

## CHAPTER VI

### CODE ENFORCEMENT

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Part 1

Uniform Construction Code

Section 101. Election to Administer and Enforce. The Township of Tilden, 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. 148, June 5, 2004, 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. 148, June 5, 2004, Section 2)

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 Uniform Construction Code shall also apply to all residential utility and miscellaneous use structures with a building area of more than 200 square feet.

(Ordinance No. 157, April 2, 2005, 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 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. 148, June 5, 2004, Section 3; as amended by Ordinance No. 157, April 2, 2005, Section 2)

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. 148, June 5, 2004, Section 4; as amended by Ordinance No. 157, April 2, 2005, Section 2)

Section 106. Previously Adopted Codes.

(a) All building code ordinances or portions of ordinances which 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.

(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. 148, June 5, 2004, Section 5; as amended by Ordinance No. 157, April 2, 2005, Section 2)

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. 148, June 5, 2004, Section 6; as amended by Ordinance No. 157, April 2, 2005, Section 2)

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. 148, June 5, 2004, Section 8; as amended by Ordinance No. 157, April 2, 2005, Section 2)

Section 109. Pending Litigation. That nothing in this Part, 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 Part. (Ordinance No. 148, June 5, 2004, Section 11; as amended by Ordinance No. 157, April 2, 2005, Section 2)

## 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 Tilden, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Tilden, 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 Tilden 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 Tilden

(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. 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 in the amount of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) per violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(d) Section 304.14 Insert - May 15 to October 15.

(e) Section 602.3 Insert - October 1 to May 1.

(f) Section 602.4 Insert - October 1 to May 1.

(Ordinance No. 148, June 5, 2004, Section 7; as amended by Ordinance No. 175, January 2, 2007, Section 1)

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. 148, June 5, 2004, Section 8)

Section 203. Pending Litigation. That nothing in this Part, 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 Part. (Ordinance No. 148, June 5, 2004, Section 11)

### Part 3

#### Construction Activity

Section 301. "Construction Activity" Defined. "Construction Activity" shall be defined as the conduct of erecting a building, fixture, or structure, altering a building, fixture or structure, or conducting repair or maintenance activity on a building, fixture, or structure. "Construction Activity" shall not include road work conducted by or ordered by Township or Commonwealth employees or officials, or emergency repairs or maintenance ordered by public authorities to be conducted immediately prevent imminent danger to health or safety, or further property damage. (Ordinance No. 149, July 3, 2004, Section 1)

Section 302. Prohibition of Construction Activity During Certain Hours. No Construction Activity as shall be conducted on property in the Township between the hours of 11:00 p.m. and 6:00 a.m., prevailing time, which causes noise audible at any property boundary. (Ordinance No. 149, July 3, 2004, Section 2)

Section 303. Penalties for Violation. Any person, firm, corporation, or other entity who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars and 00/100 (\$600.00), and/or to undergo imprisonment for a term of not more than ninety (90) days. Each day that a violation of this Part continues after notice of violation shall constitute a separate offense. (Ordinance No. 149, July 3, 2004, Section 3)

Section 304. Severability. If any section, clause, section, or part of this Part is for any reason found to be illegal, unconstitutional, or invalid, such illegality, unconstitutionality, or invalidity shall not affect or impair any of the remaining portions of this Part. It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such illegal, unconstitutional, or invalid portion thereof had not been included herein. (Ordinance No. 149, July 3, 2004, Section 4)