

## Ordinance 2004-7

# An Ordinance Adopting the Uniform Construction Code and International Codes Incorporated Therein and Amending Any Ordinances Inconsistent Therewith

BE IT ORDAINED by the Board of Commissioners of Manheim Township as follows:

1. Pursuant to the authority in the Pennsylvania Construction Code Act, 35 P.S. 7210.501(a) and Title 34, Part XIV, Section 403.102(a) of the Pennsylvania Code, the Commissioners of Manheim Township hereby adopt the Uniform Construction Code (UCC) and the International Codes incorporated therein as presently promulgated or as they shall be amended hereafter, except Chapter 405, Elevators and Other Lifting Devices and except as hereafter set forth. This Ordinance does not include technical amendments to the International Codes adopted by this Ordinance. Such amendments shall be set forth in a separate ordinance.

- A. Section 401.1 Definitions. The terms Building Code Official, Construction Code Official and Current Code Administrator shall refer to the Director of Code Compliance of Manheim Township and those persons appointed by the Commissioners of Manheim Township to assist the Director of Code Compliance. Such persons shall be known as Code Officials. The Director of Code Compliance is the person in charge of the Department of Code Compliance.
- B. Section 403.1 Scope. Section 403.1(a), Application, shall be amended by the addition of the word "addition" to the list of items or matters to which UCC applies.
- C. Section 403.3 Building Code Official Delegation, is hereby amended by the addition of the following:

403.3(c) General. The Director of Code Compliance and the Code Officials shall administer and enforce all of the provisions of this Ordinance and the UCC and shall act on any questions relative to the mode or manner of construction and materials to be used in the erection, addition to, alteration, repair, removal, demolition or installation of service equipment and the location, occupancy and maintenance of all buildings and structures, except as otherwise specifically provided for by statutory requirements or as otherwise provided for herein.

- D. 403.3(d) Conflicts of Interest. An official or employee connected with the Department of Compliance, except on whose only connection is that of a member of the Board of Appeals, shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials, appliances or any other services relating to the design, construction, alteration or maintenance of the building, or the preparation of construction documents of therefore, unless that person is the owner of the building,

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nor shall such officer employee engage in any work that conflicts with official duties or with interests of the Department.

E. Sections 403.4, 403.5, and 403.6 shall be added as follows:

**403.4 Intent.** This Ordinance and the UCC shall be construed to secure their expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, sanitary equipment, light and ventilation and fire safety, and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition, or occupancy of buildings, structures or premises.

**403.5 Street Numbers.** Every new and existing structure to which a street number has been assigned shall display such number (numerals only) in a position easily observed and easily readable from the roadway or street fronting the property. The numbers shall be of contrasting color with the background and shall be permanent in nature.

Residential Structures – The numbers shall be at least 2-3/4 inches in height and shall be placed at least 18 inches above finished grade.

Non-Residential Structures – The numbers shall be at least 6 inches in height with a minimum stroke width of at least ½ inch and shall be placed on or adjacent to the entrance door(s) at least five feet above finished grade.

Each tenant in a multi-tenant commercial structure shall display numbers at both the front and all rear entrances to the unit.

**403.6 Matters Not Provided For.** Any requirements that are essential for the structural, fire or sanitary safety of an existing or proposed building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this Ordinance or the UCC, shall be determined by the Director of Code Compliance.

Determinations by the Director of Code Compliance shall be made in one of two written forms of communication.

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The first form is the Administrative Order which will provide guidance as to policy decisions. Administrative Orders shall be issued by the Director of Code Compliance to clarify code questions and to establish departmental policy where no other criteria exists, or where administrative guidance is needed to establish a methodology to resolve recurring problems.

The second form is a Standard Design Bulletin. These bulletins will be issued where code criteria leave a specific aspect of construction to the judgment of the Director of Code Compliance or the authority having jurisdiction. They will set specific design criteria where necessary.

F. Section 403.42, Permit Requirements and Exemptions, is amended as follows:

Section 403.42(a) is amended by the addition of the following:

On a form obtained from the Department of Code Compliance with the applicable permit fee.

Section 403.42(b) is amended by the addition of the following:

By submitting an application for a permit, the applicant authorizes the Director of Code Compliance or any Code Official, to enter any structure or premises at any reasonable time to inspect for compliance with the UCC and this Ordinance.

