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PART 1

UNIFORM CONSTRUCTION CODE

§5-101. Adoption of the Uniform Construction Code.

1. The Borough 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.
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-403, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Borough.
3. Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the Borough Council of this Borough, from time to time, by resolution:
 - A. By the designation of an employee of the Borough to serve as the Borough Code Official to act on behalf of the Borough;
 - B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Borough;
 - 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 this Borough;
 - 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.
4. A Board of Appeals shall be established by resolution of the Borough Council of this Borough 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 anytime 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.¹
5. Previously Adopted Ordinances and Regulations.

¹ Editor's Note: By agreement, the Borough currently utilizes the services of the Centre County Council of Governments Uniform Construction Code Board of Appeals.

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- A. All building code ordinances or portions of ordinances which were adopted by this Borough 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.
 - 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 this Borough not governed by the Code shall remain in full force and effect.
6. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution, from time to time.

(Ord. 1024, 6/9/2004)

PART 2
LAND USE AND ZONING PERMITS

§5-201. Findings and Purpose.

The Borough Council of the Borough of Philipsburg finds that, in order to properly assess all improvements to real property for ad valorem tax purposes, it is necessary and appropriate to require persons to obtain a permit for the construction of all buildings not requiring a permit under the Pennsylvania Construction Code Act, Act 44 of 1999, 35 P.S. § 7210.101 et seq. ("Act"), which provides for state-wide administration and enforcement of the Uniform Construction Code. Under the Act, certain buildings and renovations, including by way of illustration, but not limitation, nonhabitable utility or miscellaneous use structures, under 1,000 square feet, limited to one story; agricultural buildings; recreational buildings and renovations which would require the property to be reassessed are not required to obtain a permit from the municipal code official prior to construction. Therefore, these structures can be built under the Act without notice to the Borough, which means they may not be assessed for tax purposes. The purpose of this Part is to require a permit prior to construction or renovation of such buildings to promote uniform taxation of all taxable improvements in the Borough.

(Ord. 1041, 11/13/2006, §1)

§5-202. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

AGRICULTURAL BUILDING — a structure utilized to store implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock, or other farm animals. The term shall not include habitable space or spaces in which agricultural products are processed, treated, or packaged and shall not be construed to mean a place of occupancy by the general public.

PERSON — an individual, partnership, corporation, limited liability company, or other legally recognized entity.

STRUCTURE — anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including but not limited to fences and retaining walls.

RECREATIONAL CABIN — a structure that is:

- A. Utilized principally for recreational activity;
- B. Not utilized as a domicile or residence for any individual for any time period;

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- C. Not utilized for commercial purposes;
- D. Not greater than two stories in height, excluding basement;
- E. Not utilized by the owner or any other person as a place of employment;
- F. Not a mailing address for bills and correspondence; and
- G. Not listed as an individual's place of residence on a tax return, driver's license, car registration or voter registration.

RENOVATIONS WHICH WOULD REQUIRE THE PROPERTY TO BE REASSESSED — any improvement or alteration to a building or structure subjecting the property to a change in assessed valuation under the Fourth to Eighth Class County Assessment Law, 72 P.S. § 5453.101 et seq.

UTILITY AND MISCELLANEOUS USE STRUCTURES — buildings or structures of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators, International, Inc., in any specific use group. The term includes carports, 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.

(Ord. 1041, 11/13/2006, §2; as amended by A.O)

§5-203. Applicability.

The Part shall apply to the construction of all buildings and structures and renovations that would require the property to be reassessed, not requiring a permit under the Pennsylvania Uniform Construction Code Act, in the Borough of Philipsburg.

(Ord. 1041, 11/13/2006, §3)

§5-204. Requirement for Land Use and Zoning Permit.

It shall be unlawful for any person to undertake or cause to be undertaken the construction or renovation of any building or structure subject to this Part unless a land use and zoning permit has first been obtained from the Borough.

(Ord. 1041, 11/13/2006, §4; A.O.)

§5-205. Application Procedures.

