

ORDINANCE NO. 200A

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, REPEALING IN THEIR ENTIRETY PART 1, ENTITLED "BOCA NATIONAL BUILDING CODE", PART 2, ENTITLED "BOCA NATIONAL FIRE CODE", PART 3, ENTITLED "BOCA NATIONAL MECHANICAL CODE", PART 4, "BOCA PLUMBING CODE", AND PART 5, ENTITLED "INTERNATIONAL PROPERTY MAINTENANCE CODE" OF CHAPTER VI, ENTITLED "CODE ENFORCEMENT" OF THE TOWNSHIP OF AMITY CODE OF ORDINANCES, BERKS COUNTY, PENNSYLVANIA AND AMENDING CHAPTER VI, ENTITLED "CODE ENFORCEMENT" IN ITS ENTIRETY TO ADOPT AND ADMINISTER THE UNIFORM CONSTRUCTION CODE AND TO ADOPT THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF AMITY

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of the Township of Amity, Berks County, Pennsylvania and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Part 1, entitled "BOCA National Building Code" of Chapter VI, entitled "Code Enforcement" of the Township of Amity Code of Ordinances is hereby specifically repealed.

SECTION 2. Part 2, entitled "BOCA National Fire Prevention Code" of Chapter VI, entitled "Code Enforcement" of the Township of Amity Code of Ordinances is hereby specifically repealed.

SECTION 3. Part 3, entitled "BOCA National Mechanical Code" of Chapter VI, entitled "Code Enforcement" of the Township of Amity Code of Ordinances is hereby specifically repealed.

SECTION 4. Part 4, entitled "BOCA Plumbing Code" of Chapter VI, entitled "Code Enforcement" of the Township of Amity Code of Ordinances is hereby specifically repealed.

SECTION 5. Part 5, entitled "International Property Maintenance Code" of Chapter VI, entitled "Code Enforcement" of the Township of Amity Code of Ordinances is hereby specifically repealed.

SECTION 6. Chapter VI, entitled "Code Enforcement", of the Township of Amity Code of Ordinances, is hereby supplemented by adding thereto the following new Part 1:

**"Part 1**

**Administration and Enforcement**

Section 101. Election to Administer and Enforce. The Township of Amity, Berks County, Pennsylvania (the "Township") hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101-7210.1103, as amended from time to time (the "Act"), and its regulations.

Section 102. Adoption of Uniform Construction Code. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Township.

Section 103. Revisions to the Uniform Construction Code. The following additions, insertions, deletions and changes are hereby made to the Uniform Construction Code:

(a) The International Building Code, 2003 edition, is hereby revised as follows:

- (1) Section 1612.3 Insert - Township of Amity
- (2) Section 1612.3 Insert - December 1, 1997
- (3) Section 3410.2 Insert - January 7, 1972

(b) The International Code Council Electrical Code - Administrative Provisions, 2003 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - Township of Amity
- (2) Section 404.2 Insert - Fees assessable by the township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of the Township by resolution from time to time.

(c) The International Energy Conservation Code, 2003 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - Township of Amity

(d) The International Existing Building Code, 2003 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - Township of Amity
- (2) Section 1201.2 Insert - January 7, 1972
- (3) Inclusion - Appendix B entitled "Supplementary accessibility requirements for existing buildings and facilities" is hereby adopted

(e) The International Fire Code, 2003 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - Township of Amity
- (2) Section 109.3 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)" and "thirty (30)"
- (3) Section 111.4 Insert - \$100.00 and \$1000.00

(f) The International Fuel Gas Code, 2003 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - Township of Amity
- (2) Section 106.5.2 Insert - Fees assessable by the Township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of the Township by resolution from time to time.
- (3) Section 106.5.3 Insert - 75% and 75%
- (4) Section 108.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)" and "thirty (30)"
- (5) Section 108.5 Insert - \$100.00 and \$1,000.00
- (6) Inclusion - Appendix A entitled "Sizing and capacities of gas piping" in hereby adopted

(7) Inclusion - Appendix B entitled "Sizing of venting systems serving appliances equipped with draft hoods, category I appliances, and appliances listed for use and Type B vents" is hereby adopted

(8) Inclusion - Appendix C entitled "Exit terminals of mechanical draft and direct-vent venting systems" is hereby adopted

(g) The International Mechanical Code, 2003 edition, is hereby revised as follows:

(1) Section 101.1 Insert - Township of Amity

(2) Section 106.5.2 Insert - Fees assessable by the Township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of the township by resolution from time to time.

