be required when said boards are to remain in place for more than sixty (60) days.

**A102.3 Boarding fasteners.** Boarding fasteners shall be minimum 3/8 – inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*. The use of boarding fasteners, as described, shall not be required when boarding structures for less than sixty (60) days unless signs of break-in or illegal entry become evident.

**Section 3.** The Code of the Township of Lower Merion, Chapter A-167, entitled Fees, as such fees relate to Chapter 92, shall be amended to add the following fee:

Chapter 92, Housing-Property Maintenance

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Dumpster permit fee	\$25.00
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**Section 4.** Nothing in this Ordinance or in Chapter 92 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 92 prior to the adoption of this amendment.

**Section 5.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Section 6.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

\_\_\_\_\_  
Daniel S. Bernheim, President

Attest:

\_\_\_\_\_  
Jody L. Kelley, Secretary