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PART 1

INTERNATIONAL RESIDENTIAL CODE FOR ONE
AND TWO FAMILY DWELLINGS**§5-101. Adoption of the Residential Code for One and Two Family Dwellings, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Residential Code for One and Two Family Dwellings, 2003 Edition”, subject to the revisions below in §5-102 and including Appendices A, B, C, D, E, G and I¹, is hereby adopted as the Residential Code for One and Two Family Dwellings of Oley Township in Berks County, Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Residential Code for One and Two Family Dwellings are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, contained below.

(Ord. 311, 6/14/2004, §1)

§5-102. Additions, Insertions and Changes.

The International Residential Code for One and Two Family Dwellings, 2003 Edition, as referenced in §5-101, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section R101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Buildings Official].
 - (3) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
 - (4) Substitute in all Sections of the Code “Code Appeals Board” for [Board of Appeals].

¹Editor’s Note: Appendices A, B, C, D, E, G and I are on file at the Township Manager’s Office.

- B. The title of §R103 is deleted in its entirety. A new title is hereby enacted to read as follows:

Codes Enforcement Officer and Deputies.

- C. Section R103.1 is deleted in its entirety. A new §R103.1 is hereby enacted to read as follows:

§R103.1. Creation of the Office of the Codes Enforcement Officer. The Office of the Code Enforcement Officer is hereby created.

- D. Section R103.2 is deleted in its entirety. A new §R103.2 is hereby enacted to read as follows:

§R103.2. Appointment. The Code Enforcement Officer shall be appointed by the Board of Supervisors, and shall serve at the pleasure of the Board of Supervisors.

- E. Section R112.1 is deleted in its entirety. A new §R112.1 is hereby enacted to read as follows:

§R112.1. Appeals. Any person or persons shall have the right to appeal a decision of the Code Enforcement Officer to the Code Appeals Board in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003 shall be followed with respect to an appeal made under this Code. The Code Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Office unappealable.

- F. Section R113.4 is hereby amended to provide that all violation of any provisions of this Code shall be enforced in accordance with the provisions of §113 of the International Building Code, 2003 Edition, adopted by Oley Township. If the notice of violation is not complied with in the time prescribed by such notice, the Code Enforcement Officer is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. This Section is also revised to add the following text at the end of the Section:

Any person or persons who violate a provision of the Code or of a permit or certificate issued under the provisions of this Code shall be guilty of a summary offense, punishable by a fine of not less than \$100, but not more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

- G. Table R301.2(l) contained within §R301 is hereby completed with the following climatic and geographic design criteria as noted below:

Roof snow-load	30 pounds
Wind pressure	90 mph
Seismic design category	B
Weathering	Severe
Frost line depth	30 inches
Termite protection	Moderate
Decay	Slight
Ice shield underlay reqd.	Yes
Winter design temp.	13 degrees Fahrenheit
Flood hazards	See Zoning Ordinance [Chapter 27]
Air freezing index	1000
Mean annual temp.	50 degrees

- H. Appendix I, §AI101.1. Substitute “25 Pa. Code Chapter 73” for “International Private Sewage Disposal Code”.

(Ord. 311, 6/14/2004, §1)

§5-103. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township’s Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 2**INTERNATIONAL PROPERTY MAINTENANCE CODE****§5-201. Adoption of the Property Maintenance Code, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Property Maintenance Code, 2003 Edition”, subject to the revisions below in §5-202, be and is hereby adopted as the Property Maintenance Code of Oley Township, in Berks County, Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted and made part hereof, as if fully set out in this Part, with additions, insertions, deletions and changes, if any, prescribed in §5-202 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-202. Additions, Insertions and Changes.

The International Property Maintenance Code, 2003 Edition, as referenced in §5-201, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Section 304.14, substitute “May 15th” for the first reference of [Date] and “October 15th” for the second reference of [Date].
 - (3) Section 602.3, substitute “October 1st” for the first reference of [Date] and “May 1st” for the second reference [Date].
 - (4) Section 602.4, substitute “October 1st” for the first reference [Date] and “May 1st” for the second reference of [Date].
 - (5) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Building Official].
 - (6) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
 - (7) Substitute in all Sections of the Code “Code Appeals Board” for [Board of Appeals].

