

Chapter 5

Code Enforcement

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

Carroll Valley Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended from time to time, and its regulations.

(Ord. 1-04, 5/11/2004)

§5-102. Adoption of the Pennsylvania 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 Carroll Valley Borough.

(Ord. 1-04, 5/11/2004)

§5-103. Administration and Enforcement of the Uniform Construction Code.

Administration and enforcement of the Code within Carroll Valley Borough shall be undertaken in any of the following ways as determined by the Borough Council of Carroll Valley Borough from time to time by resolution:

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

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Carroll Valley Borough.

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 Carroll Valley Borough.

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.

(Ord. 1-04, 5/11/2004)

§5-104. Establishment of Board of Appeals.

A Board of Appeals shall be established by resolution of the Borough Council 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, the Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 1-04, 5/11/2004)

§5-105. Status of Existing Building Code Ordinances or Portions Thereof.

1. All building code ordinances or portions of ordinances which were adopted by Carroll Valley Borough 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 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.

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

(Ord. 1-04, 5/11/2004)

§5-106. Climactic and Geographic Design Criteria.

Table 301.2(1) of the 2003 International Residential Code is amended to provide the following climactic and geographic design criteria for Carroll Valley Borough:

Roof Snow Load	30 psf
Wind Pressure	90 mph
Seismic Condition	2
Weathering	severe
Frost Line	36 inches
Termite Protection	yes
Decay	yes
Winter Design Temp.	10 degrees Fahrenheit
Randon Resistant	yes
Flood Hazards	FEMA Map date 94

(Ord. 1-04, 5/11/2004)

§5-107. Fees for Enforcement.

Fees assessable by Carroll Valley Borough for the administration and enforcement undertaken pursuant to this Part and Code shall be established by the Borough Council by resolution from time to time.

(Ord. 1-04, 5/11/2004)

B. Fireflow Requirements and Residential Sprinkles**§5-111. Addition to UCC Enforcement Regulations.**

§403.21(a) of the Uniform Construction Code Administration and Enforcement Regulations is amended by adding the following:

(15) Appendix B of the “International Fire Code.”

(Ord. 2-04, 9/14/2004)

§5-112. Changes to the International Residential Code.

These changes are made to the *International Residential Code* for one- and two-family dwellings:

(A) §R313 is retitled “Fire Protection.”

(B) §R313.3 is added as follows:

R313.3 Automatic Sprinklers: An automatic sprinkler system designed in accordance with the current edition of the National Fire Protection Association's Standard 13D, shall be installed in all one and two family dwellings and townhouses constructed after the date of this Part.

(C) §R313.4 is added as follows:

R313.4 Waterflow Alarms: Waterflow alarms shall be installed on all sprinkler systems. These alarms shall consist of waterflow switches and outside alarm bells.

(D) §R313.4.1 is added as follows:

R313.4.1: Outside alarm bells shall be labeled as to their purpose.

(Ord. 2-04, 9/14/2004)

Part 2**Code Enforcement****§5-201. Short Title.**

This Part shall be known and may be cited as the “Code Enforcement Ordinance of the Borough of Carroll Valley.”

(Ord. 6, 6/14/1975, §6-1006)

§5-202. Establishment of Office of Code Enforcement.

1. *Creation.* There is hereby created by the Council of the Borough an office of the Borough to be known as the “Office of Code Enforcement.” The office shall have the responsibility for administering and enforcing the provisions of this Part and of those other codes and/or ordinances of the Borough, (hereinafter referred to as the “applicable codes and ordinances”), which designate said Office of Code Enforcement as their official administration and enforcement agency.

2. *Appointment of Code Enforcement Officer.* There shall be appointed by the Borough Council a Code Enforcement Officer who shall be in charge of the Office of Code Enforcement of the Borough. The Code Enforcement Officer shall supervise such other employees or assistants, as appointed and approved by the Borough Council.

