

ORDINANCE NO. 214, 2013

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 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 IN TILDEN TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 148 OF 2004 OF TILDEN TOWNSHIP AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Part 2, entitled "Property Maintenance Code", of Chapter VI, entitled "Code Enforcement", of the Code of Ordinances of Tilden Township is hereby amended and restated in its entirety as follow:

"Part 2

Property Maintenance Code

Section 201. Adoption of Property Maintenance Code. That a certain document, three (3) copies of which are on file in the Office of the Secretary of Tilden Township, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Tilden Township, in the Commonwealth of 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, the

condemnation of buildings and structures unfit for human occupancy and use, the demolition of such existing structures, and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the Secretary of Tilden Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed as follows:

Section 101.1 Title is amended and restated in its entirety as follows:

"Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of Tilden Township, Berks County, Pennsylvania, hereinafter referred to as the "code".

Section 103.5 Fees is amended and restated in its entirety as follows:

"Section 103.5 Fees. Fees assessable by Tilden Township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of Tilden Township by resolution from time to time."

Section 112.4 Failure to Comply is amended and restated in its entirety as follows:

"Section 112.4 Failure to Comply. 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 a fine of not less than Three Hundred Dollars (\$300.00) or more than One Thousand Dollars (\$1,000)."

Section 302.4 Weeds is amended and restated in its entirety as follows:

"Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches (6"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to

comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property."

Section 304.14 Insect Screens is amended and restated in its entirety as follows:

"Section 304.14 Insect Screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed"

Section 602.3 Heat Supply is amended and restated in its entirety as follows:

"Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to April 30 to maintain a minimum temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained."

Section 602.4 Occupiable Work Spaces is amended and restated in its entirety as follows:

"Section 602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to April 30 to maintain a minimum temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities."

Section 202. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair the validity of any of the remaining provisions, sections, subsections, sentences, clauses, or phrases of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tilden Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part, section, subsection, sentence, clause or phrase thereof not been included herein."

SECTION 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance, including Ordinance No. 148 of 2004, are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 3. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on the earliest date permitted by law following the date of enactment

SECTION 4. 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. The Code of Ordinances of Tilden Township, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Tilden Township, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 8th day of August, 2013.

TILDEN TOWNSHIP
BOARD OF SUPERVISORS

Russell H. Werley
Russell Werley, Chairman

Gene D. Schappell
Gene Schappell, Vice Chairman

Carl Spatz
Carl Spatz

Attest: Cheryl A. Haus
(Assistant) Secretary

[SEAL]