(8) Subsection 302.4, insert ten (10) inches.

(Ord. 347, 8/19/2010, §1)

B. The title of §103 is deleted in its entirety. A new title is hereby enacted to read as follows:

Codes Enforcement Officer and Deputies.

C. Section 103.1 is deleted in its entirety. A new §103.1 is hereby enacted to read as follows:

§103.1. Creation of the Office of the Codes Enforcement Officer. The Office of Code Enforcement Officer is hereby created, and the executive official(s) in charge thereof shall be known as the Code Enforcement Officer(s).

D. Section 103.2 is deleted in its entirety. A new §103.2 is hereby enacted to read as follows:

§103.2. Appointment. The Code Enforcement Officer(s) shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.

E. Section 103.5 is deleted in its entirety. A new §103.5 is hereby enacted to read as follows:

“The fees for all work, permits, charges, etc., shall be paid in accordance with the fee schedule resolution in effect at the time application is made.”

F. The title of §104.7 is deleted in its entirety. A new title is hereby enacted to read as follows:

§104.7. Code Enforcement Officer's Records.

G. Section 106.3 is hereby revised by deleting the first sentence of the subsection in its entirety, and inserting a new first sentence as follows:

Any person or persons who violate a provision of the Code or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than \$100, but not more than \$1,000, or by imprisonment not exceeding 90 days, or both such fine and imprisonment.

H. Subsection 107.4 is hereby revised by deleting the reference to §106.4, and substituting “§106.3”.

I. Subsections 111.1 through 111.6 are hereby deleted in their entirety. A new subsection 111.1 is hereby enacted to read as follows:

§111.1. Appeals. Any person or persons shall have the right to appeal a decision of the Code Enforcement Office to the Code Appeals Board in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003, shall be followed with respect to an appeal made under this Code. The Code Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- J. Section 202 is hereby revised to include the following additional definitions:

OCCUPIED - as applied to a building, or portion thereof, shall be construed as though followed by the words, “or intended, arranged or designed to be occupied, or having a Certificate of Use and Occupancy”.

ONE FAMILY DWELLING - a building containing one dwelling unit.

TWO FAMILY DWELLING - a building containing two dwelling units.

- K. Section 202 is hereby amended as follows:

In the definition of “owner”, the last clause of the definition which states, “if ordered to take possession of real property by a court” is hereby deleted from the definition.

- L. Section 301 is hereby amended to include the following additional subsections known as §301.2.1:

§301.2.1. Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line.

- M. Section 302 is hereby amended to include the following additional subsection known as §302.3.1:

§302.3.1. Where sidewalks exist, those responsible (see §301.2.1, as amended) for the sidewalks shall have at least a 2 foot wide path cleared of snow and ice within 24 hours after the cessation of the snowfall.

Exception. When more than 12 inches of snow has fallen, those responsible for the sidewalk shall have at least a 2 foot wide path cleared of snow and ice within 48 hours after the cessation of the snowfall.

- N. Section 302 is hereby amended to include the following additional subsection known as §302.4.1:

§302.4.1. The owner of any property, or the occupant of the property if occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such property in violation of the provisions of §302.4.

- O. Section 302 is hereby amended to include the following additional subsection known as §302.4.2:

§302.4.2. The Code Enforcement Officer, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or United States mail, to the owner or occupant or any adult person in charge of the said premises, as the case may be, of any property wherein grass or other vegetation is in violation of §§302.4 or 302.4.1, directing and requiring such occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part, within 5 days after issuance of such notice.

Whenever, in the judgment of the Code Enforcement Officer, it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found, or because a search for the owner or occupant would entail unreasonable delay, the Township or any officer or employee of the Township designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 5 days.

In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township may order the removal, trimming or cutting of such grass, weeds or vegetation, and the cost thereof, together with a penalty of 10% of the cost thereof, shall be collected by the Township from such person, firm or corporation in the manner provided by law, and may be entered as a municipal lien against the property and owner thereof, for the abatement of nuisance.

