

ORDINANCE NO. 2024- 3

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 109, ENTITLED "BRUSH, GRASS AND WEEDS," CHAPTER 150, ENTITLED "FIRE PREVENTION," CHAPTER 221, ENTITLED "PROPERTY MAINTENANCE," CHAPTER 254, ENTITLED "STREETS AND SIDEWALKS," AND CHAPTER 261, ENTITLED "TATTOO AND BODY PIERCING ESTABLISHMENTS," OF THE CODE OF THE BOROUGH OF CHAMBERSBURG.

**WHEREAS**, the Borough Code, 8 Pa.C.S. § 101, *et seq.*, at Section 1202(5), authorizes the Borough to make regulations as may be necessary for the health, morals, general welfare, cleanliness, convenience, comfort, and safety of the Borough; and

**WHEREAS**, Section 1202(4) of the Borough Code authorizes the Borough to prohibit and remove any nuisances on public or private grounds and require the owner of the grounds to remove the nuisance; and

**WHEREAS**, the Town Council for the Borough of Chambersburg ("Town Council") has adopted certain regulations regarding the maintenance and disposal of grass, weeds, leaves, clippings and other "yard waste" at Chapter 109 of the Code of the Borough of Chambersburg (the "Code"); and

**WHEREAS**, Town Council has adopted certain regulations regarding fire prevention at Chapter 150 of the Code; and

**WHEREAS**, Town Council has adopted certain regulations regarding property maintenance at Chapter 221 of the Code; and

**WHEREAS**, Town Council has adopted certain regulations regarding the removal of snow and ice from sidewalks at Chapter 254 of the Code; and

**WHEREAS**, Town Council has adopted certain regulations regarding tattoo and body piercing establishments at Chapter 261 of the Code; and

**WHEREAS**, the appropriate Borough of Chambersburg staff were tasked with reviewing the regulations of Chapter 109, Chapter 150, Chapter 221, Chapter 254, and Chapter 261 and are recommending to Town Council certain revisions to provisions of Chapter 109, Chapter 150, Chapter 221, Chapter 254, and Chapter 261 of the Code; and

**WHEREAS**, the Mayor and Town Council of the Borough of Chambersburg have determined it to be in the best interests of the residents of the Borough of Chambersburg to amend certain provisions of Chapter 109, Chapter 150, Chapter 221, Chapter 254, and Chapter 261 of the Code in the manner set forth below.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION 1.** Chapter 109, Section 109-1 of the Code of the Borough of Chambersburg, entitled “Declaration of nuisance,” is hereby amended to read as follows:

No person, firm or corporation owning or occupying any property within the Borough of Chambersburg shall permit or cause the following to occur:

A. Any grass or weeds, or any vegetation whatsoever (not edible or planted for some useful or ornamental purpose), to grow or remain upon such premises, or upon the grass plot along the street or sidewalk abutting such premises, so as to exceed a height of 10 inches.

B. Any noxious weed, as defined herein, to grow or remain upon such premises.

(1) “Noxious Weed” shall refer to any of the following:

- a. Any weed or vegetation listed as a Class A, B, or C noxious weed at 3 Pa.C.S. § 1519;
- b. Any weed or vegetation that has been determined by the Pennsylvania Controlled Plant and Noxious Weed Committee to be a Class A, B, or C noxious weed in accordance with 3 Pa.C.S. § 1511; or
- c. Any weed or vegetation listed as a noxious weed at 7 C.F.R. § 360.200.

C. Any grass clippings, tree trimmings, hedge clippings or tree leaves, hereinafter referred to as “yard waste,” to be placed into a public street or alley along the curblin in such a manner that the yard waste covers or could cover or enter the stormwater drainage system of the Borough of Chambersburg. Tree leaves may be placed in the street between October 1 and December 31.

D. Dumping or hosing debris into the storm drain system.

E. Any violation of any provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, comfort and welfare of the inhabitants of the Borough.

**SECTION 2.** Chapter 150 of the Code of the Borough of Chambersburg, entitled “Fire prevention,” is hereby amended by deleting Article III thereof, entitled “Smoke Detectors,” in its entirety.

**SECTION 3.** Chapter 221, Section 221-2 of the Code of the Borough of Chambersburg, entitled “Adoption of standards,” is hereby amended to read as follows:

The 2018 Edition of the International Property Maintenance Code shall be the effective Property Maintenance Code in the Borough of Chambersburg for the regulation of all matters concerning the maintenance of buildings and structures within the Borough, except as revised by or supplemented by the provisions of § **221-4** herein following.

