

ORDINANCE NO. 739

AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH

Whereas, pursuant to the Borough Code of Pennsylvania, a Borough has the power to enact and enforce ordinances regulating buildings and housing with respect to the use and occupancy thereof; and

Whereas, pursuant to the Borough code of Pennsylvania, a Borough has the authority to adopt by reference all or any portion of a standard or nationally recognized code as an ordinance of the Borough; and

Whereas, the Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania, desires to adopt by ordinance the 2003 edition of the International Property Maintenance Code as the property maintenance code of the Borough governing the conditions and maintenance of all property, buildings and structures, 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, providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Borough of Mount Penn, providing for the issuance of permits and collection of fees therefore, and repealing any ordinances or parts of ordinances in conflict therewith.

Be it enacted and ordained by the Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. ADOPTION OF THE PROPERTY CODE

The 2003 International Property Maintenance Code (Code"), as published by the International Code Council, is hereby adopted as the property maintenance code of the Borough of Mount Penn, Berks County, Pennsylvania, regulating and governing the conditions and maintenance of all property, buildings and structures, 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, providing for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of the demolition of such existing structures in the Borough of

Mount Penn, providing for the issuance of permits and collection of fees therefore, and repealing any ordinances or parts of ordinances, in conflict therewith. All regulations, provisions, penalties, conditions and terms of the Code are hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, except as provided herein.

SECTION 2. AMENDMENTS AND MODIFICATIONS

The following sections of the Code are hereby amended and modified as set forth herein:

A. In Section 101.1 of the Code, delete "NAME OF JURISDICTION" and replace it with the Borough of Mount Penn.

B. Section 103 of the Code, the title shall read as follows

BUILDING CODE OFFICIAL AND DUTIES

C. Section 103.1 of the Code is deleted in its entirety and replaced with the following:

"103.1 Creation of the Office of the Building Code Official. The office of Building Code Official is hereby created and the executive official(s) in charge thereof shall be known as the Building Code Official."

D. Section 103.2 of the Code is deleted in its entirety and replaced with the following:

"103.2 Appointment. The Building Code Official shall be appointed by Borough Council and shall serve at the pleasure of Borough Council."

E. Section 103.5 of the Code is deleted in its entirety and replaced with the following:

"103.5 Fees. The fees for all work, permits, charges, etc. shall be paid in accordance with the fee schedule resolution in effect at the time application is made".

F. In section 104.7 of the Code, the title shall read as follows:

"Building Code Official's Records"

G. Section 106.3 and 106.4 of the Code are deleted in their entirety, and replaced with the following new Section 106.3:

"106.3 Prosecution of violation. Persons who violate any provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provision of this Code, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000 per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

H. Section 106.5 of the Code shall be numbered as Section 106.4 and the phrase, "legal officer of the jurisdiction" shall be deleted and replaced with "Borough Council".

I. In section 107.2 of the Code, delete item 6 in its entirety.

J. In Section 107.4 of the Code, delete the reference to 106.4 and replace it with "Section 10.3".

K. Section 111 of the Code is deleted in its entirety, and replaced with a new Section 111 as follows:

- a. **"111 Appeals.** The creation of the board of appeals and its authority and qualifications, and the filing of appeals shall be in accordance with Sections 403.121 and 403.122 contained in 34 Pa Code, Chapter 403."

L. Section 202 of the Code is amended to include the following additional definitions:

"Occupied. As applied to a building or portion thereof, shall be construed as though followed by the words, "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy."

"ONE FAMILY DWELLING. A building containing one dwelling unit."

"TWO FAMILY DWELLING. A building containing two dwelling units."

M. In Section 202 of the Code under the definition of "owner", delete the phrase "if ordered to take possession of real property by a Court".

N. A new Section 301.2.1 is added under current Section 301.2 of the Code:

"301.2.1. Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass area between the curb and the property line".

O. A new Section 302.3.1 is added under 302.3 of the Code:

"302.3.1. Where sidewalks exist, the parties responsible for the sidewalks, as set forth in Section 301.2.1 of the Code, shall have at least a two-foot wide path cleared of snow and ice within 24 hours after the cessation of the snowfall.

Exception: When more than twelve (12) inches of snow has fallen, those parties responsible for the sidewalks shall have at least a two-foot wide path cleared of snow and ice within 48 hours after the cessation of the snowfall."

