

**Ordinance Number 925**

**An Ordinance of the Borough of Mohnton, Berks County, Pennsylvania adopting the 2018 Edition of the International Property Maintenance Code as the Property Maintenance Code of the Borough of Mohnton and repealing inconsistent ordinances.**

Whereas, pursuant to the Borough Code of Pennsylvania, a Borough has the power to enact and enforce ordinances regulating buildings and housing with respect to the use and occupancy thereof; and

Whereas pursuant to the Borough Code of Pennsylvania, a Borough has the authority to adopt by reference all or any portion of a standard or nationally recognized code as an ordinance of the Borough; and

Whereas Pursuant to the Borough Code of Pennsylvania a Borough has the power to enact and enforce ordinance regulating junk vehicle and providing for the health safety and welfare of its citizens; and

Whereas the Borough Council of the Borough of Mohnton, Berks County, Pennsylvania, desires to adopt by ordinance the 2018 edition of the International Property Maintenance Code as the Property Maintenance Code of the Borough governing 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 structures and areas are safe, sanitary, and fit for occupation and use, providing for the condemnation of buildings and structures unfit for occupation and use, the demolition of such existing structures in the Borough of Mohnton, providing for the removal of hazards and nuisances, providing for the issuance of permits and collection fees therefore, and repealing any ordinances or parts of ordinances in conflict therewith.

**Be it enacted and ordained** by the Borough Council of the Borough of Mohnton, Berks County, Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1 Adoption of the Property Maintenance Code**

The 2018 International Property Maintenance Code ("Code"), as published by the International Code Council, is hereby adopted as the property maintenance code of the Borough of Mohnton, Berks County, Pennsylvania, regulating and governing conditions and maintenance of all property building and structures, providing for the supplied utilities and facilities and other physical things and conditions essential to ensure that structures and areas are safe, sanitary and fit for occupation and use, providing for the condemnation of buildings and structures unfit for occupation and use, the demolition of such existing structures in the Borough of Mohnton, providing for the removal of hazards and nuisances, providing for the issuance of permits and

collection of fees therefore and repealing and 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 fully set forth in this ordinance except as provided herein.

## **Section 2 Amendment and Modifications**

The following sections of the code are hereby amended and modified as set forth herein:

1. In section 101.1 of the code, delete "Name of Jurisdiction" and replace it with "Borough of Mohnton"
2. In section 103 of the code, the title shall read as follows: "Building Code Official and Duties"
3. Section 103.1 of the code is deleted in its entirety and replaced with the following:  
**"103.1 Creation of the Office of the Building Code Official**  
The office of Building Code Official is hereby created and the executive official(s) shall be known as the Building Code Official"

4. Section 103.2 of the code is deleted in its entirety and replaced with the following:

**"103.2 Appointment**

The Building Code Official shall be appointed by the Borough council and serve at the Pleasure of the Borough Council"

5. Section 103.5 of the code is deleted in its entirety and replace with the following:

**"103.5 Fees**

The fees for all work, permits charges, etc., shall be paid in accordance with the fee schedule resolution in effect at the time the application is made"

6. Section 104.6 of the code, the title shall read

**"Building Code Official's Records"**

7. Section 106.3 and 106.4 of the code are deleted in their entirety and replaced with the following:

**"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 document or directive of the Building Code Official, or of a permit or certificate issued under provision of this Code, shall be guilty of a Summary Offense, punishable by a fine of not more

than \$1000 per violation. Each day that a violation continues after notice has been served shall be deemed a separate offense.”

8. Section 106.5 of the code shall be renumbered as section 106.4 and the phrase “legal officer of the jurisdiction” shall be deleted and replaced with “Borough Council”.
9. In Section 107.2 of the code, delete item 6 in its entirety and replace it with:  
“ 6. Only one notice will be given per each offense per calendar year”
10. In Section 107.5 of the code delete the reference to “Section 106.4” and replace it with “Section 106.3”
11. Section 111.2, 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, of the Code is deleted in its entirety and replaced with, “The board of appeals shall be Borough Council. Any member of the Borough Council shall not hear an appeal in which that member has a personal, professional, or financial interest. The Borough Solicitor shall serve as solicitor for the board of appeals.”
12. In Section 111.3 of the Code, delete “upon notice from the chairman, within 20 days of the filing of an appeal, or stated periodic meetings” and replace with “at the regularly scheduled Borough Council meeting the second Wednesday of every month at 7:00 p.m. Appeals received less than 14 days prior to the next scheduled meeting, will be heard at the following month’s meeting.”
13. Section 202 of the code is amended to include the following additional definitions:  
  