**SECTION 4.** Chapter 221, Section 221-4 of the Code of the Borough of Chambersburg, entitled “Modification of standards,” is hereby amended to replace Subsection U with the following:

Chapter 7 of the International Property Maintenance Code, as in effect in the Borough of Chambersburg, is revised by adding a new Section 704.8 to provide as follows:

**704.8 Responsibilities for installation and maintenance.**

**704.8.1 Owner responsibilities.**

- (i) Provide and install smoke alarms as otherwise provided in this Chapter 7 in all properties offered for lease or rental.
- (ii) Replace any approved smoke alarm that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the rental property and which has not been replaced by the prior occupant before commencement of a new occupancy of the rental property.
- (iii) Ensure that the batteries in each approved smoke alarm are in operating condition at the time the new occupant takes residence in the rental property.
- (iv) Except as provided in Subsections (i), (ii) and (iii) above, the owner of a dwelling used for rental purposes is not responsible for the maintenance, repair or replacement of an approved smoke alarm or the care and replacement of batteries while the building is occupied. Responsibility for maintenance and repair of smoke alarms shall revert to the owner of the building upon vacancy of the rental property.

**704.8.2 Occupant responsibilities.** The occupant of each dwelling used for rental purposes in which an operational and approved smoke alarm has been provided must:

- (i) Keep and maintain the device in good repair.
- (ii) Test the device.
- (iii) Replace batteries as needed.
- (iv) Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the building.

- (v) Notify the owner or the authorized agent of the owner, in writing, of any deficiencies pertaining to the approved smoke alarm.

**SECTION 5.** Chapter 221 of the Code of the Borough of Chambersburg is hereby amended by deleting Section 221-7, entitled “Carbon monoxide alarm standards,” in its entirety.

**SECTION 6.** Chapter 254, Section 254-15 of the Code of the Borough of Chambersburg, entitled “Violations and penalties,” is hereby amended to replace subsection B with the following:

Notwithstanding Subsection **A** above, a Code Enforcement Officer is hereby authorized to issue a ticket, in a form established by the Borough, to any person violating the provisions of this article. The ticket shall identify the address of the property where the violation occurred, as well as the nature of the violation. The ticket may either be: 1) handed to an owner or occupant of the property; 2) affixed to a door providing ingress and egress to the primary structure; 3) conspicuously posted on the property; or (4) mailed, by regular, certified or first-class mail, to the property or to the owner of the property at the owner’s last known address. The ticket shall instruct the violator that if the violator reports to the Code Enforcement Officer and pays the Borough the sum of \$50 within 10 days of issuance of the ticket, then such payment shall save the violator from prosecution by a citation. If a ticket is not paid within 10 days of issuance, the Code Enforcement Officer shall issue a citation to the violator.

**SECTION 7.** Chapter 261, Section 261-8 of the Code of the Borough of Chambersburg, entitled “Inspections,” is hereby amended to read as follows:

- A. **Health Officer.** The Health Officer, or a designee thereof, shall conduct inspections of any tattooing and/or body piercing establishment, at least once every two calendar years, for the purpose of determining whether or not said establishment and the persons performing tattooing and/or body piercing therein are in compliance with all applicable provisions contained within this chapter. It shall be unlawful for any person or operator of a tattooing and/or body piercing establishment to willfully prevent or restrain the Health Officer or a designee thereof from entering any licensed establishment where tattooing and/or body piercing is being performed for the purpose of inspecting said premises after proper identification is presented to the operator.
- B. **Reinspections.** If an operator or a tattooing and/or body piercing establishment fails an inspection, a cease-and-desist order shall be issued immediately by the Health Officer. The operator shall pay a reinspection fee for each reinspection, and such reinspection(s) shall not count toward the minimum one inspection per two calendar years.
- C. **Inspection fees.** The fees for any inspection or reinspection required under this chapter shall be established by resolution of Town Council from time to time.

**SECTION 8. Repealer.** All provisions of previous ordinances of the Code, which are contrary to this Ordinance, are expressly repealed.

**SECTION 9. Savings Clause.** In all other respects, the Code shall remain as previously enacted and ordained.

**SECTION 10. Severability.** If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**SECTION 11. Effective Date.** This Ordinance shall take effect immediately.

**ENACTED, ORDAINED and APPROVED** this 25<sup>th</sup> day of March, 2024.

**BOROUGH OF CHAMBERSBURG**

\_\_\_\_\_  
Allen B. Coffman  
President of Town Council

ATTEST:

\_\_\_\_\_  
Jamia L. Wright  
Secretary of Town Council

\_\_\_\_\_  
Kenneth Hock  
Mayor