

## **Chapter 5**

### **Code Enforcement**

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**Part 1****Uniform Construction Code****§5-101. Implementation of Uniform Construction Code.**

1. Dover Township hereby elects to administer and enforce the provisions of the Code, as amended from time to time.

2. 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 Dover Township.

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

A. By the designation of an employee of the Township to serve as the municipal code official to act on behalf of the Township.

B. By 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 this Act through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this 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.

4. A Board of Appeals shall be established by 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. The Board of Appeals may be established by joint action of the Township and other participating municipalities, as provided by law.

5. A. The following portions of ordinances that 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:

(1) Ordinance No. 97-10, adopting standards to apply to manufactured homes for use as single-family dwellings regulating home installations and providing for penalties for the violation thereof.

(2) Ordinance No. 91-1, adopting requirements for fencing of swimming pools, having a depth of 18 inches or greater.

(3) Ordinance No. 97-8, § 502.b(6), adopting requirements for fencing and barrier requirements of swimming pools, having a depth of 18 inches or greater.

B. The Dover Township Building Code (Ordinance No. 93-6), Plumbing Code

(Ordinance No. 93-8), Mechanical Code (Ordinance No. 93-7), Fire Prevention Code (Ordinance 95-5), NFPA Life Safety Code (Ordinance 95-6), and CABO One and Two Family Dwelling Code (Ordinance 95-9), together with any amendments, are hereby repealed for all buildings for which permits are issued after the effective date of this Part. The ordinances shall remain in full force and effect for any permits for which complete applications were filed before the effective date of this Part.

C. All building code ordinances or portions of ordinances that were adopted by the Township after July 1, 1999, are hereby repealed.

D. All building code ordinances or portions or 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 to the comparable provisions of the Code.

E. All relevant ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect, and any permits required by the Township ordinances or State or Federal regulations or statutes, which are not superceded by the Code, including but not limited to zoning, driveway, sewage, highway, or NPDES permits, as applicable, shall continue to be required.

F. It is the intent of this Part that, by adopting the Code, the Township adopts all building or other codes which have been adopted and mandated by the Code, including but not limited to the International Fuel Gas Code, and, as the Code is amended to include or adopt new or updated versions of any building or other codes, such codes automatically shall be updated as part of this Part.

6. 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 by resolution from time to time.

7. Any owner or person, as those terms are defined in the Code, who or which violates or permits the violation of any provision of this Part or of the Code commits a summary criminal offense. For a violation of any provision of this Part, enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$100 for the first such offense, or a fine of not more than \$300 for the second such offense, or a fine of not more than \$600 for the third and each succeeding such offense, plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. [*Ord. 2005-08*]

(*Ord. 2004-11, 6/14/2004; as amended by Ord. 2005-08, 10/24/2005*)

**Part 2****Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

The 2006 International Property Maintenance Code [the "Code"] is hereby adopted within Dover Township with the additions, insertions, deletions and modifications as set forth within this Part.

(*Ord. 2007-05, 7/9/2007, §1*)

**§5-202. Amendments to Property Maintenance Code.**

The following additions, insertions, deletions and modifications to the 2006 International Property Maintenance Code are hereby adopted:

A. Chapter 1 - "Administration."

(1) Section 101.1 "Title." Insert "Dover Township" for name of jurisdiction.

(2) Section 102.3 "Application of Other Codes." Delete last sentence.

(3) Section 102.7 "Referenced Codes and Standards." This Section is deleted in its entirety.

(4) Section 103.1 "General." This Section is amended to read: The official in charge of property maintenance inspections, administration and enforcement shall be known as the building code official. All references to the "code official" in this Part shall mean the "building code official."

(5) Section 103.2 "Appointment." This Section is amended to read: The code official shall be appointed by the Board of Supervisors of Dover Township, and serves at the pleasure of the Board.

(6) Section 103.3 "Deputies." Delete in its entirety.

(7) Section 103.5 "Fees." This Section is amended to read: The fees for activities and services performed pursuant to this code shall be set by resolution by the Board of Supervisors of Dover Township.

(8) Section 104.2 "Rule-making Authority." This Section is deleted in its entirety.

(9) Section 106.3 "Prosecution of Violation." This Section is amended to delete the phrase "misdemeanor or civil infraction as determined by the local municipality" and insert in its place the phrase "summary offense."

(10) Section 106.4 "Violation Penalties." This Section is amended to read:

Any owner, occupant, tenant or person who violates or permits the violation of any provision of this code shall commit a summary criminal offense, and upon conviction by a District Justice, shall be subject to a fine not to exceed \$1,000 plus costs, and imprisonment to the extent allowed by law for summary offenses for each violation. Each day of a violation, and each separate violation of this code, shall be considered a separate violation.