“**Occupied.** As applied to a building or portion thereof, shall be construed as though followed by the following words, ‘or intended, arranged or designed to be occupied, or having a certificate of use and occupancy’ ”  
  
“**One Family Dwelling.** A building containing one dwelling unit”  
  
“**Two Family Dwelling.** A building containing two dwelling units”  
  
“**Steep Grade.** A portion of a lot with a slope of more than 45 degrees from the horizontal and extending a minimum of 6 feet in the vertical”  
  
“**Motor Vehicle Nuisance:** A motor vehicle nuisance shall include any motor vehicle which, is not stored in an approved structure, cannot move under its own power, or has any of the following defects:

- a. Broken windshields, mirrors, or other glass with sharp edges
- b. One or more flat tires for more than seven (7) days
- c. Missing doors, windows, hood, trunk, or other body parts which could permit animal harborage
- d. Any body parts with sharp edges including holes resulting from rust
- e. Missing tires or wheels
- f. Upholstery which is torn or open which could result in animal harborage
- g. Broken headlamps or tail lamps with sharp edges
- h. Disassembled chassis or parts apart from the motor vehicle stored in a disorderly fashion or loose in the vehicle
- i. Protruding sharp edges from the chassis or body
- j. Broken vehicle frame suspended from the ground in an unstable matter
- k. Leaking or damaged oil pan, fuel tank, radiator or other fluid which could cause a fire or explosion or environmental damage
- l. Exposed battery containing acid
- m. Inoperable locking mechanisms for doors or trunk
- n. Damaged bumpers or other body parts pulled away from the perimeter of the vehicle.
- o. Broken grill with protruding edges
- p. Loose or damaged metal trim or clips.
- q. Broken antennae posing a hazard or suspended in an unstable manner.
- r. Suspended by jacks, blocks, ramps, or other similar means for a period of more than seven (7) days.
- s. Covered by a tarp, temporary structure, tent, or similar device either fully or partially.
- t. Any vehicle without current registration or inspection certificate.
- u. Any vehicle with an antique or classic car license plate not meeting the criteria of an antique or classic vehicle in accordance with PA Title 75.
- v. Such other defects which could threaten the health, safety, and welfare of the citizens of the Borough of Mohnton.

14. Section 202 of the Code under the definition of "Owner" delete the phrase "if ordered to take possession of real property by a court"

15. A new Section 301.2.1 is added under current section 301.2 of the code:

**"301.2.1** Where properties abut a public right of way, the abutting property owner shall be responsible for the maintenance of the area between their property and the cartway, including the curb, sidewalk and the grass area between the curb and the property line. The owner shall also be responsible for the removal of weeds from the area between the curb and the street. No

plantings shall be placed that interfere with the use of the sidewalk or overhang onto the sidewalk or curb. Tree branches shall be trimmed to 16 feet clear over the cartway and 8 feet clear over the sidewalk”

16. A new Section 302.3.1 is added under 302.3 of the Code:

“**302.3.1** where sidewalks exist, the parties responsible for the sidewalks, as set forth in section 301.2.1 of the code, shall have at least a two foot width path cleared of snow and ice within 24 hours after the cessation of the snowfall. Exception: When more than 12 inches of snow has fallen, those parties responsible for the sidewalk shall have at least an eighteen-inch-wide path cleared of snow and ice within 48 hours of the cessation of the snowfall. Where fire hydrants exist, the abutting property owner shall be responsible for clearing a path to and around the hydrant.”

17. Section 302.4 replace “Jurisdiction to insert height in inches” with “6 inches”

18. A new Section 302.4.1 is added under the current section 302.4 of the Code:

“**302.4.1 Exceptions:** The following exceptions to the height requirement are:

Undeveloped property may be kept in its natural state except that weeds and grass must be maintained to 6 inches of height in the right of way and kept from obstructing streets or sidewalks.

