

Chapter 5

Code Enforcement

Part 1

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Part 1**Construction Code****§5-101. Pennsylvania Construction Code Act; Election to Administer and Enforce.**

1. *Election.* Pursuant to §501 of the Pennsylvania Construction Code Act, 35 P.S. §7210.501, as amended, the Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 35 P.S. §7210.101, as amended.

2. *Methods for Administration and Enforcement.* The Township shall administer and enforce the Pennsylvania Construction Code Act under one or more of the methods established in Section 501(b) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(b), as amended, as determined from time to time by resolution of the Township Board of Supervisors; provided, that any Township administration and enforcement of the Pennsylvania Construction Code Act through an agreement with one or more municipalities or the Pennsylvania Department of Labor and Industry shall be subject to the requirements of the Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301 *et seq.*, as amended.

(Ord. 128, 6/1/2004, §1)

§5-102. Uniform Construction Code Adoption.

1. *Adoption of Uniform Construction Code.* For the purposes described in §102 of the Pennsylvania Construction Code Act, 35 P.S. §7210.102, as amended, and this Part, the Township hereby adopts the Uniform Construction Code, 34 Pa.Code Part XIV, as amended, and the standardized codes adopted thereunder as promulgated by the Pennsylvania Department of Labor and Industry, as the official Construction Code of Frazer Township for regulating and governing the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure; and each and all of the regulations, provisions, penalties, conditions and terms of said Uniform Construction Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with any additions, insertions, deletions and changes, if any, prescribed in this Part. [Ord. 161]

2. *Existing Township Building Codes.* Pursuant to §303(b)(1) of the Pennsylvania Construction Code Act, 35 P.S. Q7210.303(13)(1), as amended, Township building code ordinances, including but not limited to the Township ordinances listed below, which were originally adopted prior to July 1, 1999, or reenactments of provisions of simultaneously repealed ordinances which were originally adopted prior to July 1, 1999, which contain provisions which equal or exceed the specific requirements of the regulations promulgated under the Pennsylvania Construction Code Act shall remain in effect until such time as any such provisions fail to equal or exceed the minimum requirements of the regulations promulgated under the Pennsylvania Construction Code Act.

- A. Ordinance No. 91, enacted on February 4, 1997, related to house numbers.
- B. Ordinance No. 101, enacted on April 6 1999, which adopted the 1999

Edition of the BOCA National Building Code, with certain modifications and revisions thereto.

(*Ord. 128*, 6/1/2004, §2; as amended by *Ord. 142*, 3/6/2007, §1; and by *Ord. 161*, 5/4/2010, §1)

§5-103. Uniform Construction Code Modification.

The following Sections and subsections of the above-referenced Uniform Construction Code and standardized codes adopted thereunder are hereby added, inserted, deleted, restated or changed as set forth below:

A. International Building Code.

(1) *Section 1612.3*: §1612.3 is amended by inserting “Frazer Township” in the first space provided, and by inserting “September 21, 2001” in the second space provided.

(2) *Section 3412.2*: §3412.2 is amended by inserting “March 2, 1989, [Ordinance No. 65]” in the space provided.

B. International Energy Conservation Code.

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 108.4*: §108.4 is restated in its entirety as follows:

108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(3) *Section 109*: §109 is restated in its entirety as follows: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

C. International Existing Building Code.

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 112*: §112 is restated in its entirety as follows: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

(3) *Section 1301.2*: §1301.2 is amended by inserting “March 2, 1989, [Ordinance No. 65]” in the space provided.

D. International Fire Code.

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 108*: §108 is restated in its entirety to include the following reference: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

(3) *Section 109.3*: §109.3 is restated in its entirety as follows:

109.3 Violation penalties. See §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(4) *Section 111.4*: § 111.4 is restated in its entirety as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(5) *Section 505.1*: §505.1 is amended by inserting the following sentence: “All new and existing buildings shall also comply with the requirements of §4-101 of the Frazer Township Code of Ordinances, as amended.”¹

(6) *Section 3404.2.9.6.1*: 3404.2.9.6.1 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 30, Flammable and Combustible Liquids Code, as revised.”

(7) *Section 3406.2.4.4*: §3406.2.4.4 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 30, Flammable and Combustible Liquids Code, as revised.”

(8) *Section 3506.2*: §3506.2 is amended by inserting the following text as the last sentence: “Storage limits shall be in accordance with NFPA 55, Standard for Storage, Use and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks, as revised.”

(9) *Section 3804.2*: §3804.2 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) (US Standards), as revised.”

E. *International Fuel Gas Code.*

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 106.6.2*: §106.6.2 is restated as follows:

106.5.2 Fee schedule, Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Board of Supervisors of the Township.

(3) *Section 106.6.3*: §106.6.3 is deleted in its entirety.

(4) *Section 108.4*: §108.4 is restated in its entirety as follows:

108.4 Violation penalties. See §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(5) *Section 108.5*: §108.5 is amended to restate the last sentence as follows: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Frazer Township Code of

¹This modification is a reenactment of provisions of Frazer Township Ordinance Nos. 91 [§4-101] and 101 protected by §303(b) of the Pennsylvania Construction Code Act, 35 P.S. §7210.303(b), as amended.