- P. Section 302.8 is hereby deleted in its entirety. A new §302.8 is hereby enacted to read as follows:

Motor Vehicles. Only one intact inoperative or unlicensed motor vehicle shall be parked, stored or kept on any premises. A vehicle of any type is permitted to undergo major overhaul, including body work; provided, that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- Q. Section 302 is hereby amended to include the following additional subsection known as §302.8.1:

§302.8.1. Registered motor vehicles are prohibited from parking on any non-paved area in the front or side yards of a property for a period of greater than 12 hours. Motor vehicles may be parked on non-paved areas in the rear yard providing that a solid fence, a minimum of 6 feet tall, is erected around the rear yard in order to screen the contents of the yard from surrounding neighbors.

(Ord. 311, 6/14/2004, §1)

§5-203. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 3**INTERNATIONAL PLUMBING CODE****§5-301. Adoption of the Plumbing Code, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Plumbing Code, 2003 Edition”, subject to the revisions below in §5-302, and including Appendices B, D, E and F², be and is hereby adopted as the Plumbing Code of Oley Township, Berks County, Pennsylvania, for the regulation and control of plumbing systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-302 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-302. Additions, Insertions and Changes.

The International Plumbing Code, 2003 Edition, as referenced in §5-301, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Section 108.5, substitute \$100 for the first reference to [Amount]; substitute \$1,000 for the second reference to [Amount].
 - (3) Section 305.6.1, substitute “36 inches” for the first reference to [Number]; substitute “36” for the second reference to [Number].
 - (4) Section 904.1, substitute “12 inches” for [Number].
 - (5) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Building Official].
 - (6) Substitute in all Sections of the Code “the Board of Supervisors” for [The Governing Body].

²Editor's Note: Appendices B, D, E and F are on file at the Township Secretary's Office.

- B. The title of §103 is deleted in its entirety. A new title is hereby enacted to read as follows:

Code Enforcement Officer and Deputies.

- C. Section 103.1 is deleted in its entirety. A new §103.1 is hereby enacted to read as follows:

§103.1. General. The office of the Code Enforcement Officer is hereby created and the executive official(s) in charge thereof shall be known as the Code Enforcement Officer(s).

- D. Section 103.2 is deleted in its entirety. A new §103.2 is hereby enacted to read as follows:

§103.2. Appointment. The Code Enforcement Officer(s) shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.

- E. Section 106.6.2 is deleted in its entirety. A new §106.6.2 is hereby enacted to read as follows:

The fees for all plumbing work, permits, charges, etc., shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

- F. Section 106.6.3 is deleted in its entirety. A new §106.6.3 is hereby enacted to read as follows:

§106.6.3. Fee Refunds. All fee refunds shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

- G. Subsections 109.1 through and including 109.6 are hereby deleted in their entirety. A new subsection 190.1 is hereby enacted to read as follows:

§109.1. Appeals. Any person or persons shall have the right to appeal a decision of the Code Enforcement Officer to the Code Appeals Board in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003 shall be followed with respect to an appeal made under this Code. The Code Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- H. Subsections 304.6.1 through 904.1 are hereby revised to delete all references to “(mm)”.

(Ord. 311, 6/14/2004, §1)

§5-303. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 4**INTERNATIONAL MECHANICAL CODE****§5-401. Adoption of the Mechanical Code, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Mechanical Code, 2003 Edition”, subject to the revisions below in §5-402, and including Appendix A3, is hereby adopted as the Mechanical Code of Oley Township, in Berks County, Pennsylvania, for the regulation and control of mechanical systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-402 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-402. Additions, Insertions and Changes.

The International Mechanical Code, 2003 Edition, as referenced in §5-401, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
 - (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Building Official].
 - (3) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
- B. Section 108 is amended to provide that all violations of any provision of this Code shall be enforced in accordance with the provisions of §113 of the International Building Code, 2003 Edition, adopted by Oley Township, and may be in accordance with the procedures in this Code.
- C. Section 109 is amended to provide that all appeals, orders, decisions or determinations of the Code Enforcement Officer relative to the application and interpretation of this Code shall be heard by the Code Appeals Board in

³Editor's Note: Appendix A is on file at the Township Manager's Office.

accordance with the provisions of §112 of the International Building Code, 2003 Edition, adopted by Oley Township, which may operate in accordance with the provisions of this Code.