3. *Relief from Personal Liability.* The Code Enforcement Officer, or other official or employee shall not, while acting for the Borough, render himself liable personally because of any act or omission as required or permitted in the discharge of his official duties. Any suit instituted against such Code Enforcement Officer, official or employee, because of any act performed by him in the lawful discharge of his duties shall be defended by the Borough and in no case will said officer, official or employee be liable for costs in any action, suit or proceeding.

4. *Official Record.* An official record shall be kept of all business and activities of the Office of Code Enforcement and all of such records shall be open to the public for inspection at all appropriate times.

(Ord. 6, 6/14/1975, §6-1001)

§5-203. Duties and Powers of Code Enforcement Officer.

1. *Enforcement by Code Enforcement Officer.* The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances which establish the Office of Code Enforcement as their official administration and enforcement agency.

2. *Duties of Code Enforcement Officer.* The duties of the Code Enforcement Officer and his authorized assistants and representatives shall include the receipt of applications, the issuance of permits, notices, certificates and orders, the making of inspections to determine conformance with applicable codes and ordinances, the undertaking of research and investigations, the establishment of appropriate rules, the keeping of records, the issuance of written annual reports and such other activities as may be required.

3. *Right of Entry.*

A. In the discharge of his duties the Code Enforcement Officer or his authorized representative shall, upon showing proper identification, have the authority to enter, at any reasonable hour, any structure or premises in the Borough to enforce the provisions of this Part and of those other applicable codes and ordinances. The assistance and cooperation of all other Borough officials, including police, shall be available to the Code Enforcement Officer to assist in the performance of his duties and in securing right of entry.

B. The owner, operator or occupant or other person in charge of any structure or premise shall give the Code Enforcement Officer free access thereto and it shall be unlawful to refuse or impede entrance of the Code Enforcement Officer to said structure or premises for the purpose of making any required inspection.

C. If any such owner, operator or other occupant or other person in charge refuses or impedes any required or lawful inspection, the Borough may seek, in a court of competent jurisdiction, an order that such owner, occupant or person in charge shall cease and desist with such interference.

(Ord. 6, 6/14/1975, §6-1002)

§5-204. Permits, Certificates and Fees.

1. *Permit Required.* An application for a permit shall be required in accordance with the provisions of those applicable codes and ordinances which the Office of Code Enforcement has the responsibility to administer. Said application shall be submitted in such form as may be prescribed by the Code Enforcement Officer and shall be accompanied by any required fee.

2. *Action on Application.* The Code Enforcement Officer shall examine said application to determine compliance with those other applicable codes and ordinances of the Borough and shall, within 45 days after filing, either approve or reject said application. If said application is rejected, the Code Enforcement Officer shall inform the applicant in writing, stating the reasons for such rejection. The 45-day review period shall begin from the date that all required permit applications, plans and specifications have been submitted, and when the application is deemed to be complete by the Code Enforcement Officer. [Ord. 11-01]

3. *Required Fees.* Applicants for permits required by any of the applicable codes and ordinances shall pay, at the time of application, to the Code Enforcement Officer, for the use of the Borough, such fees as shall be established from time to time by resolution of Borough Council.

A. A separate building permit and fee is required for new construction, renovation, or alteration of each individual structure within a complex, except as stated in paragraph .C below. The total valuation of the work shall be determined by the Code Enforcement Officer based upon the cost of materials and labor, overall dimensions, and other pertinent factors applicable to the work being permitted. [Ord. 5-92]

B. The fee for new construction, renovation, or alteration shall be determined by the number of inspections required under the applicable codes, in addition to the total valuation of the work, including foundations, construction, plumbing, heating and electrical work, in accordance with the schedule of fees adopted, from time to

time by resolution of Borough Council. [Ord. 5-92]

C. Any new construction, renovation, or alteration which is less than \$1,000 in total valuation shall require a zoning permit with the required fee, but no building permit or fee unless, in the opinion of the Code Enforcement Officer, the new construction, renovation or alteration affects the structural integrity of an existing structure. If the Code Enforcement Officer determines that inspections are necessary, then a building permit and a minimum fee shall also be required. [Ord. 5-92]

D. *Moving Buildings.* The moving of buildings shall require permits and inspections under all applicable codes and shall be subject to the same fee schedules as established by resolution of Borough Council. The total valuation of the work shall include the estimated cost of moving the structure, plus cost of new foundations and all other necessary work required to affix the structure to the site. [Ord. 5-92]

E. *Building Demolition.* A fee for demolition shall be based on each 1,000 cubic feet of total volume of the building to be demolished. In addition, the applicant shall post a bond with the Code Enforcement Officer for a sum equal to no less than four times the assessed valuation of the building to be demolished, which bond shall be for the faithful performance of the demolition in accordance with all applicable codes and ordinances.

