

TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE No. 244-2021

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE No. 148, DATED JUNE 5, 2004, WHICH ADOPTED THE UNIFORM CONSTRUCTION CODE AS THE BUILDING AND CONSTRUCTION CODE (UCC) FOR THE TOWNSHIP, TO ADOPT THE 2018 AMENDMENTS TO THE PENNSYLVANIA CONSTRUCTION CODE ACT AMENDING THE UCC CODES AND APPLICABLE REGULATIONS OF THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, PROVIDE FOR THE SETTING AND AMENDMENT BY RESOLUTION OF FEES, SET FORTH PENALTIES FOR VIOLATION, AND PROVIDE FOR REPEALER AND SEVERABILITY

IT IS HEREBY enacted and ordained by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania, as follows:

Section 1. Adoption and Incorporation of Standards

A. Subject to the additions, insertions, deletions, changes, and preservations set forth below, Tilden Township has elected to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999 and the Uniform Construction Code contained in 34 Pa.Code, Chapters 401-405, as amended from time to time, collectively the "Code," as the municipal building and construction code of Tilden Township.

B. Subject to the additions, insertions, deletions, changes, and preservations set forth below, Tilden Township hereby adopts, as if fully set forth in this Ordinance, as published by the International Code Council, including but not limited to the regulations, provisions, penalties, conditions and terms set forth within those codes, the following:

(1) The provisions of Chapters 2–10, 12–29, 31–35 and Section 3006 (relating to elevator lobbies and hoistway opening protection) of the "International Building Code of 2015," except:

(i) In occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2 the maximum riser height shall be 8 1/4

inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A 1-inch (25 mm) nosing shall be provided on stairways with solid risers.

(ii) That Section 913.2.2 (relating to circuits supplying fire pumps) is excluded.

(iii) That in Section 2609.4 (relating to area limitations and greenhouses), exception three is modified to include "or maintaining plants."

(2) Chapter 11 of the "International Building Code of 2015."

(3) The "International Mechanical Code of 2015."

(4) The "International Fuel Gas Code of 2015" except that Section 310.3 of the "International Fuel Gas Code of 2018" (relating to arc-resistant CSST) is also adopted.

(5) The "International Performance Code of 2009."

(6) The "International Plumbing Code of 2015."

(7) The "International Residential Code of 2015," except that:

(i) The provisions of R314.4 requiring interconnected smoke alarms do not apply to one-family and two-family dwellings undergoing alterations, repairs or additions. Noninterconnected battery operated smoke alarms shall be installed in these dwellings.

(ii) The following specifications apply to residential stairway treads and risers.

(A) The maximum riser height is 8 1/4 inches. There may be no more than a 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.

(B) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(C) The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.

(D) Treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(E) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(F) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(iii) The following provisions are excluded:

(A) Section R302.5.1 (relating to opening protection).

(B) Section R322.2.1 (relating to elevation requirements for flood hazard areas).

(C) Section R322.3.2 (relating to elevation requirements for coastal high hazard areas).

(D) Section R325.5 (relating to openness).

(E) Table R507.6 (relating to deck beam span lengths).

(F) Table R602.7.5 (relating to minimum number of full height studs at each end of headers in exterior walls).

(G) Section N1101.4 (relating to above code programs).

(H) Section N1103.3.5 (relating to building cavities).

(I) Section N1103.5.2 (relating to demand recirculation systems).

(J) Table N1106.4 (relating to maximum energy rating index).

(K) Section P2503.5.1 (relating to rough plumbing).

(L) Section E3901.7 (relating to outdoor outlets).

(iv) The following provisions are modified:

(A) Section N1101.6 (relating to defined terms) is amended by adding the definition of "framing factor" as the fraction of the total building component area that is structural framing.

(B) Table 1102.1.2 (relating to insulation and fenestration criteria) is amended by adding "or $18 + 6.5H$ " to climate zone 6 wood frame wall R-value.

(C) Table N1102.1.2 (relating to insulation and fenestration requirements by components) is amended by adding footnote j which permits R-18 insulation to be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24" o.c. nominal vertical stud spacing.

(D) Section N1102.4.1.2 (relating to testing) is amended as having an air leakage rate not exceeding five air changes per hour for all climate zones.

(E) Section N1105.2 (relating to mandatory requirements) is amended to require compliance with the mandatory provisions of section N1102.4.1.2.

