

## FINAL DRAFT

## ORDINANCE NO. 05 - 2004

**AN ORDINANCE OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA ADOPTING AND IMPLEMENTING THE UNIFORM CONSTRUCTION CODE WITHIN THE TOWNSHIP OF SALEM, "OPTING IN" TO THE ENFORCEMENT THEREOF, SETTING FORTH THE MANNER IN WHICH SUCH ORDINANCE IS TO BE APPLIED WITHIN THE TOWNSHIP, PROVIDING A SCHEDULE OF FEES FOR INSPECTIONS AND PERMITS THEREUNDER, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH**

WHEREAS, the Legislature of the Commonwealth of Pennsylvania has enacted Act 45 of 1999, as same as set forth at 35 P.S. Sections 7210.101 through and including 7210.1103, known as the "Uniform Construction Code" such Act imposing fourteen (14) standardized Construction Codes throughout the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to such Act, as well as those regulations adopted by the Commonwealth of Pennsylvania relating to same, the Township of Salem is permitted to administer and enforce the provisions of the Act provided it "Opts In" to administer and enforce the provisions of same; and

WHEREAS, the Board of Supervisors of the Township of Salem believes that the Township's administration and enforcement of the aforesaid Uniform Construction Code will promote the general health, safety and welfare of the residents of Salem Township by:

- a. providing a procedure for local permitting and inspections to facilitate construction within the Township;
- b. securing a standardized fee and permitting schedule to ensure that Township residents do not potentially fall prey to unregulated Inspection and Permitting Companies;
- c. the formation of a local Appeals Board to hear appeals of aggrieved property owners;
- d. retaining a portion of those permitting fees charges to offset the cost and expense of local enforcement and permitting; and
- e. providing a central repository for the storage of construction permit materials for ready access by the residents of Salem Township; and

WHEREAS, the Board of Supervisors does not endorse the adoption of Act 45,  
its

Regulations or the manner in which each was developed and implemented by the Commonwealth of Pennsylvania, the Pennsylvania Department of Labor and Industry or other related State Agencies, but is enacting this Ordinance as a matter of necessity, for those practical purposes set forth above, cognizant of the fact that their failure to enact same will, by statute, have no effect on the application of the Uniform Construction Code within the Township or upon its residents; and

WHEREAS, the Board of Supervisors believes that the failure to provide local enforcement and administration of the Uniform Construction Code within the Township will place its residents at the mercy of unknown and potentially enterprising Third Party Code Enforcement Agencies and/or other State Agencies who may have little care or concern for the needs of such residents, thereby subjecting them to unnecessary delays in construction projects and fines and penalties for unknowing violations of the Uniform Construction Code; and

WHEREAS, in light of the foregoing, in conjunction with the enactment of this Ordinance, the Board of Supervisors of the Township of Salem (1) condemns the adoption of the above referenced Act 45 by the Commonwealth of Pennsylvania and its Regulations; (2) calls for the suspension of the effective date of such Act; (3) calls for the repeal of such Act in whole or in part; and (4) authorizes the members of the Salem Township Board of Supervisors to call upon and meet with State Legislators, other Municipal Officials and/or Community Groups or Organizations to discuss the formation, introduction and passage of legislation designed to repeal or modify the Act 45 and its accompanying Regulations.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA, AT A DULY ADVERTISED PUBLIC MEETING, HEREBY ORDAIN AND ENACT AS FOLLOWS:

1. The Board of Supervisors of Salem Township hereby adopts the Pennsylvania Uniform Construction Code referenced above as the Municipal Building Code for the

Township of Salem, Westmoreland County, Pennsylvania and shall administer and enforce same within the Township.

