BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

ORDINANCE No. 2021-____

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2021-3 ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION AS THE PROPERTY MAINTENANCE CODE OF THE BOROUGH OF TOPTON, TO MODIFY CERTAIN SECTIONS OF SAID CODE TO PROVIDE FOR THE STORAGE OF UNINSPECTED VEHICLES AS A "QUALITY OF LIFE" VIOLATION AND PROVIDING FOR SEVERABILITY AND REPEALER OF INCONSISTENT ORDINANCES.

WHEREAS, the purpose of this Ordinance is to promote the general health, safety, welfare, and morals of the citizens of the Borough of Topton, Berks County, Pennsylvania ("Borough");

WHEREAS, the storage of unlicensed, uninspected or unregistered vehicles are a hazard to the health, safety, welfare, and morals of the citizens of the Borough;

WHEREAS, the above-stated conditions are recognized as community problems;

WHEREAS, the International Code Council has published a 2018 Edition of the International Property Maintenance Code ("2018 Property Maintenance Code"), and the Borough has found a need to address additional conditions to facilitate better quality of life in the Borough; and

WHEREAS, on March 8, 2021, the Borough adopted the 2018 Property Maintenance Code as Ordinance No. 3-2021;

WHEREAS, this Ordinance seeks to amend Ordinance No. 3-2021 to add the storage of uninspected vehicles as a "Quality of Life" violation.

NOW THEREFORE, it is hereby enacted and ordained by the Borough Council of the Borough of Topton, Berks County, Pennsylvania as follows:

SECTION 1. <u>Amendment of the</u> <u>Borough Property Maintenance Code</u>.

a. **Section 302.8**, titled "Motor Vehicles," shall be amended and restated in its entirety, as follows:

> "Motor Vehicles. Except as provided for in other laws, ordinances, or regulations, not more than one (1) currently unregistered, uninspected, and/or unlicensed and/or inoperable **MOTOR VEHICLE** shall be parked, kept, or stored on the exterior of any **PREMISES**, and no **MOTOR VEHICLE** shall at any time be kept or stored on the exterior of any **PREMISES** in a state of visible disassembly, disrepair, or in the process of

being stripped or dismantled when not being actively worked upon. Any such vehicle shall be covered when not being actively worked upon with a vehicle cover. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The sole exception to this prohibition is for commercial or industrial properties licensed for operations involving salvaged vehicles, or vehicle storage, repair, or restoration.

b. **Amendment of Property Maintenance Code to Amend the Definition of Junk**. The definition of "Junk" is amended to include uninspected motor vehicles, as follows:

"**JUNK**"- any discarded material or article, including but not limited to: scrap metal, scrapped, abandoned, or junked **MOTOR VEHICLES**, furniture, **MOTOR VEHICLE** parts, machinery, machinery parts, equipment, paper, glass, containers, and abandoned, dilapidated or partially dismantled structures. It shall also include, as defined further herein, a fully or partially dismantled motor vehicle or vehicle not bearing current registration, inspection or license plates and which is not in the process of immediate repair or restoration. It shall not, however, include refuse or garbage kept in a proper container for the purpose of prompt disposal in accordance with applicable laws and ordinances.

SECTION 2. **Severability.** If any provision, paragraph, word, section, or subsection of this Part is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect, and shall not affect the validity of the remainder of the Ordinance.

SECTION 3. **Repealer**. All relevant ordinances, regulations, and policies of the Borough of Topton, Pennsylvania not amended shall remain in full force and effect. Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

SECTION 4. **Effective Date**. This Ordinance shall become effective on the earliest date permitted by law.

DULY ENACTED AND ORDAINED this ____ day of _____, 2021, by the Council of the Borough of Topton, Berks County, Pennsylvania.

ATTEST: **BOROUGH OF TOPTON**

By: _____ By: _____

, Secretary Toby Bower, Council President

DULY approved this _____ day of _____, 2021

By: _____

Thomas A. Biltcliff, III, Mayor

1816671