

ORDINANCE NO. _____

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING SECTIONS 301 THROUGH 304 OF PART 3, INTERNATIONAL PROPERTY MAINTENANCE CODE, OF CHAPTER 5, CODE ENFORCEMENT, OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO ADOPT, BY REFERENCE, THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. § 301 through 304 of Part 3, International Property Maintenance Code, of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, shall be amended to read as follows:

§ 301. Adoption of Code.

A certain document, three copies of which are on file in the office of the Licensing and Inspections Director of the Borough of Pottstown, being marked and designated as the "International Property Maintenance Code, 2018 Edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Pottstown, in the State of Pennsylvania, for regulating and governing the 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 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; 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 offices of the Borough of Pottstown are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes prescribed in § 302 and § 303 of this Part.

§ 302. Revisions to Code.

The following sections are hereby revised:

- A. Section 101.1: Borough of Pottstown.

- B. Section 103.5: Comprehensive Fee Resolution.
- C. Section 112.4 Insert \$100.00 and \$1,000.00
- D. Section 304.14: March 1 to November 15.
- E. Section 602.3: September 15 to May 15.
- F. Section 602.4: September 15 to May 15.
- G. Section 302.4 is hereby amended to read as follows:

Section 302.4. All premises and exterior properties within 100 feet of any habitable structure or building shall be maintained free from weeds in excess of six inches; provided, however, that this height restriction does not apply to naturalized areas, riparian buffers, managed meadows, and other no-mow zones, as determined by the municipality. All noxious weeds shall be prohibited throughout any premises and exterior properties.

- H. The following Section 302.8 is hereby amended to read as follows:

Section 302.8. Except as provided in other regulations, no inoperative, unregistered, uninspected, or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no such vehicle shall, at any time, be in a state of major disassembly for a period in excess of 30 days, or disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

EXCEPTION - A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- I. Section 304.3, Premises Identification, of Section 304, Exterior Structure, is amended to read as follows:

§ 304.3, Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road frontage.

§ 303. Additions to Code.

A new Section 113 shall be created and provide as follows:

Section 113. Property Transfer Use and Occupancy Certificate.

Section 113.1. Single-Family Owner-Occupied Dwelling Requirements. Upon transfer of title to a new owner, or upon said building becoming vacant, no single-family dwelling shall be occupied, in whole or in part, until the issuance of a certificate by the Code Enforcement Officer. The following requirements must be met before a certificate shall be issued:

113.1.1 A fire extinguisher equipped with 2 1/2 pounds ABC drypowder rating must be supplied for the dwelling mounted in the kitchen on the wall near the exit doorway.

113.1.2 All kitchens, bathrooms, powder rooms and laundry rooms, or any garage and exterior outlets within six feet of a water source, must be supplied with a ground-fault receptacle.

113.1.3 All gas ranges must be supplied with shutoff valves installed behind the range.

113.1.4 All electrical ranges must have an outlet installed at the rear of the range.

113.1.5 The property must be in a clean, safe and sanitary condition.

113.1.6 Before the issuance of the property transfer use and occupancy certificate, a full buyer notification inspection shall be conducted. The old owner must inform the new owner of all pending violations and a letter of intent shall be signed by the buyer or new owner. All violations must be corrected within 60 days upon transfer of the title to the new owner.

113.1.7 Upon failure of a property transfer to a new owner, all listed violations shall be corrected within 60 days by the present owner. Failure to abate said violations shall be subject to the penalties set forth in Section PM106.4.

113.1.8 Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between garages and residences shall be equipped with solid wood doors, not less than one and three-eighths inches in thickness, solid or honeycomb core steel doors not less than one and three eighths inches thick, or twenty-minute fire-rated doors.

Section 113.2. Single-Family, Two-Family and Multifamily Dwelling Units. Upon transfer of title to a new owner, no single-family rental unit, no two-family dwelling and no multiple dwelling shall be occupied, in whole or in part, until the issuance of a property transfer certificate of occupancy by the Code Enforcement Officer that said structure conforms in all respects to the requirements of this code. The following requirements must be met before a property transfer certificate of use and occupancy shall be issued:

113.2.1 Before the issuance of the said certificate of occupancy, a full code compliance inspection shall be conducted. The old owner must inform the new owner of all pending violations, and a letter of intent shall be signed by the buyer or new owner and all violations must be corrected within 60 days upon transfer of the title to the new owner.

113.2.2 Upon failure of a property transfer to a new owner, all listed violations shall be corrected within 60 days by the present owner. Failure to abate said violations shall be subject to the penalties set forth in Section PM106.4.

113.2.3 All hazardous building, safety, fire, plumbing and electrical violations

cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Code Inspector.

113.2.4 If the dwelling unit is serviced by an individual water supply, the water supply shall be terminated and the dwelling unit shall be connected to the available public water main as required in Part 4 of a chapter, adopting the International Plumbing Code.

Section 113.3. Commercial, Office, Manufacturing and Industrial Buildings. Upon transfer of title to a new owner, no commercial, office, manufacturing or industrial building shall be occupied, in whole or in part, until the issuance of a property transfer certificate of occupancy by the Code Enforcement Officer that said structure conforms in all respects to the requirements of this code, the Property Maintenance Code, the Fire Prevention Code and the Plumbing Code, and Chapter 27, Zoning, of the Pottstown Borough Code of Ordinances. The following requirements must be met before a property transfer certificate of use and occupancy shall be issued:

Section 113.3.1. Before the issuance of the said certificate of occupancy, a full code compliance inspection shall be conducted. The old owner must inform the new owner of all pending violations, and a letter of intent shall be signed by the buyer or new owner, who will be responsible for the correction of the violations, which must occur within 60 days of transfer of the deed to the new owner.

