

ORDINANCE No. 2004-1

AN ORDINANCE OF THE TOWNSHIP OF GREENWICH,
COUNTY OF BERKS AND COMMONWEALTH OF PENNSYLVANIA,
TO IMPLEMENT THE PENNSYLVANIA CONSTRUCTION CODE ACT,
ACT 45 OF 1999, AND TO ENACT THE PENNSYLVANIA
UNIFORM CONSTRUCTION CODE AND REGULATIONS FOR THE
ADMINISTRATION OF THE UNIFORM CONSTRUCTION WITHIN
GREENWICH TOWNSHIP TO BE KNOWN AS THE "GREENWICH
TOWNSHIP BUILDING CODE".

WHEREAS, it is the intention of the Board of Supervisors of Greenwich Township to conform to the requirements of the Pennsylvania Construction Code Act and regulations to said Act (hereinafter referred to as "the Code") as promulgated by the Pennsylvania Department and Labor and Industry in order to promote the health, safety and welfare of all citizens within the Township of Greenwich; and

WHEREAS, the Pennsylvania Construction Code requires that municipalities electing to administer and enforce the building code provisions of the Code enact an ordinance regarding the same.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Greenwich Township, Berks County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. Greenwich Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and the regulations of the Act as promulgated by the Pennsylvania Department of Labor and Industry.

SECTION 2. The Uniform Construction Code contained in 34 Pa.Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein as the "Greenwich Township Building Code" and shall provide as follows:

§101. Short Title. This Ordinance shall be known and may be cited as Greenwich Township Building Code Ordinance.

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§102. Legislative Intent. By Act 45 of 1999, the Pennsylvania legislature provided for the adoption of a Pennsylvania Uniform Construction Code and directed the Department of Labor and Industry to promulgate regulations for the Uniform Construction Code. In 2002, the Department of Labor and Industry adopted final regulations governing certification and training of persons to administer the Uniform Construction Code, and on January 10, 2004, the Department issued final regulations for the administration of the Uniform Construction Code. The Uniform Construction Code incorporates the International Building Code/2003, the International Residential Code/2003, the International Existing Building Code/2003, the standards incorporated into such publications by reference, and other publications as set forth in the L&I Regulations. The Board of Supervisors desires to adopt and administer the Pennsylvania Uniform Construction Code and establish administrative and enforcement regulations.

In accordance with Section 302(a) of the Pennsylvania Construction Code Act, this Part does not adopt the International Property Maintenance Code and shall not be considered as a property maintenance code. All Township regulations governing the maintenance of properties shall be in ordinances separate and distinct from the Greenwich Township Building Code.

§103. Adoption of the Pennsylvania Uniform Construction Code. The Township hereby adopts the standards which the Pennsylvania Department of Labor and Industry has made part of the Pennsylvania Uniform Construction Code identified in Section 403.21 of the L&I Regulations as the Greenwich Township Building Code with the following additions to the International Building Code/2003:

A. Section 202, Definitions, shall be amended to insert the following definitions in alphabetical order:

BUILDING CODE OFFICIAL. A Township official certified by L&I under Section 103 of the Pennsylvania Construction Code Act. The term includes an individual certified in a category established under Chapter 401 of the L&I Regulations to manage building enforcement activities, supervise building inspectors or plans examiners, issue building permits, occupancy permits, notice of violations and orders to vacate, and initiate prosecutions.

CONSTRUCTION CODE OFFICIAL. A Township official

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certified under L&I under Section 103 of the Pennsylvania Construction Code Act in an appropriate category established under Section 701(b) of the Pennsylvania Construction Code Act to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in that category under the Pennsylvania Construction Code Act or related statutes.

DEP. The Department of Environmental Protection of the Commonwealth of Pennsylvania.

L&I. The Department of Labor and Industries of the Commonwealth of Pennsylvania.

L&I REGULATIONS. All regulations adopted by L&I to implement the Pennsylvania Construction Code Act.

PENNSYLVANIA CONSTRUCTION CODE ACT. Act 45 of 1999, 35 P.S. §7210.101, et seq., as amended.

TOWNSHIP. The Township of Greenwich, Berks County, Pennsylvania.

TOWNSHIP BOARD OF SUPERVISORS. The governing body of the Township.

UNIFORM CONSTRUCTION CODE. The Code adopted pursuant to the Pennsylvania Construction Code Act and the L&I Regulations.