(F) Section M1601.4.1, exception 3 (relating to joints, seams, and connections) is amended by excluding this exception for snap-lock and button-lock type joints and seams located outside of conditioned spaces.

(G) Section M1602.2 item 2 (relating to return air openings) is amended to add the word perimeter before the first use of the word room.

(H) Section E3901.11 (relating to foyers) is amended by replacing 3 feet (914 mm) with 6 feet (1829 mm) and a minimum of one receptacle.

(v) The following provisions of the International Residential Code of 2009 are adopted:

(A) Section R302.5.1 (relating to opening protection).

(B) Section R322.2.1 (relating to elevation requirements for flood hazard areas).

(C) Section R322.3.2 (relating to elevation requirements for coastal high hazard areas).

(D) Section N1101.8 (relating to above code programs).

(E) Section N1103.2.3 (relating to building cavities).

(F) Section P2503.5.1 (relating to rough plumbing).

(G) Section E3901.7 (relating to outdoor outlets).

(vi) The following provisions of the "International Residential Code of 2018" are adopted:

(A) Section R325.5 (relating to openness) is adopted except for exception 2.

(B) Table R507.5 (relating to deck beam span lengths).

(C) Section R602.3.1 (relating to stud size, height, and spacing) exception 3.

(D) Table R602.3(6) (relating to alternate wood bearing wall stud size, height, and spacing).

(E) Table R602.7.5 (relating to minimum number of full height studs at each end of headers in exterior walls).

(F) Section N1103.3.6 (relating to ducts buried within ceiling insulation).

(G) Section N1103.3.7 (relating to ducts located in conditioned space).

(H) Table N1106.4 including footnote "a" (relating to maximum energy rating index).

(8) The "International Fire Code of 2015" except that Section 806.1.1 (relating to natural cut trees) is not adopted under this chapter. A municipality that elects to adopt an ordinance for the administration and enforcement of the Uniform Construction Code may, by ordinance, restrict the placement of natural cut trees in an occupancy group. The ordinance restricting the placement of natural cut trees is not subject to section 503(b)–(k) of the act (35 P.S.

§ 7210.503(b)–(k) and § 403.102(i)–(k) (relating to municipalities electing to enforce the Uniform Construction Code).

(9) The “International Energy Conservation Code of 2015” except that:

(i) The following provisions are excluded:

(A) Section R102.1.1 (relating to above code programs).

(B) Section C104.2.6 (relating to final inspection).

(C) Section R403.3.5 (relating to building cavities (mandatory)).

(D) Section R403.5.2 (relating to demand recirculation systems).

(E) Table R406.4 (relating to maximum energy rating index).

(F) Section C408.2.4 (relating to preliminary commissioning report).

(ii) The following provisions are modified:

(A) Chapter RE 2 is amended by adding the definition of “framing factor” as the fraction of the total building component area that is structural framing.

(B) Table R402.1.2 (relating to insulation and fenestration requirements by component) is amended by adding “or 18 + 6.5^H” to climate zone 6 wood frame wall R-value.

(C) Table R402.1.2 (relating to insulation and fenestration requirements by components) is amended by adding footnote j which permits R-18 insulation to be permitted in place of R-20 requirement provided the wall framing factor is 20% or less or exterior walls with 24" o.c. nominal vertical stud spacing.

(D) Section R402.4.1.2 (relating to testing) is amended as having an air leakage rate not exceeding five air changes per hour for all climate zones.

(E) Section R405.2 (relating to mandatory requirements) is amended to require compliance with the mandatory provisions of section R402.4.1.2.

(iii) The following provisions of the International Energy Conservation Code of 2009 are adopted:

(A) Section 102.1.1 (relating to above code programs).

(B) Section 104.3 (relating to final inspection).

(C) Section 403.2.3 (relating to building cavities).

(iv) The following provisions of the International Energy Conservation Code of 2018 are adopted:

(A) Section R403.3.6 (relating to ducts buried within ceiling insulation).

(B) Section R403.3.7 (relating to ducts located in conditioned space).

(C) Table R406.4 including footnote "a" (relating to maximum energy rating index).

(10) The "International Existing Building Code of 2015" except that Section 101.2 (relating to scope) is modified to add an exception for detached residential buildings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures to comply with either the International Existing Building Code of 2015 or the International Residential Code of 2015.