Section 113.3.2. In the event that the property transfer does not occur, the present owner must correct all listed violations within 60 days of the date on which the settlement on the property was to have occurred. Failure to abate the listed violations shall subject the present owner to the penalties set forth in this code and as prescribed by the Code of Ordinances of the Borough of Pottstown.

Section 113.3.3. All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Code Inspector.

Section 113.4. Fees. The amount of the inspection fees shall be established by Resolution adopted by Borough Council from time to time.

Section 113.5. Caretaker. In every multiple dwelling in which the owner does not reside, there shall be a responsible person, designated by the owner, residing on the premises whose duties, include maintaining the commonly used parts of the premises.

Section 113.6. Trash Collection. No trash or garbage is to be set out for collection prior to 4:00 p.m. the night before the scheduled pickup. All receptacles for the collection of garbage and/or trash shall be removed from the curb of the various streets adjacent to the property where the trash/garbage is accumulated prior to 6:00 p.m. on the day of the actual pickup.

Section 113.7. Residential Rental Units. All residential rental units shall require a biennial inspection for code compliance pursuant to the requirements of § 801 of Part 8 of

Chapter 5 of the Pottstown Borough Code of Ordinances, as amended.

Section 113.8. Commercial, Office, Manufacturing and Industrial Units. All commercial, office, manufacturing and industrial units that become vacant or have a change of occupant must be inspected for code compliance prior to reoccupancy of the said unit. It is the responsibility of the owner or the owner's agent to arrange for such inspection. Prior to reoccupancy of the said unit, all code violations must be corrected and a rental license must be issued.

Section 113.9. Delinquent Water, Sewer, Waste Collection and Disposal Bills for All Rental Units to be Paid. All outstanding bills for water, sewer and waste collection and disposal, and clean and lien services, for any residential, commercial, office, manufacturing and industrial rental unit, that are more than 30 days' delinquent shall be paid in full prior to the issuance of a rental license.

Section 113.10. Short-Term Rental Units. All rooming houses, hotels, motels, bed-and-breakfasts or similar facilities that house people, property or business on a short-term basis where different people occupy a unit for a period of time of one month or less shall be inspected for code compliance once a year, unless such unit is exempt pursuant to § 204 of Chapter 11. It is the responsibility of the owner or the owner's agent to arrange for such inspection and to pay the fee therefor, which fee shall be established from time to time by resolution of the Borough Council. An annual license shall be issued for the short-term rental facility, provided that a minimum of 75% of the individual units comply with all Borough codes. Certificates of occupancy will be issued for individual units, and any individual unit that does not comply with all Borough codes will not receive a certificate of occupancy and shall not be occupied until all code violations have been corrected and a certificate of occupancy has been issued

Section 113.11. Absentee Landlords to Designate Authorized Agent. All owners of rental property (landlords) who do not reside in Montgomery County, Chester County or Berks County, Pennsylvania, shall designate, in writing, an authorized agent, who resides within one of the three aforesaid counties, who shall be responsible for receiving all notices issued by the Borough pertaining to the rental property. The landlord shall also provide, in writing, the business address and telephone number of the person or entity that the landlord designates as its authorized agent.

Section 113.12. Sanitation. All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage. Interior-type furniture which would be adversely affected by the elements and/or susceptible to fire and/or infestation by insects, rats or other vermin is prohibited from being placed outside of structures. Such prohibited furniture shall include but not be limited to upholstered couches and chairs or other fabric-covered articles not designed or intended for exterior use. When the Code Enforcement Officer determines that prohibited or abandoned furniture is located in an exterior property area, the Code Enforcement Officer shall cause the owner or other responsible person to be notified in accordance with § 215 of Chapter 1, Administration and Government, of this Code. If the prohibited or abandoned furniture is not removed within the time frame set forth in the notice, the Borough may cause the abandoned or prohibited furniture to be removed and the owner to be billed for the cost thereof in

accordance with the provisions of this Code. If the cost of removal is not paid within 15 days, the Borough may impose a lien for the cost of said removal in a manner provided by law.

304.3 Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property and to the rear of properties visible from alleys and half streets. These numbers shall contrast with their background. Address numbers shall be arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of 0.5 inch.

§ 304. Repealer.

All ordinances or parts of Ordinances, including but not limited to Part 3, 2009 International Property Maintenance Code of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, which shall be inconsistent with this Part shall be and the same expressly are repealed.

§ 305. Construal of Provisions.

(No change)

§ 306. When Effective.

(No change)

SECTION 2. Repealer/Reenactment. All ordinances or parts of ordinances which are inconsistent with this ordinance shall be and the same are expressly repealed. In all other respects, the remaining provisions of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith, are hereby reenacted and reordained.

SECTION 3. Severability. If any sentence, clause, section or other part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections or other parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not be included herein.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED this _____ day of May, 2022.

**THE BURGESS AND TOWN COUNCIL
OF THE BOROUGH OF POTTSTOWN**

By: _____
Dan Weand, President

Attest: _____
Virginia L. Takach, Secretary