1. Application for such a permit shall be made in writing to the Borough on forms provided by the Borough. Such application shall contain at least the following:

- A. Name and address of applicant.
 - B. Name and address of owner of land on which proposed construction is to occur.
 - C. Name and address of contractor.
 - D. Site location and map number.
 - E. Brief description of the proposed work and estimated cost.
 - F. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures, with setback dimensions.
2. After issuance of a land use and zoning permit, no changes of any kind shall be made in the proposed work and/or site plan and/or other information submitted with the application without the additional consent or approval of the Borough.

(Ord. 1041, 11/13/2006, §5; A.O.)

§5-206. Fees.

All applications shall be accompanied by a fee to be established by the Borough Council from time to time.²

(Ord. 1041, 11/13/2006, §6)

§5-207. Start of Construction/Renovation.

Work on the proposed construction/renovation shall begin within six months from the date of issuance of the land use and zoning permit. The proposed construction/renovation shall be completed within 12 months after the date of issuance of the land use and zoning permit. Construction/renovation shall be considered to have started with the first placement of cement construction to the site, such as pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction/renovation includes the first permanent framing or assembly of the structure of any part thereof on its pilings or foundation or the affixing of any prefabricated structure to its clearing, grading, filling, excavation for basement, footings, piers or foundations, erection of temporary forms, or installation of piling under proposed subsurface.

(Ord. 1041, 11/13/2006, §7; A.O.)

² Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

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§5-208. Penalties for Violation.

Enforcement of this Part shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and the Borough Code. Any person found guilty of a violation of this Part shall pay a fine to the Borough not to exceed \$1,000 per violation and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ord. 1041, 11/13/2006, §8)

PART 3

PROPERTY MAINTENANCE CODE

§5-301. Adoption of Property Maintenance Code

A certain document, a copy of which is on file in the offices of the Borough of Philipsburg, being marked and designated as the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Philipsburg, and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Borough Offices are hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, with such amendments, additions, insertions and deletions, and changes, if any, as prescribed in §5-302 of this Chapter.

(Ord. 1025, 7/12/2004, §1; as amended by A.O

§5-302. Deletions and Modifications.

1. Deletions.

The following sections are hereby deleted from the Property Maintenance Code:

- Section 102, Subsection 102.3
- Section 104, Subsection 104.2
- Section 105
- Section 201, Subsection 201.3
- Section 302, Subsection 302.8
- Section 304, Subsections 304.18 and 304.18.1
- Section 505, Subsections 505.1 and 505.2
- Section 602, Subsection 602.4
- Section 606
- Chapter 8, ASME, AMS, ASTM

2. Modifications. The following sections of the Property Maintenance Code are revised as indicated:

- A. Section 111.2, Membership of Board, relating to the Board of Appeals shall be modified as follows: "The Board of Appeals shall consist of the Mayor and

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two Council members. The Ordinance Enforcement Officer shall be an ex officio member but shall have no vote on any matter before the Board.”

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§5-303. Administration and Enforcement.

The administration and enforcement of the Property Maintenance Code shall be undertaken in any means chosen by Borough Council or the appropriate officer enforcing such code on behalf of Borough Council.

(Ord. 1025, 7/12/2004, §2)

§5-304. Inspection of Rental Units; Fee.

1. As provided in the Property Maintenance Code, the Borough Ordinance Enforcement Officer shall, on an annual basis, conduct an inspection of all rental units to ensure compliance with the terms and conditions of this Chapter and with the Property Maintenance Code of the Borough of Philipsburg. Nothing in this Part shall be interpreted as limiting the authority of the Borough to conduct additional inspections, as deemed appropriate by the Borough, where the Borough has a reasonable basis to believe that a unit is in violation of this Part or the Property Maintenance Code.
2. The Borough Ordinance Enforcement Officer shall, at the time of the inspection, collect an inspection fee from each property owner in accordance the schedule of fees adopted by resolution of the Borough Council.

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§5-305. Violations and Penalties.

Any person, persons, firm or corporation who shall violate any of the provisions of this Part, upon conviction thereof, shall be liable to pay a fine or penalty not to exceed \$600 for each and every offense, together with the costs of prosecution. In addition, any person, firm or corporation who shall refuse right of entry for rental unit inspections, as provided in §5-305 above, shall, upon conviction, be liable to pay a fine of not less than \$100 nor more that \$600 for each such noncompliance.

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