

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Opting In.**

Christiana Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 - 7210.1103, as amended from time to time, and its regulations.

(Ord. 192, 6/23/2004, §1)

§5-102. Incorporation by Reference.

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 Christiana Borough.

(Ord. 192, 6/23/2004, §2)

§5-103. Administration of UCC.

Administration and enforcement of the code within Christiana Borough shall be undertaken in any of the following ways as determined by the governing body from time to time by resolution:

A. By the designation of an employee of Christiana Borough to serve as the municipal code official to act on its behalf.

B. By the retention of one or more construction code officials or third party agencies to act on its behalf.

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.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review and inspections of and for enforcement relating to structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 192, 6/23/2004, §3)

§5-104. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of Christiana Borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at 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. The following provisions shall apply:

A. Any appeal from a determination of the building code official or construction code official, as such terms are defined in the act must be filed within 20

calendar days of the determination.

B. All applications and appeals to the Board of Appeals shall be in writing and shall specify the section of this code from which relief is sought or the action of the building code official which is the subject of the appeal. The written application or appeal shall state all of the grounds for the application or appeal and shall include any necessary plans or specifications to provide the Board of Appeals with information to evaluate the application or appeal and shall include the fee. No application or appeal will be considered complete without the necessary appeal fee.

C. Any applicant who files an appeal, may request, in writing at the time of filing the appeal, that a hearing be held by the Appeals Board. If no hearing is requested, the Board of Appeals shall render its decision based upon the written submissions of the party filing the appeal and the building code official.

(*Ord. 192, 6/23/2004, §4*)

§5-105. Existing Ordinances; Codes or Regulations.

1. All building code ordinances or portions of ordinances which were adopted by Christiana Borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of Christiana Borough not governed by the Code shall remain in full force and effect.

(*Ord. 192, 6/23/2004, §5*)

§5-106. Fees.

Fees assessable by Christiana Borough 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. 192, 6/23/2004, §6*)

§5-107. Administration and Enforcement.

Any individual, firm or corporation that fails to comply with one or more sections of the UCC, commits a separate offense for each section violated and each day that any such violation continues constitutes a separate offense. [*Ord. 205*]

A. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of 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 of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 205*]

B. In addition to the penalties provided herein, the Borough Solicitor is

hereby authorized to seek equitable relief for violations of the Part.

C. The building code official designated by Christiana Borough is hereby authorized to issue building permits, file enforcement actions and take any other actions as may from time to time be necessary to administer and enforce the UCC.

D. No application for a permit under the UCC shall be considered complete unless the applicant provides copies of any necessary permits or approvals under any applicable zoning ordinance, subdivision or land development ordinance, stormwater management ordinance or the like, including permits and approvals required from the Sewage Enforcement Office and the Lancaster County Conservation District, and pays all fees associated therewith.

E. The applicant and contractor are jointly responsible to determine that the permit under the Uniform Construction Code has been issued prior to commencement of work and shall jointly insure that a copy of the permit be posted in a visible location upon commencement of work.

F. A certificate of occupancy issued under the Uniform Construction Code shall contain a statement that such certificate shall not be deemed permission to occupy the structure or commence a use if any other ordinance requires issuance of a permit or certificate prior to use and occupancy and the applicant has not yet obtained such other permit or certificate.

(Ord. 192, 6/23/2004, §7; as amended by Ord. 205, 6/5/2007)

§5-108. Defined Terms.

Terms used herein which are defined in the Code shall have the meaning ascribed to them in the code. This Part hereby specifically incorporates by reference the various codes adopted by the Department of Labor and Industry in the Pennsylvania Uniform Construction Code, including without limitation, the International Building Code 2003 and the International Fuel Gas Code 2003.

(Ord. 192, 6/23/2004, §8)

Part 2**Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

A certain document, three copies of which are on file in the office of Christiana Borough, being marked and designated as the "BOCA National Property Maintenance Code, Fifth Edition, 1996," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of Christiana Borough, in the State of 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 BOCA National Property Maintenance 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 §5-202 of this Part. (*Ord. 181, 8/1/2000, §1*)

§5-202. Additions, Insertions and Changes.

The BOCA National Property Maintenance Code is amended and revised in the following respects:

- A. §PM-101.1 (page 1, second line). Insert: Christiana Borough.
- B. §PM-106.2 (page 2, third line). Insert: Dollar amounts in two locations not less than \$100 nor more than \$1,000.
- C. §PM-106.2 (page 2, fourth line). Insert: 30 days.
- D. §PM-111.2 "Code Appeals Board. There is hereby established a Code Appeals Board, hereinafter referred to as the "Board" or "Appeals Board." The Board shall consist of the Zoning Hearing Board of the Borough of Christiana."
- E. §PM 111.2.1 shall be deleted.
- F. §PM-111.2.2 shall be deleted.
- G. §PM-111.2.3 shall be deleted.
- H. §PM-111.2.5 shall be deleted.
- I. §PM-111.2.6 shall be deleted.
- J. §PM-111.3 shall be revised to read: The Board shall commence its hearings on the appeal within 30 days following the filing of the appeal.
- K. §PM-111.4.1 shall be revised to read: The Board may adopt and if adopted shall make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.
- L. §PM-111.5 shall be deleted.
- M. §PM-111.6 shall be revised to read: The Board shall modify or reverse the code official by a concurring vote of a majority of its members.
- N. §PM-304.15 (page 11, first and second lines). Insert: April 1 to September 31 §PM-602.2.1 (page 17, fifth line). Insert: September 1 to April 30 Section PM-

602.3 (page 17, third line). Insert: September 1 to April 30.
(*Ord. 181*, 8/1/2000, §3; as amended by *Ord. 209*, 5/5/2009, §1)