

BOROUGH OF ST. LAWRENCE  
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 399

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION, 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, and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor & Industry (hereinafter sometimes collectively referred to as the "Code"); and,

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

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, 2009, 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, 2009 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, 2009 Edition, are modified as follows:

1. Section 101.1. Title. Insert - Borough of St. Lawrence.

2. Section 103. Change Section title to "Borough Codes Enforcement Officer," and substitute references throughout subsections from "Department of Property Maintenance Inspection" to "Borough Codes Enforcement Officer." The "Borough 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 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."

8. 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.

9. Section 304.3, titled "Premises Identification," delete and renumber sequentially all remaining subsections.

10. Section 402.1. Delete and renumber sequentially all remaining subsections.

11. Section 403.1. Delete and renumber sequentially all remaining subsections.

12. Section 304.14 Insert - April 1 to November 1.

13. Section 602.3 Insert - October 1 to June 1.

14. 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.

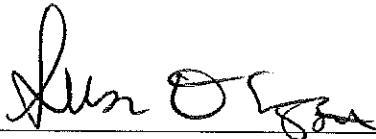
SECTION 3. This Ordinance shall become effective on the earliest date permitted by applicable law.

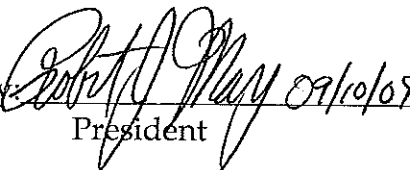
SECTION 4. That nothing in this Ordinance, the Uniform Construction Code, or the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or cause of action acquired or existing, under 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.

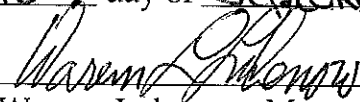
DULY ENACTED AND ORDAINED this 10<sup>th</sup> day of September, 2009.

BOROUGH COUNCIL OF THE  
BOROUGH OF ST. LAWRENCE

Attest:   
Secretary

By:  09/10/09  
President

Approved as an Ordinance of the  
Borough of St. Lawrence this  
10<sup>th</sup> day of September 2009.

  
Warren Lubenow, Mayor

### Proof of Publication of Notice in Reading Eagle

Under Act No. 587, Approved May 16, 1929.

Commonwealth of Pennsylvania, }  
County of Berks } ss:

Lynn Schittler, Assistant Secretary, READING EAGLE COMPANY, of the County and Commonwealth aforesaid, being duly sworn, deposes and says that the READING EAGLE established January 28, 1868 is a newspaper of general circulation published at 345 Penn Street, City of Reading County and State aforesaid, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular edition and issues of the said READING EAGLE on the following dates, viz.:

Reading Eagle

Thursday, August 27, 2009, A.D.

Effective July 1, 2002 Reading Times Ceased Publication. The Reading Eagle will be a daily morning and Sunday edition.

Affiant further deposes that this person is duly authorized by READING EAGLE COMPANY, a corporation, publisher of said READING EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place, character of publication are true.

Copy of Notice or Publication

Lynn Schittler

Sworn to and subscribed before me this 27th day of August, 2009

Notary

#### Statement of Advertising Costs

*international property m*

ST. LAWRENCE BOROUGH  
BOROUGH MANAGER  
3540 ST. LAWRENCE AVENUE  
READING, PA 19606

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
THERESA M. SASSAMAN NOTARY PUBLIC  
CITY OF READING, BERKS COUNTY  
MY COMMISSION EXPIRES OCT 28, 2010

To READING EAGLE, DR.:

For publishing the notice or publication attached hereto on the above stated dates	\$148.20
Probating same	\$5.00
<b>Total</b>	<b>\$153.20</b>

#### Publisher's Receipt for Advertising Costs

The READING EAGLE COMPANY, publisher of the READING EAGLE, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies the same have been duly paid.

READING EAGLE COMPANY, a Corporation

By

#### NOTICE

The Borough Council of the Borough of St. Lawrence will consider the adoption of an ordinance at its meeting on Thursday, September 10, 2009 at 7:30 p.m. at the Borough of St. Lawrence Municipal Building, 3540 St. Lawrence Avenue, Reading, Pennsylvania 19606. A summary of the ordinance is as follows:

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Copies of the full text of the ordinance may be examined without charge or obtained for a charge not greater than the cost thereof at the Borough of St. Lawrence Municipal Building, 3540 St. Lawrence Avenue, Reading, PA 19606, at the Berks County Law Library, Berks County Courthouse, Sixth and Court Streets, Reading, PA 19601, and at the Reading Eagle-Times, 345 Penn Street, Reading, PA 19601.

Joan E. London, Esquire  
Solicitor, Borough of  
St. Lawrence