

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 - 2004

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, ADOPTING THE
INTERNATIONAL BUILDING CODE, 2003 EDITION AND
RELATED UPDATES, THE INTERNATIONAL RESIDENTIAL
CODE, 2003 EDITION AND RELATED UPDATES AND THE
INTERNATIONAL PROPERTY MAINTENANCE CODE, 2003
EDITION AND RELATED UPDATES AS THE BUILDING AND
PROPERTY MAINTENANCE CODES FOR GENERAL
REGULATION OF BUILDING CONSTRUCTION AND
MAINTENANCE IN THE TOWNSHIP OF MIDDLESEX.

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted by the
Board of Township Supervisors in and for the Township of Middlesex, Cumberland
County, Pennsylvania, as follows:

SECTION 1: Adoption of the International Building Code.

A certain document, three copies of which are on file in the office of the Secretary of The Township of Middlesex, being marked and designated as the "International Building Code, 2003 Edition" as published by the International Code Council, Inc., as may be revised and amended, is hereby adopted as part of the Building Code of the Township of Township of Middlesex, Cumberland 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, 2003 Edition are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed in Section 2 hereinbelow.

SECTION 2: The International Building Code, 2003 Edition is hereby adopted subject to the additions, deletions and changes to the sections thereof as follows:

- | | |
|-----------------|--|
| Section 101.1 | Title.
Delete: "[NAME OF JURISDICTION]"
Insert: "Middlesex Township" |
| Section 101.2.1 | Appendices.
Delete: "Provisions in the appendices shall not apply unless specifically adopted."
Insert: "Provisions in Appendices B, C, E, F and G are hereby specifically adopted." |

- Section 101.4.4 Plumbing.
Delete: “ The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.”
- Section 103.2 Appointment.
Delete: “ the chief appointing authority of the jurisdiction.
Insert: “ the Board of Supervisors of Middlesex Township.”
- Section 103.3 Deputies.
Delete: “the appointing authority”.
Insert: “ the Board of Supervisors of Middlesex Township”.
- Section 105.2 Work exempt from permit.
Building:
1. Delete: “One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 square meters).”
Insert: “Buildings or structures that are accessory to detached one-family dwellings including carports, detached private garages, greenhouses, sheds and similar miscellaneous structures of an accessory character, provided the building area is less than 500 square feet (46.5 square meters).”
9. Delete: “which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18925 L) and are installed entirely above ground.”
Insert: “ which are less than 18 inches (457 mm) deep, do not exceed 1,000 gallons (3785 L) and are installed above ground.”
- Section 105.3 Application for permit.
Add to end of Section 105.3 the following additional provisions:
8. Highway Occupancy Permit: No building permit shall be issued for any property which will require access to a Pennsylvania State highway, or for which a change of use of buildings or premises on the property necessitates a revision to an existing State highway occupancy permit until a State highway occupancy permit has been issued or revised for said property by the Pennsylvania Department of Transportation (PENNDOT) pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the “State Highway Law”, or any amended or successor provision.

9. Sewage Permit: All building permit applications shall include written documentation that a valid permit has been obtained for sanitary sewer facilities to service the buildings or premises on the property from either the Middlesex Township Municipal Authority for public sewer facilities, or from the appointed Sewage Enforcement Officer for Middlesex Township for on-lot sewage disposal systems.
10. All building permit applications shall include written certification and documentation that all requirements and conditions of plan approval have been met for properties being developed in accordance with a subdivision plan or land development plan approved by the Board of Supervisors of Middlesex Township.”

Section 105.3.1 Action on application.
Delete: “within a reasonable time after filing.”
Insert: “within 30 business days after filing.”

Section 105.5 Expiration.
Add to end of section: “Any building permit issued shall become invalid if the authorized work has not been completed within one year from the date of issuance. Expired permits may be renewed one time upon application, payment of the fee specified in Section 108.2.1 and after review and approval of the renewal application by the building official. The construction cost of work on a renewed permit shall be based on the value of the work that has not been completed on the original expired application, together with any additional proposed work.

Add new Section 105.8 as follows:
“**105.8 Construction hours.** Any construction activity that is required to obtain a permit by Section 105.2.2 and 105.3 or that involves exterior construction or commercial remodeling shall be limited to the hours of 6:00 a.m. to 9:00 p.m., except as extended upon written agreement with the Board of Supervisors. Violation of this section shall be subject to the penalties of Section 113.4.