- D. The title of §103 is deleted in its entirety. A new title is hereby enacted to read as follows:

Code Enforcement Officer and Deputies.

- E. Section 103.1 is deleted in its entirety. A new §103.1 is hereby enacted to read as follows:

§103.1. Creation of the Office of the Code Enforcement Officer. The office of Code Enforcement Officer is hereby created and the executive official(s) in charge thereof shall be known as the Code Enforcement Officer(s).

- F. Section 103.2 is deleted in its entirety. A new §103.2 is hereby enacted to read as follows:

§103.2. Appointment. The Code Enforcement Officer(s) shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.

- G. Section 106.5.2 is deleted in its entirety. A new §106.5.2 is hereby enacted to read as follows:

The fees for all work, permits, charges, etc., shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

- H. Section 106.5.3 is deleted in its entirety. A new §106.5.3 is hereby enacted to read as follows:

§106.5.3. Fee Refunds. All fee refunds shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

- I. Subsections 109.1 through and including 109.5 are hereby deleted in their entirety. A new §109.1 is hereby enacted to read as follows:

§109.1. Appeals. Any person or person shall have the right to appeal a decision of the Code Enforcement Officer to the Code Appeals Board in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003, shall be followed with respect to an appeal made under this Code. The Code

Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- J. Sections 109.2 through and including 109.7 are hereby deleted in their entirety.
- K. Section 202 is hereby revised to include the following additional definition:

OCCUPIED - as applied to a building, or portion thereof, shall be construed as though followed by the words, “or intended, arranged or designed to be occupied, or having a certificate of use and occupancy”.

(Ord. 311, 6/14/2004, §1)

§5-403. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 5**INTERNATIONAL EXISTING BUILDING CODE****§5-501. Adoption of the International Existing Building Code, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Existing Building Code, 2003 Edition”, subject to the revisions below in §5-502, and including Appendices A and B and Resource A⁴, is hereby adopted as the Existing Building Code of Oley Township, in Berks County, Pennsylvania and each and all of the regulations, provisions, penalties, conditions and terms of said International Existing Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, contained below.

(Ord. 311, 6/14/2004, §1)

§5-502. Additions, Insertions and Changes.

The International Existing Building Code, 2003 Edition, as referenced in §5-501, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Code Official].
 - (3) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
 - (4) Substitute in all Sections of the Code “Code Appeals Board” for {Board of Appeals}.
- B. Section 103 is amended to provide that the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition, shall assume the responsibilities of §103.

⁴Editor’s Note: Appendices A and B and Resource A are on file in the Township Manager's Office.

- C. Section 104 is amended to provide that the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition, shall assume the responsibilities of §104.
- D. Section 105.1.1 is amended to provide that all permits shall be issued by the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition.
- E. Section 112.1 is deleted in its entirety. A new §112.1 is hereby enacted to read as follows:

§112.1. Appeals. Any person or persons shall have the right to appeal a decision of the Code Enforcement Officer to the Code Appeals Board in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003, shall be followed with respect to an appeal made under this Code. The Code Appeals Board shall have exclusive jurisdiction over such appeals and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- F. Section 113.4 is hereby revised to add the following sentence at the end of the Section:

Any person or persons who violate a provision of the Code or of a permit or certificate issued under the provisions of this Code shall be guilty of a summary offense, punishable by a fine of not less than \$100, but not more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 311, 6/14/2004, §1)

§5-503. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 6**INTERNATIONAL BUILDING CODE****§5-601. Adoption of the International Building Code, 2003 Edition.**

A certain document, three copies of which are on file in the Office of the Township, Secretary of Oley Township, being marked and designated as the “International Building Code, 2003 Edition”, as published by the International Code Council, subject to the revisions below in §5-602 and including Appendix F⁵, be and is hereby adopted as the Building Code of Oley Township, in Berks County, Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with all additions, insertions, deletions and changes, if any, prescribed in §5-602 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-602. Additions, Insertions and Changes.