2. The Township of Salem, by enactment of this Ordinance, hereby acknowledges that the Pennsylvania Uniform Construction Code is composed of the following Codes, and hereby adopts same within the Township as the Municipal Building Codes for the Township:

- a. Chapters 2-29 and Chapters 31-35 of the 2003 International Building Code;
- b. The 2003 International Electrical Code;
- c. The 2003 International Mechanical Code;
- d. The 2003 International Fuel Gas Code;
- e. The 2003 International Plumbing Code;
- f. The 2003 International Residential Code;
- g. The 2003 International Fire Code;
- h. The 2003 International Energy Conservation Code;
- i. Sections AE501 – AE503 and Sections AE601 – AE605 of Appendix E of the 2003 International Residential Code;
- j. The 2003 International Existing Building Code;
- j. The 2003 International Urban Wildlife Interface Code;
- k. Appendix E of the 2003 International Building Code;
- l. Appendix H of the 2003 International Building Code; and
- m. Appendix G of the 2003 International Residential Code.

3. Administration and enforcement of the aforesaid Code within the Township shall be undertaken pursuant to the “Guidelines for Administration and Enforcement of the Uniform Construction Code” for the Township of Salem, a copy of which is attached hereto, made a part hereof and marked “Exhibit A”. Said Guidelines are hereby adopted and approved by the Board of Supervisors of the Township of Salem, and shall take effect on the effective date of this Ordinance. The Board of Supervisors of the Township of Salem may modify the Guidelines for Administration and Enforcement of the Uniform Construction Code by Resolution at any time hereafter as it may deem expedient and necessary for the administration and enforcement of such Ordinance.

4. The Township hereby incorporates into this Ordinance the terms and

provisions of Act 45 referenced above, together with those Regulations promulgated by and through the Commonwealth of Pennsylvania Labor and Industry, together with any Amendments thereto.

5. For any and all construction activities requiring permits and/or inspections under the Pennsylvania Uniform Construction Code, Act 45 of 1999, and/or this Ordinance, the applicant for such permit shall be charged a fee. The aforesaid fee shall be calculated consistent with a "Schedule of Permitting and Inspection Fees" to be implemented hereafter. This Schedule of Permitting and Inspection Fees shall be part of a contract or agreement negotiated and approved by the Board of Supervisors and a "Third Party Agency" and shall take effect on the effective date of this Ordinance. The Board of Supervisors may, by Resolution, modify the Schedule of Permitting and Inspection Fees as it deems necessary and expedient for the enforcement of this Ordinance. All building inspections conducted under Ordinance No. 05 – 2004 shall be limited to the work subject to the permit and other systems essential for the completion of such work.

Nothing in Ordinance

No. 05 - 2004 shall be deemed or construed to require other work, non-essential to the completion of the work subject to the permit, to be performed as a prerequisite to the issuance of a permit hereunder. However, nothing in this paragraph shall be deemed or construed to exempt work otherwise requiring a permit from the operation of this Ordinance.

6. On or before the effective date of this Ordinance, the Board of Supervisors of the Township of Salem shall, by Resolution, establish a Board of Appeals, or enter into an Inter-Municipal Agreement for the establishment of a Board of Appeals, in conformance with the requirements of the Pennsylvania Uniform Construction Code and its regulations, as same may be amended from time to time, for the purposes set forth therein. The Board of Appeals may only hear those appeals permitted under the Pennsylvania Uniform Construction Code, its Regulations referenced above and this Ordinance, such Appeals being limited to the following:

(a) an appeal from the determination of the Building Code Official asserting that the true

intent of Act 45 above or the Uniform Construction Code has been incorrectly interpreted;

(b) an appeal from the determination of the Building Code Official asserting

that the

provisions of Act 45 or the Uniform Construction Code do not fully apply;

(c) an appeal from a determination of the Building Code Official that an equivalent form

of construction is required to be used; and/or

(d) a request for an extension of time.

All appeals referenced above must be filed with the Building Code Official of the Township of Salem, on a form to be provided by the Township, within twenty (20) days of the date the determination of the Building Code Official is issued. All appeals are required to be determined in a manner consistent with the guidelines set forth in those Regulations to the Pennsylvania Uniform Construction Code referenced herein.

