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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 International Property Maintenance Code, 2015 Edition.**

That a certain document, one (1) copy of which is on file in the Office of the Township Secretary of Oley Township, being marked and designated as, “The International Property Maintenance Code, 2015 Edition”, subject to the revisions below in §5-202, and including Appendix A, as published by the International Code Council, 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 on file in the Office of Oley Township 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 §5-202 of this Part.

(Ord. 311, 6/14/2004, §1; as amended by Ord. 383, 08/10/2020, §1)

§5-202. Additions, Insertions and Changes.

The International Property Maintenance Code, 2015 Edition, as referenced in this Part, shall be revised as follows:

- A. Deletions. The following subsections of the International Property Maintenance Code, 2015 Edition, are hereby deleted in their entirety:
- (1) Section 101.4 - Severability.
 - (2) Section 106.3 - Prosecution of Violation.
 - (3) Section 111.2.5 - Compensation of Members.
- B. Amendments. The following subsections of the International Property Maintenance Code, 2015 Edition, are hereby amended to read as follows:
- (1) Substitute in all Sections of the Code, the term “Code Enforcement Officer” for [THE CODE OFFICIAL].
 - (2) Substitute in all Sections of the Code, “The Board of Supervisors” for [THE GOVERNING BODY].
 - (3) Substitute in all Sections of the Code, “Code Appeals Board” for [BOARD OF APPEALS].
 - (4) Section 101.1 – The name of the jurisdiction shall be “Oley Township”.

- (5) The title of Section 103 shall be amended to read as follows:

“CODE ENFORCEMENT OFFICER AND DEPUTIES”

- (6) Section 103.1 shall be amended 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).”

- (7) Section 103.2 shall be amended 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.”

- (8) Section 103.5 shall be amended to read as follows:

“103.5. Fees. 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.”

- (9) The title of Section 104.6 shall be amended to read as follows:

“104.6 Code Enforcement Officer’s Records.”

- (10) Section 106.4 shall be amended to read as follows:

“106.4. Penalties. 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 \$100.00, but not more than \$1,000.00, or by imprisonment not exceeding 90 days, or both such fine and imprisonment.”

- (11) Section 111.2 shall be amended to read as follows:

“111.2 Membership of Board. The Code Appeals Board shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of Oley Township. The Code Appeals Board shall be appointed annually by the Board of Supervisors.”

- (12) Section 112.4 - Insert “\$100.00” for the first reference of [AMOUNT], and “\$1,000.00” for the second reference of [AMOUNT].

- (13) Section 202 is amended to include the following additional definitions:

CODE APPEALS BOARD. The Board appointed by the Board of

Supervisors to hear Appeals from the Decision of the Code Enforcement Officer.

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”.

SINGLE FAMILY DWELLING. A building containing one (1) dwelling unit.

TOWNSHIP. Oley Township.

TWO FAMILY DWELLING. A building containing two (2) dwelling units.

(14) Section 302.4 – The height limitation for weeds and plant growth shall be 10 inches.

(15) Section 302.8 shall be amended to read as follows:

“302.8 Motor Vehicles. Except as provided in other regulations, no more than one (1) unregistered and/or uninspected motor vehicle shall be parked on any property unless in an enclosed structure, and no such vehicle shall, at any time, be in a state of major disassembly for a period in excess of 30 days, or disrepair, nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not, at any time, undergo major overhaul, including body work, in a residential district, unless such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.”

(16) Section 304.14 - Insert “May 15th” for the first reference of [DATE], and “October 15th” for the second reference of [DATE].

(17) Section 402.2 shall be amended to read as follows:

“402.2 Common Halls and Stairways. Every common hall and stairway in every building other than a single-family dwelling shall be adequately lighted at all times. This would include emergency electrical service in the event of power failure, as provided for in the International Fire Prevention Code.”

(18) Section 502.2 shall be amended to read as follows:

“502.2 Rooming Houses. At least one water closet, lavatory and bathtub or shower shall be provided for each four rooms, or maximum of six persons, within a rooming house.”

(19) Section 502.3 shall be amended to read as follows:

“502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower accessible from a public hallway shall be provided for each six occupants.”

- (20) Section 602.3 shall be amended to read as follows:

“602.3 Minimum Average Unit Temperature. Every person who shall rent or lease, as lessor, any building, apartment or room for residential purposes, and whose rental agreement or lease requires the supplying or furnishing of heat therefore, shall, from the hours of 6:00 a.m. to 11:00 p.m., furnish heat to every room so occupied to a minimum average unit temperature of 68°F., to be so furnished whenever the street or outdoor temperature shall fall below 50°F., and from September 15 to May 15 regardless of the outdoor temperature.