The International Building Code, as referenced in §5-601, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section 101.1, substitute "Oley Township" for [Name of Jurisdiction].
 - (2) Section 101.4.4, substitute “25 Pa. Code, Chapter 73” for [International Private Sewage Disposal Codes].
 - (3) Section 3410.2, substitute “the effective date of the first Building Code ordinance” [Date to be inserted by the Jurisdiction].
 - (4) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Building Official].
 - (5) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
- B. The title of §103 is deleted in its entirety. A new title is hereby enacted to read as follows:

Code Enforcement Officer and Deputies.

⁵Editor's Note: Appendix F is on file at the Township Secretary's office.

- C. Section 103.1 is deleted in its entirety. A new §103.1 is hereby enacted to read as follows:

§103.1. Creation of the Office of the Code Enforcement Officer. The office of Code Enforcement Officer is hereby created.

- D. Section 103.2 is deleted in its entirety. A new §103.2 is hereby enacted to read as follows:

§103.2. Appointment. The Code Enforcement Officer(s) shall be appointed by the Board of Supervisors, and shall serve at the pleasure of the Board of Supervisors.

- E. The title of § 104.7 is deleted in its entirety. A new title is hereby enacted to read as follows:

§104.7. Code Enforcement Officer's Records.

- F. Section 112.1 is hereby revised to add the following text at the end of the Section:

All such appeals shall be filed within 30 days of the date of the decision of the Code Enforcement Officer. The Code Appeals Board shall have exclusive jurisdiction over such appeals and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders his decision unassailable and unappealable.

- G. Section 113.4 is hereby revised to add the following at the end of the Section:

Any person or persons who violate a provision of the Code or of a permit or certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than \$100, but not more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not exceeding 30 days. Each day that a violation continues shall constitute a separate offense.

- H. Subsection § 114.3 is hereby revised by deleting the last clause which states "shall be subject to penalties as prescribed by law", and substituting in its place "shall be subject to penalties for violations pursuant to §113.4".

- I. Section 202 is hereby revised to include the following additional definition:

OCCUPIED - as applied to a building or portion thereof, shall be construed as though followed by the words, "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy".

- J. Section 1612.3 insert “Oley Township” for [Name of Jurisdiction], and “December 5, 1997” for [Date of Issuance].

(Ord. 311, 6/14/2004, §1)

§5-603. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township’s Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 7**INTERNATIONAL FUEL GAS CODE****§5-701. Adoption of the Fuel Gas Code, 2003 Edition.**

A certain document, three copies of which are on file in the Office of the Township Secretary of Oley Township, being marked and designated as the “International Fuel Gas Code, 2003 Edition”, subject to the revisions below in §5-702, and including Appendices A, B and C⁶, be and is hereby adopted as the Fuel Gas Code of Oley Township, in Berks County, Pennsylvania, for the control of buildings and structures as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of said International Fuel Gas Code are hereby referred to, adopted and made part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-702 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-702. Additions, Insertions and Changes.

The International Fuel Gas Code, 2003 Edition, as referenced in §5-701, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Section 108.4, substitute “summary offense” for [Specify Offense], “\$1,000” for [Amount] and “90 days” for [Number of Days].
 - (3) Section 108.5, substitute “\$100” for the first reference to [Amount], substitute “\$1,000” for the second reference to [Amount].
 - (4) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Building Official].
 - (5) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].

⁶Editor’s Note: Appendices A, B and C are on file at the Office of the Township Secretary.

- B. The title of §103 is deleted in its entirety. A new title is hereby enacted to read as follows:

Code Enforcement Officer and Deputies.

- C. Section 103.1 is deleted in its entirety. A new §103.1 is hereby enacted to read as follows:

§103.1. Creation of the Office of the Code Enforcement Officer. The office of the Code Enforcement Officer is hereby created and the executive official(s) in charge thereof shall be known as the Code Enforcement Officer(s).