(3) Section 106.5.3 Insert - 75% and 75%

(4) Section 108.4 Insert - "Summary Offense", One Thousand Dollars (\$1,000.00)" and "thirty (30)"

(5) Section 108.5 Insert - \$100.00 and \$1,000.00

(h) The International Code Council Performance Code for Buildings and Facilities, 2003 edition, is not modified at this time.

(i) The International Plumbing Code, 2003 edition, is hereby revised as follows:

(1) Section 101.1 Insert - Township of Amity

(2) Section 106.6.2 Insert - Fees assessable by the Township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of the Township by resolution from time to time.

(3) Section 106.6.3 Insert - 75% and 75%

(4) Section 108.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)", and thirty (30)

(5) Section 108.5 Insert - \$100.00 and \$1,000.00

(6) Section 305.6.1 Insert - 24 inches and 36 inches

(7) Section 904.1 Insert - 18 inches

(8) Inclusion - Appendix B entitled "Rates of rainfall for various cities" is hereby adopted

(9) Inclusion - Appendix D entitled "Degree day and design temperatures" is hereby adopted

(10) Inclusion - Appendix F entitled "Structural safety" is hereby adopted

(j) The International Residential Code, 2003 edition, is hereby revised as follows:

- (1) Section R101.1 Insert - Township of Amity
- (2) Table R301.2(1) Insert the following Design Criteria:
  - a) Ground Snow Load - 30 pounds
  - b) Wind Speed - 90 mph
  - c) Seismic Design Category - B
  - d) Weathering - Severe
  - e) Frost line depth - 30"
  - f) Termite - moderate to heavy
  - g) Decay - Slight to moderate
  - h) Winter Design Temp - See Appendix D of the International Plumbing Code, 2003 - Degree day and design temperatures
    - i) Flood Hazards - See Township Zoning Ordinance
    - j) Air Freezing Index - 1000
    - k) Mean Annual Temperature - 50 degrees F
- (3) Section P2603.6.1 Insert - 24 inches and 36 inches
- (4) Section P3103.1 Insert - 18 inches
- (5) Inclusion - Appendix A entitled "Sizing and capacities of gas piping" is hereby adopted
- (6) Inclusion - Appendix B entitled "Sizing of venting systems serving appliances equipped with draft hoods, category I appliances, and appliances listed for use with Type B vents" is hereby adopted
- (7) Inclusion - Appendix C entitled "Exit terminals of mechanical draft and direct-venting systems" is hereby adopted
- (8) Inclusion - Appendix F entitled "Radon control methods" is hereby adopted

(k) The International Urban-Wildland Interface Code, 2003 edition is hereby revised as follows:

- (1) Section 101.1 Insert - Township of Amity

Section 104. Administration and Enforcement of Code. Administration and enforcement of the Code within the Township shall be undertaken in any of the following ways as determined by Board of Supervisors of the Township from time to time by resolution:

- (a) By the designation of an employee of the Township to serve as the Township Building Code Official to act on behalf of the Township.

(b) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.

(c) By agreement with one or more other municipalities for the joint administration and enforcement of the Act through an inter-municipal agreement.

(d) By entering into a contract with another municipality for the administration and enforcement of the Act on behalf of the Township.

(e) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

Section 105. Board of Appeals. A Board of Appeals shall be established by resolution of the Board of Supervisors of the Township in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

Section 106. Previously Adopted Codes.

(a) All building code ordinances or portions of ordinances which were adopted by the Township on or before July 1, 1999 and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

(b) All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(c) All relevant ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect.

Section 107. Fees. Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Board of Supervisors of the Township by resolution from time to time.

Section 108. Severability. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein."

SECTION 7. Chapter VI, entitled "Code Enforcement", of the Township of Amity Code of Ordinances is hereby supplemented by adding thereto the following new Part 2:

"Part 2

Property Maintenance Code

Section 201. Adoption of Property Maintenance Code. That a certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Amity, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Amity, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of Amity are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed as follows:

- (a) Section 101.1 Insert - Township of Amity
- (b) The Title of Section 103 shall read as follows:

BUILDING CODE OFFICIAL AND DEPUTIES

- (c) Section 103.1 shall read as follows:

Creation of the Office of the Building Code Official. The office of Building Code Official is hereby created and the executive

official(s) in charge thereof shall be known as the Building Code Official.