Exceptions:

- (a) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
- (b) In areas where the average monthly temperature is above 30°F. (-1°C.), a minimum temperature of 65°F. (18°C.) shall be maintained.”

- (21) Section 602.4 shall be amended to read as follows:

“602.4 Nonresidential Structures. Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 15 through May 15 to maintain a temperature of not less than 68°F. (20°C.) during all working hours.”

- (22) Section 603.2 shall be amended to read as follows:

“603.2 Flue. All fuel-burning equipment shall be connected to an approved chimney or vent.”

- (23) Section 604.2 shall be amended to read as follows:

“604.2 Service. The size and usage of appliances and equipment shall be used as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8. Every dwelling shall be served by a main with not less than 100 ampere service with “S” base for proper fusing.”

- C. Insertions. The following new subsections shall be added to the International Property Maintenance Code, 2015 Edition:

- (1) **Section 107.7. Written Approval Required.** A dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall not again be used for human habitation until written approval is received from the Code Enforcement Officer.
- (2) **Section 301.2.1 Maintenance Along Right-of-Way.** 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.
- (3) **Section 301.4 Caretaker.** In every multiple dwelling in which the owner does not reside, there shall be a responsible person, designated by the owner, residing on the premises whose duties include maintaining the commonly used parts of the premises.
- (4) **302.3.1 Sidewalk Maintenance.** Where sidewalks exist, those responsible (see Section 301.2.1, as amended) for the sidewalks shall have at least a two 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 two foot wide path cleared of snow and ice within 48 hours after the cessation of the snowfall.

- (5) **Section 302.4.1 Grass and Weed Removal.** 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 Section 302.4.

Section 302.4.2 Grass and Weed Removal Notices. 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 Section 302.4 or Section 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 Ordinance, within five 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 five 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 the nuisance.

- (6) **Section 302.8.1 Unregistered Vehicles.** 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 six feet tall, is erected around the rear yard in order to screen the contents of the yard from surrounding neighbors.
- (7) **Section 602.3.1 Responsibility of Owner or Agent.** For the purpose of this Part, whenever the heating apparatus, plant or system in places of residence is under the control of the owner or its agent, in the absence of any contract to the contrary, the owner, as lessor, shall be deemed to have contracted to furnish heat as set forth herein.

Section 602.3.2 Exceptions. The provisions of this Part shall not apply in cases of emergency breakdowns or failures in the heating system, unit or plant; provided, that the lessor, owner or its employee or agent in such event shall promptly, upon notice or knowledge thereof, take such measures as are reasonably necessary and proper to repair or correct such breakdown or failure. (This will not apply to units that malfunction through negative maintenance or continuous inadequate fuel supply).

Section 602.3.3 Enforcement, Investigation and Tests. The provisions of this Part shall be enforced by the Code Enforcement Officer, or such other duly authorized person who, upon complaint, shall make tests of the residence, building, apartment or room, by placing three Mercury thermometers at least three different points or locations therein, near or adjacent to an inside wall, away from any window or obvious draft, and at least three feet above the floor. An accurate written record, in triplicate, shall be made at the time of the test, showing the date, time, property location, placement of the thermometers, period of time covered by the readings, and the temperatures found. One copy of said written report shall be given to the tenant, one copy shall be mailed or delivered to the owner or lessor, and one copy shall be returned to and permanently preserved by the Code Enforcement Officer, and shall be available for production into evidence on any hearing charging a violation of the provisions of this Part. Each copy of the report shall be signed by the Code Enforcement Officer making the test.

§5-203. Unlawful Lease By Owner.

It shall be unlawful for any owner to occupy or lease for occupancy any dwelling or dwelling unit which violates the provisions of this Part at the time of occupancy.

§5-204. Short Title.

This Part, together with the International Property Maintenance Code, 2015 Edition, adopted herein, shall be known and may be cited as the “Property Maintenance Code of the Township of Oley”.

(Ord. 311, 6/14/2004, §1; as amended by Ord. 312, 6/14/2004, §2; as amended by Ord. 347, 08/19/2010 §1; as amended by Ord. 383, 08/10/2020, §1; as amended by Ord. 385, 08/09/2021, §1)

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 accordance

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

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 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 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)