

TOWNSHIP OF LONGSWAMP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 299

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF LONGSWAMP, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED HEREIN AS THE PROPERTY MAINTENANCE CODE FOR THE TOWNSHIP OF LONGSWAMP.

WHEREAS, the Township of Longswamp is a second class township governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

WHEREAS, under Section 1704-A of the Second Class Township Code, 53 P.S. § 66704-A, the supervisors of a Township may enact a property maintenance ordinance which may incorporate a standard or nationally recognized property maintenance code, or a variation or change or part of the code; and

WHEREAS, under 53 P.S. §66506, the Board of Supervisors may adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of the peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, per 53 P.S. §66517, the Board of Supervisors may enact ordinances to govern and regulate the maintenance, sanitation and inspection of buildings and properties within the Township; and

WHEREAS, the Board of Supervisors is authorized in 53 P.S. §66529, to prohibit nuisances on private property; and

WHEREAS, pursuant to 53 P.S. §66533, the Board of Supervisors may enact ordinances to require the removal of dangerous structures; and

WHEREAS, the Board of Supervisors may enact ordinances per 53 P.S. §66601 in which general or specific powers of the Township may be exercised; and

WHEREAS, per 53 P.S. §66601(e), the Board of Supervisors may adopt by reference in an ordinance a nationally recognized code; and

WHEREAS, the Board of Supervisors of Longswamp Township adopted the 2006 International Property Maintenance Code as the Property Maintenance Code of the Township of Longswamp by enactment of Ordinance Number 2006-239 on December 12, 2006; and

WHEREAS, the Board of Supervisors of Longswamp Township now desires to adopt and amend the 2018 International Property Maintenance Code as the Township of Longswamp Property Maintenance Code; and

WHEREAS, in accordance with the authority granted to it, the Township Board of Supervisors deems it in the best interest of Longswamp Township to adopt the 2018 International Property Maintenance Code as the Property Maintenance Code for the Township as amended herein.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Longswamp, Berks County, Pennsylvania as follows:

SECTION 1. ADOPTION OF PROPERTY MAINTENANCE CODE.

The Township of Longswamp hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the "2018 International Property Maintenance Code", as published by the International Code Council, Inc., save and except such portions as are deleted, modified or amended by Ordinance, incorporated as fully as if set out at length herein, as the Property Maintenance Code of the Township of Longswamp, Berks County, Pennsylvania. Three copies of the 2018 International Property Maintenance Code have been and are now filed in the office of the Township Secretary. From the date on which this Ordinance shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the Township.

SECTION 2. AMENDMENTS MADE IN PROPERTY MAINTENANCE CODE

The following sections of the 2018 International Property Maintenance Code are hereby amended and modified as set forth herein:

A. Chapter 1 entitled "Scope and Administration", Part 1 entitled "Scope and Application", Section 101 entitled "General", **Section 101.1** entitled "Title" shall be amended to delete "[NAME OF JURISDICTION]" and replace it with "Township of Longswamp".

B. Chapter 1 entitled "Scope and Administration", Part 1 entitled "Scope and Application", Section 102 entitled "Applicability" **Section 102.3** entitled "Application of other codes" shall read in its entirety as follows:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the effective International Existing Building Code, International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70, as adopted by the Pennsylvania Uniform Construction Code as adopted by the Township of Longswamp. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Longswamp Township Zoning Ordinance currently in effect.

C. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", **Section 103** shall be retitled as "Property Maintenance Code Official".

D. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 103 entitled "Property Maintenance Code Official", **Section 103.1** entitled "General" shall be amended to read in its entirety as follows:

The office of Property Maintenance Code Official is hereby created and the executive official(s) in charge thereof shall be known as the Property Maintenance Code Official. The Property Maintenance Code Official is also referred to herein at times as the code official or code enforcement official. The Property Maintenance Code Official shall be charged with enforcement of this Ordinance.

E. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 103 entitled "Property Maintenance Code Official", **Section 103.2** entitled "Appointment" shall be amended to read in its entirety as follows:

The Property Maintenance Code Official shall be appointed by the Board of Supervisors from time to time and shall serve at the pleasure of the Board of Supervisors on behalf of the Township.

F. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 103 entitled "Property Maintenance Code Official", **Section 103.5** entitled "Fees" shall be amended to read in its entirety as follows:

The fees for all work, permits, charges, activities and services performed by the Code Official or Township in carrying out its responsibilities under this Code shall be in accordance with a fee schedule adopted by the Township by Resolution, as may be amended from time to time.

G. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 104 entitled "Duties and Powers of the Code Official", **Section 104.3** entitled "Right of entry" shall be amended to read in its entirety as follows:

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

H. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 104 entitled "Duties and Powers of the Code Official", Section 104.3 entitled "Right of entry" is amended to add **Subsection 104.3.1** entitled "Refusal of Entry" which shall read in its entirety as follows:

104.3.1 Refusal of entry.

If any owner, occupant or other person in charge of a structure subject to the provision of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this code is sought, the administrative authority may promptly apply for a search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. For the purpose of this section, a reasonable or probable cause to gain access for an inspection shall include without being limited to the following:

1. That the inspection of the area is part of a planned routine inspection being conducted pursuant to a systematic or concentrated code enforcement program in that portion of the Township; or
2. That the Property Maintenance Code Official, after investigation or upon information received, has knowledge, information or a reasonable belief that a violation of this code or other codes and ordinances of the Township exist; or
3. That such entry is for the purpose of inspecting a previous notice of violation; or;
4. That the Property Maintenance Code Official has received a complaint concerning a violation on or within the premises; or
5. That such entry is necessary to determine if the building, structure, premises, dwelling or dwelling units meet the standards of this code and building, fire, and health codes and for the safety and welfare of the public.

I. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 104 entitled "Duties and Powers of the Code Official", **Section 104.6** shall be retitled "Property Maintenance Code Official's Records".

J. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 106 entitled "Violations", **Section 106.3** entitled "Prosecution of Violation" shall be amended to read in its entirety as follows:

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 and the

violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official or any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction is authorized to enter upon the property in violation and abate violations such as securing a structure, mowing the grass, cutting the weeds, and removing trash and debris; for all other violations the code official or jurisdiction may 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.

K. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 106 entitled "Violations", **Section 106.4** entitled "Violation penalties" shall be amended to read in its entirety as follows:

Any person who violates any provision of this Code, fails to comply with any of the requirements thereof, or erects, installs, alters or repairs work in violation of the approved construction documents or a directive of the Property Maintenance Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000.00 per violation, plus costs and restitution. Each section of this code that is violated shall constitute a separate offense punishable by a separate fine as set forth herein. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

L. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 107 entitled "Notices and Orders", **Section 107.1** entitled "Notice to person responsible" shall be amended to read in its entirety as follows:

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code.

Notices for condemnation procedures shall also comply with Section 108.3.

EXCEPTIONS:

1. Open and unsecure. Notice is not required whenever a property is open and unsecure and the code official has determined that the property shall be secured. The code official may order the structure secured.
2. Transfer of property. Notice shall not be required for violations of Section 107.6.

M. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 107 entitled "Notices and Orders", **Section 107.3** entitled "Method of service" shall be amended to read in its entirety as follows:

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally by hand delivery; or
2. Sent by certified mail, first-class mail, or email, addressed to the last known mailing or email address, and/or a copy thereof posted in a conspicuous place in or about the property/structure affected by such notice.

Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.

N. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 108 entitled "Unsafe Structures and Equipment", **Section 108.2** entitled "Closing of vacant structures" shall be amended to read in its entirety as follows:

If the structure is vacant, open and unsecure, and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and to cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

O. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 108 entitled "Unsafe Structures and Equipment", Section 108.2 entitled "Closing of vacant structures", **Subsection 108.2.1** entitled "Authority to disconnect service utilities" shall remain unchanged.

P. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 108 entitled "Unsafe Structures and Equipment", Section 108.4 entitled "Placarding", **Subsection 108.4.1** entitled "Placard removal" shall be amended to read in its entirety as follows:

The code official shall remove the condemnation placard whenever, upon inspection, the defect or defects upon which the placard was based have been eliminated and with the receipt of payment in accordance with the fee schedule duly adopted by the Township of Longswamp. Any person who defaces, covers or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

Q. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 110 entitled "Demolition", **Section 110.1** entitled "General" shall be amended to add the following sentence to the end of the Section:

Demolition shall be in accordance with the Pennsylvania Uniform Construction Code as adopted by the Township.

R. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", **Section 111.1** entitled "Application for Appeal" shall be amended to add the following sentence to the end of the Section:

Appeals shall not be accepted as valid until such time as the appropriate appeal documents and fees are provided by the appellant to the Property Maintenance Code Official.

S. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", **Section 111.2** entitled "Membership of Board" shall be amended to read in its entirety as follows:

The Board of Appeals shall be the Board of Supervisors of Longswamp Township.

T. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", Section 111.2 entitled "Membership of Board", **Subsection 111.2.1** entitled "Alternate Members" is deleted in its entirety.

U. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", Section 111.2 entitled "Membership of Board", **Subsection 111.2.2** entitled "Chairman" is deleted in its entirety

V. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", Section 111.2 entitled "Membership of Board", **Subsection 111.2.3** entitled "Disqualification of member", shall be renumbered as Subsection 111.2.1.

W. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", Section 111.2 entitled "Membership of Board", **Subsection 111.2.4** entitled "Secretary" is deleted in its entirety.

X. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", Section 111.2 entitled "Membership of Board", **Subsection 111.2.5** entitled "Compensation of Members" is deleted in its entirety.

Y. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", **Section 111.3** entitled "Notice of Meeting" shall be amended to read in its entirety as follows:

Meetings of the Board of Appeals, including any hearing on appeals, shall be conducted at the regularly scheduled Meeting of the Board of Supervisors. Appeals received less than fourteen (14) days prior to the next scheduled meeting, will be heard at the following month's meeting.

Z. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 111 entitled "Means of Appeal", **Section 111.6** entitled "Board Decision" shall be amended to add the following language:

The board shall modify or reverse the decision of the Property Maintenance Code Official only by a concurring vote of a majority of the total number of appointed board members. A decision shall be issued by the Board of Appeals within forty-five (45) days from the close of the record. Thereafter, the Board of Appeals shall have ten (10) days to transmit their written decision to the Appellant in the same manner as described in §107.3, unless otherwise agreed upon by the Appellant.

AA. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", **Section 112** entitled "Stop-Work Order" is amended to read in its entirety as follows:

Stop-work orders shall be governed by the Pennsylvania Uniform Construction Code as adopted by the Township.

BB. Chapter 2 entitled "Definitions", **Section 202** entitled "General Definitions" is amended to add the term "Noxious Weeds", which shall be defined as follows:

NOXIOUS WEEDS. Weeds listed by the Commonwealth of Pennsylvania through the Department of Agriculture as being noxious.

CC. Chapter 3 entitled "General Requirements", **Section 302.1** entitled "Sanitation" shall be amended to read in its entirety as follows:

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The property owner, unless maintenance is otherwise assigned by agreement to an occupant, and in such case the occupant, shall keep all exterior property under such owner or occupant's control in a clean and sanitary condition.

DD. Chapter 3 entitled "General Requirements", **Section 302.2** entitled "Grading and Drainage" shall be amended for the exception to read in its entirety as follows:

Exception: Approved retention areas, delineated wetlands and reservoirs.

EE. Chapter 3 entitled "General Requirements", Section 302 entitled "Exterior Property Areas", **Section 302.4** entitled "Weeds", shall be amended to read in its entirety as follows:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8"). 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 or agricultural crops.

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.