F. *Fire Prevention.* A fee shall be charged in accordance with the schedule of fees established from time to time, by resolution of Borough Council, for the establishment and operation of any use or activity provided in the Fire Prevention Code where such use requires a permit, except that no fee shall be charged for permits issued by the Fire Marshal for open fires under the Fire Prevention Code, as amended. Permits for open burning are issued for a specific date and time, and on a one-time basis. [Ord. 5-92]

G. All permits granted under any of the above applicable codes and ordinances, except burning permits, shall be good for a period of 1 year, provided that a 6-month extension may be requested in writing, and such extension may be granted by the Code Enforcement Officer for good reason; except that any permit granted for demolition activities shall be valid for 6 months only, and if such demolition work is not completed within that time, any bond posted by the applicant shall be forfeited.

H. An additional fee shall be charged in accordance with the schedule of fees as adopted, from time to time, by resolution of Borough Council for each re-inspection after the first re-inspection, and an additional fee equal to the minimum fee for the subject permit shall be charged for each permit extension after the first 6 month extension. [Ord. 5-92]

4. *Certificates.* The following certificates shall be required in accordance with the provisions of those other applicable codes or ordinances which the Office of Code Enforcement has the responsibility to administer:

A. *Certificate of Use and Occupancy.* A certificate of use and occupancy shall be required, and no new building or portion of an existing building which is enlarged or altered, shall be used or occupied in whole or in part, until such a certificate of use and occupancy shall have been issued by the Code Enforcement

Officer.

B. *Certificate of Approval.* A certificate of approval shall be required for any electrical or plumbing work completed under the provisions of the applicable codes and ordinances. All applicants shall apply to the Office of Code Enforcement for such a certificate of approval within 30 days of the completion of the building, structure, work or premises.

C. *Other Certificates.* Any other permits, certificates or licenses, as required by the applicable codes and ordinances shall be obtained by the applicant in accordance with the provisions of said applicable codes and ordinances. Application for such permits, certificates or licenses shall be made to the Code Enforcement Officer.

(Ord. 6, 6/14/1975, §6-1003; as amended by Ord. 1-81, 1/12/1981; by Ord. 6-85, 9/9/1985; by Ord. 5-92, 6/8/1992; and by Ord. 11-01, 11/12/2001)

§5-205. Violations and Penalties.

1. *Procedure in Case of Violations.* Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or of the other applicable codes and ordinances, or of any rule or regulation adopted thereto, he shall give notice of such alleged violation to the responsible owner, operator or occupant as provided for hereinafter; Said notice shall consist of the following:

A. It shall be in writing and shall be signed by the Code Enforcement Officer.

B. It shall include a statement of the reasons why the notice is being issued and the remedial actions required.

C. It shall allow a reasonable time for the correction of the violation alleged or of the remedial actions required except where emergency conditions exist which require immediate corrective action.

2. *Penalties.* Any person who fails to correct a violation or take a remedial action as ordered by the Code Enforcement Officer, or who violates a provision or fails to comply with any requirements of this Part or of any other applicable code or ordinance, shall, upon conviction, be subject to the higher of such penalties specified in such code or ordinance or a fine of no more than \$1,000, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

3. *Other Powers.* The imposition of the penalties herein prescribed shall not preclude the Solicitor representing the Borough from initiating, and he is hereby ordered to initiate, appropriate actions or proceedings at law, or in equity, to affect the purpose of this Part.

(Ord. 6, 6/14/1975, §6-1004; as amended by Ord. 5-92, 6/8/1992; and by Ord. 11-01, 11/12/2001)

§5-206. Variances and Appeals.