Section 106.1 Submittal Documents.
Add to Section 106.1, immediately prior to the “Exception” provision:
“If construction documents are required, the building official may waive the requirement that such documents be prepared by a registered design professional for construction projects where the scope of work is of a minor nature, as determined solely by the building official, except when federal, state or local laws require

such documents to be prepared by a registered design professional.”

Section 106.2

Site Plan.

Delete: “ to scale” and the phrase: “;and it shall be drawn in accordance with an accurate boundary survey” in the first sentence of Section 106.2

Add to end of Section 106.2: “The site plan shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code and all other applicable federal, state, and local government laws, ordinances, rules and regulations. The site plan shall be drawn to scale if determined necessary by the building official in order to facilitate proper review. An accurate property boundary survey prepared by a professional land surveyor licensed in the state of Pennsylvania or other registered design professional licensed by the state of Pennsylvania to prepare such survey plans shall be required to be submitted with or incorporated into the site plan if determined necessary by the building official in order to facilitate proper review.”

Section 108.1

Payment of Fees.

Add to Section the words “or issued” prior to the word “until”.

Section 108.2

Schedule of Permit Fees.

Add to the end of Section: “A permit fee shall be paid as required for each site plan examination, building permit, inspections for new construction and additions, the moving or demolition of buildings and erection of signs, except those signs regulated by the Middlesex Township Zoning Ordinance. The permit fee shall be paid in accordance with a schedule of fees established by resolution by the Board of Supervisors of Middlesex Township and shall be subject to change by resolution of the Board from time to time.”

Section 113.4

Violation Penalties.

Delete from the end of Section: “, shall be subject to penalties as prescribed by law” and add to the end of Section: “shall be subject to an enforcement action brought before the District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and upon a finding of guilt, shall be fined in an amount not to exceed \$1,0000 per violation, together with costs of the action and may be subject to imprisonment to the extent allowed by law for the punishment

of summary offenses. Each day that a violation of this code continues shall be considered a separate violation.”

Add new Section 116 as follows:

“116. Transfer of ownership. It shall be unlawful for the Owner of any dwelling unit or structure who has been given a notice of violation under Section 113.2, a stop work order under Section 114.2 and/or a notice pertaining to an unsafe structure or equipment under Section 115.3 to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the notice or notices have been complied with or until such owner shall first furnish the grantee, transferee, mortgage or lessee a true copy of any notice or notices issued by the building official and shall furnish to the building official a signed and notarized statement of the grantee, transferee, mortgage or lessee, acknowledging the receipt of such notice or notices and fully accepting the responsibility without condition for making the correction or repairs required by such notice or notices.”

Add new Section 509 as follows:

Section 509
Middlesex Township Zoning Ordinance and Subdivision
And Land Development Ordinance Provisions for Height and Area

509. Zoning and Subdivision and Land Development Ordinances to Control. The provisions of this code concerning the height and area of buildings and structures notwithstanding, no building or structure shall be erected that exceeds any height or area limitation or restriction presently set forth in or later adopted as part of the Middlesex Township Zoning Ordinance or Middlesex Township Subdivision and Land Development Ordinance.

- | | |
|----------------|--|
| Section 1612.3 | Establishment of flood hazard areas.
Delete: “[insert name of jurisdiction]” and “[insert date of issuance]” and insert in there place: “Middlesex Township” and “December 15, 1980”, respectively. |
| Section 2901.1 | Scope.
Delete: “Private sewage disposal systems shall conform to the <i>International Private Sewage Disposal Code</i> .” |
| Section 3401.3 | Compliance with other codes.
Delete: “ <i>International Private Sewage Disposal Code</i> .” |

Section 3410.2

Applicability.

Delete: “[Date to be inserted by jurisdiction. Note: It is recommended that this date coincide with the effective date of building codes within the jurisdiction]”

Insert: “the effective date of this code”

Appendix B, Section B101.2 Membership of board.

Delete: “The board of appeals shall consist of persons appointed by the chief appointing authority as follows:”

Insert in its place: “The board of appeals shall consist of the members of the Board of Supervisors of Middlesex Township, until such time as the Board of Supervisors by resolution establishes a board of appeals consisting of those individuals having the qualifications set forth in Section B101.2.2, below, which individuals shall serve for the following terms: Five (5) regular members shall be appointed by the Board of Supervisors, with each such member to have different initial terms of one (1) to five (5) years in length and thereafter, each member appointed shall have a term of five (5) years. Two alternate members shall be appointed by the Board of Supervisors for terms of three (3) years each.”