7. The Secretary of the Township of Salem, Westmoreland County, Pennsylvania, is hereby authorized and directed to provide the Commonwealth of Pennsylvania Department of Labor and Industry with all information relevant and necessary to notify such Department that the Township of Salem has "Opted In" to the administration and enforcement of the Pennsylvania Uniform Construction Code within the Township.

8. The Board of Supervisors shall, on or before the effective date of this Ordinance, contract with a qualified and/or certified person, persons, firm, firms, company or companies (ie. a "Third Party Agency") to perform the functions of a "Building Code Official" within the Township of Salem for all purposes hereunder, including, but not limited to the performance of Plan Reviews, conducting inspections and the issuance of permits.

9. Any person failing to obtain a permit or inspection required under the terms of this Ordinance, who violates the terms of Act 45 referenced above or its Regulations, who violates the Uniform Construction Code, who fails to pay any expense or fee set forth herein, or who refuses to cooperate with a Building Code Official or Officials retained by the Township, or otherwise attempts to impede or prevent any Official retained by the Township in the performance of their duties under this Ordinance, shall be deemed in violation of this Ordinance and shall be guilty of a Summary Offense. Any person convicted of a violation of this Ordinance by a District Justice having jurisdiction over same, shall be sentenced to pay a fine as follows:

(a) For violations associated with permitting and/or work performed in Use Group R-3 (relating to one and two family residential dwellings) a fine not to exceed TWO CENTS (\$.02);

(b) For violations associated with all other permitting and/or work other than Use Group R-3, a fine of not less than SIX HUNDRED and 00/100 DOLLARS (\$600.00) nor more than ONE THOUSAND and 00/100 DOLLARS (\$1000.00).

Upon failure of the payment of any such fine referenced above, the violator shall be sentenced to serve the maximum penalty permissible under state law for Summary Offenses. Each day a violation exists shall constitute a separate offense without the necessity of the issuance of a new citation.

10. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as of the effective date of this Ordinance. This Ordinance specifically repeals Ordinance No. 1 - 2003, which implemented portions of the BOCA Building Code for Commercial Structures within the Township.

11. The terms, sections, sub-sections, clauses and provisions of this Ordinance are severable. In the event any section, sub-section, provision or clause of this Ordinance is held by a Court of competent jurisdiction to be void or invalid, the remaining portions of this Ordinance shall continue in full force and in effect.


12. This Ordinance shall be effective on July 8, 2004.


THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM AT A PUBLIC MEETING HELD THE 1st DAY OF JULY, 2004.

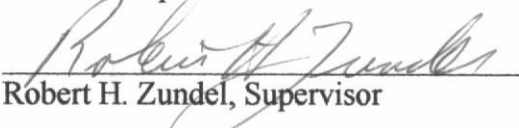
ATTEST:

  
Lynn Cain, Secretary-Treasurer

THE TOWNSHIP OF SALEM:

By:   
Anders M. Johnson, Chairman  
Board of Supervisors

By:   
Ronald D. Martz, Vice Chairman  
Board of Supervisors

By:   
Robert H. Zundel, Supervisor

## “EXHIBIT “A”

### GUIDELINES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE

The following are guidelines for the administration and enforcement of the Uniform Construction Code established for and followed by the Township of Salem for the issuance of construction and occupancy permits associated with commercial and residential construction within the Township under Ordinance No. 05 - 2004.

1. Any person, corporation, partnership or other entity engaged in any work requiring a construction permit and/or occupancy permit issued through the Township shall submit an application for same to the Secretary of Salem Township. Such application, and any other materials required for the issuance of any permit, shall be submitted in duplicate for one and two family residential dwellings and in triplicate for all other structures. ***The Applicant shall pay a Plan Review Fee at the time the initial application and plans required hereafter are submitted. Thereafter, the applicant shall pay all fees associated with the permitting and inspection process and designate an individual who is (1) responsible for the performance of the work; and (2) who may be contacted by the Township concerning the work subject to the application at the time the initial Construction Permit is issued.***

2. All applications associated with construction for COMMERCIAL properties shall be accompanied by the following documents, all of which shall be submitted in triplicate:

(a) a construction design plan containing the stamp of a registered architect or engineer setting forth in detail the nature and extent of the construction anticipated;

(b) a detail of all fire safety/control, plumbing and electrical system improvements associated with the construction;

(c) a list of materials and/or equipment to be used in the construction; and

(d) a plot plan of the property showing the location of present and the proposed construction, together with distances from lot lines, established street grades, proposed finished grades and any flood zones.