§104. Administration and Enforcement of the Longswamp Township Building Code. The Township hereby adopts the provisions of Chapter 1, Administration of the International Building Code/2003 and the provisions of the L&I regulations set forth below to govern administration and enforcement of the Greenwich Township Building Code. The administrative provisions of other codes which L&I has made part of the UCC, including but not limited to the International Residential Code/2003, are not part of the Greenwich Township Building Code. The provisions of this Building Code govern if there is a conflict with the provisions of the Codes set forth in Section 403.21 of the L&I Regulations or the L&I Regulations relating to administration or enforcement. Changes from the International Building Code/2003, Chapter 1, and the L&I Regulations to the Greenwich Township

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Building Code are as follows:

A. Section 101.1. Insert "Township of Greenwich, Berks County, Pennsylvania".

B. Section 101.2 shall provide as follows:

101.2 Scope. These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures except as such matters are otherwise provided for in other ordinances or statutes, including but not limited to the Township Zoning Ordinance, Township Subdivision and Land Development Ordinance and Township Stormwater Management Ordinance or in the rules and regulations authorized for promulgation under the provisions of this Building Code. Whenever there is a conflict between the provisions of this Building Code and any other Township Ordinance, including but not limited to the Zoning Ordinance, it is the intent of the Township Board of Supervisors that the more stringent requirement shall apply. All construction which the Pennsylvania Construction Code Act or the L&I Regulations exempt from compliance with the Uniform Construction Code are exempt from the provisions of this Building Code. Items exempted from compliance with the Uniform Construction Code by Section 403.1(b) and 403.1(e) of the L&I Regulations do not have to comply with the Building Code but shall comply with all other applicable Township Ordinances.

C. Section 101.3 shall be amended by adding the following sentence to the existing section:

It is the further intent of the Township Board of Supervisors that all construction within the Township shall comply with the provisions of the Americans with Disabilities Act and all applicable regulations to implement the Americans with Disabilities Act promulgated by Federal and State regulatory agencies and with the Code Requirements for Housing Accessibility, and this Code shall be interpreted in a manner which fulfills this intent. It is also the further intent of the Board of Supervisors to comply with the requirements of the Pennsylvania Construction Code Act and the L&I Regulations.

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D. 101.4.5 shall be deleted in its entirety.

E. Section 103, Department of Building Safety, shall be deleted in its entirety and a new Section 103, Administration, shall be inserted which shall provide as follows:

103.1 Building official. Township Board of Supervisors shall appoint a person or persons to serve as a building code official and a construction code official as those terms are defined in the L&I Regulations. Both the building code official and the construction code official shall be considered the building official as such term is defined and used in this Building Code.

103.2 Powers and duties of building code official and construction code official. The building code official shall have all powers set forth in the L&I Regulations and shall have the powers and duties of the building official set forth in this Building Code. The construction code official shall have the powers set forth in the L&I Regulations and may also have the powers of the building official set forth in this Building Code. The respective duties and responsibilities of the building code official and the construction code official shall be determined by the Board of Supervisors and shall be within the limitations of any certifications required or issued by L&I.

103.2.1 The building code official shall serve at the pleasure of the Board of Supervisors. The building code official shall provide supervision of the construction code official, receive uniform construction code permit applications, address citizen inquiries, concerns and complaints, issuing building permits, occupancy permits, and manage code enforcement activities, including but not limited to issuing notice of violations and orders to vacate, and initiation of prosecutions.

103.3 Organization. Township Board of Supervisors shall appoint such other officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Building Code.

F. Section 104.4 shall be amended by inserting the following language after the first sentence:

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The building official shall have the right to reject any report performed by any individual or agency unless the permit holder has requested and obtained the prior approval of the building official for such individual or agency to perform such inspection. Any individual or agency performing such inspection and providing such report shall demonstrate to the satisfaction of the building official that such individual or agency has obtained all necessary certifications from L&I.

G. Section 104.8 shall provide as follows:

104.8 Liability. The Township and the building official shall have all immunities and rights granted by the Pennsylvania Judicial Code, including but not limited to Chapter 85.

H. Section 105, Permits, 106, Construction Documents, and 111, Service Utilities, of Chapter 1 of the International Building Code/2003 shall not be a part of the Township Building Code. The Township hereby adopts and incorporates Sections 403.41, 403.42, 403.42a, 403.43, 403.44, 403.47, 403.48, 403.61, 403.62a, 403.63 and 403.66 of the L&I Regulations to govern applications for and issuance of Building Code permits for nonresidential and residential construction with the changes set forth below:

1. Sections 403.42(a) and 403.62(a) shall be amended by inserting the following at the end of the existing sections:

It shall be the joint responsibility of the owner, lessee, if any, and the contractor to determine that a Building Code permit (and all other required permits and approvals) has been obtained before performing any work. It shall be unlawful for any contractor or subcontractor to perform any work for which a Building Code permit is required unless the owner and contractor obtain and post a Building Code permit as required by this Building Code.

2. Sections 403.42a(b) and 403.62a(b) shall be amended by inserting the following at the end of the existing sections:

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At the time of filing an application for a Building Code permit, the applicant shall present to the building code official adequate evidence that the applicant 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. Such agencies shall include but not be limited to the Zoning Officer, Public Works Department, Zoning Hearing Board, Berks County Conservation District, State Police Fire Marshal, DEP, L&I, and the Pennsylvania Departments of Community and Economic Development and Transportation. No application for a Building Code permit is complete without a copy of any required zoning permit and proof of any required subdivision and/or land development approval and/or storm water management plan approval.

3. Sections 403.43(h) and 403.63(h) shall be amended by inserting the following at the end of the existing sections:

The applicant shall post a copy of the Building Code permit at a location on the property clearly visible to members of the public.