Add at the end of Section B101.2: “The members of the board of appeals shall be residents of Middlesex Township; however, in the event the Board of Supervisors cannot find individuals willing to serve on the board who meet the minimum qualifications set forth in Section B101.2.2, the Board of Supervisors may fill a position on the board of appeals with a qualified person who resides outside Middlesex Township.”

Appendix B, Section B101.2.7 Compensation of members.

Delete the text of Section B101.2.7 and insert in its place the following: “Compensation of the members of the board of appeals may be established from time to time by Resolution of the Board of Supervisors.”

Appendix G, Section G102.2. Establishment of flood hazard areas.

Delete: “, adopted by the governing body on [Insert date]”.

Appendix G, Section G401.3 Sewer Facilities.

Delete: “and on-site waste disposal systems”.

SECTION 3: Adoption of the International Residential Code.

A certain document, three copies of which are on file in the office of the Secretary of The Township of Middlesex, being marked and designated as the “International Residential Code, 2003 Edition” as published by the International Code Council, Inc., as may be revised and amended, is hereby adopted as part of the Building Code of the Township of Middlesex, Cumberland County, Pennsylvania, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems of and in one and two family residential structures in the Township of Middlesex and providing for the issuance of permits and collection of fees thereof; and each and all regulations, provisions, conditions and terms of said International Residential Code, 2003 Edition, are hereby referred to, adopted and made part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed in Section 4 hereinbelow.

SECTION 4: The International Residential Code, 2003 Edition, is hereby adopted subject to the additions, deletions and changes to the sections thereof as follows:

- | | |
|----------------|--|
| Section R101.1 | Title.
Delete: “(NAME OF JURISDICTION)”
Insert: “Middlesex Township” |
| Section R102.5 | Appendices.
Delete: “Provisions in the Appendices shall not apply unless specifically referenced in the adopting ordinance.”
Insert: “Provisions of Appendix E, Sections AE501 through AE503 and Appendix E, Sections AE601 through AE605 and Appendix J of the International Residential Code, 2003 Edition, are hereby specifically adopted.” |
| Section R105.1 | Required.
Add to end of Section: “ Removal of Debris: The contractor or owner shall remove all debris and equipment from the site of work, and leave the ground clear of all materials, rubbish and debris, and in a clean and neat condition, as construction work is completed.” |
| Section R105.2 | Work exempt from permit.
Building:
<ol style="list-style-type: none">1. Delete: “One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m2).”
Insert: “Buildings or structures that are accessory to detached one-family dwellings including carports, detached private garages, greenhouses, sheds and similar miscellaneous structures of an accessory character, |

provided the building area is less than 500 square feet (46.5 square meters) and contents do not exceed 2000 pounds (907.2 kg).”

7. Delete: “Prefabricated swimming pools that are less than 24 inches (610 mm) deep.”
Insert: “Swimming pools that are less than 18 inches (457 mm) deep do not exceed 1,000 gallons (3785 L) and are installed above ground.”

Section R105.3

Application for permit.

Add to end of Section the following additional provisions:

- “8. Highway Occupancy Permit. No building permit shall be issued for any property which will require access to a Pennsylvania State highway, or for which a change of use of buildings or premises on the property necessitates a revision to an existing State highway occupancy permit until a State highway occupancy permit has been issued or revised for said property by the Pennsylvania Department of Transportation (PENNDOT) pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the “State Highway Law”, or any amended or successor provision.
9. Sewage Permit. All building permit applications shall include written documentation that a valid permit has been obtained for sanitary sewer facilities to service the buildings or premises on the property from either the Middlesex Township Municipal Authority for public sewer facilities, or from the appointed Sewage Enforcement Officer for Middlesex Township for on-lot sewage disposal systems.
10. All building permit applications shall include written certification and documentation that all requirements and conditions of plan approval have been met for properties being developed in accordance with a subdivision plan or land development plan approved by the Board of Supervisors of Middlesex Township.”

Section R105.3.1

Action on application.

Delete: “within a reasonable time after filing.”

