

**TOWNSHIP OF PENN
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007-03

**AN ORDINANCE OF PENN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, ADOPTING THE 2006 EDITION OF THE
INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE
PROPERTY MAINTENANCE CODE OF THE TOWNSHIP**

WHEREAS, pursuant to Section 1517 of the Second Class Township Code, 53 P.S. § 66517, a second class township has the power to enact and enforce ordinances regulating buildings and housing with respect to the use and occupancy thereof; and

WHEREAS, pursuant to Section 1601 of the Second Class Township Code, 53 P.S. § 66601, a second class township has the authority to adopt by reference all or any portion of a standard or nationally recognized code as an ordinance of the township; and

WHEREAS, the Board of Supervisors of Penn Township, Berks County, Pennsylvania, desires to adopt by ordinance the 2006 edition of the International Property Maintenance Code as the property maintenance code of Penn Township (“Township”), 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 Township, 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 Board of Supervisors of Penn Township, Berks County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. ADOPTION OF THE PROPERTY MAINTENANCE CODE

The 2006 International Property Maintenance Code (“Code”), as published by the International Code Council, is hereby adopted as the property maintenance code of the Township, 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 such existing structures in the Township, 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 “Penn Township”.

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

PROPERTY MAINTENANCE CODE OFFICIAL

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 Property Maintenance Code Official. The office of Property Maintenance Code Official is hereby created and the executive official(s) in charge thereof shall be known as the Property Maintenance Code Official. The Property Maintenance Code Official is also referred to herein at times as the code official.”

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

“103.2 Appointment. The Property Maintenance Code Official shall be appointed by resolution of the Board of Supervisors from time to time and shall serve at the pleasure of the Board of Supervisors on behalf of the Township.”

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, activities and services performed by the Code Official in carrying out his/her responsibilities under the Code shall be established by the Board of Supervisors of the Township by resolution from time to time.”

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

“Property Maintenance Code Official’s Records”

G. Section 106.3 is deleted in its 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 Property Maintenance 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 \$1,000.00 per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

H. In Section 106.5 of the Code, delete “legal officer of the jurisdiction” and replace with “Board of Supervisors”.

I. In Section 111.2 of the Code, delete “a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction” and replace with “Board of Supervisors”. In Section 111.2, delete “The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms” and replace with “The Township Solicitor shall serve as solicitor for the board of appeals”.

J. Sections 111.2.1 and 111.2.2 should be deleted in their entirety.

K. Section 111.2.3, “Disqualification of member”, should be renumbered as Section 111.2.1.

L. Sections 111.2.4 and 111.2.5 should be deleted in their entirety.

M. In Section 111.3 of the Code, delete “upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings” and replace with “at the regularly scheduled Supervisor’s Meeting held the fourth Monday of every month at 7:00 p.m. Appeals received less than fourteen (14) days prior to the next scheduled meeting, will be heard at the following month’s meeting”.

N. In Section 202 of the Code, add the definition of noxious weeds as being defined as “those weeds listed by the Commonwealth of Pennsylvania through the Department of Agriculture as being noxious”.

O. In Section 302.4 of the Code, delete “(jurisdiction to insert height in inches)” and replace with “ten inches (10)”. In Section 302.4 of the Code, the following language is added to address agricultural fields which are left vacant, “On those properties containing more than three (3) acres and conducting an agricultural use in compliance with the Township’s Zoning Ordinance, agricultural fields or pasture areas which are left vacant for crop rotation or special agricultural programs, will be given latitude to allow vegetation growth in excess of ten inches (10”), provided there are no noxious weeds present”.

P. In Section 304.14 of the Code, delete “[DATE] to [DATE]” and replace it with “May 15 to October 15”.

Q. In Section 602.3 of the Code, delete “[DATE] to [DATE]” and replace it with “October 1 to May 1”.

R. In Section 602.4 of the Code, delete “[DATE] to [DATE]” and replace it with “October 1 to May 1”.

S. Delete all references to “[THE BUILDING OFFICIAL]” throughout the Code, and replace it with “Property Maintenance Code Official”.

T. Delete all references to “[THE GOVERNING BODY]” throughout the Code, and replace it with “the Board of Supervisors”.

SECTION 3. REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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 provisions of this Ordinance. It is hereby declared to be the intent of the Board 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 five (5) days after enactment.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Penn Township, Berks County, Pennsylvania, this 24th day of September, 2007.

BOARD OF SUPERVISORS OF PENN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: KYLE P. LODER
Chairman

DAVID B.HIMMELBERGER
Member

TODD L. LEONHARD
Member

ATTEST: SHARON D. HARRISON
Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2007-03 of Penn Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on September 24, 2007.

WITNESS my hand and seal this 24th day of September, 2007.

SHARON D. HARRISON
Secretary, Penn Township