I. A new Section 108.1.2 shall be inserted and shall provide as follows:

108.1.2 Time of payment of fees. Applicants for permits under this Building Code shall pay to the Township at the time of application all administrative fees. Applicants shall pay directly to the Building Code Official costs incurred for the review of an application and construction documents prior to the issuance of a permit. Applicants shall pay to the Building Code Official costs incurred for all inspections required during the course of construction prior to the issuance of a certificate of use and occupancy for the structure for which the permit has been issued.

J. Section 108.4 shall be revised to provide:

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary Building Code permits shall be subject to an

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additional fee for expedited processing which shall be equal to the fee which should have been paid at permit application. The expedited processing fee shall be paid in addition to the normal application fee prior to the issuance of a Building Code permit.

K. Section 108.6 shall be deleted in its entirety.

L. Sections 109.3, 109.4, 109.5 and 109.6 of the International Building Code/2003 shall be deleted and the Township hereby adopts Sections 403.45, 403.64 and 403.86 of the L&I Regulations governing inspections with the changes set forth below:

1. Section 403.64(g) shall be deleted in its entirety.

M. Section 110, Certificate of Occupancy, of the International Building Code/2003 is deleted. The Township adopts Sections 403.46 and 403.65 of the L&I Regulations governing certificates of occupancy. Sections 403.46 and 403.65 of the L&I Regulations are amended as follows:

1. Section 403.46(b) is amended to add the following subsections:

(10) A statement that the issuance of a certificate of occupancy shall not be deemed permission to occupy the structure or commence a use if any other ordinance requires the issuance of a permit or certificate prior to use and occupancy.

2. Section 403.65(b) is amended by adding the following subsections:

(9) A statement that the issuance of a certificate of occupancy shall not be deemed permission to occupy the structure or commence a use if any other ordinance requires the issuance of a permit or certificate prior to use and occupancy.

N. Section 113, Violations, shall provide as follows:

113.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy, or to permit the

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erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of any building or structure or equipment regulated by this Building Code, or cause same to be done, in conflict with or in violation of this Building Code. It shall also be unlawful for any person to place inaccurate or misleading information on an application or plan or to omit relevant information from an application or a plan submitted to the Township.

113.2 Notice of Violation. The building official may serve notice of violation on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use, permission to use, occupancy, or permission for occupancy of a building or structure or equipment in violation of the provisions of this Building Code, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Building Code. Such notice shall order discontinuance of the illegal action or condition and the abatement of the violation. Notwithstanding the foregoing, it shall not be a defense to an enforcement action that the building official did not serve or that the defendant did not receive a written notice of violation prior to the institution of the enforcement action.

113.2.1 If an inspection reveals a violation of this Building Code, the building code official shall discuss the inspection results with the permit holder at the completion of the inspection.

113.2.2 When a violation relates to an unsafe building, structure, or equipment, the building official shall proceed in accordance with Section 403.84 of the L&I Regulations.

113.3 Prosecution of Violation. If the building code official has served a notice of violation and the notice of violation is not complied with within the time specified by the building official, or if the building code official determines that there is insufficient time to serve a notice of violation or that such notice of violation will have no practical or beneficial effect, the building code official shall notify the Board of Supervisors of the violation and shall request the Board to authorize institution of enforcement proceedings against the violator and/or authorize the Township Solicitor to institute the

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appropriate proceedings at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Building Code or of the order or direction made pursuant thereto. Notwithstanding the foregoing, the building code official may institute summary enforcement proceedings without prior authorization of the Board of Supervisors.

113.4 Violation Penalties. Any person, firm or corporation who or which shall fail to comply with any of the requirements hereof or repair a building or structure in violation of an approved plan or directive of the Code Official or other authorized person or of a permit or certificate issued under the provisions of this Code shall be subject to the civil enforcement procedures, fines, and schedule of fines as set forth in Ordinance No. 1997-3, the "Civil/Criminal Enforcement Procedure Ordinance of Greenwich Township".

In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall not excuse the violation or non-compliance or permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliance within a reasonable time.

No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.

O. Section 115, Unsafe Structures and Equipment, of the International Building Code/2003 is deleted. The Township adopts Section 403.84 of the L&I Regulations governing unsafe buildings, structures or equipment.

SECTION 3. The Board of Supervisors shall by resolution or ordinance appoint either alone or jointly with other municipalities a Board of Appeals as set forth in the Code.

SECTION 4. This Ordinance shall take effect July 8, 2004.

SECTION 5. Should any part of this Ordinance be held unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, such invalidity shall not effect, impair,

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nullify, or otherwise affect or impair any of the remaining provisions of this Ordinance.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Greenwich, Berks County, Pennsylvania, in lawful session duly assembled this 7th day of June, 2004.

BOARD OF SUPERVISORS OF GREENWICH
TOWNSHIP, BERKS COUNTY, PA


Victor M. Berger, Chairman


Oscar E. Kleinsmith, Supervisor


Laurie Ann Baker, Supervisor

Attest:


Township Secretary

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