(11) The "International Wildland-Urban Interface Code of 2015."

(12) Appendix E of the "International Building Code of 2015."

(13) Appendix H of the "International Building Code of 2009."

Section 2. Effect on Other Ordinances.

This Ordinance is intended to amend all Tilden Township building and construction code ordinances or portions of ordinances containing requirements that are less than the minimum requirements of the Code. This Ordinance shall not be

intended to amend any existing Tilden Township building code or ordinance or portion of any such ordinance that equals or exceeds the requirements of the Code.

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 is hereby revised as follows:

- (1) Section 101.1 Insert - Tilden Township
- (2) Section 1612.3 Insert - Tilden Township
- (3) Section 1612.3 Insert - July 3, 2012

(b) The International Energy Conservation Code is hereby revised as follows:

- (1) Section 101.1 Insert - Tilden Township

(c) The International Existing Building Code is hereby revised as follows:

- (1) Section 101.1 Insert - Tilden Township
- (2) Section 1401.2 Insert - June 5, 2004

(d) The sections of the International Fire Code which are cross-referenced in the International Building Code and part of the UCC adopted by the Commonwealth of Pennsylvania, as stated in 43 Pa. Code §403.21(b), are hereby revised as follows:

- (1) Section 101.1 Insert - Tilden Township
- (2) Section 109.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)"
- (3) Section 111.4 Insert - "\$100.00" and "\$1,000.00"

(e) The International Fuel Gas Code is hereby revised as follows:

- (1) Section 101.1 Insert - Tilden Township

(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 - "75%" and "75%"

(4) Section 108.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)" and "thirty (30)"

(5) Section 108.5 Insert - "\$100.00" and "\$1,000.00"

(f) The International Mechanical Code is hereby revised as follows:

(1) Section 101.1 Insert - Tilden Township

(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 - "75%" and "75%"

(4) Section 108.4 Insert - "Summary Offense", One Thousand Dollars (\$1,000.00)" and "thirty (30)"

(5) Section 108.5 Insert - "\$100.00" and "\$1,000.00"

(g) The International Code Council Performance Code for Buildings and Facilities is not modified at this time.

(h) The International Plumbing Code is hereby revised as follows:

(1) Section 101.1 Insert - Tilden Township

(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 - "75%" and "75%"

(4) Section 108.4 Insert - "Summary Offense", "One Thousand Dollars (\$1,000.00)", and thirty (30)

(5) Section 108.5 Insert - "\$100.00" and "\$1,000.00"

(6) Section 305.4.1 Insert - "24 inches" and "36 inches"

(7) Section 903.1 Insert - "12 inches"

(i) The International Residential Code is hereby revised as follows:

(1) Section R101.1 Insert - Tilden Township

(2) Table R301.2(1) Insert the following Design Criteria:

a) Ground Snow Load - 30 pounds

b) Wind Design

1) Ultimate Design Wind Speed - 115 mph

2) Topographic Effects - No

3) Special Wind Region - No

4) Wind-Borne Debris Zone - No

c) Seismic Design Category - B

d) Weathering - Severe

e) Frost line depth - 30"

f) Termite - moderate to heavy

g) Winter Design Temp - 13°

h) Winter Design Temp - Same degree day and design temperatures as the City of Reading as listed in Appendix D of the International Plumbing Code.

i) Ice Barrier Underlayment Required - Yes

(3) Section P2603.5.1 Insert - "24 inches" and "36 inches"

(4) Inclusion - Appendix F entitled "Radon control methods" of the International Residential Code is hereby adopted.

(j) The International Wildland-Urban Interface Code is hereby revised as follows:

(1) Section 101.1 Insert - Tilden Township

(k) Section 403.1(a) of the Uniform Construction Code is hereby amended by adding the following subsection:

(1) The Uniform Construction Code shall also apply to all residential utility and miscellaneous use structures with a building area of more than 500 square feet.

(l) All alterations to residential buildings which do not make structural changes or changes to means of egress and repairs to residential buildings shall be subject to compliance with the Uniform Construction Code as contained in 34 Pa. Code, Chapters 401 through 405, and as amended from time to time; provided, however, that the following repairs and alterations shall be exempt from such compliance:

(1) Fences that are not 6' in height.