(11) Section 107.2 "Form." This Section is amended to delete subsection (5)

and (6) from the form and add a new subsection (5) as follows:

5. Failure to make the required repairs and improvements within the time specified may result in the institution of summary criminal proceedings before the District Justice, and upon conviction by a District Justice, shall be subject to a fine not to exceed \$1,000 plus costs, and imprisonment to the extent allowed by law for summary offenses for each violation. Each day of a violation, and each separate violation of the code, shall be considered a separate violation.

(12) Section 109.6 "Hearing." This Section is deleted in its entirety.

(13) Section 111 "Means of Appeal." The entire Section is deleted.

B. Chapter 2 - Definitions.

(1) Add "motor vehicle parts" to definition of "Rubbish." - Combustible and noncombustible waste material, except garbage; the term shall include the residue from burning wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, motor vehicle parts, mineral matter, glass, crockery and dust and other similar materials.

C. Chapter 3 - General Requirements.

(1) Section 302.4 "Weeds." Insert 12 inches for height in inches.

(2) Section 302.6 "Exhaust vents." This Section is deleted in its entirety.

(3) Section 304.2 "Protective Treatment." This Section is deleted in its entirety.

(4) Section 304.3 "Premises Identification." This subsection is amended to read: Premises shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. When placed on a building, numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

(5) Section 304.11 "Chimneys and Towers." Delete last sentence.

(6) Section 304.13 "Window, Skylight and Door Frames." This Section and subsections are deleted in their entirety.

(7) Section 304.14 "Insect Screens." This Section is deleted in its entirety.

(8) Section 304.15 "Doors." This Section is deleted in its entirety.

(9) Section 304.16 "Basement Hatchways." This Section is deleted in its entirety.

(10) Section 304.17 "Guards for Basement Windows." This Section is deleted in its entirety.

(11) Section 304.18 "Building Security." This Section and subsections are deleted in their entirety.

(12) Section 305.1 "General." The first two sentences are deleted.

(13) Section 305.3 "Interior Surfaces." This Section is deleted in its entirety.

(14) Section 305.6 “Interior Doors.” This Section is deleted in its entirety.

(15) Section 307.2.2 “Refrigerators.” This subsection is hereby amended to read: Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on exterior premises.

(16) Section 307.3.1 “Garbage Facilities.” This subsection is deleted in its entirety.

(17) Section 307.3.2 “Containers.” This subsection is deleted in its entirety.

D. Chapter 4 - Light, Ventilation and Occupancy Limitations. Chapter 4 is deleted in its entirety.

E. Chapter 5 - Plumbing Facilities and Fixture Requirements.

(1) Section 502.1 “Dwelling Units.” This Section is deleted in its entirety.

(2) Section 503.1 “Privacy.” This Section is deleted in its entirety.

(3) Section 503.2 “Location.” This Section is deleted in its entirety.

(4) Section 503.3 “Location of Employees Toilet Facilities.” This Section is deleted in its entirety.

(5) Section 503.4 “Floor Surface.” This Section is deleted in its entirety.

(6) Section 504 “Plumbing Systems and Fixtures.” The entire Section is deleted.

(7) Section 505.2 “Contamination.” The word “public” is inserted before the word “water” in the first clause.

F. Chapter 6 – Mechanical and Electrical Requirements

(1) Section 602.2 “Residential Occupancies.” The “Exception” to this section is deleted.

(2) Section 602.3 “Heat Supply.” Insert October 15 to April 15 for the dates.

(3) Section 602.4 “Occupiable Work Spaces.” This Section is deleted in its entirety.

(4) Section 605.2 “Receptacles.” This Section is deleted in its entirety.

(5) Section 605.3 “Luminaires.” This Section is amended to read: All public areas, including but not limited to: halls, stairways, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(Ord. 2007-05, 7/9/2007, §1)

### **§5-203. Filing of Lien and Imposition of Attorney’s Fees.**

Any billing remaining unpaid for work performed by the Township in connection with enforcement of the Property Maintenance Code shall be at the option of the Township filed as a municipal lien in accordance the provisions of the Municipal Claims and Tax Lien Act, 53, P.S. §7501 *et seq.*, as amended [the “Act”], or collected under usual means of civil action or as otherwise provided by law, including the collection of costs and reasonable attorney’s fees as authorized by the Second Class Township Code, 53 P.S. §65101 *et seq.*, as amended. Any bill which shall be entered as a lien pursuant to the Act, shall include all penalties, simple interest at the rate of 10% per annum,

costs of filing, and attorney's fees for legal services rendered in connection with the filing, enforcement and removal of the lien in accordance with an hourly rate equal to the Township Solicitor's regular rate for litigation charges to the Township.

(*Ord. 2007-05, 7/9/2007, §1; as added by Ord. 2010-02, 7/26/2010, §1*)