G. Section 403.42a, Permit Application, is amended as follows:

Sections 403.42a(b) and (c) are deleted and replaced by the following:

The application for a permit shall be accompanied by not less than two sets of construction documents as described by the UCC. The Director of Code compliance may waive the requirement for filing construction documents when the scope of the work is of a minor nature. When the quality of materials is essential for conformity to the UCC, the International codes, or this Ordinance, specific information shall be submitted to establish such quality. Citation to the UCC or use of the term "legal" or its equivalent shall not be used as a substitute for specific information.

The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures shall be prepared by a registered

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design professional. All construction documents required for a building permit application shall be prepared by a registered design professional consistent with the professional registration laws of the Commonwealth of Pennsylvania. The construction documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by a registered design professional registered in accordance with the professional registration laws of the Commonwealth of Pennsylvania. For fire protection systems only, registered design professional shall include an individual who is certified by the National Institute for Certification in Engineering and Technology (Level III and Level IV only).

At the time of filing an application for permit, the applicant shall present to the Director of Code Compliance adequate evidence that he has obtained from all governmental authorities having jurisdiction all permits, licenses, approvals and/or variances required in connection with the proposed use, occupancy construction, enlargement, alteration or demolition.

### H. Section 403.43(g) is hereby amended to read as follows:

(g) A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The Code Official may grant extensions of time to commence construction in writing.

The work shall be completed within the time period stated on the permit but not longer than one year from the date of the permit. A permit holder may submit a written request for an extension of time to complete the work for just cause. A request for an extension shall be accompanied by the appropriate fee. The Code Official may grant extensions of time to complete construction in writing.

### I. Section 403.45, Inspections, is hereby amended by the addition of subparagraph (f) as follows:

(f) Re-Inspections: When a structure or equipment or mechanical, electrical or plumbing or other system subject to inspection under this or any other code shall fail two or more inspections or when the Department of Code Compliance is contacted

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to perform a test or inspection but the structure, equipment or system is not ready for testing or inspection when the Code Official arrives, the contractor or other person or business responsible for performing the work shall pay a fine for each such failure, as prescribed from time to time by resolution.

- J. Sections 430.62-403.65 relating to permit requirements and exceptions, permit applications, the grant, denial and effect of permits, inspections, and certificates of use and occupancy for residential buildings are hereby amended to conform to Sections 403.42-403.46 as amended herein so that the requirements for residential buildings and non-residential buildings and structures are the same.

The Director of Code Compliance is hereby authorized to grant waivers or exceptions in writing where application of the provisions governing non-residential buildings and structures to residential buildings causes an unreasonable hardship not of the applicants' own making.

- K. Section 403.83 is amended by the addition of the following:
  - (i) If an order from the Board of Appeals or an order or notice of violation from the Director of Code Compliance or a Code Official is not complied with within the time stated therein, the Director of Code Compliance may institute proceedings before a district justice for failure to comply therewith.

Any person, firm or corporation or other business entity found guilty of violating any order issued pursuant to the UCC or this Ordinance shall be subject to pay a fine not exceeding \$1,000.00 plus costs. Each day's violation will constitute a separate offense. Failure to pay any such fines will subject the violator to imprisonment for a period not to exceed thirty days.

Nothing contained in this section or any other section of the UCC or this Ordinance shall prohibit Manheim Township from seeking an injunction or any other legal remedy to enforce its stop work orders, its notices of violation, its order to show cause or to vacate, or its notices of unsafe building, structure or equipment.

- L. Section 403.84 is hereby amended by the addition of the following:

The legal occupancy of any existing structure existing on the date of adoption of this Ordinance shall be permitted to continue without change except as is specifically covered in the UCC or this Ordinance or the International Property Maintenance

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Code or the International Fire Code or as shall be deemed necessary by the Director of Code Compliance for the general health, safety or welfare of the occupants or the public.

2. All building code ordinances or other code ordinances or portions of ordinances which were adopted by Manheim Township on or before July 1, 1999, and which equal or exceed the requirements of the UCC and the International Ordinances incorporated therein shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the UCC or the International Ordinances incorporated therein, as amended from time to time.

All building code ordinances or portions of ordinances which are in effect as of the effective date of this Ordinance and whose requirements are less than the minimum requirements of the UCC or the International Ordinances incorporated therein are hereby amended to conform with the comparable provisions of the UCC.

3. Effective Date. This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this 14<sup>th</sup> day of JUNE, 2004.

BOARD OF COMMISSIONERS  
OF MANHEIM TOWNSHIP

By: James E. Miller  
President  
(Vice President)

Attest:

James M. North  
Secretary