

## **Chapter 5**

### **Code Enforcement**

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**Part 1****Uniform Construction Code****§5-101. General.**

The Commonwealth of Pennsylvania by the Pennsylvania Construction Code Act of 1999, 35 P.S. §7210.101 *et seq.*, has mandated that each municipality, in order to insure the general health, safety, and welfare of its citizens as set forth in the Act as amended, and pursuant to the regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry for the specific purposes set forth in said Act, shall adopt a Uniform Construction Code. Borough Council of Chalfant Borough does herewith fulfill that duty to adopt, administer, and enforce the provisions of the Act, as required by said Statute by adopting the Pennsylvania Construction Code, and assumes the powers commensurate with such Act.

(*Ord. 394, 3/10/2004, §1*)

**§5-102. Election to Adopt, Administer, and Enforce.**

Chalfant Borough does hereby elect to adopt, administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P. S. §§ 7210.101 *et seq.*, as amended from time to time, and the regulations promulgated thereunder by the Pennsylvania Department of Labor and Industry.

(*Ord. 394, 3/10/2004, §2*)

**§5-103. Adoption.**

The Uniform Construction Code published in 34 Pa.Code, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Chalfant Building Code.

(*Ord. 394, 3/10/2004, §3*)

**§5-104. Enforcement by Code Enforcement Officer.**

Chalfant Borough shall enforce the Uniform Construction Code through a duly appointed official to be known as the Code Enforcement Officer by resolution, and/or by retention of code officials, and/or by third party agencies to act on behalf of the Borough and/or by inter-municipal agreements with local governments or with the Pennsylvania Department of Labor and Industry as Council sees fit from time to time.

(*Ord. 394, 3/10/2004, §4*)

**§5-105. Allegheny County Health Department Plumbing Code.**

1. In lieu of the International Plumbing Code, Chalfant Borough adopts the Allegheny County Health Department Plumbing Code as its standard plumbing code as permitted by 35 P.S. §7210.503(a).

2. *Enforcement.* Chalfant Borough does hereby designate the Allegheny County Health Department, Plumbing Section, through its contractual relationship with the Borough to be the duly certified and authorized plumbing inspection third party agency,

meeting all of the statutory requirements set forth in the Uniform Construction Code Act, 35 P.S. §7210.701 *et seq.*, as amended.

(*Ord. 394, 3/10/2004, §5*)

#### **§5-106. Appeals.**

Appeals from a decision of the Code Enforcement Officer shall be made to a Board of Appeals which shall be established by simple resolution in conformity with the requirements of the applicable provisions of the Code, as amended from time to time, and for the purposes set forth therein. If enforcement and administration is undertaken jointly with one or more other local governments, said Board of Appeals shall be established by joint action of the participating local governments.

(*Ord. 394, 3/10/2004, §6*)

#### **§5-107. Prior Ordinances.**

1. All building code ordinances or portions of ordinances which were heretofore adopted 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.

2. All building code ordinances or portions of ordinances which are in effect on the effective date of this Part the requirements of which are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations, and policies of Chalfant Borough not governed by the Code shall remain in full force and effect.

(*Ord. 394, 3/10/2004, §7*)

#### **§5-108. Fees and Charges.**

Fees and charges assessable for the administration and enforcement of this Part and the Code shall be established by resolution from time to time.

(*Ord. 394, 3/10/2004, §9*)

#### **§5-109. Effective Date.**

This Part shall take effect on July 1, 2004.

(*Ord. 394, 3/10/2004, §10*)

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

A certain document, three copies of which are on file in the office of the Borough Secretary of the Borough of Chalfant, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Chalfant, in the State 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 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. Property Maintenance Code on file in the office of the Borough of Chalfant are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions, and changes, if any, prescribed in §5-202 of this Part.

(Ord. 408, 8/11/2011)

**§5-202. Modification of Standards.**

The following replacements, insertions, and modifications shall be made in the 2009 International Property Maintenance Code at the places hereinafter indicated:

A. Subsection 101.1 Title: replace “[NAME OF JURISDICTION]” with “Borough of Chalfant.”

B. Subsection 103.5 Fees: replace “[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]” with “Borough of Chalfant Fee Schedule.”

C. Subsection 106.4 Violation penalties: modify to read as follows: “Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.”

D. Subsection 112.4 Failure to comply: replace the phrase “a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.” with “a fine of not less than \$100 or more than \$1,000. Each day the work continues after the issuance of the stop work order shall constitute a separate finable offense. Such fines are in addition to any fines or penalties imposed pursuant to §106 concerning the violation(s) on the premises.”

E. Section 202 GENERAL DEFINITIONS: the following definitions shall be inserted at the appropriate alphabetical spot into this Section and shall read as follows:

*Jurisdiction, the*—Borough of Chalfant.

*Noxious weeds*—any noxious vegetation covered under and prohibited by the Noxious Weed Control Law, 3 P.S. §255.1 *et seq.*, as amended, or by regulations of the Pennsylvania or United States Departments of Agriculture including, but not limited to, the following:

- (a) Cannabis sativa, commonly known as Marijuana.
- (b) Cirsium arvense, commonly known as Canadian Thistle.
- (c) Rosa multiflora, commonly known as Multiflora Rose.
- (d) Sorghum halepense, commonly known as Johnson Grass.
- (e) Polygonum perfoliatum commonly known as Mile-a-Minute.
- (f) Pueraria lobata, commonly known as Kudzu Vine.
- (g) Cirsium vulgare, commonly known as Bull or Spear Thistle.
- (h) Carduus nutans, commonly known as Musk or Nodding Thistle.
- (i) Sorghum bicolor, commonly known as Shattercane.
- (j) Datura stramonium, commonly known as Jimsonweed.
- (k) Lythrum salicaria, commonly known as Purple Loosestrife (all cultivars).
- (l) Heracleum mantegazzianum, commonly known as Giant Hogweed.
- (m) Galega officinalis, commonly known as Goatsrue.
- (n) Chicory, succory, or blue daisy.

*Weeds*—all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

F. Subsection 304.14 Insect screens: replace the phrase “During the period from [DATE] to [DATE]” with “Where appropriate, during the period from April 1 to October 31.”

G. Subsection 602.3 Heat supply: replace the phrase “during the period from [DATE] to [DATE]” with “during the period from October 1 to April 30.”

H. Subsection 602.4 Occupiable work spaces: replace the phrase “during the period from [DATE] to [DATE]” with “during the period from October 1 to April 30.”

(*Ord. 408, 8/11/2011*)

### **§5-203. Savings Clause.**

That nothing in this Part or in 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 causes of action acquired or existing under any act or ordinance hereby repealed as cited in §5-202 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Part.

(*Ord. 408, 8/11/2011*)