Insert: “within 15 business days after filing.”

Section R105.5

Expiration.

Add to end of Section: “Any building permit issued shall become invalid if the authorized work has not been completed within one year from the date of issuance. Expired permits may be renewed

one time upon application, payment of the fee specified in Section R108.2 and after review and approval of the renewal application by the building official. The construction cost of work on a renewed permit shall be based on the value of the work that has not been completed on the original expired application together with any additional proposed work.”

Add new Section R105.9 as follows:

“R105.9 Construction hours. Any construction activity that is required to obtain a permit by Sections R105.2.2 and R105.3 or that involves exterior construction or commercial remodeling shall be limited to the hours of 6:00 a.m. to 9:00 p.m., except as extended upon written agreement with the Board of Supervisors. Violation of this section shall be subject to the penalties of Section R113.4.”

Section R106.1

Submittal Documents.

Add to end of Section, prior to the “Exception” provision:

“If construction documents are required, the building official may waive the requirement that such documents be prepared by a registered design professional for construction projects where the scope of work is of a minor nature, as determined solely by the building official, except when federal, state or local laws require such documents to be prepared by a registered design professional.”

Section R108.2

Schedule of Permit Fees.

Add to end of section: “A permit fee shall be paid as required for each site plan examination, building permit, inspections for new construction and additions, the moving or demolition of buildings and erection of signs, except those signs regulated by the Middlesex Township Zoning Ordinance. The permit fee shall be paid in accordance with a schedule of fees established by resolution by the Board of Supervisors of Middlesex Township and shall be subject to change by resolution of the Board from time to time.”

Section R112

Board of Appeals.

Sections R112.1, R112.3 and R112.4 are hereby deleted.

New Section R112.1 is hereby added to provide as follows:

R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, the procedures as established through the International Building Code adopted by

Middlesex Township, specifically the provisions set forth in Appendix B, Section B101 of the International Building Code, 2003 Edition, as amended, shall apply.

- Section R113.4 Violation penalties.
Delete from the end of Section: “, shall be subject to penalties as prescribed by law” and add to the end of Section: “shall be subject to an enforcement action brought before the District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and upon a finding of guilt, shall be fined in an amount not to exceed \$1,0000 per violation together with costs of the action and may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this code continues shall be considered a separate violation.”
- Section R 301.2 Climatic and Geographic Design Criteria.
Add to end of Section: “Table R 301.2(1) shall provide as follows: Ground Snow Load 30 pounds per square foot, Wind Speed 90 Miles per hour, Seismic Design Category C, Subject to Damage From Weathering severe, Subject to Damage From Frost Line Depth 36 inches, Subject to Damage From Termite moderate to heavy, Subject to Damage From Decay slight to moderate, Winter Design Temperature 11 degrees Fahrenheit, Ice Shield Under-Layment Required yes, Flood Hazards (a) July 6, 1989 is the effective date of enactment of the Middlesex Township Zoning Ordinance, which is the first ordinance adopted for management of flood hazard areas, (b) June 15, 1981 is the date of the currently effective Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, Air Freezing Index is 1000, Mean Annual Temperature 50.5 degrees Fahrenheit.”
- Section R311.5.3.1 Riser height.
Delete: “The maximum riser height shall be 7 3/4 inches (196 mm).”
Insert: “The maximum riser height shall be 8 1/4 inches (209 mm).”
- Section R311.5.3.2 Tread depth.
Delete: “The minimum tread depth shall be 10 inches (254 mm).”
Insert: “The minimum tread depth shall be 9 inches (228 mm).”

Add new Section R115 as follows:

“R115. Transfer of ownership. It shall be unlawful for the Owner of any dwelling unit or structure who has been given a notice of violation under Section R113.2, a stop work order under Section R114.1 to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the notice or notices have been complied with or until such owner shall first furnish the grantee, transferee, mortgage or lessee a true copy of any notice or notices issued by the building official and shall furnish to the building official a signed and notarized statement of the grantee, transferee, mortgage or lessee, acknowledging the receipt of such notice or notices and fully accepting the responsibility without condition for making the correction or repairs required by such notice or notices.”

Delete Section P2603.6.1 Sewer depth.

Section P3103.1 Roof Extension.

