

NOTICE

PLEASE TAKE NOTICE THAT THE COUNCIL OF THE BOROUGH OF BERLIN WILL CONSIDER THE ADOPTION OF THE FOLLOWING ORDINANCE AT ITS REGULAR MEETING ON JUNE 5, 2025, AT 4:30 P.M., IN THE COUNCIL CHAMBERS OF THE BERLIN BOROUGH MUNICIPAL BUILDING, 700 NORTH STREET, BERLIN, PENNSYLVANIA 15530. THE TITLE OF THE ORDINANCE AND A SUMMARY OF ITS PROVISIONS ARE AS FOLLOWS:

AN ORDINANCE OF BERLIN BOROUGH SOMERSET COUNTY, PENNSYLVANIA DEFINING AND REGULATING PRIVATE PROPERTY MAINTENANCE; PROHIBITING CERTAIN ACTIVITIES INVOLVING BUILDINGS, STRUCTURES, YARDS, OPEN LOTS AND PARKING AREAS; REQUIRING PREVENTION AND CORRECTION OF VERMIN INFESTATION; PROHIBITING PUBLIC NUISANCES; DETERMINING THE RESPONSIBILITIES OF OWNERS AND OCCUPANTS; AUTHORIZING INSPECTIONS, COMPLIANCE NOTICES AND APPEAL HEARINGS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.

The ordinance provides for the protection of health, safety and welfare of the citizens of the Borough of Berlin and for the safe and sanitary maintenance of premises. The Ordinance prohibits the use of property, or activities conducted on a property, that annoy, discomfort and/or disturb persons beyond the boundaries of that property; or cause disturbance or interference with the peaceful use of the property of others within the Borough. The Ordinance prohibits the use of property, or activities conducted on a property, which interfere with the health and/or safety of other persons within the Borough. The Ordinance declares it to be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough.

The Ordinance provides that all exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep the exterior property in a clean and sanitary condition and shall not permit objectionable materials to accumulate and to be blown about the surrounding neighborhood.

The Ordinance provides that all structures and exterior premises shall be maintained free of insect, vermin and rodent harborage and infestation. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant to alleviate the existing problem(s), to include extermination. Methods employed for extermination shall conform with generally accepted practices.

The Ordinance provides that any person who creates, continues, causes, maintains or permits to exist any nuisance at any place within the Borough shall after reasonable notice from Council, or its agents or police officers, to do so, remove or abate that nuisance. If that person shall fail, neglect or refuse to abate the nuisance, Council, or its agents or police officers, shall

have authority, in person or by its agents and/or employees, to remove or abate the nuisance, with any and all costs of abatement to be paid by such person.

The Ordinance provides that any person, firm or corporation who shall violate this Ordinance shall be guilty of a summary offense, and upon conviction thereof by the District Magistrate, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars plus costs, including reasonable attorney's fees, and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day's continuance of the maintenance of any nuisance shall constitute a separate violation.

The Ordinance may be reviewed in its entirety at the Berlin Borough Building located 700 North Street, Berlin, PA 15530 , during normal business hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.

FIKE, CASCIO & BOOSE

Berlin Borough Solicitors

AN ORDINANCE OF BERLIN BOROUGH SOMERSET COUNTY, PENNSYLVANIA DEFINING AND REGULATING PRIVATE PROPERTY MAINTENANCE; PROHIBITING CERTAIN ACTIVITIES INVOLVING BUILDINGS, STRUCTURES, YARDS, OPEN LOTS AND PARKING AREAS; REQUIRING PREVENTION AND CORRECTION OF VERMIN INFESTATION; PROHIBITING PUBLIC NUISANCES; DETERMINING THE RESPONSIBILITIES OF OWNERS AND OCCUPANTS; AUTHORIZING INSPECTIONS, COMPLIANCE NOTICES AND APPEAL HEARINGS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.

