

ORDINANCE NO. 95-3

AN ORDINANCE OF THE BOROUGH OF NEW BERLIN ADOPTING THE 1993 (FOURTH) EDITION OF THE BOCA NATIONAL PROPERTY MAINTENANCE CODE; ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPANCY AND USE; REQUIRING THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND PROVIDING FOR THE DEMOLITION OF SUCH STRUCTURES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND, PRESCRIBING PENALTIES FOR VIOLATION.

The *Borough Council of the Borough of New Berlin* hereby ordains:

Section 1. Adoption of Property Maintenance Code. The *Borough of New Berlin* 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 "BOCA National Property Maintenance Code, Fourth Edition, 1993," as published by the Building Officials and Code Administrators International, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three (3) copies have been and are now filed in the office of the *Borough of New Berlin* Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance 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 of New Berlin*.

Section 2. Amendments Made in Proper Maintenance Code. The property maintenance code hereby adopted is amended as follows:

A. Section PM-101.1, "Title," is amended to read:

PM-101.1. Title. These regulations shall be known as the Property Maintenance Code of *Borough of New Berlin*, hereinafter referred to as "this code."

B. Section PM-106.2, "Penalty," is amended to read:

PM-106.2. Penalty. Any person who shall violate a provision of this code shall be, upon conviction, sentenced to a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and cost, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C. Section PM-304.12, "Insect Screens," is amended to read:

PM-304-12. Insect Screens.

1. During the period from *May 1*, to *October 1*, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are preprocessed manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

2. Exception. Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

D. Section PM-602.2, "Residential Buildings," is amended to read:

PM-602.2. Residential Buildings. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Chapter 8.

E. Section PM-602.3, "Nonresidential Structures," is amended to read:

PM-602.3. Nonresidential Structures.

1. Every enclosed occupied work space shall be supplied with sufficient heat during the period from *May 1* to *October 1* to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

2. Exceptions.

A. Processing, storage and operation areas that require cooling or special temperature conditions.

B. Areas in which persons are primarily engaged in vigorous physical activities.

Section 3. 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 of New Berlin*, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The code shall control in all cases where the State requirements, or the requirements of other ordinances of this *Borough of New Berlin*, are not as strict as those contained in this ordinance.

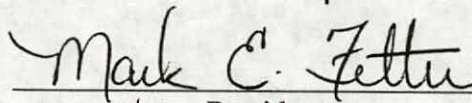
Section 4. Provisions to be Continuation of Existing Regulations. The provisions of this ordinance so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this ordinance 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.

Section 5. Severability. If any sentence, clause, section, or 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 of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the *Borough Council of the Borough of New Berlin* that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed. The following ordinances or parts thereof are specifically repealed:

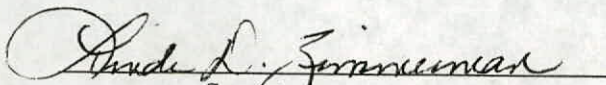
Section 5. Effective Date. This ordinance shall become effective on May 10, 1995.

ENACTED AND ORDAINED as an Ordinance of the Borough of New Berlin, Union County, Pennsylvania, this 10th day of MAY, 1995.



Vice - President

ATTEST:



Secretary