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MARION TOWNSHIP  
BERKS COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2018 - 3

AN ORDINANCE OF MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES IN MARION TOWNSHIP 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, THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH EXISTING STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

**SECTION 1.** A certain document, three (3) copies of which are on file in the office of the Township Secretary of Marion Township, Berks County, Pennsylvania, being marked and designated as the *International Property Maintenance Code, 2018 Edition*, as published by the International Code Council and as amended from time to time, be and is hereby adopted as the Property Maintenance Code of Marion Township, 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; 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 Township Secretary of Marion Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, prescribed in Section 2 of this Ordinance.

**SECTION 2.** The following sections are hereby revised:

**Section 101.1. Title.** These regulations shall be known as the International Property Maintenance Code of Marion Township, Berks County, Pennsylvania, hereinafter referred to as the "Code".

**Section 101.2. Scope.** The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Notwithstanding the foregoing, the provisions in Code shall not apply to any buildings or structures on properties used primarily for agriculture with the exception that any residential dwelling units on agricultural properties shall be subject to the provisions of this Code.

**Section 103.5. Fees.** The fees for activities and services performed by Marion Township, in carrying out its responsibilities under this Code shall be established by the Board of Supervisors by resolution from time to time.

**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 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

**Section 302.4. Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches (6"). All 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, shall be subject to prosecution in accordance with Section 106.3 of the Code and as prescribed by Marion Township. Upon failure to comply with the notice of violation, any duly authorized employee of Marion Township, or contractor hired by Marion Township 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.

**Section 302.8. Motor Vehicles.** Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked on any public roadways or

kept or stored on any premises without being suitably covered or enclosed, such that the cover or enclosure completely conceals the vehicles from view. Vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an appropriate or 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.

**Section 304.14. Insect Screens.** During the period from May 1<sup>st</sup> to October 31<sup>st</sup> 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 25mm), and every screen door used for insect control shall have a safe-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**Section 308.1. Accumulation of rubbish and garbage.** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage.

**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 November 1<sup>st</sup> to March 31<sup>st</sup> to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilets rooms.

**Section 602.4. Occupiable Work Spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from November 1<sup>st</sup> to March 31<sup>st</sup> to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.


**SECTION 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of Marion Township, Berks County, Pennsylvania, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 5.** Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending 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 6.** 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

DULY ENACTED AND ORDAINED this 30<sup>th</sup> day of August, 2018.

MARION TOWNSHIP  
Berks County, Pennsylvania



*Peter I. Wallace*

Peter I. Wallace, Chairman

*Peter McCarthy*

Peter McCarthy, Vice Chairman

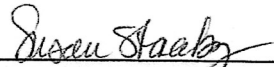
*Franklin M. Troutman*

Franklin M. Troutman, Supervisor

MUNICIPAL CERTIFICATION

I, Susan Staaby, the Secretary of Marion Township, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 2018 - 3 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Marion Township, on Wednesday, August 22, 2018, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on August 30, 2018.

[SEAL]

  
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Susan Staaby, Secretary