

ORDINANCE NO. 2106

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER VI, ENTITLED "CODE ENFORCEMENT" OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF AMITY TO ADOPT AND ADMINISTER THE UNIFORM CONSTRUCTION CODE

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. Chapter VI, entitled "Code Enforcement", of the Code of Ordinances of the Township of Amity, Berks County, Pennsylvania is hereby amended and restated in its entirety as follows:

"Part 1

Uniform Construction Code

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 is hereby revised as follows:
 - (1) Section 101.1 Insert - Township of Amity
 - (2) Section 1612.3 Insert - Township of Amity
 - (3) Section 1612.3 Insert - December 5, 1997

- (b) The International Energy Conservation Code is hereby revised as follows:
 - (1) Section 101.1 Insert - Township of Amity

- (c) The International Existing Building Code is hereby revised as follows:
 - (1) Section 101.1 Insert - Township of Amity
 - (2) Section 1301.2 Insert - January 7, 1972

- (d) The sections of the international Fire Code which are cross-referenced in the International Building Code and part of the UCC adopted by the Commonwealth of Pennsylvania, as stated in 43 Pa. Code §403.21(b), are 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)"
 - (3) Section 111.4 Insert - "\$100.00" and "\$1,000.00"

- (e) The International Fuel Gas Code 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"

(f) The International Mechanical Code 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"

(g) The International Code Council Performance Code for Buildings and Facilities is not modified at this time.

(h) The International Plumbing Code 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 - "12 inches"

(i) The International Residential Code 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 Design

1) Wind Speed - 90 mph

2) Topographic Effects - No

c) Seismic Design Category - B

d) Weathering - Severe

e) Frost line depth - 30"

f) Termite - moderate to heavy

g) Slight to moderate

h) Winter Design Temp - Same degree day and design temperatures as the City of Reading as listed in Appendix D of the International Plumbing Code.

i) Flood Hazards - See Code of Ordinances

j) Air Freezing Index - 1000

k) Mean Annual Temperature - 50 degrees F.

l) Ice Barrier underlayment Required - No

(3) Section P2603.6.1 Insert - "24 inches" and "36 inches"

(4) Inclusion - Appendix F entitled "Radon control methods" of the 2009 Edition of the International Residential Code is hereby adopted.

(j) The International Wildland-Urban Interface Code is hereby revised as follows:

(1) Section 101.1 Insert - Township of Amity

(k) Section 403.1(a) of the Uniform Construction Code is hereby amended by adding the following subsection:

(1) The Uniform Construction Code shall also apply to all residential utility and miscellaneous use structures with a building area of more than 500 square feet.

(l) All alterations to residential buildings which do not make structural changes or changes to means of egress and repairs to residential buildings shall be subject to compliance with the Uniform Construction Code as contained in 34 Pa. Code, Chapters 401 through 405, and as amended from time to time; provided, however, that the following repairs and alterations shall be exempt from such compliance:

(1) Fences that are not 6' in height.

(2) Sidewalks and driveways that are 30 inches or less above adjacent grade, not placed over a basement or story below it and not located in pedestrian passageways.

(3) Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, countertops and similar finishing work.

(4) Retaining walls less than four feet in height, unless the wall supports a surcharge.

(5) Prefabricated swimming pools that are less than 24 inches deep.

(6) All exterior decks that are less than 30" or less above grade and not attached to any structure.

(7) Swings and other playground equipment accessory to a one-family or two-family dwelling.

(8) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

(9) Replacement of glass in any window or door. However, the replacement glass shall comply with the minimum requirements of the International Residential Code.

(10) Replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions of framing of the original openings are not enlarged. The installation of means of egress and emergency escape windows must be made in the same opening without altering the dimensions of framing of the original opening to be exempt.

(11) Replacement of existing roof material.

(12) Replacement of existing siding or installation of siding over existing exterior wall covering.

(13) Repair or replacement of any part of a porch or stoop, which is not a structural element.

(14) Installation of additional roll, batt, or blown-in insulation.

(15) Replacement of exterior rainwater gutters and leaders.

(16) Installation or replacement of aluminum or vinyl soffit, fascia or other exterior trim.

(17) Minor electrical work for the following:

a) Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b) Replacement of a receptacle, switch or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. This does not include replacement of receptacles in locations where ground-fault interrupter protection is required.

c) Replacement of installed electrically operated equipment such as doorbells, communication systems, security systems and any motor-operated device.

d) Installation, alteration or rearrangement of communications wiring or security wiring.

e) Replacement of dishwashers.

f) Replacement of range hoods.

(18) The following gas work:

a) Portable heating, cooking, or clothes-drying appliances.

b) Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.

c) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(19) The following mechanical work or equipment:

a) A portable heating appliance.

b) Portable ventilation appliances.

c) A portable cooling unit.

d) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.

e) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

f) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors of one horsepower.

g) Portable evaporative cooler.

h) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(20) The following plumbing work:

a) Replacement of bib valves if replacement hose bib valves are provided with an approved atmospheric breaker.

b) Replacement of ball cocks.

c) Repair of leaks.

d) Clearance of stoppages.

e) Replacement of faucets or working parts of faucets.

f) Replacement of valves other than shower or combination shower/bath valves.

g) Replacement of traps, if not buried.

h) Replacement of water closet, lavatory or kitchen sink.

i) Replacement of domestic clothes washers and dishwashers.

(21) The following heating, ventilation and air-conditioner work:

a) Replacement of motors, pumps and fans of the same capacity.

b) Repair and replacement of heating, supply and return piping and radiation elements, which do not require rearrangement of the piping system.

c) Repair of ductwork.

d) Repair of air-conditioning equipment and systems.

e) Repair and replacement of control devices for heating and air-conditioning equipment.

f) Replacement of kitchen range hoods.

g) Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.

h) Replacement of stoves and ovens if there is no change in the fuel type, location or electrical characteristics.

(m) An ordinary repair does not require a permit. The following are not ordinary repairs.

(1) Cutting away a wall, partition or portion of a wall.

(2) The removal of cutting and any structural beam or load-bearing support.

(3) The removal or change to any required means of egress or rearrangement of parts of a structure affecting the means of egress.

(4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electric or mechanical.

(n) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment under the ownership or control of public service agencies.

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 before April 7, 2010 are hereby repealed.

(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.

Part 2

International 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 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 therefore; 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 2. 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 3. This Ordinance shall become effective thirty-five (35) days from the date of enactment.

SECTION 4. 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 5. The Code of Ordinances of the Township of Amity, 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 Code of Ordinances of the Township of Amity, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 18 day of August, 2010.

TOWNSHIP OF AMITY
BOARD OF SUPERVISORS

[Signature]

Kim McGeehan

[Signature]

Paul R. Welby

[Signature]

Attest: [Signature]
Secretary