

CHAPTER VI

CODE ENFORCEMENT

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Part 1

Uniform Construction Code

Section 101. Election to Administer and Enforce. The Township of Spring, 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. (Ordinance No. 346, August 13, 2007, Section 1)

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. (Ordinance No. 346, August 13, 2007, Section 1)

Section 3. 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, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (2) Section 1612.3 Insert - "Township of Spring"
- (3) Section 1612.3 Insert - "December 5, 1997 "
- (4) Section 3410.2 Insert - "October 14, 1940"

(B) The International Code Council Electrical Code - Administrative Provisions, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (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, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"

(D) The International Existing Building Code, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (2) Section 1301.2 Insert - "October 14, 1940"

(D) The International Fire Code, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (2) Section 109.3 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)" and "thirty (30)"
- (3) Section 111.4 Insert - "\$1,000.00" and "\$1,000.00"
- (4) Section 3204.3.1.1 Insert - "These items are prohibited in all zoning districts except industrial and agricultural zoning uses"
- (5) Section 3404.2.9.5.1 Insert - "These items are prohibited in all zoning districts except industrial and agricultural zoning uses"
- (6) Section 3406.2.4.4 Insert - "These items are prohibited in all zoning districts except industrial and agricultural zoning uses"
- (7) Section 3804.2 Insert - "These items are prohibited in all zoning districts except industrial and agricultural zoning uses"

(F) The International Fuel Gas Code, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (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 - "80%" and "80%"
- (4) Section 108.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)" and "thirty (30)"
- (5) Section 108.5 Insert - "\$1,000.00" and "\$1,000.00"

(G) The International Mechanical Code, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (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 - "80%" and "80%"
- (4) Section 108.4 Insert - "Summary Offense", One Thousand Dollars (\$1,000.00)" and "thirty (30)"
- (5) Section 108.5 Insert - "\$1,000.00" and "\$1,000.00"

(H) The International Code Council Performance Code for Buildings and Facilities, 2006 edition, is not modified at this time.

(I) The International Plumbing Code, 2006 edition, is hereby revised as follows:

- (1) Section 101.1 Insert - "Township of Spring"
- (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 - "80%" and "80%"
- (4) Section 108.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)", and thirty (30)
- (5) Section 108.5 Insert - "\$1,000.00" and "\$1,000.00"
- (6) Section 305.6.1 Insert - "36 inches" and "36 inches"
- (7) Section 904.1 Insert - "24 inches" and "24 inches"

(J) The International Residential Code, 2006 edition, is hereby revised as follows:

- (1) Section R101.1 Insert - "Township of Spring"
- (2) Table R301.2(1) Insert the following Design Criteria:
 - a) Ground Snow Load - 2,516/ft²
 - b) Wind Speed - 90 mph
 - c) Seismic Design Category - C
 - d) Weathering - Severe
 - e) Frost line depth - 36"
 - f) Termite - moderate to heavy
 - g) Decay - Slight to moderate
 - h) Winter Design Temp - 13°
 - i) Flood Hazards - See Code of Ordinances
- (3) Section P2603.6.1 Insert - "36 inches" and "36 inches"
- (4) Section P3103.1 Insert - "24 inches" and "24 inches"

(K) The International Urban-Wildland Interface Code, 2006 edition is hereby revised as follows:

(1) Section 101.1 Insert - "Township of Spring"
(Ordinance No. 346, August 13, 2007, Section 1)

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 the 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.

(Ordinance No. 346, August 13, 2007, Section 1)

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. (Ordinance No. 346, August 13, 2007, Section 1)

Section 106. Previously Adopted Codes.

- (A) All building code ordinances or portions of ordinances which were adopted by the Township before August 13, 2007 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.

(Ordinance No. 346, August 13, 2007, Section 1)

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. (Ordinance No. 346, August 13, 2007, Section 1)

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. (Ordinance No. 346, August 13, 2007, Section 1)

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 Spring, being marked and designated as the International Property Maintenance Code, 2006 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Spring, 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 Spring 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 Spring"

(B) Section 103.5 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) Section 106.3 is amended and restated in its entirety as follows:

"106.3 Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense.

If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."

(D) Section 302.4 Insert - "ten (10) inches"

(E) Section 302.8 - Replace with the following:

“302.8. Motor Vehicles: Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: 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.”

