

ORDINANCE NO. 10-98

AN ORDINANCE OF COLEBROOKDALE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, DEFINING AND REGULATING PRIVATE PROPERTY MAINTENANCE; PROHIBITING CERTAIN ACTIVITIES INVOLVING BUILDINGS, STRUCTURES, YARDS, OPEN LOTS, AND PARKING AREAS; REQUIRING PREVENTION AND CORRECTION OF VERMIN INFESTATION; DETERMINING THE RESPONSIBILITIES OF OWNERS AND OCCUPANTS; AUTHORIZING INSPECTIONS, COMPLIANCE NOTICES AND APPEAL HEARINGS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.

The Board of Commissioners of Colebrookdale Township, Berks County, Pennsylvania, hereby ordains:

Section 1. Short Title. This ordinance shall be known and cited as the "Colebrookdale Township Property Maintenance Ordinance."

Section 2. Preface. Recognizing the need within the Township of Colebrookdale to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy, this ordinance hereby establishes standards which the Board of Commissioners considers to be fair and essential in meeting those minimum requirements.

Section 3. Definitions.

BUILDING - a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT - an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

GARBAGE - putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - the presence of insects, rodents, vermin and/or other pests.

LOT - plot, tracts, premises or parcel of land, with or without improvements thereto.

OWNER - any person or persons, jointly or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvements thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

PUBLIC NUISANCE - (a) any building or lot that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb, or property; or (b) any building or lot that is unsanitary, or that is littered with refuse or that has uncontrolled growth of weeds.

REFUSE - all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD - any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

YARD - any open space on the same lot with a building and, for the most part unobstructed from the ground up.

Section 4. Application. The provisions of this ordinance shall supplement local laws, ordinances or regulations existing in the Township of Colebrookdale or those of the Commonwealth of Pennsylvania. Where a provision of this ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establishes the higher standard shall prevail.

Section 5. Buildings and Structures.

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure and does not present a health and/or safety hazard to surrounding properties and to the general population.

2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to insure that these are securely closed so as to prohibit and deter entry thereto and to insure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.

3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Board of Commissioners, remove, or cause the removal of, the building and/or structure.

Section 6. Yards, Open Lots, Parking Areas. No person shall permit:

1. fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property;
2. the development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots;
3. objectionable materials to accumulate and to be blown about the surrounding neighborhood;
4. the accumulation of garbage or refuse so as to present a safety or health hazard to persons or property;
5. the accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic;
7. lots owned by him to become a public nuisance.

Section 7. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.

3. All garbage and refuse shall be disposed of in a leakproof plastic or metal container with a securely fitting lid; or, in the alternative, in a commercially available type of plastic trashbag with its opening tightly and securely tied shut.

4. Where there exists rodents and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

Section 8. Miscellaneous Provisions.

1. No person shall permit roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge.

2. Every swimming pool shall be completely surrounded by a fence, wall, or other similar enclosure not less than four (4) feet in height, which shall be so constructed as to have no opening, holes, or gaps larger than four (4) inches in any dimension. If the fence or wall is a picket fence, the horizontal distance between the vertical fence slats shall not exceed four (4) inches. A dwelling or accessory building may be used as part of such enclosure.

A. All gates or door opening through such enclosure shall be equipped with a self-closing, self-latching device on the pool side for keeping the gate or door securely closed at all times when not in use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. The fence shall surround the pool and the deck area. Fences shall be erected around all existing swimming pools no later than December 31, 1999.

B. Aboveground pools having walls of four (4) feet or greater in height may be excluded from the fencing requirements provided such pools are equipped with access ladders which may be raised and locked in a near vertical position when the pool is unattended. An aboveground pool as described in this subsection which is served by a ladder or steps which cannot be raised and locked (as specified herein) so as to prevent access by small children shall be enclosed in accordance with the provisions of subsection 8.2.A., above.

Section 9. Responsibilities of Occupants. Any occupant of a premises shall be responsible for compliance with the provisions of this ordinance with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant to the terms of the contract/agreement under which he exercises occupancy and/or control thereof.

Section 10. Responsibilities of Owners.

1. Owner of premises shall comply with the provisions of this ordinance as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.

2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this ordinance, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this ordinance.

Section 11. Inspection. The Board of Commissioners may, or may cause, through an authorized representative of the Township of Colebrookdale, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Township of Colebrookdale for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof.

Section 12. Notice to Comply.

1. If noncompliance with the provisions of this ordinance constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Code Enforcement Officer shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

Section 13. Authority to Remedy Noncompliance. If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, the Township of Colebrookdale shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Township of Colebrookdale, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

Section 14. Hearing.

1. Any person aggrieved by the decision of the Code Enforcement Officer may request and shall then be granted a hearing before the Board of Commissioners; provided, he files with the Board of Commissioners within ten (10) days after notice of the Code Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Board of Commissioners shall sustain, modify or overrule the action of the Code Enforcement Officer.

Section 15. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 16. Owners Severally Responsible. If the premises are owned by more than one (1) owner, each owner shall severally be subject to prosecution for the violation of this ordinance.

Section 17. Remedies not Mutually Exclusive. The remedies provided herein for the enforcement of this ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Commissioners.

Section 18. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 19. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Section 20. Effective Date. This ordinance shall become effective on December 8, 1998.

ENACTED AND ORDAINED this 7th day of December, 1998.

BOARD OF COMMISSIONERS

Robert Bechtel
Mary M. [unclear]
Daniel [unclear]
Linwood Bartman
Barry L. Stauffer