

ORDINANCE NO. 406

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2012 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 THE TOWNSHIP OF SPRING; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 346 OF THE TOWNSHIP OF SPRING AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Spring, 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 the Township of Spring 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 the Township of Spring, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Spring, 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; 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 therefor; and 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 the Township of Spring 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 the Township of Spring, 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 the Township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of the Township by resolution from time to time."

Section 106.3 Prosecution of Violation is amended and restated in its entirety as follows:

"Section 106.3 Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the code 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 the 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."

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 One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000)."

Section 302.4 Weeds is hereby deleted in its entirety.

Section 304.14 Insect Screens is hereby deleted in its entirety.

Section 304.17 Guards for Basements Windows is hereby deleted in its entirety.

Section 304.19 Gates is hereby deleted in its entirety.

Section 602.2 Residential Occupancies is amended and restated in its entirety as follows:

"Section 602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented space heaters be used, as a means to provide required heating.

Exception: 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 602.3 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 October 1 to June 1 to maintain a minimum temperature of 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 October 1 to June 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied."

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 the 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 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 the Township of Spring, 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 the Township of Spring, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 12th day of August, 2013.

TOWNSHIP OF SPRING
BOARD OF SUPERVISORS

Barry W. Ulrich
Barry W. Ulrich, Chairman

Patti J. Smith
Patti J. Smith, Vice Chairman

Kyle M. Hummel

Alan S. Kreider
Alan S. Kreider

Attest: Heidi Rowan
(Assistant) Secretary

James R. Oswald
James R. Oswald

[SEAL]

MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (Assistant) Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 406 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on August 2, 2013, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on August 12 2013.

[SEAL]

Sheryl Rowan
(Assistant) Secretary