***All construction and/or repairs to structures other than single family and two-family residential structures are treated as COMMERCIAL STRUCTURES for permitting purposes. (See paragraph 14, below)***

3. All applications for a permit for construction associated with single family and two family residential dwellings shall be submitted in duplicate, along with a drawing, made to scale, detailing the nature and extent of the proposed construction and a material list setting forth the nature and extent of the materials to be utilized in the project. A plot plan of the property showing the location of present and proposed construction, together with distances from lot lines, established street grades, proposed finished grades and any flood zones may be required as well. The Township may also require a formal plan designed and bearing the stamp of a registered architect or engineer for certain residential construction, where, in its discretion, same is deemed necessary. Although the Pennsylvania Uniform Construction Code provides that, "a licensed architect or licensed professional engineer shall prepare the construction documents..." An unlicensed and non-compensated individual may prepare plans in which there is no change to the building's structure or change in the means of egress. (See paragraph 14, below)

4. Under the Pennsylvania Uniform Construction Code, a building permit is required whenever an owner or authorized agent intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the Uniform Construction Code in either commercial or residential structures. ***Note that the word "occupancy" refers to the classification of use, not a particular tenant. Example of***

**“EXHIBIT “A”**

**GUIDELINES FOR THE ADMINISTRATION AND ENFORCEMENT  
OF THE UNIFORM CONSTRUCTION CODE**

The following are guidelines for the administration and enforcement of the Uniform Construction Code established for and followed by the Township of Salem for the issuance of construction and occupancy permits associated with commercial and residential construction within the Township under Ordinance No. 05 - 2004.

1. Any person, corporation, partnership or other entity engaged in any work requiring a construction permit and/or occupancy permit issued through the Township shall submit an application for same to the Secretary of Salem Township. Such application, and any other materials required for the issuance of any permit, shall be submitted in duplicate for one and two family residential dwellings and in triplicate for all other structures. ***The Applicant shall pay a Plan Review Fee at the time the initial application and plans required hereafter are submitted. Thereafter, the applicant shall pay all fees associated with the permitting and inspection process and designate an individual who is (1) responsible for the performance of the work; and (2) who may be contacted by the Township concerning the work subject to the application at the time the initial Construction Permit is issued.***

2. All applications associated with construction for COMMERCIAL properties shall be accompanied by the following documents, all of which shall be submitted in triplicate:

(a) a construction design plan containing the stamp of a registered architect or engineer setting forth in detail the nature and extent of the construction anticipated;

(b) a detail of all fire safety/control, plumbing and electrical system improvements associated with the construction;

(c) a list of materials and/or equipment to be used in the construction; and

(d) a plot plan of the property showing the location of present and the proposed construction, together with distances from lot lines, established street grades, proposed finished grades and any flood zones.

***All construction and/or repairs to structures other than single family and two-family residential structures are treated as COMMERCIAL STRUCTURES for permitting purposes. (See paragraph 14, below)***

3. All applications for a permit for construction associated with single family and two family residential dwellings shall be submitted in duplicate, along with a drawing, made to scale, detailing the nature and extent of the proposed construction and a material list setting forth the nature and extent of the materials to be utilized in the project. A plot plan of the property showing the location of present and proposed construction, together with distances from lot lines, established street grades, proposed finished grades and any flood zones may be required as well. The Township may also require a formal plan designed and bearing the stamp of a registered architect or engineer for certain residential construction, where, in its discretion, same is deemed necessary. Although the Pennsylvania Uniform Construction Code provides that, "a licensed architect or licensed professional engineer shall prepare the construction documents..." An unlicensed and non-compensated individual may prepare plans in which there is no change to the building's structure or change in the means of egress. (See paragraph 14, below)

