

CHAPTER 11

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PART 1

PROPERTY MAINTENANCE CODE

§101. Adoption of Property Maintenance Code.

The Borough of Wyomissing 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 “2009 International Property Maintenance Code”, as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. The Borough of Wyomissing hereby further adopts automatically without any additional action by the Borough Council any property maintenance code published subsequently by the International Code Council, Inc. Such later published versions of the property maintenance code shall be effective upon the date copies as provided herein are on file in the office of the Borough Secretary. From the date on which this Part 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 Borough.

(Ord. 1248, 7/13/2004, §1; as amended by Ord. 1270, 4/10/07, §1; as amended by Ord. 1304, 5/10/2010, §1)

§102. Amendments Made in Property Maintenance Code.

The Property Maintenance Code hereby adopted is amended as follows:

- A. Section 101.1, “Title,” is amended to read:

101.1. Title. These regulations shall be known as the Property Maintenance Code of Borough of Wyomissing, hereinafter referred to as “this Code.”

- B. Section 106.4, “Violation Penalties,” is amended to read as follows:

106.4. Violation Penalties. Any person who shall violate a provision of this Code shall be, upon conviction, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and cost, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed as separate offense.

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- C. Section 111.2, "Membership of the Board," is amended to read as follows:

111.2. Membership of Board. The Board of Appeals shall consist of the "Infrastructure Committee of the Borough of Wyomissing" formed pursuant to Chapter 1, Part 3E of the Code of Ordinances of the Borough of Wyomissing, Berks County, Pennsylvania.

- D. Section 111.2.1, "Alternate Members," is repealed.
- E. Section 111.2.2, "Chairman," is repealed.
- F. Section 111.2.4, "Secretary," is repealed.
- G. Section 111.2.5, "Compensation of Members," is repealed.
- H. Section 111.5, "Postponed Hearing," is repealed.
- I. Section 111.6, "Board Decision," is amended to read:

111.6. Board Decision. The Board shall modify or reverse the decision of the Code Official by a majority vote of the members present.

- J. Section 302.4 "Weeds and Grass" is amended to read as follows:

302.4 Weeds and Grass. All premises and exterior property, including planting strips between the sidewalk and street surface or curb, shall be maintained free from weeds or other plant growth including but not limited to, grass in excess of 10 inches. All plant material which blocks visibility or access to any fire hydrant or any other fire department connections, equipment or controls shall be removed. 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 item shall not include cultivated flowers and gardens.

"Weeds" as used in this Part means and includes any Canada thistle, cichorium, intybus, Russian thistle, wild lettuce, wild mustard, wild parsley, ragweed, milkweed or any other plant or vegetable whatsoever, not edible or planted for a useful or ornamental purpose.

Every person owning or occupying any property in the Borough, upon which any grass or weeds shall grow, shall not throw, place or deposit grass or weeds for disposal in Borough streets, alleys or on the property of another.

Upon failure of the owner or agent having charge of a property to cut and/or destroy weeds and/or grass or to dispose of weeds and grass in violation of this subsection, after service of a notice of violation, such

owner or agent shall be subject to prosecution in accordance with Section 106.3. 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 and/or grass growing thereon, and the costs of such removal, plus 10% penalty shall be paid by the owner or agent responsible for the property. Notice pursuant to this subsection shall be given by personal service, United States mail, first class postage, or by posting a notice of the violation at a conspicuous location on the premises where the violation is occurring. Any property owner failing to make payment within the time allotted as stated on the bill shall be delinquent. All delinquent bills for the Borough's cutting of grass and weeds shall be collected by the Borough in such manner as authorized by laws, including suit in assumpsit and/or the filing of a municipal claim or lien in the office of the Prothonotary of Berks County. Filing of said actions shall be in accordance with the Municipal Claims and Tax Liens Act of 1923, May 16, P.L. 207 as amended (53 P.S. 7101 et seq, 53 P.S. 7143) with the accrual of interest calculated at the rate of ten percent (10%) per annum from thirty (30) days after the date of the bill until the bill is paid and recovery of all charges, costs, expenses and attorneys fees incurred in the recovery of the account.