(2) Sidewalks and driveways that are 30 inches or less above adjacent grade, not placed over a basement or story below it and not located in pedestrian passageways.

(3) Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, countertops and similar finishing work.

(4) Retaining walls less than four feet in height, unless the wall supports a surcharge.

(5) Prefabricated swimming pools that are less than 24 inches deep.

(6) All exterior decks that are "30" or less above grade and not attached to any structure.

(7) Swings and other playground equipment accessory to a one-family or two-family dwelling.

(8) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

(9) Replacement of glass in any window or door. However, the replacement glass shall comply with the minimum requirements of the International Residential Code.

(10) Replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions of framing of the original openings are not enlarged. The installation of means of egress and emergency escape windows must be made in the same opening without altering the dimensions of framing of the original opening to be exempt.

(11) Replacement of existing roof material.

(12) Replacement of existing siding or installation of siding over existing exterior wall covering.

(13) Repair or replacement of any part of a porch or stop, which is not a structural element.

(14) Installation of additional roll, batt, or blown-in insulation.

(15) Replacement of exterior rainwater gutters and leaders.

(16) Installation or replacement of aluminum or vinyl soffit, fascia or other exterior trim.

(17) Minor electrical work for the following:

a) Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b) Replacement of a receptacle, switch or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. This does not include replacement of receptacles in locations where ground-fault interrupter protection is required.

c) Replacement of installed electrically operated equipment such as doorbells, communication systems, security systems and any motor-operated device.

d) Installation, alteration or rearrangement of communications wiring or security wiring.

e) Replacement of dishwashers.

f) Replacement of range hoods.

(18) The following gas work:

a) Portable heating, cooking, or clothes-drying appliances.

b) Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.

c) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(19) The following mechanical work or equipment:

a) A portable heating appliance.

b) Portable ventilation appliances.

c) A portable cooling unit.

d) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.

e) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

f) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors of one horsepower.

g) Portable evaporative cooler.

h) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(20) The following plumbing work:

a) Replacement of bib valves if replacement hose bib valves are provided with an approved atmospheric breaker.

b) Replacement of ball cocks.

c) Repair of leaks.

d) Clearance of stoppages.

e) Replacement of faucets or working parts of faucets.

f) Replacement of valves other than shower or combination shower/bath valves.

g) Replacement of traps, if not buried.

h) Replacement of water closet, lavatory or kitchen sink.

i) Replacement of domestic clothes washers and dishwashers.

(21) The following heating, ventilation and air-conditioner work:

a) Replacement of motors, pumps and fans of the same capacity.

b) Repair and replacement of heating, supply and return piping and radiation elements, which do not require rearrangement of the piping system.

c) Repair of ductwork.

d) Repair of air-conditioning equipment and systems.

e) Repair and replacement of control devices for heating and air-conditioning equipment.

f) Replacement of kitchen range hoods.

g) Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.

h) Replacement of stoves and ovens if there is no change in the fuel type, location or electrical characteristics.

(m) An ordinary repair does not require a permit. The following are not ordinary repairs.

(1) Cutting away a wall, partition or portion of a wall.

(2) The removal of cutting and any structural beam or load-bearing support.

(3) The removal or change to any required means of egress or rearrangement of parts of a structure affecting the means of egress.

(4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil, waste, vent or similar piping, electric or mechanical.

(n) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment under the ownership or control of public service agencies.

Section 4. 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.

Section 5. 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.

Section 6. Previously Adopted Codes.

(a) All building code ordinances or portions of ordinances which were adopted by the Township before April 7, 2010 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.

Section 7. 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.

Section 8. 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.

DULY ENACTED AND ORDAINED this 14th day of July, 2021

TILDEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS

By: Gene L. Schappell
Gene Schappell, Chairman

By: Frederick Herman
Frederick Herman, Vice Chairman

By: Richard DeLong
Richard DeLong, Supervisor


Attest: Monica Flower
Monica Flower, Secretary

[SEAL]

MUNICIPAL CERTIFICATION

I, Monica Flower, Manager/Secretary of the TILDEN, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 244 of 2021 adopted at a regular meeting of the Board of Supervisors of Tilden Township, Berks County, Pennsylvania held on the 11th day of August, 2021.

[SEAL]



Monica Flower, Manager/Secretary
Tilden Township,
Berks County, Pennsylvania