Delete: the first “[NUMBER] inches” and insert in its place “36 inches”

Delete: the phrase “or [NUMBER] inches above the anticipated snow accumulation,”

SECTION 5: Adoption of the International Property Maintenance Code

A certain document, three copies of which are on file in the office of the Secretary of The Township of Middlesex, being marked and designated as the “International Property Maintenance Code, 2003 Edition” as published by the International Code Council, Inc., as may be revised and amended, is hereby adopted as the International Property Maintenance Code of the Township of Township of Middlesex, Cumberland County, Pennsylvania, for regulating design, construction, quality of materials, erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of existing buildings in the Township of Middlesex and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2003 Edition are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section 6 hereinbelow.

SECTION 6: The International Property Maintenance Code, 2003 Edition is hereby adopted subject to the additions, deletions and changes to the sections thereof as follows:

Section 101.1 Title.

Delete: “[NAME OF JURISDICTION]”

Insert: “Middlesex Township”

- Section 103.5 Fees.
Section 103.5 is hereby amended to provide in its entirety as follows:
“A permit fee shall be paid as required for each site plan examination, building permit, inspections for new construction, repairs and additions, the moving or demolition of buildings and erection of signs, except those signs regulated by the Middlesex Township Zoning Ordinance. The permit fee shall be paid in accordance with a schedule of fees established by resolution by the Board of Supervisors of Middlesex Township and shall be subject to change by resolution of the Board from time to time.”
- Section 106.3 Prosecution of violation.
Delete: “A person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense.”
- Section 106.4 Violation penalties.
Section 106.4 is amended to provide in its entirety as follows:
“Any person who shall violate a provision of this code, fail to comply therewith or with any of the requirement thereof, shall, in addition to such remedies and enforcement action that may be taken by the code official as described in Section 106.3 and Section 106.5, be subject to an enforcement action brought before the District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and upon a finding of guilt, shall be fined in an amount not to exceed \$1,0000 per violation together with costs of the action and may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this code continues shall be considered a separate violation.”
- Section 111 Means of Appeal.

Sections 111.1 through 111.7 are hereby deleted.

Section 111.1 is hereby adopted to provide as follows:
“**Section 111.1 General.** A person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to an appeal before the board of appeals as established through the International Building Code adopted by Middlesex Township. The provisions set forth in Appendix B,

Section B101 of the International Building Code, 2003 Edition, as amended, shall apply.”

Section 111.8 is hereby adopted and renumbered as new Section 111.2.

Section 304.14 Insect screens.
Delete: “[DATE] to [DATE]” and insert “April 15 to October 15”.

Section 602.3 Heat supply.
Delete: the words “[Date]” and “[Date]” and insert “October 15” and “April 15”, respectively.

Section 602.4 Occupiable work spaces.
Delete: the words “[Date]” and “[Date]” and insert “October 15” and “April 15”, respectively.

SECTION 7: Any individual, firm or corporation that violates any provision of this Ordinance or the codes hereby adopted shall be subject to an enforcement action brought before the District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and upon a finding of guilt, shall be fined in an amount not to exceed \$1,0000 per violation together with costs of the action and may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation of this Ordinance continues shall be considered a separate violation.

SECTION 8: Nothing in this Ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

SECTION 9: If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance or in the codes hereby adopted is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or in the code hereby adopted. The Board of Township Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

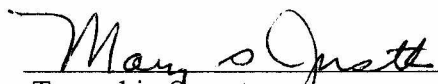
SECTION 10: In the event of any conflict between any provision of this Ordinance (including any provisions of any code adopted hereby) and (1) the Middlesex Township Zoning Ordinance, (2) the Middlesex Township Subdivision and Land Development Ordinance, (3) any Rules, Resolutions, Regulations and specifications of the Middlesex Township Municipal Authority or (4) any other applicable ordinance, law, statute, regulation or code, the provision(s) in conflict contained in the Middlesex Township Zoning Ordinance, the Middlesex Township Subdivision and Land Development Ordinance, any Rules, Resolutions, Regulations and specifications of the Middlesex Township Municipal Authority and any other applicable ordinance, law, statute, regulation or code, now in existence or hereinafter enacted, shall prevail and apply.

SECTION 11: This Ordinance shall become effective in accordance with applicable law.

ORDAINED AND ENACTED this 27 day of February, 2004.

ATTEST:

TOWNSHIP OF MIDDLESEX


Township Secretary

BY: 
Chairman, Board of Township Supervisors

(SEAL)