P. A new Section 302.4.2 is added under current Section 302.4 of the Code:

"302.4.2. The Building Code Official, or any officer or employer of the Borough designed for this purpose, is hereby authorized to give notice, by personal service or United States mail to the owner or occupant or any adult person in charge of said premises, as the case may be, of any property wherein grass or other vegetation is in violation of Section 302.4 or Section 302.4.1 of the Code, directing and requiring such occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance with 5 days after issuance of such notice.

Whenever, in the judgment of the Building Code Official, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found, or because a search for the owner or occupant would entail unreasonable delay, the Borough or any officer or employee of the Borough designated thereby for that purpose, may give notice

by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten percent (10%) of the costs thereof, shall be collected by the Borough from such person, firm or corporation, in the manner provided by law and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance."

Q. Section 302.8 of the Code is deleted in its entirety and replaces with the following:

"302.8 Motor vehicles. Except as provided for in other regulations, only one intact inoperative or unlicensed motor vehicle shall be parked, stored, or kept on any premises. 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."

R. A new section 302.8.1 is added under current 302.8 of the Code:

"302.8.2 Registered motor vehicles are prohibited from parking on any non-paved area in front or side yards of a property for a period of 12 hours. Motor vehicles may be parked on non-paved areas in the rear yard provided that a solid fence, a minimum of 6 feet tall, is erected around the rear yard in order to screen the contents of the yard from surrounding neighbors."

S. In Section 304.14 of the Code, delete the first reference to _____ and replace it with "May 15th", and delete the second reference to _____ and replace it with "October 15th".

T. In Section 602.3 of the Code, delete the first reference to _____ and replace it with "October 1st", and delete the second reference to _____ and replace it with "May 1st".

U .In Section 602.4 of the Code, delete the first reference to _____ and replace it with "October 1st", and delete the second reference to _____ and replace it with "May 1st"

V. Delete all reference to THE BUILDING OFFICIAL and "code official" throughout the Code, and replace it with "Building Code Official".

W. Delete all reference to THE GOVERNING BODY throughout the Code, and replace it with "Borough Council".

SECTION 3. REPEALER

All ordinance or parts of ordinances conflicting with the provision for this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 4. SEVERABILITY

The provisions of this Ordinance are severable, and if any section, Sentence, clause or provision hereof 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 or provision of this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective after due advertising of the same.

ENACTED AND ORDAINED into an Ordinance this 29th day of June, 2004.

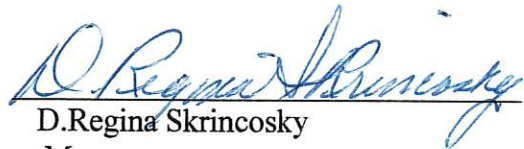
BOROUGH OF MOUNT PENN

By Thomas A. Staron
Thomas A. Staron
President

Attest:

Ann D. Ftorski
Ann D. Ftorski
Secretary

APPROVED this 29th day of June, 2004.


D. Regina Skrincosky
Mayor

**BOROUGH OF MOUNT PENN
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 740

**AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY,
PENNSYLVANIA, REGULATING THE USE OF UNLICENSED MOTORIZED
SCOOTERS ON PUBLIC STREETS, SIDEWALKS, ALLEYS AND PARKS
WITHIN THE BOROUGH OF MOUNT PENN.**

Be it enacted and ordained by the Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by authority of the same, as follows:

**SECTION 1. A. UNLICENSED MOTORIZED OBJECTS NOT TO BE
OPERATED ON PUBLIC STREETS**

Immediately upon the enactment of this Ordinance, it shall be illegal for anyone to operate an unlicensed motorized scooter, or other similar unlicensed motorized object on the public street, sidewalks, public alleys and public parks with the Borough of Mount Penn.

B. MOTORIZED SCOOTER

A motorized scooter is defined as a two tandem-wheeled vehicle that is powered by an engine or electric motor, with or without a seat.

SECTION 2. Violation

Any individual violating the provision of this Ordinance shall be subject to a fine of Twenty-five Dollars (\$25.00) for each and every offense, and, if a minor, subject to the penalties as provided by the Youth Aid Panel of the Borough of Mount Penn.

SECTION 3. Severance Clause

The provision of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid or beyond the power of the Borough of Mount Penn to prohibit the decision so holding, the validity of the remaining portions of this Ordinance shall be construed to be unaffected, and it is hereby declared as the intent of the Borough Council for the Borough of Mount Penn that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.