CHAPTER 5
CODE ENFORCEMENT

PART 1
BOCA NATIONAL PROPERTY MAINTENANCE CODE

§5-101. Adoption of the BOCA National Property Maintenance Code
§5-102. Amendments
§5-103. Declaration

PART 2
INTERNATIONAL BUILDING CODES

§5-201. Adoption
§5-203. Modifications Made in the International Residential Code
§5-204. Modifications to the International Plumbing Code
§5-205. Modifications to the International Fuel Gas Code
§5-207. Modifications Made in the International Mechanical Code
§5-208. Modifications Made in the International Fire Code
§5-209. Modifications Made in the International Electrical Code
§5-210. Specifics
§5-211. General Provisions

PART 3
UNIFORM CONSTRUCTION CODE

§5-301. Adoption of the Uniform Construction Code
§5-302. Amendments
PART 1

BOCA NATIONAL PROPERTY MAINTENANCE CODE


1. That certain document being marked and designated as the "BOCA National Property Maintenance Code, 2000" as published by the Building Officials and Code Administrators International, Inc., be and hereby adopted, as the Property Maintenance Code of the Borough 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 thereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-102 of this Part. [Ord. 1-2002]

2. From time to time the BOCA National Property Maintenance Code is updated and modified. It is the intention of Council that the most recent publication of the BOCA Code be used, upon approval of Council, and that modification of the ordinance to allow the most recent version to be used will not be necessary, instead it will automatically be incorporated into this Part. [Ord. 3-97]


§5-102. Amendments.

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

A. Wherever the words "Name of Jurisdiction" appear in brackets, the "Borough of Biglerville" shall be inserted.

B. Wherever the term "legal officer" or "legal representative" is used in this code, it shall mean the Borough Solicitor.

C. Change "chief appointing authority" to "Borough Council."

D. Section PM-110.3 is amended by adding the following language to the existing paragraph: Anyone affected by any such order shall within 30 days after service of such order apply to a court of competent jurisdiction for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.
E. **Section PM-111.2:** Change "five members" to "three members."

F. **Section PM-106.2:** Is amended to read: Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine of not less than $25 and 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 code continues shall constitute a separate offense. [Ord. 6-2003]

G. **Section 303.8, "Motor Vehicles,"** is amended to read: Except as provided in other regulations, no currently unregistered or uninspected motor vehicle shall be parked, kept or stored in public view on any property, and no vehicle shall at any time be in a state or major disassembly, disrepair or in the process of being stripped or dismantled. No vehicle which is inoperable shall remain parked on or along a public highway for more than 72 hours.

H. **Section PM-602.2.1:** Insert "from October 1 to April 1" where it reads, "from (Date to Date)."

(Ord. 10-94, 10/4/1994, §2; as amended by Ord. 6-2003, 9/2/2003, §1)

§5-103. Declaration.

It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Borough.

(Ord. 10-94, 10/4/1994, §2)
PART 2

INTERNATIONAL CODES

§5-201. Adoption.

1. Applicable Codes. These Codes are hereby adopted in their entirety, by the Borough of Biglerville, the following Codes of which are on file in the office of the Secretary of the Borough of Biglerville, as amended, through the effective date of adoption of this Part, save and except such portions as are hereinafter deleted, modified, amended or changed as prescribed in the following Sections of this Part:


2. Effective Date of Enactment. The provisions set forth in this Part shall take effect on the date of adoption of this Part in accordance with the Borough Code.

3. Administration and Enforcement. Except where stated otherwise, all of the administration and enforcement procedures of the International Buildings Code shall apply to all the codes listed in subsections (A) through (H) of this Part.

4. Code Enforcement Officer. The Code Enforcement Officer shall perform the duties enumerated and shall have charge of all matters pertaining to the strength and safety of building materials.
CODE ENFORCEMENT

(Ord. 2-2003, 3/4/2002, §1)


Insertions.

A. IBC §101.1 insert: Borough of Biglerville
B. IBC §1612.3 insert: Borough of Biglerville
C. IBC §1612.3 insert: The Flood Insurance Study for the Borough of Biglerville.
D. IBC §3409.2 insert: March 4, 2003 (the date referred to in this Section is as follows, "to include with effective date of Building Code in jurisdiction.")


§5-203. Modifications Made in the International Residential Code.

Insertions.

A. IRC §R101.1 insert: Borough of Biglerville
B. IRC Table R301.2(1) Values

Table R301.2(1)
Ground Snow Load

<table>
<thead>
<tr>
<th>Ground Snow Load</th>
<th>Wind Speed (mph)</th>
<th>Seismic Design Category</th>
<th>Sewhethering</th>
<th>Frost Line Depth</th>
<th>Termite Decay</th>
<th>Winter Design Temp</th>
<th>Flood Hazards</th>
</tr>
</thead>
<tbody>
<tr>
<td>30&quot;</td>
<td>90</td>
<td>B</td>
<td>Severe</td>
<td>36&quot;</td>
<td>moderate to heavy</td>
<td>slight to moderate</td>
<td>20°</td>
</tr>
</tbody>
</table>


§5-204. Modifications to the International Plumbing Code.

Insertions.

A. IPC §101.1 insert: Borough of Biglerville
B. IPC §106.6.3
2. 75% (Specify Percentage)
3. 75% (Specify Percentage)

C. IPC §108.4
Summary (Specify Offense)
Up to $1,000 per offense (Amount)
Up to 30 days per offense (No. of Days)

D. IPC §108.5. All penalties shall be in accordance with §5-210(6) of this Part.

E. IPC §305.6.1
36 inches (Number of Inches)
36 inches (Number of Inches)

F. IPC §904.1. Roof Extensions. All open vent pipes that extend through a roof shall be terminated at least 12 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

(Ord. 2-2003, 3/4/2003, §2)

§5-205. Modifications to the International Fuel Gas Code.