WHEREAS, Section 1202(5) of the Borough Code 8 Pa. C.S. §1202(5), grants the Borough of Berlin (the “Borough”) the specific powers to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(4) of the Borough Code 8 Pa. C.S. §1202(4), grants the Borough the specific powers to prohibit and remove any nuisance or dangerous structures on public or private grounds, including but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles, and obstructions or nuisances in the streets of the Borough; and

WHEREAS, Section 1202(15) of the Borough Code 8 Pa. C.S. §1202(15), grants the Borough the specific power to adopt and enforce a property maintenance code and exercise any additional reserved powers pursuant to Borough Code Article XXXII-A; and

WHEREAS, Section 32A04 of the Borough Code, 8 Pa. C.S. §32A04, requires that notice of a property maintenance code’s consideration, in reasonable detail, shall be published to give adequate notice of its contents and a reference to the place or places within the Borough where copies of the proposed property maintenance code may be examined or ordained; and

NOW THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Berlin, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

Section 1. Short Title. This Ordinance shall be known and cited as the “**Berlin Borough Property Maintenance Ordinance.**”

Section 2. Preface. Recognizing the need within Berlin Borough to establish certain minimum health and safety requirements for those buildings, structures, or properties which are used or associated with human occupancy, this Ordinance hereby establishes standards which Berlin Borough considers to be fair and essential in meeting those minimum requirements.

Section 3. Authority. This Ordinance, and the objectives leading to its enactment, are authorized by Chapter 32A of the Borough Code, , 8 Pa. C.S. §§32A01-32A05, as amended, and all other applicable Sections of the Borough Code, as amended, empowers the Borough among other things, to enact a property maintenance ordinance and incorporate any standard or nationally recognized

property maintenance code, or any variations or changes or parts of the code, published and printed in book form, without incorporating the text of the code in the ordinance.

Section 4. Definitions.

BUILDING – a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals.

COURT – an open and unoccupied space on a lot enclosed on at least three (3) sides by the walls of a building.

GARBAGE – putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION – the presence of insects, rodents, vermin and/or other pests.

LOT – plot, tracts, premises or parcel of land, with or without improvements thereto.

NUISANCE – any condition, structure, or improvement, which shall constitute a threat or potential threat to the health, safety or welfare of the citizens of the Borough of Berlin or as known in common law or in equity jurisprudence.

OWNER – any person or persons, jointing or severally, firm, corporation or other entity which, either by conveyance or inheritance or otherwise, is vested with the title to a lot and/or improvement thereto or who retains the exclusive control of such a lot and/or improvements thereto in his capacity as a legal representative, such as an administrator, trustee, executor, etc.

PERSON – a natural person, firm, partnership, association, corporation or other legal entity.

REFUSE – all putrescible and nonputrescible solid wastes, including garbage, rubbish (including but not limited to items such as furniture, carpet, demolition materials and tires), ashes, dead animals and market and industrial wastes.

UNOCCUPIED HAZARD – any building, or part thereof, or manmade structure, which remains unoccupied for a period of more than six (6) months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six (6) months.

YARD – any open space on the same lot with a building and, for the most part unobstructed from the ground up.

Section 5. Application. The Borough shall take no action regarding enforcement of the terms and provisions of this Ordinance unless the Borough Council, or their representatives, receive a **signed dated written complaint**, or in such circumstances where the over-riding economic, health and/or safety interests of the Borough and its citizens would require the Borough Council to take at their sole discretion appropriate action on their own without such written complaint for the

enforcement of the terms of this Ordinance. The Council of Berlin Borough shall have the right to review any submitted written complaints and absolute sole discretion to verify such information and as for the enforcement of the terms of this Ordinance based upon such complaints. The provisions of this Ordinance shall supplement local laws, ordinances or regulations existing in the Borough of Berlin and those of the Commonwealth of Pennsylvania. Where a provision of this Ordinance is found to be in conflict with any provision of a local law, ordinance, code or regulations or those of the Commonwealth of Pennsylvania, the provisions which are more restrictive or which establish the higher standard shall prevail.

Section 6. Buildings and Structures.

1. No owner of any building or structure shall fail to take steps and perform such maintenance thereto, as may be required from time to time, to ensure the property is safe, sound, sanitary and secure, and does not present a health and/or safety hazard to surrounding properties and to the general populace.
2. No owner of any unoccupied building or structure shall fail to take such steps as may be required to ensure that such buildings or structures are securely closed so as to prohibit and deter entry thereto and to ensure that no health and/or safety hazard, or threat thereof, is precipitated due to a lack of maintenance or due to neglect.
3. Owners of any and all unoccupied buildings and/or structures which, through neglect, have deteriorated to the point of being classified as unoccupied hazards, and therefore constitute a severe health and/or safety hazard, shall, upon direction of the Council of Berlin Borough remove, or cause the removal of, at Owner's sole cost and expense, the building and/or structure.

