

BOROUGH OF ST. LAWRENCE
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 442 PROPOSED

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA ADOPTING THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), 2015 EDITION AS MODIFIED, AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH.

WHEREAS, the purpose of this Ordinance is to promote the general health, safety, and welfare of the citizens of the Borough of St. Lawrence, Berks County, Pennsylvania, by 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 the Borough of St. Lawrence; and,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough of St. Lawrence, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. The International Property Maintenance Code, 2015, as modified, is hereby adopted as the Property Maintenance Code for the Borough of St. Lawrence, as follows:

- A. Adoption of Property Maintenance Code. That a certain document, three (3) copies of which are on file in the Office of the Secretary of the Borough of St. Lawrence being marked and designated as the International Property Maintenance Code, 2015 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of St. Lawrence, Commonwealth of Pennsylvania for regulating and governing the condition 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 for 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 St. Lawrence are hereby referred to, adopted, and made a part hereof, as if fully set out in this section.
- B. Modifications. The following Sections of the International Property Maintenance Code, 2015 Edition, are modified as follows:

- 1) Section 101.1. Title. Insert – Borough of St. Lawrence
- 2) Section 103. Change Section title to “Borough Local Codes Enforcement Officer,” and substitute references throughout subsections from “Department of Property Maintenance Inspection” to “Borough Local Codes Enforcement Officer.” The “Borough Local Codes Enforcement Officer” shall be referred to throughout the Ordinance as the “code official.”
- 3) Section 103.3. Delete, and sequentially re-number remaining subsections.
- 4) Section 103.5 Insert - Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this particular code shall be established by the Borough Council of the Borough of St. Lawrence by resolution from time to time.
- 5) Section 106.3 is amended and restated in its entirety as follows:

“106.3 Prosecution of Violation. 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 or civil infraction as determined by the local municipality, and the violation shall be deemed 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.”

- 6) Section 111.1. Titled “Application for appeal” is amended and restated in its entirety as follows.:

111.1 “Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Appeals, provided that a written application on a form prescribed by the Board of Appeals and/or Borough Council, along with the application fee, is filed within ten (10) days after the date of the decision, notice, or order was served. If such appeal is not made the decision of the code official shall be considered final. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

- 7) Section 301.2. "Responsibility" –Replace as the last sentence:

"Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control, jointly and severally with the owners."

- 8) Section 302.4 "Weeds." Insert – "ten (10) inches" Add after the word "thereon" that "the costs of removal, together with additional fees for collection, shall be paid by the owner or agent responsible for the property."

- 9) Section 302.8 - Replace with the following:

"302.8. Motor Vehicles: Except as provided for in other regulations, no unregistered, uninspected, or unlicensed motor vehicle shall be parked on any premises, and no inoperative vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: 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.

- 10) Section 304.14 Insert - April 1 to November 1.

- 11) Section 309 "Pest Elimination" – Replace with the following:

Section 309.3 – Single Occupant - The owner and/or occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

Section 309.5 – Occupant – The occupant and/or owner of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

- 12) Section 402.1. Delete and renumber sequentially all remaining subsections.

- 13) Section 403.1. Delete and renumber sequentially all remaining subsections.

- 14) Section 602.3 Insert - October 1 to June 1.

15) Section 602.4 Insert - October 1 to May 1

- C. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein."

SECTION 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 3. This Ordinance shall become effective on the earliest date permitted by applicable law.

SECTION 4. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or cause 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. In the event that any provision of any other Ordinance addressing identical subject matter is more stringent than the standards set forth herein, the more stringent standard shall apply.

DULY ENACTED AND ORDAINED this 13th day of December, 2018.

BOROUGH COUNCIL OF THE
BOROUGH OF ST. LAWRENCE

Attest: _____
Secretary

By: _____
(Vice)President of Council

Approved as an Ordinance of the Borough of St. Lawrence this 13th day of
December, 2018.

Gregory N. Zawilla, Mayor

MUNICIPAL CERTIFICATION

I, Susan D. Eggert, Secretary of the BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No _____ was advertised in the Reading Eagle, a daily newspaper of general circulation in the Borough of St. Lawrence, on _____, and was duly enacted and approved as set forth at a Regular Meeting of the Borough Council held on _____.

(Seal)

Borough Secretary

Date: _____, 20____