4. Under the Pennsylvania Uniform Construction Code, a building permit is required whenever an owner or authorized agent intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the Uniform Construction Code in either commercial or residential structures. ***Note that the word "occupancy" refers to the classification of use, not a particular tenant. Example of***

*occupancy classes are: storage (warehouse), institutional, business (mercantile), industrial, etc.*

5. There are certain exceptions to the permit requirements under the Pennsylvania Uniform Construction Code. The Regulations promulgated by the Pennsylvania Department of Labor and Industry exempt emergency repairs, provided a permit is submitted within three (3) business days. Other items not requiring a building permit are: Fences not over six (6) feet high, oil derricks, retaining walls not over four (4) feet high and not supporting earth or liquids higher than the top of the wall, certain water storage tanks not exceeding 5000 gallons, certain sidewalks and driveways, painting, tiling, cabinets, and similar finishing work, certain awnings, movable counters, replacement windows without structural changes, minor electrical work such as replacement of lamps, minor plumbing repairs such as repairing a leak, replacement of toilets, faucets or lavatories provided valves and piping are not replaced or rearranged. **To determine whether a specific construction project requires a permit, check with the Township of Salem Building Code Official.**

6. Upon receipt of an application for a building permit and accompanying plans and/or drawings, the Township Secretary shall immediately forward one copy of the application and accompanying documents to the Township Building Code Official for review and comment. Within fifteen (15) days of the date an application for a building permit is made for residential construction, the Building Code Official shall review the plans to determine their compliance with the Pennsylvania Uniform Construction Code and Salem Township Ordinance No. 05 - 2004. Within thirty (30) days of the date an application for a building permit is made for commercial or any construction other than residential, the aforesaid Official shall review the plans to determine their compliance with the Pennsylvania Uniform Construction Code and Salem Township Ordinance No. 05 - 2004.

The Building Code Official may conduct any preliminary inspection of the premises they deem necessary to assist them in determining whether the Plan is in compliance with the aforesaid Code and Ordinance. Following their review of such plans and any preliminary inspection, the Building Code Official shall either:

- a. approve the plans as submitted;
- b. deny approval of the plans as submitted, whereupon the denying official shall attach written comments to the plans advising the applicant of those changes necessary to secure approval.

7. Upon rejection or approval of the plans, the Building Code Official shall sign, date and return to the applicant, an acknowledgment that they have reviewed the application and related materials and are either accepting the Plan as presented or rejecting same with comments. The Building Code Official shall forward such comments, in writing, to the applicant to enable the applicant to correct the deficiencies in the application or other documents made part of the permitting submission.

8. The applicant may thereafter submit any revision to the Building Code Official, who shall then review same within fifteen (15) days. Any additional corrections or approvals shall then be returned to the applicant, in writing, by the Building Code Official within fifteen (15) days of the date the Building Code Official receives such revisions.

9. Once the Building Code Official is satisfied that the application and accompanying plans or other materials are satisfactory, the Building Code Official shall issue a "Construction Permit" to enable the construction of those repairs and/or improvements to the subject property. The construction permit shall be signed and dated by the Building Code Official and shall be conspicuously maintained at the premises upon which the proposed construction is to occur, along with a copy of the approved Plans and/or drawings, for review by the Building Code Official and/or Building Inspectors during the construction process.

10. Following the issuance of the Construction Permit, the property owners shall make the property available to the Building Code Official and/or Building Code Inspectors for periodic inspections and shall contact the Building Code Inspectors whenever the construction on the premises is ready for those periodic inspections referenced hereafter.