Section 7. Yards, Open Lots, Parking Areas. No person shall permit:

1. Fences and/or minor structures to be constructed and maintained so as to present a safety or health hazard to persons and/or property;
2. The development or accumulation of hazards, rodent harborage and/or infestation upon yards, courts, lots;
3. Objectionable materials to accumulate and to be blown about the surrounding neighborhood;
4. Wells, cesspools, cisterns, sedimentation ponds, stormwater management impoundment ponds and/or ponds of a similar nature to remain open without adequate fencing or barricades to prevent access thereto by the general public;
5. The accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood; nor shall they permit any trees, plants or shrubbery, or any portion thereof, to grow on their property and which constitute a safety hazard to pedestrian and/or vehicular traffic;
6. The accumulation or storage of glass, metal parts, materials, junk, wood, brick, cement block or other unsightly debris, automobiles or parts thereof, trucks, tractors, mowers, barrels, drums, motorized equipment, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, such as may tend to depreciate property values in

the area or create a nuisance or hazard, except when such materials are properly housed, and out of public view;

7. Any other condition which shall threaten the health, safety or welfare of the citizens.

Section 8. Infestation, Prevention and Correction.

1. Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation.
2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. Where there exists rodent and vermin infestation, corrective measures shall be undertaken by the property owner and/or occupant, at his, her or its sole cost and expense, to alleviate the existing problem(s), to include screening, extermination and/or garbage and refuse control. Methods employed for extermination shall conform with generally accepted practices.

Section 9. Miscellaneous Provisions. No person shall permit:

1. Roof, surface and/or sanitary drainage to create a safety and/or health hazard to persons and/or property by reason of inadequate and/or improper construction, or maintenance or manner of discharge;
2. roof gutters, drains, or any other system designed and constructed to transport stormwater, to be discharged into any sanitary sewage system and/or any part thereof;
3. any refrigerator, freezer and/or other similar storage chest to be discarded, abandoned or stored in any place or location which is accessible to the general public without first completely removing any and all locking devices and/or doors;
4. any building or structure, occupied or unoccupied, which is an attractive nuisance which may prove detrimental to children whether in a building or upon an unoccupied lot. This includes, but is not limited to, any trash, lumber, fences, abandoned wells, shafts, basements, excavations, vehicles, structurally unsound fence and structures, abandoned refrigerators, furnaces, vehicles, machinery or parts thereof, which may prove a hazard for inquisitive minors;
5. store or maintain abandoned, unused, stripped, damaged and generally unusable appliances, automobiles, machinery or equipment, or construction materials in the open on private property which shall constitute a nuisance and/or health hazard, including but not limited to, broken glass or metal parts with sharp or protruding edges, containers which are conducive to the harboring and growth of vermin or animals, storage in any manner which would allow the equipment, machinery, material or any parts thereof to easily shift, tilt, or fall from its original storage position, containers containing any liquid or material of hazardous or potentially hazardous nature, including but not limited to, gasoline, oil, battery acid, refrigeration agents and poison.

Section 10. Responsibilities of Occupants. Any occupant of a premises shall be responsible for compliance with the provisions of this Ordinance with respect to the maintenance of that part of the premises which he occupies and/or controls in a safe, sound and/or sanitary condition pursuant

to the terms of the contract/agreement under which he exercises occupancy and/or control thereof and at his, her or its sole cost and expense.

Section 11. Responsibilities of Owners.

1. Owner of premises shall comply with the provisions of this Ordinance as well as operators and occupants, regardless of any agreements between owners and operators or occupants as to which party shall assume such responsibility.
2. In instances where an occupant is responsible, or shares responsibility with an owner, for the existence of one (1) or more violations of this Ordinance, said occupant shall be deemed responsible and treated as if an owner within the true intent and meaning of this Ordinance.

Section 12. Inspection. The Council of Berlin Borough may, or may cause, through an authorized representative(s) of Berlin Borough, entry onto the premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within Berlin Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereof.

Section 13. Notice to Comply.

1. If noncompliance with the provisions of this Ordinance constitutes a nuisance, or if any conditions, structure, or improvement poses a threat to the health, safety, or welfare of the public, the Council of Berlin Borough, or their authorized representative, shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.
2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within **fifteen (15) days** of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

Section 14. Authority to Remedy Noncompliance. If the owner does not comply with the notice to abate the conditions, within the time limit prescribed, Berlin Borough, the Borough Council of Berlin Borough and/or their authorized representative(s) shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. The Borough Council of Berlin Borough, or their authorized representative(s), in such event and pursuant to their statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

Section 15. Hearing.