- D. Section 103.2 is deleted in its entirety. A new §103.2 is hereby enacted to read as follows:

§103.2. Appointment. The Code Enforcement Officer(s) shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.

- E. The title of §104.8 is deleted in its entirety. A new title is hereby enacted to read as follows:

§104.8. Code Enforcement Officer's Records.

- F. Section 106.5.2 is deleted in its entirety. A new §106.5.2 is hereby enacted to read as follows:

The fees for all work, permits, charges, etc., shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

- G. Section 106.5.3 is deleted in its entirety. A new §106.5.3 is hereby enacted to read as follows:

§106.5.3. Fee Refunds. All fee refunds shall be paid in accordance with the fee schedule resolution in effect at the time application is made.

- H. Subsections 109.1 through and including 109.6 are hereby deleted in their entirety. A new subsection 109.1 is hereby enacted to read as follows:

§109.1. Appeals. Any person or persons shall have the right to appeal a decision of the Codes Enforcement Officer to the Board of Appeals in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003 shall be

followed with respect to an appeal made under this Code. The Code Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- I. Section 202 is hereby revised to include the following additional definition:

OCCUPIED - as applied to a building or portion thereof, shall be construed as through followed by the words "or intended, arranged or designed to be occupied or having a Certificate of Use and Occupancy."

(Ord. 311, 6/14/2004, §1)

§5-703. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 8**INTERNATIONAL ELECTRICAL CODE****§5-801. Adoption of the Electrical Code, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the "ICC Electrical Code Administrative Provisions, 2003 Edition", subject to the revisions below in §5-802, as the Electrical Code of Oley Township, in Berks County, Pennsylvania, for the regulation and control of electrical systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-802 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-802. Additions, Insertions and Changes.

The ICC Electrical Code, 2003 Edition, as referenced in §5-801, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
- (1) Section 101.1, substitute "Oley Township" for [Name of Jurisdiction].
 - (2) Substitute in all Sections of the Code "Code Enforcement Officer" for [The Building Official].
 - (3) Substitute in all Sections of the Code "The Board of Supervisors" for [The Governing Body].
- B. Section 202 is hereby revised to include the following additional definition:
- OCCUPIED** - as applied to a building or portion thereof, shall be construed as though followed by the words, "or intended, arranged or designed to be occupied or having a Certificate of Use and Occupancy".
- C. Section 301.1 is deleted in its entirety. A new §301.1 is hereby enacted to read as follows:
- §301.1.** The Oley Township Code Enforcement Officer(s) shall enforce this Code by utilizing approved third party inspection agencies who shall be selected and/or approved by the Code Enforcement Officer(s). Any and all costs or fees charged by the inspection agency shall be paid by the applicant.

- D. Section 301.2 is deleted in its entirety. A new §301.2 is hereby enacted to read as follows:

§302.2. Appointment. The Code Enforcement Officer(s) shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Board of Supervisors.

- E. The title of §302.8 is deleted in its entirety. A new title is hereby enacted to read as follows:

§302.8. Code Enforcement Officer's Records.

- F. Chapters Four and Five of the Code are deleted in their entirety.

- G. Section 1003.1 is hereby revised to add the following sentence at the end of the Section:

Any person or persons who violate a provision of the Code or of a permit or Certificate issued under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not less than \$100, but not more than \$1,000, or by imprisonment not exceeding 90 days, or both such fine and imprisonment.

- H. Section 1101.1 is deleted in its entirety. A new §1101.1 is hereby enacted to read as follows:

§1101.1. Appeals. Any person or persons shall have the right to appeal a decision of the Code Enforcement Officer to the Code Appeals Board in accordance with §112 of the International Building Code of 2003. An application for an appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. All such appeals shall be filed on a form obtained from the Code Enforcement Officer within 30 days after the notice of a decision was issued. All procedures established for the Code Appeals Board under §112 of the International Building Code of 2003, shall be followed with respect to an appeal made under this Code. The Code Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- I. Section 1101.2 is deleted in its entirety. A new §1101.2 is hereby enacted to read as follows:

An application for an appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this Code do not apply, or an equivalent form of construction or materials is to be used.