(Ord. 1323, 12/13/2011, §1)

K. Section 302.8, "Motor Vehicles," is amended to read as follows:

302.8. Motor Vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall 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 approved spray booth. Motorized vehicles shall not be parked on dirt or grass covered surface. No more than three non-motorized vehicles may be kept on any residential property and no more than one non-motorized vehicle may be parked on a dirt or grass covered surface; provided, however, that 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.

L. Section 304.3, "Premises Identification," 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 fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Numbers shall

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be positioned at least 36 inches from grade and shall be clear from all vegetation and/or seasonal decorations. If the premise identification numerals are not parallel to the street, the numerals must be visible from both directions of travel, to include one-way streets.

- M. Section 304.14, "Insect Screens," is amended by inserting "April 1st" in the first area designated as "{DATE}" and "October 1st" in the second area designated as "{DATE}."
- N. Section 308.3, "Disposal of Rubbish and Garbage" is amended to read as follows:

308.3. Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. No more than two containers, per resident, for the storage of recyclable materials shall be permitted for each residential location. There is no limit for yard waste bags. Bulk refuse, including, but not limited to, appliances, upholstered or other indoor furniture, and tires shall not be placed outside of a structure for more than 10 days and then, only for the purpose of proper disposal. Dumpsters placed for bulk residential or construction waste shall not be placed on any property for more than 10 days, or the duration of an active, permit-approved construction project.

(Ord. 1304, 5/10/2010, §2)

- O. Section 602.3, "Heat Supply," is amended by inserting "September 15th" in the first area designated as "{DATE}" and "May 15th" in the second area designated as "{DATE}."
- P. Section 602.4, "Work Space," is amended by inserting "September 15th" in the first area designated as "{DATE}" and "May 15th" in the second area designated as "{DATE}."

(Ord. 1248, 7/13/2004, §1; as amended by Ord. 1270, 4/10/07, §1)

§103. 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 Borough, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

(Ord. 1248, 7/13/2004, §1; as amended by Ord. 1270, 4/10/07, §1)

§104. Provisions to be Continuation of Existing Regulations.

The provisions of this Part so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part 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.

(Ord. 1248, 7/13/2004, §1; as amended by Ord. 1270, 4/10/07, §1)

PART 2

RENTAL PROPERTY MAINTENANCE

§ 201. Permits Required; Issuance.

- A. No person, firm or corporation shall lease to another for occupancy any dwelling unless he, she or it shall first apply for and obtain a permit issued by the Code Enforcement Officer. Once obtained, the rental permit must be renewed every two (2) years.
- B. Rental permits shall be issued according to the inspection schedule of the Code Enforcement Officer. Upon expiration of any rental permit, a new permit shall be required for the further period of two (2) years.

§ 202. Termination of Permit Upon Transfer of Ownership.

Any permit issued under the provisions of this Part, shall terminate upon the transfer of ownership of the property, and the new owner or owners shall apply for a renewal of the permit within seven (7) days of property settlement.

§ 203. Re-inspection.

The Code Enforcement Officer may re-inspect any property for which a permit has been issued upon receiving complaints from the tenants thereof or from third parties.

§ 204. Permit Fees.

The permit fees for any permit issued under the provisions of this Part shall be as set forth from time to time by resolution of the Borough Council.

§ 205. Minimum Standards.

The Code of Ordinances of the Borough of Wyomissing, Berks County, Pennsylvania, Chapter 11, "Housing", Part 1, shall be the minimum standards required for approval of a rental permit upon inspection by the Code Enforcement Officer.

§ 206. Violations and Penalties.

- A. Failure to apply for a rental permit shall constitute an offense under this Part and the Code Enforcement Officer may file a summary citation with the district justice and, upon conviction thereof, the owners may be subject to a fine of not more than \$600 plus all court costs, including reasonable attorney fees, incurred

- by the Borough as a result thereof. No judgment shall be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Failure to meet the minimum standards for permit issuance after the Code Enforcement Officer has inspected a property two (2) times shall constitute an offense under this Part and the Code Enforcement Officer may file a summary citation with the district justice and, upon conviction thereof, the owners may be subject to a fine of not more than \$600 plus all court costs, including reasonable attorney fees, incurred by the Borough as a result thereof. No judgment shall be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
- C. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- D. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Borough.

(Ord. 1292, 1/13/2009, §1)