(d) Section 103.2 shall read as follows:

Appointment The Building Code Official shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.

(e) Section 103.5 shall read as follows:

Fees. The fees for all work, permits, charges, etc. shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

(f) The Title of Section 104.7 shall read as follows:

Building Code Official's Records

(g) Subsection 106.3 shall read as follows:

Prosecution of violation. Persons who shall violate a provision of this Code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000. per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(h) Subsection 107.4 is hereby revised by deleting the reference to Section 106.4 and substituting "106.3."

(i) Section 111 is hereby deleted in its entirety. A new Section 111 is hereby enacted to read as follows:

Appeals. The creation of the board of appeals and its authority and qualifications and the filing of appeals shall be in accordance with Sections 403.121 and 403.122 contained in 34 PA Code Chapter, 403.

(j) Section 202 is hereby revised to include the following additional definitions:

Occupied. As applied to a building or portion thereof, shall be construed as though followed by the words, "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy".

One Family Dwelling. A building containing one dwelling unit.

Two Family Dwelling. A building containing two dwelling units.

(k) Section 202 is hereby amended as follows: in the definition of "owner" the phrase "if ordered to take possession of real property by a court" is hereby deleted from the definition.

(l) Section 301 is hereby amended to include the following additional subsection known as 301.2.1:

Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line.

(m) Section 302 is hereby amended to include the following additional subsection known as 302.3.1:

Where sidewalks exist, those responsible (see Section 301.2.1, as amended) for the sidewalks shall have at least a two-foot wide path cleared of snow and ice within 24 hours after the cessation of the snowfall.

EXCEPTION: When more than twelve (12) inches of snow has fallen, those responsible for the sidewalk shall have at least a two-foot wide path cleared of snow and ice within 48 hours after the cessation of the snowfall.

(n) Section 302.4 is hereby amended to insert ten (10) inches in height for (jurisdiction to insert height in inches).

(o) Section 302 is hereby amended to include the following additional subsection known as 302.4.2:

The Building Code Official, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant or any adult person in charge of said premises, as the case may be, of any property wherein grass or other vegetation is in violation of Section 302.4 or Section 302.4.1, directing and requiring such occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this ordinance, within 5 days after issuance of such notice.

Whenever, in the judgment of the Building Code Official, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found, or because a search for the owner or occupant would entail unreasonable delay, the Township or any officer or employee of the Township designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of ten percent (10%) of the cost thereof shall be collected by the Township from such person, firm or corporation, in the manner provided by law and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance.

(p) Section 302.8 shall read as follows:

Motor vehicles. Only one intact inoperative or unlicensed motor vehicle shall 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.

(q) Section 302 is hereby amended to include the following additional subsection known as 302.8.1:

Registered motor vehicles are prohibited from parking on any non-paved area in the front or side yards of a property for a period of greater than 12 hours. Motor vehicles may be parked on non-paved

areas in the rear yard providing that a solid fence, a minimum of 6 feet tall, is erected around the rear yard in order to screen the contents of the yard from surrounding neighbors.

(r) Section 304.14 substitute "May 15th" for the first reference of [DATE], and "October 15th" for the second reference of [DATE].

(s) Section 602.3 substitute "October 1st" for the first reference of [DATE], and "May 1st" for the second reference of [DATE].

(t) Section 602.4 substitute "October 1st" for the first reference of [DATE], and "May 1st" for the second reference of [DATE].

(u) Substitute in all relevant Sections of the Code "Building Code Official" for [THE BUILDING OFFICIAL].

(v) Substitute in all relevant Sections of the Code "the Board of Supervisors" for [THE GOVERNING BODY].

Section 202. Severability. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein."

SECTION 8. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 9. This Ordinance shall become effective five (5) days from the date of enactment.

SECTION 10. That nothing in this Ordinance, the Uniform Construction Code, or the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 11. The Township of Amity Code of Ordinances, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Township of Amity Code of Ordinances, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 29<sup>th</sup> day of June, 2004.

TOWNSHIP OF AMITY  
BOARD OF SUPERVISORS

Robert R. Yone

Richard L. Staley

Eric Sills

Joseph Karpinski

Sueie A. Sack

Attest: Marska Shurip  
Secretary