J. Sections 1102 and 1103 are deleted in their entirety.

(Ord. 311, 6/14/2004, §1)

§5-803. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 9**INTERNATIONAL FIRE CODE****§5-901. Adoption of the International Fire Code, 2003 Edition.**

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Fire Code, 2003 Edition”, subject to the revisions below in §5-902, and including Appendices A, B, C, E, F, and G⁷, is hereby adopted as the Fire Code of Oley Township, Berks County, Pennsylvania, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of building or premises in the jurisdiction, and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, contained below.

(Ord. 311, 6/14/2004, §1)

§5-902. Additions, Insertions and Changes.

The International Fire Code, 2003 Edition, as referenced in §5-901, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
 - (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Fire Code Official].
 - (3) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
 - (4) Substitute in all Sections of the Code “Code Appeals Board” for [Board of Appeals].
- B. Section 103.1 is amended to provide as follows:

⁷Editor’s Note: Appendices A, B, C, E, F and G are on file in the office of the Township Manager.

The implementation, administration and enforcement of the provisions of this Code shall be by the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition.

- C. Sections 103.2, 103.3 and 103.4 shall be amended to substitute the term “Code Enforcement Officer” for “Fire Code Official”.
- D. Section 104, and all subsections thereunder, are amended to provide that the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition, shall assume the responsibilities of the Fire Code Official, and the term “Code Enforcement Officer” shall be substituted for the term “Fire Code Official”, wherever such term is used.
- E. Section 105.1.1 is amended to provide that all permits shall be issued by the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition.
- F. Section 108.1 is amended to provide as follows:

All appeals of orders, decisions or determinations made by the Code Enforcement Officer relative to the application and interpretations of this Code shall be heard by the Code Appeals Board in accordance with the procedure in §112 of the International Building Code, 2003 Edition. An application for appeal shall be based on a claim that the intent of this Code, or the rules legally adopted hereunder, have been incorrectly interpreted, the provisions of this Code do not fully apply or an equivalent method of protection or safety is proposed. The Board shall have no authority to waive requirements of this Code. All such appeals shall be filed within 30 days of the date of the decision of the Code Enforcement Officer. The Code Appeals Board shall have exclusive jurisdiction over such appeals, and failure to appeal the decision of the Code Enforcement Officer to the Code Appeals Board renders the decision of the Code Enforcement Officer unappealable.

- G. Section 109, and all subsections thereunder, are amended to provide that the Code Enforcement Officer, as established by Oley Township through the adoption of the International Building Code, 2003 Edition, shall assume the responsibility of the Fire Code Official, and the term “Code Enforcement Officer” shall be substituted wherever the term “Fire Code Official” is used.
- H. Section 109.3 is amended to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
 - (1) Substitute “summary offense” for [Specify Offense].
 - (2) Substitute \$1,000 for [Amount].
 - (3) Substitute 30 days for [Number of Days].

§5-903. Automatic Adoption.

By December 31 of the year of issuance of anew triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 10

INTERNATIONAL ENERGY CONSERVATION CODE

§5-1001. Adoption of the International Energy Conservation Code, 2003 Edition.

A certain document, three copies of which are on file in the office of the Township Secretary of Oley Township, being marked and designated as the “International Energy Conservation Code, 2003 Edition”, subject to the revisions below in §5-1002, and including the Appendix⁸, be and is hereby adopted as the Energy Conservation Code of Oley Township, Berks County, Pennsylvania, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Energy Conservation Code are hereby referred to, adopted and made part hereof, as if fully set out in this Part, with additions, insertions, deletions and changes, if any, prescribed in §5-1002 of this Part.

(Ord. 311, 6/14/2004, §1)

§5-1002. Additions, Insertions and Changes.

