

BOROUGH OF WORMLEYSBURG
20 MARKET STREET • WORMLEYSBURG, PA 17043

Code Enforcement, Zoning, Sidewalks and Shade Trees
Meeting Minutes

June 11 and July 9, 2019

IN ATTENDANCE

Committee Members: George Kahler, Warren Stumpf, Sue Stuart

Council Members: Joe Deklinski, Steve Hawbecker

Staff: Gary Berresford, Borough Manager

Community Present: None

The Codes Enforcement, Zoning, Sidewalks and Shade Trees Committee, hereinafter called Codes Committee, held two meetings to complete the agenda presented at the June 11, 2019 meeting. The initial meeting on June 11, 2019, was called to order at 6:30 p.m. and recessed at 7:15 p.m. The second meeting was held July 9, 2019; it resumed at 6:35 p.m. and adjourned at 7:10 p.m. Both meetings were called to order by Chair Sue Stuart in Borough Hall Chambers. Members in attendance were the same for both meetings.

AGENDA

The purpose of these meetings was to review the following items.

- Item 1A - Revisions to Residential Rental Unit Code adopted 12/12/2018 (certification and inspection of local residential rental properties and other restrictions) to revise the definition of occupant.
- Item 1B – Review possible amendment to same Code regarding occupancy limits.
- Item 2 – Review first and second drafts of prospective ordinance regarding fire pit safety.
- Item 3 – Review draft language to clarify mini-pigs as pets within the section controlling pets and farm animals.

Ms. Stuart invited Committee members to review the agenda. No changes were proposed.

BUSINESS

Item I A – Discussion on definition of occupant within Residential Rental Unit Code.

The first order of business was to review the ordinance language highlighted with proposed changes. It was noted that Attorney Saltzman had preliminarily approved the amendment.

The following definition of Occupant is excerpted from Page 6, Ordinance No. 511:

OCCUPANT. Any Tenant or Person living or using and sleeping in a Residential Rental Unit or having actual possession or use of said Residential Rental Unit ...

The proposed revision as presented would amend the text to include:

who has a legal relationship with the owner established by a written lease, rental agreement, or

other legally-enforceable arrangement under law.

ACTION: On motion made by George Kahler, seconded by Warren Stumpf, the Committee unanimously approved the revised definition of occupant as amended at 6/11/19 meeting. The Chair asked the Borough Manager to move the revisions forward for further action.

Item 1 B – Discussion about establishment of occupancy limits on rental property.

Committee members had received an informal request to add a maximum occupancy limit for residential dwellings. The objective would be to promote the health and safety of residents in rental properties; to assure that properties are not overcrowded in relation to the square footage and capacity of septic, sewer or other building systems, and to provide that each resident has space designated as sleeping quarters.

Over the course of both meetings, those present reviewed and discussed the following factors to determine a position.

- ✓ The Borough would need to know the number of persons in the unit or property and the number and size of bedrooms in said unit or property. Also, changes in occupancy.
- ✓ Determine what rules, if any, would have to be put into place for families with children.
- ✓ HUD rules for low-income housing require 70 square feet for one person using a room for sleeping purposes and 50 square feet per person for rooms used by more than one person.
- ✓ Ordinances from other boroughs reflect that simply indicating a limit of two persons per bedroom is not sufficient to cover all the circumstances that would need to be addressed.

At a minimum, an amendment to clarify occupancy would require changes to Section 901.3, Registration of Rental Units section and its incumbent form, to include:

1. Addition of definition of Occupancy Limitations within Section 202 General Definitions;
2. the addition of language that requires registrants to provide the size of each bedroom;
3. a specification that prohibits owners or tenants from designating other-purposed rooms as bedrooms (such as indicating that a kitchen or dining room is used for sleeping), and
4. revisions to the annual registration form to collect data, which would require substantial staff time to collect and manage.

ACTION: By consensus, the Codes Committee agreed to table the discussion on establishing occupancy standards at this time.

Item 2 – Proposed addition of fire pit safety section in existing outdoor ordinance.

Chair Stuart invited those present to review the draft ordinance. The text that follows reflects the totality of changes and edits made to the first draft.

