

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

ORDINANCE NO. 803

**AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY,
PENNSYLVANIA, ADOPTING THE 2009 INTERNATIONAL PROPERTY
MAINTENANCE CODE, WITH AUTOMATIC ADOPTION OF REVISED EDITIONS.**

NOW, THEREFORE, be it ENACTED AND ORDAINED by the Borough Council of the Borough of Mount Penn, Berks County, Pennsylvania, as follows:

Section 1. That a certain document, the same being marked and designated as the *International Property Maintenance Code*, as published and amended from time to time by the International Code Council, with the current version being the 2009 edition thereof, be and is hereby adopted with any subsequent republications or amendments as the Property Maintenance Code of the Borough of Mt. Penn, Berks County, 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 Borough of Mt. Penn 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. The following sections of the said *International Property Maintenance Code, 2009 edition as amended* are hereby revised as follows:

Section 101.1 Insert: "Borough of Mount Penn

Section 103.5 Delete the text in this Section and replace with the following:

"The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be in accordance with a fee schedule adopted by the Borough, by resolution, from time to time."

Section 106.3 Delete the text in this Section and replace with the following:

"Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense, and the violation shall be a strict liability offense. If the 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."

Section 112.4 Delete the text in this Section and replace with the following:

"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 pay a fine of up to One Thousand Dollars (\$1,000.00), as provided for under the Penalties section of this Ordinance."

Section 302.4 Insert: "ten inches (10")"

Section 304.14 Insert: April 1st and September 30th

Section 602.3 Insert: "September 1st and May 1st"

Section 602.4 Insert: September 1st and May 1st

Section 3. Nothing in this Ordinance 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 Section 2 and Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affect by this Ordinance.

Section 4. This Ordinance shall be enforced by the Borough Code Enforcement Officer.

Section 5. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand and 00/100 Dollars (\$1,000.00). Each day that the violation exists shall constitute a separate violation and therefore a separate fine. Nothing contained herein shall prevent the Borough from enforcing this Ordinance by any other equitable, injunctive or legal remedies.

Section 6. All other ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as the same affects this Ordinance.

Section 7. In the event that any provision, section, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Borough of Mt. Penn that such remainder shall be and remain in force and effect.

Section 8. This Ordinance shall become effective within five (5) days from the date of enactment as provided by law.

ENACTED AND ORDAINED this 14th day of August 2012.

BOROUGH COUNCIL OF THE
BOROUGH OF MOUNT PENN

By: Thomas A. Staw
President

ATTEST:
Christina Haugh
Secretary

APPROVED as an ordinance this 14th day of August, 2012.

[Signature]
Mayor