Insertions.

A. Section 101.1 insert: Borough of Biglerville

B. IFGC §106.5.2 See attached Fee Schedule

C. IFGC §106.5.3
2. 75% (Specify Percentage)
3. 75% (Specify Percentage)

D. IFGC §108.4
Summary (Specify Offense)
Up to $1,000 per offense (Amount)
Up to 30 days per offense (No. of Days)

E. IFGC §108.5. All penalties shall be in accordance with §5-210(6) of this Part.

(Ord. 2-2003, 3/4/2003, §2)


Insertions. IECC §101.1 insert: Borough of Biglerville.

(Ord. 2-2003, 3/4/2003, §2)
§5-207. Modifications to the International Mechanical Code.

Insertions.

A. IMC §101.1 insert: Borough of Biglerville
B. IMC §106.5.2 (See attached Fee Schedule)
C. IMC §106.5.3 75% (Specify Percentage)
D. IMC §108.4 Summary (Specify Offense)
   Up to $1,000 per offense (Amount)
   Up to 30 days per offense (No. of Days)
E. IMC §108.5 Stop Work Orders. All Penalties shall be in accordance with §5-210(6) of this Part.

(Ord. 2-2003, 3/4/2003, §2)


Insertions.

A. IFC §101.1 insert: Borough of Biglerville
B. IFC §109.3 Summary (Specify Offense)
   Up to $1,000 per offense (Amount)
   Up to 5 days per offense (No. of Days)
C. IFC §111.4. Stop Work Orders. All penalties shall be in accordance with §5-210(6) of this Part.

(Ord. 2-2003, 3/4/2003, §2)


Insertions.

A. IEC §101.1: Borough of Biglerville
B. IEC §404.2: See attached Fee Schedule

(Ord. 2-2003, 3/4/2003, §2)
§5-210. Specifics.

1. Delegation of Authority. The Borough of Biglerville may enter into agreement with the PSAB Regional Codes Program whereby the PSAB shall be authorized to administer and enforce the provisions of this Part and such other ordinances relating to building regulations as set forth under the terms of the agreement.

2. Other Permits Required. At the time of filing an application for building permit the applicant shall present evidence that he/she has obtained all necessary permits, licenses, approval and/or variances as may be required under the law of the Borough and the Commonwealth.

3. Determination by Code Official. When the owner or agent is unable to obtain the releases required in §111.1, the Code Official shall inspect the site for which application has been made to determine that the utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.

4. Schedule of Permit Fees. At the time of application for a building permit the applicant shall pay an appropriate fee. A schedule of said fees for single and two-family residences, multifamily, commercial, industrial, demolition, signs, plumbing, electrical, mechanical and fire prevention shall be established by resolution as adopted by the Borough. The Borough Council may, from time to time, review the fee schedule and revise the schedule whenever it is felt necessary. All revisions of the fee schedule shall be made by resolution. (See Fee Schedule)

5. Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

6. Violation Penalties. Any person or member of a partnership or corporation who shall violate any provisions of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair, demolish a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of the Code shall, upon conviction thereof, be sentenced to pay a fine of not less than $25 nor 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. 6-2003]

7. Unlawful Continuances. The penalty referred to in this Section shall be the same as the penalty for other violated as specified in subsection (6).

8. Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matter pertaining to building construction and are not employees of the jurisdiction.
§5-211. General Provisions.

1. Saving Clause. Nothing in this Part or the International Building Code or the International Property Maintenance Code, or the International Plumbing Code, or the International Fuel Gas Code, or the International Energy Conservation Code, or the International Mechanical Code, or the ICC Electrical Code Administrative Provisions or the International Residential Code herein adopted shall be construed to affect any suit or proceedings now pending in any court or any rights acquired or liability incurred or in any cause or causes of action accrued or existing under any act or ordinance repealed hereby. No right or remedy of any character shall not be lost, impaired or affected by this Part.

PART 3

UNIFORM CONSTRUCTION CODE

§5-301. Adoption of the Uniform Construction Code.


2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 − 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Biglerville Borough.

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

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

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

   C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an Intermunicipal agreement.

   D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Biglerville Borough.

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

4. A Board of Appeals shall be established by resolution of the governing body of Biglerville 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.

5. A. All building code ordinances or portions of ordinances which were adopted by Biglerville Borough on or before July 1, 1999, and which equals or exceeds 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 the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

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

6. Fees assessable by Biglerville 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.

7. If any Section, Subsection, sentence or clause of this Part is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Part.


§5-302. Amendments.

1. Utility and Miscellaneous Use Structures.

   A. The Borough of Biglerville hereby recognizes that the Uniform Commercial Code has been amended in regards to the definition of utility and miscellaneous use structures (garages, carports, greenhouses and sheds accessory to a detached single-family home).

   B. As of July 15, 2004 a number of changes were made to the Uniform Commercial Code, specifically the structures as defined in (1)(A) herein were excluded from UCC coverage if they were 1,000 square feet or less. Previously the exclusion was 500 square feet.

   C. The Borough of Biglerville hereby amends the definition of utility and miscellaneous use structures to such structures which are 500 square feet or less thereby making the exclusion from the requirements of the building permit 500 square feet or less for each individual structure.

   D. The Borough of Biglerville has met the requirements of Section 503(b-k) of Act 45 and pursuant thereto amends their ordinance as contained herein.