11. No plumbing, electrical, insulation or any other structural system subject to the plans or for which drawings are required shall be sealed or otherwise covered over unless and until same have been inspected by the Building Code Official and/or Building Code Inspector. The property owner and/or person performing the repairs or improvements shall be jointly responsible for contacting the Building Code Official and/or Building Code Inspector to ensure compliance with this provision. ***Specifically, no internal electrical wiring, plumbing, drainage system or any other improvement that is to be sealed behind a wall or covered over with dirt, ground or any other impervious material may be sealed, closed or constructed over until same is inspected by or meets the approval of the Building Code Official and/or the Building Code Inspector.***

12. After the issuance of the Construction Permit, inspections shall occur during the construction process at those intervals set forth as follows:

- (a) Footer Inspection (prior to time concrete is poured);
- (b) Foundation Inspection (after anchor bolts are in);
- (c) Plumbing, electrical & mechanical (before framing);
- (d) Framing inspection (before covering it up);
- (e) Wallboard Inspection (prior to finishing procedures); and
- (f) Final electrical, plumbing, mechanical & building.

***IT IS THE RESPONSIBILITY OF THE CONTRACTOR, OWNER, APPLICANT AND/OR OTHER PERSON OR ENTITY DESIGNATED BY THE APPLICANT, TO NOTIFY THE BUILDING CODE OFFICIAL THAT THE SITE IS READY FOR EACH OF THE INSPECTIONS REFERENCED ABOVE. TWENTY-FOUR (24) HOURS NOTICE IS REQUIRED FOR ANY INSPECTION. THE FAILURE TO PROVIDE PROPER NOTICE OR OBTAIN ANY REQUIRED INSPECTION MAY RESULT IN THE DENIAL OF AN OCCUPANCY PERMIT FOR THE COMPLETED PROJECT.***

13. Upon completion of all improvements and/or repairs subject to the initial application, a final inspection shall occur by the Building Code Inspectors and/or Building Code Official. Following such final inspection, an Occupancy Permit shall be issued and signed by the Building Code Official. The Occupancy Permit shall certify that the construction has been completed consistent with the Pennsylvania Uniform Construction Code, Salem Township Ordinance No. 05 - 2004 , the plans and/or drawings approved by the Building Code Official.

14. All plans, drawings and other written materials submitted as part of any permit application more than one (1) 8 ½ x 11 sheet of paper in length shall be copied onto a diskette for storage purposes within the Township.

***15. All building inspections conducted under Ordinance No. 04-05 shall be limited to the work subject to the permit and other systems essential for the completion of such work. Nothing in Ordinance No. 05-2004 shall be deemed or construed to require other work, non-essential to the completion of the work subject to the permit, to be performed as a prerequisite to the issuance of a permit hereunder. However, nothing in this paragraph shall be deemed or construed to exempt work otherwise requiring a permit from the operation of this Ordinance.***

**CONSTRUCTION/OCCUPANCY PERMIT  
APPLICATION WORKSHEET**

**DATE APPLICATION FOR PERMIT SUBMITTED:** \_\_\_\_\_

**NAME AND ADDRESS OF PROPERTY OWNER:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ADDRESS WHERE CONSTRUCTION IS PROPOSED TO OCCUR:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NAME AND ADDRESS OF PERSON PERFORMING WORK:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TAX MAP PARCEL NO.** \_\_\_\_\_

**NAME AND ADDRESS OF PERSON TO CONTACT FOR PROJECT:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ACCESS NO(S) FOR CONTACT PERSON:**

**DAY TIME PHONE:** \_\_\_\_\_

**EVENING PHONE:** \_\_\_\_\_

**CELL PHONE:** \_\_\_\_\_

**FAX NO.:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**\*\*\*\*\* (FOR TOWNSHIP USE ONLY) \*\*\*\*\***

**DATE APPLICATION TRANSMITTED TO:**

**BUILDING CODE OFFICIAL:** \_\_\_\_\_

**SIGNED** \_\_\_\_\_  
(Township Secretary)

**DATE OF REVIEW/APPROVAL/DENIAL:**

**BUILDING CODE OFFICIAL**

**DATE REVIEWED** \_\_\_\_\_

\_\_\_\_\_ **APPROVED**      \_\_\_\_\_ **DENIED (SEE COMMENTS)**

**SIGNED** \_\_\_\_\_  
(Building Code Official)

**DATE RETURNED TO APPLICANT** \_\_\_\_\_

**INSPECTION APPROVALS:**

**BUILDING CODE OFFICIAL/INSPECTOR**

<b>DATE</b>	<b>DATE AND TYPE OF INSPECTION</b>	<b>PASS</b>	<b>FAIL</b>
<b>REINSPECTED</b>			
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____