Requirements for having a recreational fire in compliance with Borough of Wormleysburg would be as follows:

1. No recreational wood fire shall be closer than 10 feet from any buildings, structures, sheds, garages, property lines, or any other combustible materials.
2. All recreational fires shall have a diameter not larger than 3 feet and the fire may not extend more than 3 feet above the pit. The fire pit shall be surrounded on the outside by a non-combustible material, such as concrete blocks or rocks.
3. Portable fire pits (defined as devices commercially designed and intended to contain and control outdoor wood fires) may be used in accordance with manufacturers' recommendations and within these requirements and must be used upon dirt or a non-combustible surface only.
4. Atmospheric conditions shall be appropriate for fire burning. Conditions include but are not limited to wind direction and speed or overly dry conditions. Smoke, embers, or other burning materials may not be carried by wind toward any building or other combustible materials.
5. Smoke from any recreational fire shall not create a public nuisance for neighbors. In this case, a nuisance shall be deemed to exist if the fire generates burning embers, smoke, or odors that unreasonably interfere with the enjoyment of neighboring properties, or endanger the health, safety, or well-being of an individual or jeopardize a neighboring property. The fire shall be extinguished immediately upon the complaint of persons located at a neighboring or nearby property or by the police department.
6. Materials for recreational fires shall not include rubbish, garbage, treated lumber, recyclable items, trash, any material made or coated with rubber, plastic, leather or petroleum-based materials, and shall not contain any flammable, explosive or combustible liquids. Wood used in such fires shall be sized appropriately to conform with diameter and height limitations.
7. Adequate fire suppression equipment shall be immediately available to extinguish or control said recreational fire. Fire suppression equipment may include: fire extinguisher with 4-A rating, bucket or barrel of water, sand, dirt, or a working garden hose.
8. All recreational fires shall be attended at all times by at least one responsible person aged 18 years or older from the ignition of the fire until the fire is completely extinguished.
9. The renter/lease of any rented/leased property must provide signed documentation from the legal property owner giving permission to have recreational fires on that property.
10. The property owners and/or the person who started any recreational fire shall hold the Borough of Wormleysburg harmless from any and all such liability for any damage created by a recreational fire.
11. Any party who has started or maintains a recreational fire or pit shall pay any and all costs associated with damage created by a related fire, including costs incurred by the fire department for any service-related call as a result of a recreational fire not in compliance with safety requirements.
 - a. The fire company shall be permitted to invoice the responsible party for all expenses normally associated with responding to and/or fighting said fire.

12. Warnings, citations and fines may be issued to any person failing to comply with these requirements. Minimum fines shall be \$50; maximum fines shall not exceed \$1,000.

ACTION: On motion made by George Kahler, seconded by Warren Stumpf, the Committee unanimously approved the fire pit ordinance language as presented above. The Chair asked the Borough Manager to move this forward for further action.

Item 3 – The keeping of mini-pigs as pets was discussed. In addition to the following language, this amendment also requires revisions to various sections of the General Zoning Ordinance (of Codified Ordinances, etc.), including definitions of livestock, household pets, as well as the addition of a section specific to mini-pigs as follows.

Mini Pig Draft Ordinance Text

A mini pig shall be defined as a miniature size of pig as recognized and registered by the American Mini Pig Association. These classifications shall include but not be limited to: Juliana, Gottengin/Guttengin, African Pygmy, Yucatan Micro, Swedish White, and be exclusively bred and sold as a pet. For the purpose of this section, "mini pigs" shall refer to a variety of swine that is no more than 18 inches in height at shoulder level when fully grown, has short ears, and a straight tail, and shall not exceed 150 pounds.

1. Mini pigs shall be subject to routine veterinary care, including vaccines (erysipelas and rabies) and regular parasite control (Ivermectin).
2. Mini pigs shall have a microchip as permanent identification.
3. Mini pigs shall be spayed or neutered before 6 months of age.
4. Mini pigs shall have a fenced in yard or area or be on leash when outside.
5. If housed outside, mini-pigs shall be housed in a weatherproof shelter built to withstand wind, rain, snow, and other harsh weather conditions.
6. If abandoned or mistreated, the Borough of Wormleysburg reserves the right to fine the owner an amount up to or equal to any fees charged by the Humane Society of the Harrisburg Area (or other rescue) for costs related to animal shelter and sanctuary.
7. It shall be unlawful for any person who owns, keeps, harbors, maintains, or permits on any parcel of land or premises under their control any mini-pig which by loud, continued, or frequent oinking, squealing, or grunting shall annoy or disturb the peace and comfort of the inhabitants of any neighborhood or interfere with any person or persons in the reasonable and comfortable enjoyment of life or property; or rooting to such an extent that the animal traverses the property boundary line.

ACTION: On motion made Mr. Stumpf, seconded by Mr. Kahler, the ordinance language noted above was approved unanimously and will be presented to Council as an amendment to the Livestock ordinance.

New business – There was no new business.

Old business – There was no old business.

Adjournment – There being no further business, the meeting adjourned at 7:10 p.m.

Respectfully submitted,

Sue Stuart

Sue Stuart, Codes Chair