

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Election to Administer and Enforce.**

The Board of Supervisors of West Cocalico Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Act, Act 45 of 1999, 35 P.S. §7210.101 *et seq.*, as amended from time to time, and its regulations.

(*Ord. 103, 7/1/2004, §1*)

§5-102. Adoption.

The Pennsylvania Construction Code Act as aforesaid and as 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 West Cocalico Township.

(*Ord. 103, 7/1/2004, §2*)

§5-103. Administration and Enforcement.

Administration and enforcement of the Code and its regulations within West Cocalico Township shall be undertaken by either the designation of an employee of West Cocalico Township to serve as the Municipal Code Official or by retention of one or more Construction Code Officials or certified third party agencies to act on behalf of West Cocalico Township.

(*Ord. 103, 7/1/2004, §3*)

§5-104. Board of Appeals.

1. Until such time as the Board of Supervisors may officially enter into a joint appeals board, a Board of Appeals is hereby established by the Board of Supervisors of West Cocalico Township in conformity with the requirements of the relevant provisions of the Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, and its regulations, as amended from time to time, for the purpose of hearing appeals from decisions of the Code Administrator or Official.

2. If at any time the Supervisors of West Cocalico Township shall deem advisable to create a joint Board of Appeals with one or more other municipalities, said joint Board of Appeals may be established by joint action of all the participating municipalities through an intermunicipal agreement. Thereafter, the separate West Cocalico Township Board of Appeals shall be automatically deemed disbanded and dissolved.

3. Appeals pertaining to the accessibility requirements of the Code shall not be heard by the Board of Appeals, but shall be filed with and considered by the Pennsylvania Department of Labor and Industry for project modification approval.

4. Regardless of whether sole or joint, the Board of Appeals shall be subject to the following regulations and procedures:

A. If entered into by the Township, members of the Board of Appeals shall be chosen according to the terms of the intermunicipal agreement.

B. The Board of Appeals shall hear and rule on appeals, requests for variances, and requests for extensions of time.

C. A member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Members of the Board of Supervisors may not serve on the Board of Appeals. A Board of Appeals member may not cast a vote or participate in a hearing in any matter in which the member has a personal, professional or financial interest.

D. The Board of Appeals may establish policies and procedures necessary to carry out its duties in accordance with intermunicipal agreement. The Board shall annually select one of its members to serve as chairman and one of its members to serve as vice chairman by majority vote. The Board of Appeals shall keep minutes of its meetings and file a written decision on all appeals. The Board of Appeals shall provide notice of, and conduct its meetings, in accordance with the Sunshine Act, 65 Pa.C.S.A. §701 *et seq.*

E. Any person desiring to file an application or appeal to the Board of Appeals shall file same with the Township's Building Code Official. All applications and appeals to the Board of Appeals shall be in writing and shall specify the particular section or subsection of the Construction Code from which relief is sought, or the action of the Building Code Official which is the subject of the appeal. The written application or appeal shall include all of the grounds for the relief requested and shall include any plans or specifications necessary to provide the Board of Appeals with sufficient information to evaluate the application or appeal, and shall be accompanied by the specified application fee. No application shall be considered without the specified appeal fee. Any appeal from a determination of the Building Code Official shall be filed within 20 calendar days of the determination in question.

F. An applicant or appellant who desires to offer testimony to the Board of Appeals shall request a hearing in the application or appeal. If no hearing is requested in the application it will be conclusively presumed that the Board of Appeals may render its determination based upon the written information submitted with the appeal or application and any additional information available to members of the Board.

G. The Township shall be considered a party to all appeals or applications filed with the Board of Appeals. Other persons affected by the appeal or application who have made timely appearances of record may also be recognized as parties.

H. The Board of Appeals shall render its decision in writing within any time period imposed by State law. The applicant or appellant, the Building Code Official, and the Township shall be provided with copies of such decision.

(*Ord. 103, 7/1/2004, §4*)

§5-105. Fees.

Fees assessable by West Cocalico Township for the administration and enforcement undertaken pursuant to this Part and the Pennsylvania Construction Code Act, 35 P.S. §7210.1 *et seq.*, shall be established by the Board of Supervisors by resolution from time to time.