**DATE OCCUPANCY PERMIT ISSUED:** \_\_\_\_\_

## ORDINANCE NO. 06 - 2004

**“AN ORDINANCE OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA ACKNOWLEDGING THE ADOPTION OF ACT 1139 OF 2004 AMENDING CERTAIN PROVISIONS OF THE UNIFORM CONSTRUCTION CODE SET FORTH IN ACT 45 OF 1999, AND AMENDING ORDINANCE NO. 05-2004 CONSISTENT WITH SAME”**

WHEREAS, the Township of Salem previously enacted Ordinance No. 05-2004;

**AN ORDINANCE OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA ADOPTING AND IMPLEMENTING THE UNIFORM CONSTRUCTION CODE WITHIN THE TOWNSHIP OF SALEM, “OPTING IN” TO THE ENFORCEMENT THEREOF, SETTING FORTH THE MANNER IN WHICH SUCH ORDINANCE IS TO BE APPLIED WITHIN THE TOWNSHIP, PROVIDING A SCHEDULE OF FEES FOR INSPECTIONS AND PERMITS THEREUNDER, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH; and**

WHEREAS, such Ordinance was adopted pursuant to Section 503 of the Pennsylvania Uniform Construction Code (35 P.S. §7201.503); and

WHEREAS, on or about July 15, 2004, the Commonwealth of Pennsylvania adopted Act 1139 of 2004, which made certain Amendments to the Uniform Construction Code and permitted the adoption of same by Municipalities who had previously enacted and adopted the terms aforesaid Uniform Construction Code pursuant to Section 503 of Act 45 of 1999 referenced above; and

WHEREAS, the Board of Supervisors of the Township of Salem do hereby desire to make certain Amendments to the aforesaid Uniform Construction Code within the Township of Salem to add and/or modify certain definitions associated with same and to make and implement modifications in permitting requirements following from same.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM DO HEREBY ORDAIN AND ENACT AS FOLLOWS:

1. The Board of Supervisors hereby incorporates those changes in the definitional section of Act 45 of 1999, into Ordinance No. 05-2004 and specifically adopts those definitional changes in §103 of Act 45 of 1999 as set forth in Act 1139 of 2004, such changes being more particularly set forth as follows:

The following words and phrases when used in this Act and Ordinance No. 05-2004 shall have the meanings given to them in this section unless the context clearly indicates otherwise:

## ORDINANCE NO. 06 - 2004

“Addition”. An extension or increase in floor area or height of a building or structure.

“Agricultural Building.” A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, live stock or other farm animals and a milk house. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged or shall not be construed to mean a place of occupancy by the general public.

“Alteration.” Any construction or renovation to an existing structure other than repair or addition.

“Recreational Cabin.” A structure which is:

1. Utilized principally for recreational activity;
2. Not utilized as a domicile or residence for any individual for any time period;
3. Not utilized for commercial purposes;
4. Not greater than two (2) stories in height, excluding basement;
5. Not utilized by the owner or any other person as a place of employment;
6. Not a mailing address for bills or correspondence; and
7. Not listed as an individual’s place of residence on a tax return, driver’s license, car registration or voter registration.

“Repair.” The reconstruction or removal of any part of an existing building for the purpose of its maintenance.

“Residential Building.” Detached one family and two family dwellings and a multiple single family dwellings which are not more than three stories in height with a separate means of egress which includes accessory structures.

