

**BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED HEREIN AS THE PROPERTY MAINTENANCE CODE FOR THE TOWNSHIP OF BETHEL**

**WHEREAS**, the Township of Bethel is a Second Class Township in the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Bethel is 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 Bethel Township desires to adopt and amend the 2018 International Property Maintenance Code as the Township of Bethel 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 Bethel Township to adopt the 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 Bethel, Berks County, Pennsylvania as follows:

SECTION 1. The Township of Bethel 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 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 Bethel, Berks County, 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 the demolition of such existing structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code. Three copies of the 2018 International Property Maintenance have been and are now filed in the office of the Township Secretary

SECTION 2. 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 Bethel".

B. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 103 entitled "Department of Property Maintenance and Inspection", Section 103.5 entitled "Fees" shall be amended to read in its entirety as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be in accordance with a fee schedule adopted by the Borough, by resolution, from time to time.

C. Chapter 1 entitled "Scope and Administration", Part 2 entitled "Administration and Enforcement", Section 103 entitled "Department of Property Maintenance and Inspection", 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.

D. 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 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.”

- E. 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, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or 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

- F. 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 or first-class mail addressed to the last known address and/or posted at a conspicuous place on the property

- G. 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” is amended to read in its entirety as follows:

The Board of Appeals shall consist of the Board of Supervisors of the Township of Bethel.

- H. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 111 entitled “Means of Appeal”, Section 111.2.1 entitled “Alternate Members” is repealed.

- I. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 111 entitled “Means of Appeal”, Section 111.2.2 entitled “Chairman” is repealed.

- J. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 111 entitled “Means of Appeal”, Section 111.2.4 entitled “Secretary” is repealed.
- K. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 111 entitled “Means of Appeal”, Section 111.2.5 entitled “Compensation of Members” is repealed.
- L. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 111 entitled “Means of Appeal”, Section 111.5 entitled “Postponed Hearing” is repealed.
- M. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 111 entitled “Means of Appeal”, Section 111.6 entitled “Board Decision” is amended to read in its entirety as follows:  
  

“The Board shall modify or reverse the decision of the Code Official by a majority vote of the members present.”
- N. Chapter 1 entitled “Scope and Administration”, Part 2 entitled “Administration and Enforcement”, Section 112 entitled “Stop Work Order” is deleted in its entirety.
- O. Chapter 3 entitled “General Requirements”, Section 302 entitled “Exterior Property Areas”, Section 302.4 entitled “Weeds” shall be amended to delete “[JURISDICTION TO INSERT HEIGHT IN INCHES]” and replace it with “twelve inches (12”)”.
- P. Chapter 3 entitled “General Requirements”, Section 304 entitled “Exterior Structure”, Section 304.14 entitled “Insect screens” shall be amended to delete “[DATE]” and “[DATE]” and replace it with “April 1<sup>st</sup>” and “September 30<sup>th</sup>”.
- Q. Chapter 6 entitled “Mechanical and Electrical Requirements”, Section 602 entitled “Heating Facilities”, Section 602.3 entitled “Heat Supply” shall be amended to delete “[DATE]” and “[DATE]” and replace it with “September 1<sup>st</sup>” and “May 1<sup>st</sup>”.
- R. Chapter 6 entitled “Mechanical and Electrical Requirements”, Section 602 entitled “Heating Facilities”, Section 602.4 entitled “Occupiable Work Spaces” shall be amended to delete “[DATE]” and “[DATE]” and replace it with “September 1<sup>st</sup>” and “May 1<sup>st</sup>”.

SECTION 3. Repeal of Ordinances and Resolutions.

Any ordinance or resolution or part of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 4. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of Bethel Township, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. Effective Date.

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

ENACTED AND ORDAINED as an Ordinance of Bethel Township, Berks County, Pennsylvania, this 3<sup>rd</sup> day of January, 2023.

BOARD OF SUPERVISORS OF  
BETHEL TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA



By: [Signature]  
Chair  
[Signature]  
Vice Chair  
[Signature]  
Member

Attest: [Signature]  
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2023-01 enacted by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania at a public meeting held on January 3, 2023, pursuant to notice as required by law.

Dated: January 3, 2023

  
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Township Secretary