

CHAPTER 5
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Part 1

Uniform Construction Code

§101. Election to Administer and Enforce.

The Borough of Mohnton hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 through 7210.1103, as amended from time to time, and its regulations. (Ord. 678, 6/9/2004, §1)

§102. Adoption of Code.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Mohnton. (Ord. 678, 6/9/2004, §2)

§103. Administration and Enforcement.

Administration and enforcement of the code within the Borough of Mohnton shall be undertaken in any of the following ways, as determined by the governing body of the Borough of Mohnton from time to time by resolution:

- A. By the designation of an employee of the Borough of Mohnton to serve as the municipal code official to act on behalf of the Borough of Mohnton.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Mohnton.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the joint administration and enforcement of this Act on behalf of the Borough of Mohnton.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 678, 6/9/2004, §3)

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§104. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of the Borough of Mohnton in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities. (Ord. 678, 6/9/2004, §4)

§105. Effect on Other Regulations.

1. All building code ordinances or portions of ordinances which were adopted by the Borough of Mohnton before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of this Part.
3. All relevant ordinances, regulations and policies of the Borough of Mohnton not governed by the code shall remain in full force and effect.

(Ord. 678, 6/9/2004, §5)

§106. Fees.

Fees assessable by the Borough of Mohnton for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the governing body by resolution from time to time. (Ord. 678, 6/9/2004, §6)

§107. Violations and Penalties.

Any individual violation the provisions of this Part shall be subject to a fine not to exceed \$1,000 for each and every violation and for each and every day. (Ord. 678, 6/9/2004, §7)

Part 2

Property Maintenance

§201. Adoption of 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 Mohnton, 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 demotion or the demolition of such existing structures in the Borough of Mohnton; providing for the issuance of permits and collection of fees therefor, 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 Part, except as provided herein. (Ord. 679, 7/14/2004, §1)

§202. 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 Mohnton."
- B. In 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:

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"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. Sections 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 provisions 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 renumbered 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 Section 106.4 and replace it with "Section 106.3."

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

"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 his/her property line and the cartway, including the curb, the sidewalk and the grass area between the curb and the property line."

- O. A new Section 302.3.1 is added under current Section 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 12 inches of snow has fallen, those parties responsible for the sidewalk 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 the current Section 302.4 of the code:

"302.4.2 The Building Code Official, or any officer or employer of the Borough designated 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 Part within five 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 five 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 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."

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- Q. Section 302.8 of the code is deleted in its entirety and replaced 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 Section 302.8 of the code:
- "302.8.1 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 nonpaved areas in the rear yard, provided that a solid fence, a minimum of six 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 [DATE] and replace it with "May 15" and delete the second reference to [DATE] and replace it with "October 15."
- T. In Section 602.3 of the code, delete the first reference to [DATE] and replace it with "October 1" and delete the second reference to [DATE] and replace it with "May 1."
- U. In Section 602.4 of the code, delete the first reference to [DATE] and replace it with "October 1," and delete the second reference to [DATE] and replace it with "May 1."
- V. Delete all references to the "Building Official" and "code official" throughout the code and replace them with "Building Code Official."
- W. Delete all reference to the "governing body" throughout the code and replace them with "Borough Council."

(Ord. 679, 7/14/2004, §2)