

**TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020 - 1**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TULPEHOCKEN TOWNSHIP PROPERTY MAINTENANCE CODE, ORDINANCE NUMBER 2004-5**

**WHEREAS**, the Township of Tulpehocken is a second class township in the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Tulpehocken is governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

**WHEREAS**, under Section 1704-A of the Second Class Township Code, 53 P.S. § 66704-A, the supervisors of a Township may enact a property maintenance ordinance which may incorporate a standard or nationally recognized property maintenance code or a variation or change or part of the code; and

**WHEREAS**, under 53 P.S. §66506, the Board of Supervisors may adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of the peace, good government, health and welfare of the Township and its citizens; and

**WHEREAS**, the Board of Supervisors may enact ordinances per 53 P.S. §66601 in which general or specific powers of the Township may be exercised; and

**WHEREAS**, per 53 P.S. §66601(e), the Board of Supervisors may adopt by reference in an ordinance a nationally recognized code; and

**WHEREAS**, the Board of Supervisors of Tulpehocken Township adopted the 2003 International Property Maintenance Code as the Property Maintenance Code of the Township of Tulpehocken by enactment of Ordinance Number 2004-5 on July 12, 2004; and

**WHEREAS**, Section 2 of the Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, entitled "Amendments and Modifications" amends the 2003 International Property Maintenance Code; and

**WHEREAS**, Tulpehocken Township Ordinance Number 1994-2 provides for prohibition of weeds and grass in excess of twelve inches (12") on properties in the Township; and

**WHEREAS**, the Board of Supervisors desires to incorporate Ordinance Number 1994-2 and the prohibition of weeds and grass in excess of twelve inches (12") into the Tulpehocken Township Property Maintenance Code; and

**WHEREAS**, Section 302.4 of the International Property Maintenance Code entitled "Weeds" prohibits weeds and grass in excess of a designated height; and

**WHEREAS**, the Board of Supervisors of Tulpehocken Township desires to amend the 2003 International Property Maintenance Code as adopted by the Township, Section 2, to incorporate Section 302.4 as Letter M-1 to prohibit weeds and grass in excess of twelve inches (12") on properties in the Township; and

**WHEREAS**, Letter O. of Section 2 of the Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, amends Section 302.8 of the 2003 International Property Maintenance Code in its entirety; and

**WHEREAS**, the Board of Supervisors of Tulpehocken Township desires to amend the 2003 International Property Maintenance Code as adopted by the Township, Section 2, Letter O. to include uninspected vehicle as more than one type of vehicle prohibited to be parked on any premises; and

**WHEREAS**, Letter P. of Section 2 of the Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, amends Section 302.8 of the 2003 International Property Maintenance Code to add a new subsection 302.8.1 that precludes parking of registered vehicles on non-paved areas; and

**WHEREAS**, the Board of Supervisors of Tulpehocken Township desires to amend the 2003 International Property Maintenance Code as adopted by the Township, Section 2, to delete Subsection 302.8.1 of the Tulpehocken Township Property Maintenance Code and remove the prohibition of parking on non-paved areas.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania as follows:

SECTION 1. The Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, Section 2 is hereby amended to add a new Section M-1 which shall read in its entirety as follows:

M-1 Section 302.4 entitled "Weeds" shall be amended to read in its entirety as follows:

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches (12"). 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, natural habitats or meadows, or agricultural crops.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. 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 growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

SECTION 2. The Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, Section 2, Letter O. is hereby amended to read in its entirety as follows:

O. Section 302.8 entitled "Motor Vehicles" of the Code is deleted in its entirety and replaced with the following:

**302.8 Motor vehicles.** Except as provided for in other regulations, only one intact, inoperative, unlicensed, unregistered or uninspected motor vehicle shall be permitted to be parked, stored, or kept on any premises. 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 3. The Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, Section 2, Letter P. is hereby amended to delete Section 302.8.1 and remove the prohibition of parking on non-paved areas.

SECTION 4. The Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, Section 2 is hereby amended to mark Letter P. as intentionally omitted.

SECTION 5. The Tulpehocken Township Property Maintenance Code, Ordinance Number 2004-5, shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance.

SECTION 6. Repeal of Ordinances. Ordinance 1994-2 is hereby specifically repealed. Any other ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

SECTION 7. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect nor impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or words that may have been declared illegal, unconstitutional or invalid.

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SECTION 8. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED as an Ordinance of the Township of Tulpehocken, Berks County, Pennsylvania this 10<sup>th</sup> day of June, 2020.

BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA



By: Mary A. Jesh  
Chairman

Richard A. Kramer  
Member

John A. Fick  
Member

ATTEST: Christy Flaherty  
Secretary

**CERTIFICATE OF ENACTMENT**

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania, at a regular meeting of the Board on June 10, 2020.

  
Secretary

DATED: June 10, 2020