1. Any person aggrieved by the decision of the Council of Berlin Borough, or their authorized representative(s), may request and shall then be granted a hearing before the Borough Council; provided, he files with the Borough Council within **ten (10) days**

after notice of the Borough's decision, a written petition requesting such hearing and settling forth a brief statement of the grounds therefor. The hearing shall commence not later than **thirty (30) days** after the date on which the petition was filed unless postponed for sufficient cause.

2. After such hearing, the Borough Council of Berlin Borough shall sustain, modify or overrule the action of Council or authorized representative.

Section 16. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 17. Owners/Occupants Severally Responsible. If the premises are owned or occupied by more than one (1) owner or occupant, each owner and occupant shall severally be subject to prosecution for the violation of this Ordinance.

Section 18. Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough of Berlin and/or the Borough Council of Berlin Borough.

Section 19. Severability. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

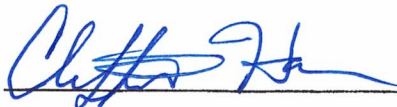
Section 20. Repealer. All ordinances and resolution or parts of ordinances and resolutions which are inconsistent herewith are hereby repealed.

Section 21. Effective Date. This Ordinance shall become effective on June 5, 2025.

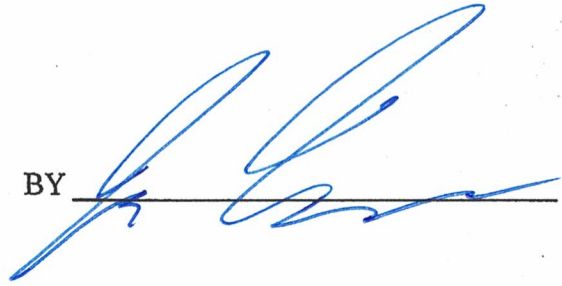
ENACTED and ORDAINED this 5th day of June, 2025.

BERLIN BOROUGH

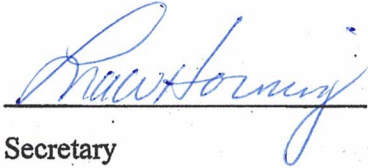
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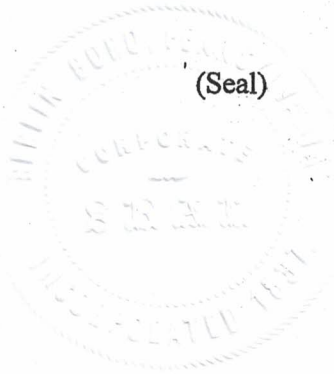


ATTEST:



Secretary

(Seal)



SECRETARY'S CERTIFICATE

I, Traci Horning, Secretary of Berlin Borough, a municipal corporation, does hereby certify:

1. The undersigned is duly appointed and qualified and acting Secretary of the Borough of Berlin and as such, the minute books, ordinances and resolutions and other books of said Borough are in my possession and custody.
2. The foregoing Ordinance is a true and correct Ordinance of the Borough of Berlin, duly and regularly adopted by the Borough Council of Berlin Borough, Somerset County, Pennsylvania, at its regular monthly meeting held on the 5th day of June, 2025, which said meeting was at all times open to the public, due notice of which was given as required by law, and at said meeting a quorum of the said Borough Council of Berlin Borough was present and participating and did vote in majority for adoption of the foregoing Resolution.

Attest:

Traci Horning
_____, Secretary
Berlin Borough



Dated: June 5th, 2025

**COMPLAINT PURSUANT TO BERLIN BOROUGH PROPERTY MAINTENANCE
ORDINANCE**

TO: Borough Council of Berlin Borough

Complainant's Name: _____

Address: _____

Telephone Number: _____

Description of real estate (address and location): _____

Name(s) and Address of Owner(s): _____

Nature of Complaint in Detail: _____

Pursuant to the provisions of the "Berlin Borough Property Maintenance Ordinance", the undersigned submits the Complaint in good faith and agrees to furnish any other necessary information as needed by the Borough and to assist in the enforcement of the terms of the Ordinance, including testifying in Court if necessary, as to the nature of the complaint for enforcement by the Borough.

Date: _____

Signature

RECEIVED by Berlin Borough on: _____