FF. Chapter 3 entitled "General Requirements", Section 304 entitled "Exterior Structure", **Section 304.14** entitled "Insect Screens", shall be amended to read in its entirety as follows:

During the period from April 1 to October 31, 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 minimum 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 approved means, such as air curtains or insect repellent fans, are employed.

GG. Chapter 3 entitled "General Requirements", Section 309 entitled "Pest Elimination", **Section 309.4** entitled "Multiple Occupancy", shall be amended to add the following sentence to the end of the Section:

The owner of the premises shall ultimately be responsible for ensuring the occupants of any dwelling unit comply with the provisions of this Code, including but not limited to, all issues with regard to infestation both inside and outside of the subject premises.

HH. Chapter 6 entitled "Mechanical and Electrical Requirements", Section 602 entitled "Heating Facilities", **Section 602.3** entitled "Heat Supply" shall be amended to read in its entirety as follows:

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 May 31 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.

II. Chapter 6 entitled "Mechanical and Electrical Requirements", Section 602 entitled "Heating Facilities", **Section 602.4** entitled "Occupiable work spaces" shall be amended to read in its entirety as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 31 to maintain a minimum temperature of 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.

JJ. Chapter 6 entitled "Mechanical and Electrical Requirements", Section 604 entitled "Electrical Facilities", **Section 604.2** entitled "Service" shall be amended to replace the words "60 amperes" with the words "100 amperes".

KK. The International Property Maintenance Code as adopted by the Township of Longswamp shall delete and replace all references to "[THE BUILDING OFFICIAL]" or [PROPERTY MAINTENANCE DIVISION] with the term "Property Maintenance Code Official".

LL. The International Property Maintenance Code as adopted by the Township of Longswamp shall delete and replace all references to "[THE GOVERNING BODY]" with the term "the Board of Supervisors".

SECTION 3. ENFORCEMENT

This Ordinance shall be enforced by the Township Code Enforcement Officer.

SECTION 4. STATE LAW AND REGULATIONS.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Township, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Ordinance. The Ordinance shall control in all cases where the State requirements, or the requirements of other ordinances of this Township, are not as strict as those contained in this Ordinance.

SECTION 5. PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS.

The provisions of this Ordinance so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

SECTION 6. REPEALER

Ordinance No. 2006-239 and Ordinance No. 226 are specifically repealed, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. 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 Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

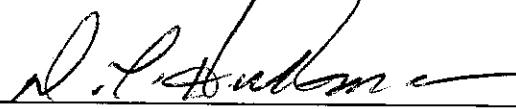
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SECTION 8. EFFECTIVE DATE

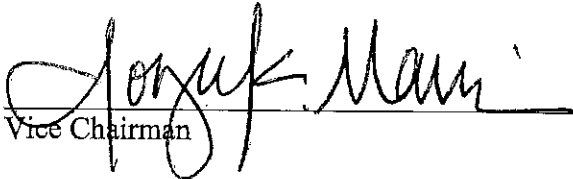
This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Longswamp Township, Berks County, Pennsylvania, this 8th day of February, 2022.

**BOARD OF SUPERVISORS OF
LONGSWAMP TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA**



Chairman

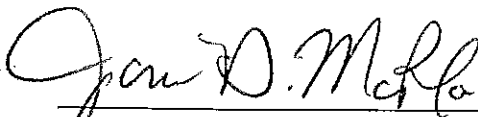


Vice Chairman

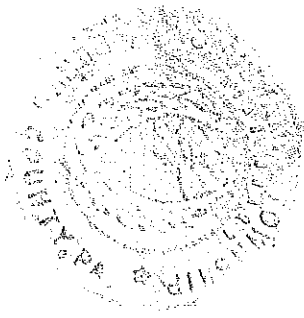


Member

ATTEST:



Secretary



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 299
adopted by the Board of Supervisors of Longswamp Township, Berks County, Pennsylvania at a
public meeting held on February 8th, 2022, pursuant to notice as required by law.

Dated: 2/8/2022

Jan D. McKe
Township Secretary

