

## **Chapter 5**

### **Code Enforcement**

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**Part 1****Uniform Construction Code****§5-101. Election to Enforce Pennsylvania Construction Act.**

The Township of Baldwin hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.

(*Ord. 414, 5/4/2004, §1*)

**§5-102. Uniform Construction Code Adopted.**

The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401-405 *et seq.*, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Township of Baldwin.

(*Ord. 414, 5/4/2004, §2*)

**§5-102A. Township Permit Requirements Reserved for Certain Structures, Repairs, and Alterations.**

In addition to all types of construction, placement of structures, repairs, and alterations for which the Uniform Construction Code requires a permit, the Township, pursuant to the authority set forth in Act 92 of 2004, 35 P.S. §7210.103 *et seq.*, shall require persons to obtain building permits for all of the following:

A. The construction, erection, or placement of any accessory structure which is equal to or greater than 200 square feet, whether or not such accessory structure is connected to any utility.

B. The construction, erection, or placement of any accessory structure which is less than 200 square feet if such accessory structure is provided with any utility service. The applicant shall obtain a permit only for the purpose of inspection for the utility or utilities being installed or provided to the accessory structure.

C. The construction, erection, or placement of a deck, porch or stoop at or on any structure or residence.

D. All alterations or repairs to residential buildings which are exempt from the UCC by Act 92 of 2004, 35 P.S. §7210.103 *et seq.*; provided, however, that the following types of alterations and repairs shall continue to be exempt and no permit will be required:

(1) Replacement of windows and doors when there is no change in the size of the existing opening.

(2) Re-roofing of less than 25 percent of the total existing roof square footage.

(3) Replacement of hot water heater, boiler, or furnace, or the replacement of any part of a hot water heater, boiler or furnace with the same efficiency rating, electrical and plumbing requirements.

(4) Addition or replacement of siding on the exterior of the residential

structure.

(5) Repair or replacement of any nonstructural portion of a deck, porch or stoop.

(6) Replacement of an appliance switch or receptacle with a switch or receptacle which is the same or has a like rating.

(7) The addition of one appliance switch or receptacle.

(8) The repair or replacement of any nonstructural member.

(9) The repair or replacement of any sink, toilet, tub, shower or similar plumbing fixture without relocation of any drain or venting device.

(*Ord. 414, 5/4/2004, §2A; as added by Ord. 435, 8/7/2007, §1*)

### **§5-103. Administration and Enforcement.**

Administration and enforcement of the Code within The Township of Baldwin shall be undertaken in any of the following ways as determined by the governing body of The Township of Baldwin 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 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 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 The township of Baldwin.

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. 414, 5/4/2004, §3*)

### **§5-104. Board of Appeals.**

A Board of Appeals shall be established by resolution of the governing body of the Township of Baldwin 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. 414, 5/4/2004, §4*)

### **§5-105. Savings and Repeals.**

1. All building code ordinances or portions of ordinances which were adopted by the Township of Baldwin 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 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 with the comparable provisions of the Code.

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

*(Ord. 414, 5/4/2004, §§5-7)*

**§5-106. Fees.**

Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the governing body by resolution from time to time.

*(Ord. 414, 5/4/2004, §8)*



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

A certain document, three copies of which are on file in the office of the Secretary of the Township of Baldwin, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Township of Baldwin, 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 structures in the Township of Baldwin; 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 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. 449, 8/3/2010, §1)

**§5-202. Amendments.**

The 2009 International Property Maintenance Code is amended and revised, with additions, deletions and changes noted in the following respects:

A. **Section 101.1**, page 1, second line. Insert "Township of Baldwin" in space provided.

B. **Section 103, Department of Property Maintenance Inspection.** Delete the reference to "Department of Property Maintenance Inspection" and replace the deleted reference with a reference to "Code Official."

(1) Revise §103.1 to read:

**103.1. General.** The official in charge of enforcing this Part shall be known as the Code Official. The Code Official may be an individual or a corporation or other organization providing Property Maintenance Code enforcement services.

(2) Revise §103.5 to read:

**103.5. Fees.** Fees shall be as set forth in the Baldwin Township Fee Schedule as adopted by the Board of Commissioners from time to time.

C. **Section 106. Violations.** Delete subsection 106.4, Violation Penalties, and replace it with the following:

**106.4. Penalties.** Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not more than \$1,000. Each day that a violation continues shall constitute a separate offense.

D. **Section 109.5.** Delete subsection 109.5, Costs of Emergency Repairs, and replace it with the following:

**Section 109.5. Costs of Emergency Repairs.** Costs incurred in the performance of emergency work may be paid by the Township. Said costs incurred shall be a municipal claim and municipal lien on the property. The legal counsel of the Township shall institute appropriate action to enforce the municipal claims and lien on the property and may also institute such other legal action against the property owner or agent of the premises where the unsafe structure is or was located for the recovery of such costs, plus attorney's fees, including, but not limited to, filing of municipal claims pursuant to 53 P.S. §7107 *et seq.*, for the cost of the emergency work, 6 percent interest per annum, plus a penalty of 5 percent of the amount due plus attorney's fees and costs incurred by the Township in connection with the emergency work and filing of the municipality claim.