The International Energy Conservation Code, 2003 Edition, as referenced in §5-1001, shall be revised as follows:

- A. The following subsections and/or words in the Code are hereby revised to substitute the following words for the original words contained in the ordinance [original language is contained in brackets]:
 - (1) Section 101.1, substitute “Oley Township” for [Name of Jurisdiction].
 - (2) Substitute in all Sections of the Code “Code Enforcement Officer” for [The Building Official].
 - (3) Substitute in all Sections of the Code “The Board of Supervisors” for [The Governing Body].
- B. Section 104.1. (General) is hereby revised to replace the first sentence of the Section with the following sentence:

Construction documents and other supporting data shall be submitted in one or more sets, with each application for any permit required by §105 of the International Buildings Code, 2003 Edition, adopted by Oley Township.

⁸Editor's Note: Appendix is on file in the office of the Township Manager.

- C. Section 105.1 (General) is hereby deleted. A new §105.1 is hereby enacted to read as follows:

§105.1. General. Construction or work for which a permit is required by the International Building Code, 2003 Edition, adopted by Oley Township, shall be subject to inspection by the Code Enforcement Officer.

(Ord. 311, 6/14/2004, §1)

§5-1003. Automatic Adoption.

By December 31 of the year of issuance of a new triennial code adopted by reference in this Part, or its successor code, the new code including appendices or its successor code including appendices shall be automatically adopted as the Township's Code adopted by reference in this Part.

(Ord. 311, 6/14/2004, §1; as added by Ord. 312, 6/14/2004, §2)

PART 11**UNIFORM CONSTRUCTION CODE****§5-1101. Adoption of the Uniform Construction Code.**

The Township of Oley in Berks County, Pennsylvania hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code at, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time and its regulation.

(Ord. 312, 6/14/2004, §1)

§5-1102. Municipal Building Code of Oley Township.

The Uniform Construction Code, 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 Oley Township, Berks County, Pennsylvania.

- A. In addition to all types of construction, placement of structures, repairs and alterations for which the Uniform Construction Code requires a permit, the Township, pursuant to the authorization of Act 92 of 2004, shall require persons to obtain permits under the Oley Township Uniform Construction Code for all of the following:
- (1) The construction, erection or placement of any accessory structure which is equal to or greater than two hundred (200) square feet, whether or not such accessory structure is connected to any utility.
 - (2) The construction, erection or placement of any accessory structure which is less than two hundred (200) square feet, if such accessory structure is provided with any utility service. The applicant shall obtain a permit only for the purpose of inspection for the utility or utilities being installed or provided to the accessory structure.
 - (3) All alterations or repairs to residential buildings which are exempt from the UCC by Act 92 of 2004; provided, however, that the following types of alterations and repairs shall continue to be exempt, and no permit will be required.
 - (a) Replacement of windows and doors when there is no change in the size of the existing opening.
 - (b) Re-roofing of less than twenty-five percent (25%) of the total existing roof square footage.
 - (c) Replacement of hot water heater, boiler or furnace, or the replacement of any part of a hot water heater, boiler or furnace with the same

efficiency rating, electrical and plumbing requirements.

- (d) Addition or replacement of siding on the exterior of the residential structure.
- (e) Repair or replacement of any non-structural portion of a deck, porch or stoop.
- (f) Replacement of an appliance switch or receptacle with a switch or receptacle which is the same or has a like rating.
- (g) The addition of one (1) appliance switch or receptacle.
- (h) The repair or replacement of any non-structural member.
- (i) The repair or replacement of any sink, toilet, tub, shower or similar plumbing fixture without relocation of any drain or venting device.

(Ord. 312, 6/14/2004, §1, as amended by Ord. 319, 03/14/2005, §2, as amended by Ord. 322, 11/23/2005, §2)

§5-1103. Administration and Enforcement.

Administration and enforcement of the Code within the Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township from time to time by resolution:

- A. By the designation of an employee of the Township to serve as the municipal code official to act on behalf of the Township.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.
- 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 the Township.
- 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.

(Ord. 312, 6/14/2004, §1)

§5-1104. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of the Township 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 any time 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.

- A. All building code ordinances or portions of ordinances which were adopted by this Township 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 ordinance 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 Township not governed by the Code shall remain in full force and effect.

(Ord. 312, 6/14/2004, §1)

§5-1105. Fees.

Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the governing body by resolution from time to time.

(Ord. 312, 6/14/2004, §1)