Steep grades may be covered in ground cover, which shall not be considered weeds or grass and may be kept at its natural height. Any weeds or grass intermixed with the ground cover shall be maintained at the ground cover height.”

19. A new Section 302.4.2 is added under the current Section 302.4 of the Code:

“**302.4.2** The Building Code Official, or any officer or employee of the Borough designed for this purpose is hereby authorized to give notice, by personal service or United States Mail, to the owner or occupant or any adult person in charge of said premises, as the case may be, of any property wherein grass or other vegetation is in violation of Section 302.4 of the code, directing and requiring such occupant or owner to remove, trim or cut such grass weeds or vegetation so as to conform to the requirements of this ordinance within 5 days after issuance of such notice. Only one such notice will be given per violation per calendar year.

Whenever in the judgement of the building code official, it shall appear to be impractical to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Borough or any officer or employee of the Borough designated for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough may order the removal, trimming or cutting of such grass, weeds, or vegetation and the cost thereof, together with a penalty of 10% of the costs thereof, shall be collected by the Borough from such person, firm or corporation, in the manner prescribed by law and may be entered as a municipal lien against the property and owner thereof, for the abatement of the nuisance”

20. Section 302.8 new sections are added:

**“302.8.1 Motor Vehicle Nuisances are prohibited”**

**“302.8.2 Registered motor vehicles are prohibited from parking on any non-paved area in front or side yards of a property for a period of more than 12 hours. Motor vehicles may be parked on non-paved areas in the rear yard provide that a solid fence, a minimum of 6 feet tall, is erected around the rear yard in order to screen the contents of the yard.”**

**“302.8.3 Trailers, campers, boats and similar items are prohibited to be stored on any premises unless:**

- (i) in an approved structure or
- (ii) currently registered and/or inspected for use on public highways in accordance with PA Title 75.”

21. In Section 304.14 of the code, delete the first reference to [Date] and replace it with “May 15th” and delete the second reference to [Date] and replace it with “October 15th”

22. In Section 308.3.1 delete ~~entirely and replace with “an approved leakproof, covered, outside garbage container”~~ “an approved incinerator unit in the structure available to occupants in each dwelling unit, or” and replace it with “and”

23. Add a new Section 308.3.3 "Garbage or recyclables Placed for Pickup – No garbage or recyclables may be placed at the curb prior to 24 hours before scheduled pick up; garbage and recyclable containers and unclaimed items must be removed from the curb within 24 hours after scheduled pickup"
24. Section 602.2 delete "unvented fuel burning"
25. Section 602.3 remove first reference to [Date] and replace it with "October 1" and replace the second [Date] with "May 1".
26. Section 602.4 of the code, delete the first reference to [Date] and replace it with "October 1st" and replace the second reference to [Date] and replace it with "May 1st"
27. Delete all references to "The Building Official" and "Code Official" throughout the code and replace it with "Building Code Official".
28. Delete all references to "The Governing Body" and replace it with "Borough Council".

### **Section 3 Repealing Inconsistent Ordinances**

Ordinances 311, 459, 648, 679 and 701 are hereby repealed.

### **Section 4 Repealer**

All ordinances or parts of ordinances conflicting with provisions of this ordinance are hereby repealed insofar as they are inconsistent with this ordinance.

### **Section 5 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 Borough council that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence or clause or provision had not been included herein.

### **Section 6 Effective Date**

The ordinance shall be effective 30 days after adoption.

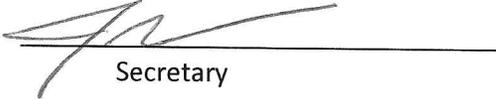
DULY ENACTED AND ORDAINED into an Ordinance this 10<sup>th</sup> day of March A.D. 2021.

MOHNTON BOROUGH COUNCIL

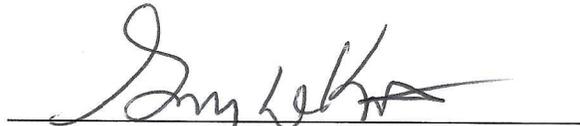


\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

Approved this 10<sup>th</sup> day of March A.D. 2021.

  
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Mayor