(*Ord. 103, 7/1/2004, §6*)

Part 2**Building Permits****§5-201. Permit Required.**

Prior to the commencement of any work thereon, no building or structure, or any part thereof, shall be erected, enlarged, converted, modified, repaired or altered until: the applicant therefore shall produce a valid zoning permit if same is required by a Township ordinance, the fee required hereafter shall have been paid in full, and a building permit pursuant to this Part shall have been issued to the applicant or owner by the hereinafter referenced Building Inspector. The foregoing to the contrary notwithstanding, no building permit shall be required after the proposed plans have been reviewed by the Township's Building Inspector, and such Inspector has reasonably determined that the project involves work less than the minimum amount that may be established from time to time by a resolution of the Board of Supervisors; farm structures not intended for human habitation that are regulated by any other statutes or regulation; work that consists solely of painting, cleaning, or routine maintenance; replacement of doors and/or windows of the same size and shape of those being replaced; re-roofing (without the installation of under-roofing, beams, or trusses); replacing major structural appliances such as a furnace, water heater, heat pump, air conditioning, water purification systems, air purification systems, or central vacuum systems; replacement of exterior siding; replacement of toilets, sinks, tubs, showers, or bidets with substantially similar fixtures at the same location, provided that the specifically listed work shall involve only connection at the prior location to electricity and/or plumbing without any additional change to the wiring, plumbing or structure, and in such a manner as to not involve any other code or ordinance adopted by the Township.

(*Ord. 117, 9/8/2011, §2*)

§5-202. Application.

Before commencing any work as aforesaid, the owner or his designated employee or agent shall submit a written application on a form, and containing such information, as the Board of Supervisors may from time to time require by resolution. In the event that the cost of the work shall exceed an amount as designated from time to time by a resolution of the Board of Supervisors, the owner shall also submit a set of plans which the Building Inspector deems adequate to reveal the extent of the work required, the cost, and compliance with all the applicable Township codes and ordinances. At a minimum, such plans shall include a scale drawing showing all habitable areas involved or affected by the construction project. The Building Inspector shall have the right to reject any application which he reasonably deems to be incomplete, inaccurate, false, or which reveals any deviation from the requirements of any applicable Township code or ordinance. The permit application fee shall be as determined from time to time by a resolution of the Board of Supervisors of West Cocalico Township. The Township may require the payment, as part of the permit application fee, of any reasonable engineering or legal fees required to evaluate the application and/or plans, and for this purpose the Building Inspector may require a reasonable escrow amount to be paid at

the time the application is submitted to insure payment of such professional costs. Any unused portion thereof shall be returned to the owner.

(*Ord. 117, 9/8/2011, §3*)

§5-203. Building Inspector.

The Board of Supervisors is hereby authorized to discharge, or to appoint, a qualified building inspector to enforce the provisions of this Part, subject to such duties, for such compensation, and with such benefits, if any, as they may deem appropriate from time to time by a resolution of the Board of Supervisors.

(*Ord. 117, 9/8/2011, §4*)

§5-204. Violation.

Any person, firm, corporation, association, entity, owner, or occupier of any structure located within West Cocalico Township who shall violate any provision of this Part or related resolutions shall be subject to the following remedies:

A. The Building Inspector, upon reasonable cause to believe that any such person shall be in violation of this Part, or any other pertinent code or ordinance of West Cocalico Township, may issue a written “cease and desist notice” by regular and certified mail (return receipt requested). Such notice shall require the immediate cessation of any type of work subject to this Part or any related ordinance and shall specify: the nature of the violation; provide a citation as to the ordinance and Section violated; a basic description of what must be done to correct the violation; a statement that all work pursuant to the building permit must stop immediately upon receipt of such notice; and that the recipient of such notice may appeal the decision to the Board of Supervisors, provided a written notice of appeal is filed with the Township Manager within 15 days of the date on which the “cease and desist notice” was received. In the event that the certified mail notice is refused or unclaimed, and the notice by regular mail is not returned, receipt shall be conclusively deemed to have occurred 2 business days after posting.

B. The Board of Supervisors, having determined that a continued violation of this Part shall constitute a serious risk of irreparable harm to the citizens of West Cocalico Township, may direct the Township Solicitor to obtain a temporary and/or permanent injunction prohibiting further work on the project or continued violation of this Part.

C. In addition to the right to pursue equitable relief as aforesaid, if the person or persons cited pursuant to paragraph .A above shall not immediately cease and desist from the offending actions as set forth in the “cease and desist notice,” the Board of Supervisors shall instruct the Township’s Solicitor to bring an action against such cited person before the appropriate magisterial district judge having jurisdiction in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution under the appropriate section of the Rules of Criminal Procedure as they relate to trial in summary cases. Upon conviction, the defendant shall be assessed a fine not to exceed \$1,000 for each violation. Each day of violation shall constitute a separate violation of this Part and subject the defendant to an additional fine not to exceed \$1,000. Such defendant, upon

conviction, may be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Appeal of the “cease and desist notice” to the Board of Supervisors shall not inhibit or delay its right to pursue remedies under paragraph .B above or this paragraph unless the Board, in its sole discretion, shall determine that the violation does not present such an imminent threat to the health, safety and welfare of the citizens of the Township so as to justify demolition of construction, and so notifies the cited person in the “cease and desist notice.”

(Ord. 117, 9/8/2011, §5; as amended by Ord. 125B, 9/16/2014)