1. *Code Hearing Board.* There is hereby established a Code Hearing Board, appointed by the Borough Council, which shall consist of three members who shall serve without compensation, but may be reimbursed for necessary and reasonable

expenses. Their terms of office shall all be for 3 years except for those first appointed, so fixed that the term of office of at least one member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term.

2. *Powers of the Code Hearing Board.* The Code Hearing Board shall have the following powers and duties:

A. *Interpretation.* On appeal from a determination of the Code Enforcement Officer or on request of any Borough official, the Code Hearing Board shall decide any questions involving the interpretation of any provision of this Part or of those other applicable codes and ordinances.

B. *Variances.* The Code Hearing Board may grant a variance only in those cases where the strict application of this Part or of those other applicable codes or ordinances would result in practical difficulty or unnecessary hardship and where the public health and safety shall not be jeopardized.

C. *Decide Appeals.* The Code Hearing Board shall hear all appeals made to it and, depending on its findings, shall decide whether such appeals shall be granted.

3. *Requests for Appeals or Variances.* Any person requesting a variance or aggrieved by a decision of the Code Enforcement Officer or by any other employee or official charged with the administration and enforcement of this Part and of those other applicable codes or ordinances, may take an appeal to the Code Hearing Board. All appeals must be made in writing stating the grounds upon which the appeal is based and shall be transmitted to the Office of Code Enforcement. An appeal must be taken within 15 days of the action or of the receipt by written notice of any decision or ruling which is being appealed.

4. *Appeals and Variance Procedure.*

A. *Public Hearing.* The Code Hearing Board shall meet and conduct a hearing within 30 days of the receipt of an appeal or a request for a variance. All hearings shall be public and all persons whose interest may be affected shall be given an opportunity to be heard. A record shall be kept of all evidence and testimony presented at the hearing.

B. *Decision of the Board.* The Board shall render a decision in writing within 45 days after the last hearing before the Board, and a copy of each decision shall be sent to the applicant and to the Code Enforcement Officer. The Code Hearing Board shall also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Code Hearing Board and the findings of fact on which the decision was based. The Code Hearing Board shall make an order on its decision and the Code Enforcement Officer shall take immediate action to carry out said order. Where the Board fails to render a decision within the period required by this subsection, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

5. *Appeals From the Decision of the Code Hearing Board.* Any person or persons aggrieved by any final order or decision of the Code Hearing Board may appeal such order or decision, within 30 days, to the Court of Common Pleas in accordance with, as far as practicable, the Rules of Civil Procedure of the Supreme Court of Pennsylvania

regarding appeals from administrative agencies.

6. *Reports by the Code Hearing Board.* The Code Hearing Board shall report to the Council of the Borough periodically, at intervals of not later than 12 months. The report shall summarize all applications and appeals made to it since the least report and shall contain a summary of the Board's decision on each case. A copy of the report shall be filed with the Code Enforcement Officer. The Code Hearing Board may also submit to the Council of the Borough advisory reports recommending changes and modifications in this Part or in those other applicable codes or ordinances.

(*Ord. 6, 6/14/1975, §6-1005*)

Part 3**Property Maintenance Code****§5-301. Adoption 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 Carroll Valley being marked and designated as the “BOCA National Property Maintenance Code, Fifth Edition, 1996,” as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Carroll Valley, Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Property Maintenance Code, 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 §5-302 of this Part.

(Ord. 12-96, 7/8/1996)

§5-302. Additions, Insertions and Changes.

That the following Sections are hereby revised as follows:

- A. Section PM-101.1. Insert: Borough of Carroll Valley.
- B. Section PM-106.2 Insert: No minimum, \$1,000, 30 days.
- C. Section PM-304.15. Insert: May 1, October 31.
- D. Section PM-602.2.1 Insert: October 1, April 30.
- E. Section PM-602.3 Insert: October 1, April 30.

(Ord. 12-96, 7/8/1996)

§5-303. Saving Clause.

That nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to effect 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 12-96, 7/8/1996)