(F) Section 304.14 Insert - “April 1 to November 1”

(G) Section 602.3 Insert - “October 1 to June 1”

(H) Section 602.4 Insert - “October 1 to May 1”

(Ordinance No. 346, August 13, 2007, Section 2)

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. (Ordinance No. 346, August 13, 2007, Section 2)

Part 3

Uniform Construction Code Board of Appeals

Section 301. Title and Background. The title and background of this Part are as follows:

(A) This Part authorizes the Township of Spring, Berks County, Pennsylvania, to join with other participating municipalities to enter into an intergovernmental agreement to establish the Berks County Uniform Construction Code Board of Appeals in cooperation with the County of Berks.

(B) Certain townships and boroughs in Berks County, Pennsylvania have enacted ordinances adopting the Uniform Construction Code ("UCC"), Act 45 of 1999, 35 P.S. § 7210.101, et seq. (the "Act").

(C) Section 301 of the Act directed the Pennsylvania Department of Labor and Industry to promulgate regulations with respect to the administration and enforcement of the Act, which regulations were codified at Title 34 Pa.Code, Chapters 401, 403 and 405 ("Regulations").

(D) Section 403.121(d) of the Regulations, 34 Pa.Code § 403.121(d), as authorized by Section 501(c) of the Act, 35 P.S. § 7210.501(c), provides that two or more municipalities may establish a joint board of appeals through an intergovernmental agreement adopted under the authority of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S. § 2301, et seq.

(E) Under the Pennsylvania Intergovernmental Cooperation Act, a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body.

(F) The Township of Spring, Berks County, Pennsylvania (the "Township") desires to enter into an intergovernmental agreement ("Agreement") with other participating municipalities in cooperation with the County to establish the Berks County Uniform Construction Code Board of Appeals ("UCC Board of Appeals"), to hear and rule on appeals, requests for variances and requests for extension of time as may be filed under the Township's UCC ordinance (Part 1, Chapter VI).

(Ordinance No. 329, April 10, 2006, Section 1)

Section 302. Agreement. The Board of Supervisors hereby approves entering into the Agreement, a copy of which is attached hereto and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Part was enacted), with the intent and effect that the Township shall be bound by the Agreement. (A copy of the Agreement may be obtained at the Township office.) (Ordinance No. 329, April 10, 2006, Section 2)

Section 303. Participation. The Chairman of the Board of Supervisors is hereby authorized and directed on behalf of the Township: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including payment of the participation fee to Berks County on behalf of the UCC Board of Appeals, as may be due from the Township under the Agreement. (Ordinance No. 329, April 10, 2006, Section 3)

Section 304. Ratification of Previous Actions. All actions of any officer, agent or other representative of the Township heretofore taken in the pursuit of the establishment of the UCC Board of Appeals and/or the Township's participation therein are hereby ratified and approved in all respects. (Ordinance No. 329, April 10, 2006, Section 4)

Section 305. Authorization. The Board of Supervisors is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Part and of the Agreement. (Ordinance No. 329, April 10, 2006, Section 5)

Section 306. Intergovernmental Cooperation Act. As required by the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:

- (A) The conditions of the Agreement are set forth in the Agreement.
- (B) The Township shall utilize the UCC Board of Appeals for all appeals filed from application of the Township's UCC ordinance for the term as set forth in the Agreement.
- (C) The purpose and objectives of the Agreement are as set forth in this Part and in the Agreement.
- (D) The manner and extent of financing the Agreement are that: (i) no borrowing will be required by the Township; (ii) funds to implement the Township's obligations under the Agreement shall come from normal and usual budgeted amounts for such matters; and (iii) other provisions governing the manner

and extent of the financing of the UCC Board of Appeals shall be as set forth in the Agreement;

(E) The UCC Board of Appeals shall be administered by the Board of Commissioners of Berks County, or its designee.

(F) All property, real or personal, of the UCC Board of Appeals shall be acquired, managed, licensed or disposed of by the UCC Board of Appeals in accordance with the terms of the Agreement and the rules and procedures as may be adopted by the UCC Board of Appeals.

(G) The UCC Board of Appeals will not be entering into any contracts.

(Ordinance No. 329, April 10, 2006, Section 6)

Section 307. Severability. The provisions of this Part are severable and if any section, sentence, clause, or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Part. It is hereby declared to be the intent of the Township that such Part would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein. (Ordinance No. 329, April 10, 2006, Section 7)