“Utility and Miscellaneous Use Structures.” Buildings or structures of an accessory character and miscellaneous structures not classified by building officials and Code Administrators International, Inc. in any specific use group. The term includes car ports, detached private garages, greenhouses and sheds having a building area less than 1,000 square feet. The term does not include swimming pools or spas.

2. Ordinance No. 05-2004, as it incorporates Section 104 of Act 45 of 1999, is

hereby amended to read as follows:

104 (B) Exclusions. – Neither this Act nor this Ordinance shall apply to:

1. New buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this Act or Ordinance:

## ORDINANCE NO. 06 - 2004

2. New buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under Act 45 of 1999 on projects requiring department approval:

3. Utility and miscellaneous use structures that are accessory to detached one family dwelling;

4. Any agricultural building;

5. Alterations to residential buildings which do not make structural changes or changes to means of egress. For purposes of this paragraph, a structural change does not include a minor framing change needed to replace existing windows or doors;

6. Repairs to residential buildings; and

7. Any recreational cabin if:

i. The cabin is equipped with at least one smoke detector, one fire extinguisher and one carbon monoxide detector in both the kitchen and sleeping quarters; and

ii. The owner of the cabin files with the municipality either:

a. An Affidavit on a form prescribed by the Department of Labor and Industry attesting to the fact that the cabin meets the definition of a "recreational cabin" as same in defined in Section 103 referenced above; or

b. A valid proof of insurance for the recreational cabin, written and issued by an insurer authorized to do business in this Commonwealth, stating that the structure meets the definition of a "recreational cabin" as defined in Section 103 above.

#### B.1 Continuity of Exclusion –

1. If a recreational cabin is subject to exclusion under sub section B7, upon transfer of ownership of the recreational cabin, written notice must be provided in the Sales Agreement and the Deed that the recreational cabin:

i. Is exempt from this Act.

ii. May not be in conformance with the Uniform Construction Code; and

iii. Is not subject to municipal regulation.

Failure to comply with the notice requirement under paragraph one (1) herein shall render the sale voidable at the option of the purchaser.

3. Ordinance No. 05-2004, as it incorporates Section 301 of Act 45 of 1999, is hereby amended to add the following:

"Section 301 (A) (8) – This regulation shall exclude Section R313.1.1 of the 2003 International Residential Code for one and two family dwellings, or its successor Code, from applying to existing one family and two family unit dwellings undergoing alterations, repairs, or additions, but shall include provisions requiring non-

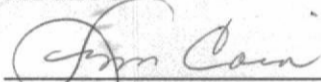
## ORDINANCE NO. 06 - 2004

interconnected battery operated smoke alarms in one family and two family dwellings in accordance with Section R313.1.1 of the 2003 International Residential Code for one and two family dwellings.”

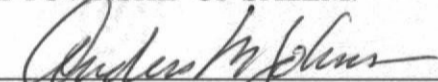
4. All other parts or provisions of Ordinance No. 05-2004 previously enacted by the Board of Supervisors on July 1, 2004, not inconsistent herewith, shall remain in full force and effect.

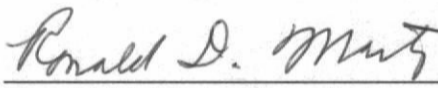
THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA AT A PUBLIC MEETING HELD THE 21<sup>st</sup> DAY OF OCTOBER, 2004 AND SHALL TAKE EFFECT IN FIVE (5) DAYS.

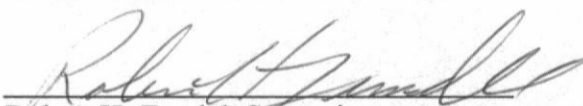
ATTEST:

  
 \_\_\_\_\_  
 Lynn Cain, Secretary

THE TOWNSHIP OF SALEM:

By:   
 \_\_\_\_\_  
 Anders M. Johnson, Chairman  
 Board of Supervisors

By:   
 \_\_\_\_\_  
 Ronald M. Martz, Vice-Chairman  
 Board of Supervisors

By:   
 \_\_\_\_\_  
 Robert H. Zundel, Supervisor