

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 3 -2004

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, ADOPTING
THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE,
REPEALING ORDINANCE NO. 1-2004 AND ADOPTING
THE INTERNATIONAL PROPERTY MAINTENANCE CODE,
2003 EDITION AND RELATED UPDATES, AS THE BUILDING
AND PROPERTY MAINTENANCE CODES FOR MIDDLESEX
TOWNSHIP

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of Middlesex Township and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code")

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code; and

WHEREAS, the Municipality deems it appropriate to adopt code provisions for the maintenance of property in Middlesex Township,

NOW, THEREFORE, 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:

This Municipality 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.

SECTION 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 this Municipality.

SECTION 3:

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

- a. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;
- 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 this Municipality;
- 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.

SECTION 4:

A Board of Appeals shall be established by resolution of the Board of Supervisors of Middlesex 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.

SECTION 5:

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

SECTION 6:

Fees assessable by the municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Board of Supervisors by resolution from time to time.

SECTION 7:

The International Building Code, 2003 Edition as adopted as part of the Uniform Construction Code, is hereby modified as follows:

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

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

Insert: “adopted by Middlesex Township on December 15, 1980.”

Appendix G, Section G401.3 Sewer Facilities.

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

SECTION 8:

The International Residential Code, 2003 Edition as adopted as part of the Uniform Construction Code, is hereby modified as follows:

Section R101.1 Title.

Delete: “(NAME OF JURISDICTION)”

Insert: “Middlesex Township”

Section R 301.2 Climatic and Geographic Design Criteria. To be determined by the building code official in accordance with 34 Pa. Code Section 403.103(d).

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 9: 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 10: 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 \$1,000 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 by Middlesex Township with the adoption of the Pennsylvania Uniform Construction Code Act.

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 11:

Middlesex Township Ordinance 1-2004 is hereby repealed in its entirety.

SECTION 12:

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 \$1,000 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 13:

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 14:

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 codes 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 15:

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 16:

This Ordinance shall become effective in accordance with applicable law.

DULY ENACTED AND ORDAINED this 25 day of June, 2004, by
the Board of Supervisors of Middlesex Township in public meeting duly assembled.

TOWNSHIP OF MIDDLESEX

By: Charles W. Shughart

Charles W. Shughart

Chairman, Board of Township Supervisors

ATTEST:

Mary G. Justh
Mary G. Justh, Township Secretary

(SEAL)