E. **Section 111, Means of Appeal.** Delete §111, Means of Appeal, in its entirety and replace it with the following:

**111.1. Application for Appeal.** Any person aggrieved by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal, within 20 days after the date of the decision, notice or order appealed from, to the Baldwin Township Board of Commissioners, which shall have jurisdiction to hear and rule on appeals filed hereunder. Such appeal shall be filed in writing, shall state the grounds for appeal, be accompanied by the required appeal fee, \$100 or such other fee as may be set hereafter by resolution under the Township of Baldwin Fee Schedule, and shall be processed and heard in accordance with the procedural requirements of the Construction Code Board of Appeals Rules of Procedure and Operation, provided further that any substantive requirements of such Rules of Procedure and Operation applicable only to appeals under the Uniform Construction Code shall not apply to appeals under the Property Maintenance Code.

**111.2.** All appeals under the Property Maintenance Code must be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this Code do not apply, that the requirements of this Code are satisfied by other means or that the strict application of the Code would cause an undue hardship due to the unique circumstances involving the property in question such that strict application of the Code would prevent the property owner or occupant from making reasonable use of the property.

**111.3.** The Board may consider the following factors in deciding a claim of hardship:

**111.3.1.** Whether the owner or occupant has complied with prior orders or agreements covering maintenance of the property.

**111.3.2.** Whether the owner or occupant has a history of investment or improvement at the property.

**111.3.3.** Whether the cost of repair or compliance is reasonable in relation to the value of the property and the danger presented by the

property.

**111.3.4.** Whether enforcement of the Code would result in a taking without compensation.

**111.3.5.** The length of time any violations have existed.

**111.3.6.** Degree of mitigation attempted.

**111.3.7.** Number and severity of violations at the property.

**111.3.8.** Visibility of violations from the street and neighboring properties.

**111.3.9.** Existence of similar conditions at neighboring properties.

**111.3.10.** Danger presented by the violations to children, sick or elderly.

**111.4.** The Board of Appeals shall have no authority to waive requirements of the Property Maintenance Code except upon a finding of undue hardship made pursuant to §§111.1, 111.2 and 111.3.

**111.5. Stays of Enforcement.** Appeals of notices and orders of the Code Official (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Township Board of Commissioners.

**111.6. Board of Commissioners Hearing and Decision.** A hearing shall be held before Township Board of Commissioners, within 30 days of the appeal, to determine the propriety of the decision, notice or order in accordance with the criteria set forth in §111.A. The Township Board of Commissioners shall render a decision in the matter within 45 days of the close of the hearing. The written decision shall be served upon appellant by U.S. Mail, First Class, mailed within 5 business days of the date of the decision.

**111.7. Administration of Board of Commissioners Decision.** The Code Official shall take immediate action in accordance with the decision of the Township Board of Commissioners.

**111.8. Court Review.** Any property owner or other person aggrieved by a decision of Board of Commissioners shall have the right to apply to the appropriate court for a petition for a writ of certiorari to correct errors of law. Applications for review shall be made in the manner and within such time required by law following the date of the notice of decision.

F. **Chapter 3, General Requirements, §302, Exterior Property Areas.**

(1) In §302.4, Weeds, delete the first sentence and replace it with the following:

All premises and exterior property shall be maintained free from weeds or grasses in excess of 8 inches (or 203.2 mm) in height.

(2) Add new subsection 302.10, Prohibited Furniture, to read as follows:

**302.10. Prohibited Furniture.** Furniture which would be adversely affected by the elements and are susceptible to infestation by insects, rats or other vermin is prohibited from being placed or stored on exterior

property. Such prohibited furniture shall include, but is not limited to, upholstered couches and couches, davenports, beds, sofas and any other interior-type fabric-covered articles not designed or intended for use in an exterior area.

G. **Section 304. Exterior Structure.** Section 304.14, Insect Screens. Insert dates as follows in the space provided: “from May 1<sup>st</sup> to October 1<sup>st</sup>.”

H. **Section 308.2. Disposal of Rubbish.** Amend this section to read as follows:

**308.2. Disposal of Rubbish.** Both the owner and occupant of a structure shall be responsible for the disposal of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

I. **Section 308.3. Disposal of Garbage.** Amend this Section to read as follows:

**308.3. Disposal of Garbage.** Both the owner and occupant of a structure shall be responsible for the disposal of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

J. **Section 602.3.** Insert dates as follows in the space provided: “from October 31<sup>st</sup> to April 1<sup>st</sup>.”

K. **Section 602.4. Occupiable Work Spaces.** Insert dates as follows in the space provided: “from October 31<sup>st</sup> to April 1<sup>st</sup>.”

(*Ord. 449, 8/3/2010, §2*)