

Upper Bern Township Ordinance Number 137 - 2016

An Ordinance of Upper Bern Township, Berks County, Pennsylvania, adopting the provisions established by the 2009 Edition of the International Property Maintenance Code, as may be revised, updated or amended by the International Code Council or other agency with jurisdiction. This Ordinance may also be referenced as the Upper Bern Township Property Maintenance Code.

Now therefore, be it enacted and ordained by Upper Bern Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same:

Section 1: General Provisions.

- (A) The Upper Bern Township Board of Supervisors hereby adopts the 2009 Edition of the International Property Maintenance Code, including the provisions for: administration; definitions; general requirements; light, ventilation and occupancy limitations; plumbing facilities and fixture requirements; mechanical and electrical requirements; fire safety requirements; and referenced standards.
- (B) Unless otherwise specified by Upper Bern Township, all future revisions, updates or amendments to the 2009 Edition of the International Property Maintenance Code shall be considered as part of this Ordinance.

Section 2: Designated Code Official and Appeals Board.

- (A) The Upper Bern Township Board of Supervisors hereby designates the Upper Bern Township Zoning Officer and/or the Upper Bern Township Building Code Official as the Code Officials to administer, review and enforce the provisions specified by the Property Maintenance Code.
- (B) The Upper Bern Township Board of Supervisors may authorize the Upper Bern Township Engineer and Sewage Enforcement Officer to assist the Code Officials.
- (C) The provisions relating to the establishment, duties and application fees for the Upper Bern Township Property Maintenance Appeals Board have been established by Upper Bern Township.

Section 3: Exclusions and Conflicting Regulations.

- (A) The following provisions of the International Property Maintenance Code shall be excluded from the Upper Bern Township Property Maintenance Code:
 - (1) Any conflicting regulations for "swimming pool, spas and hot tubs", which have been adopted as part of the Upper Bern Township Zoning Ordinance and the Uniform Construction Code.
 - (2) Any conflicting regulations for "tall grass and weeds", which have been adopted as part of the Upper Bern Township Ordinance 106-2010.
 - (3) Any conflicting regulations for "motor vehicles" which have been adopted as part of the Upper Bern Township Zoning Ordinance.
 - (4) Should any other conflicts be discovered between the Upper Bern Township Property Maintenance Code and other Upper Bern Township Ordinances, the other Upper Bern Township Ordinance shall govern.

- (B) The provisions specified by the Upper Bern Township Zoning Ordinance and the Uniform Construction Code shall not be revised or modified unless such revision or modification complies with the provisions specified by Upper Bern Township.

Section 4: Penalties

- (A) Any person who violates any provision of this Ordinance shall, upon conviction hereof before a court of competent jurisdiction, be sentenced to pay a fine of one thousand dollars (\$1,000.00) plus court costs and all other associated costs incurred by Upper Bern Township, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.
- (B) Unless otherwise authorized by the Upper Bern Township Board of Supervisors, a separate offense shall be deemed to have been committed for each and every day during or on which a violation(s) occurs.

Section 5: Repealer.

- (A) This Ordinance hereby repeals, in its entirety, Upper Bern Township Ordinance Number 108-2010.
- (B) Except as set forth herein, all other Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 6: Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 7: Effective Date. This Ordinance shall become effective within five (5) days after adoption.

Section 8: Municipal Enactment. Ordained and enacted this 8 day of September, 2016, by a vote of: 3 Yes; 0 No; 0 Abstained; 0 Absent.

Upper Bern Township Board of Supervisors

By: Emi Stutz

Nancy A. Hartman

Rodney Zick

Attest:

Inyaf Ochonen
Upper Bern Township Secretary