Ordinances (Violations and Penalties).”

(6) *Section 109*: §109 is restated in its entirety to include the following reference: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

F. *International Mechanical Code.*

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 106.5.2*: §106.5.2 is restated as follows:

106.5.2 Fee schedule. Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Board of Supervisors of the Township.

(3) *Section 106.5.3*: §106.5.3 is deleted in its entirety.

(4) *Section 108.4*: §108.4 is restated in its entirety as follows:

108.4 Violation penalties. See §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(5) *Section 108.5*: §108.5 is amended by restating the last sentence as follows: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).”

(6) *Section 109*: §109 is restated in its entirety to include the following reference: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

G. *International Plumbing Code* (subject to the restrictions of §501(a.1) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(a.1), as amended).

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 106.6.2*: §106.6.2 is restated as follows:

106.6.2 Fee schedule. Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Board of Supervisors of the Township.

(3) *Section 106.6.3*: §106.6.3 is deleted in its entirety.

(4) *Section 108.4*: §108.4 is restated in its entirety as follows:

108.4 Violation penalties. See §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(5) *Section 108.5*: §108.5 is amended by restating the last sentence as follows: “Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).”

(6) *Section 109*: §109 is restated in its entirety to include the following

reference: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

(7) *Section 305.6.1*: §305.6.1 is amended by inserting “36 inches” in the spaces provided.

(8) *Section 904.1*: §904.1 is amended by inserting “12 inches” in the space provided.

H. *International Residential Code.*

(1) *Section R101.1*: §R101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section R108.5*: §R108.5 is deleted in its entirety.

(3) *Section R112*: §R112 is restated in its entirety to include the following reference: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

(4) *Table R301.2(1)*: Table R301.2(1), Climatic and Geographic Design Criteria, is amended by inserting the following information in the spaces provided:

(a) Ground Snow Load: “25 inches.”

(b) Wind Design:

1) Speed: “90 mph.”

2) Topographic Effects: “No.”

(c) Seismic Design Category: “A.”

(d) Subject to Damage From:

1) Weathering: “Severe.”

2) Frost Line Depth: “36 inches.”

3) Termite: “Moderate to Heavy.”

(e) Winter Design Temperature: “5 Degrees Fahrenheit.”

(f) Ice Barrier Underlayment Required: “Yes.”

(g) Flood Hazards:

1) “May 2, 1985, (Ordinance No. 59) [§8-101 *et seq.*].”

2) “September 21, 2001, as amended or revised.”

3) “Community-Panel Numbers 421288 0089, 0093, 0094, 0227, 0232, 0234, 0235, and 0241.”

(h) Air Freezing Index: “1500.”

(i) Mean Annual Temperature: “50.5 Degrees Fahrenheit.”

(5) *Section P2603.6.1*: §P2603.6.1 is amended by inserting “36 inches” in the spaces provided.

I. *International Wildland-Urban Interface Code.*

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 103*: §103 is restated in its entirety to include the following reference: “See §5-104 of the Frazer Township Code of Ordinances (Township

Building Code Official).”

(3) *Section 106*: §106 is restated in its entirety to include the following reference: “See §5-105 of the Frazer Township Code of Ordinances (Board of Appeals).”

(4) *Section 109.4.7*: §109.4.7 is restated in its entirety as follows:

109.4.7 Violation penalties. See §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(5) *Section 114.4*: §114.4 is restated in its entirety as follows:

114.4 Failure to comply. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Frazer Township Code of Ordinances (Violations and Penalties).

(*Ord. 128*, 6/1/2004, §3; as amended by *Ord. 137*, 7/5/2005; by *Ord. 142*, 3/6/2007, §2; and *Ord. 161*, 5/4/2010, §2)

§5-104. Township Building Code Official.

The Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, and the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, shall govern the Building Code Official employed and/or retained by the Township to administer and enforce the Pennsylvania Construction Code Act and the Uniform Construction Code (the “Township Building Code Official”), and shall be further supplemented as follows:

A. *Delegation of Duties*. The Township Building Code Official shall not, without the prior approval of the Township Board of Supervisors or its designee:

(1) Appoint, retain or otherwise employ a deputy building official, related technical officers, inspectors, plan examiners or other employees.

(2) Delegate his/her duties to a construction code official or current code administrator.

B. *Records*. The Township Building Code Official shall keep official records of applications received, permits and certifications issued, fees collected, reports of inspections, and notices, modifications and orders issued. Such records shall be maintained as official records of the Township and shall only be disposed of in

accordance with applicable law.
(Ord. 128, 6/1/2004, §4)

§5-105. Board of Appeals.

The Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, and the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, shall govern the Township Board of Appeals established pursuant to §501(c) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(c), as amended, and shall be further supplemented as follows:

A. *Application for Appeal.* Any applicant or person aggrieved by a decision of a Township official related to the Uniform Construction Code or a notice or order issued under the Uniform Construction Code shall have the right to appeal to the Board of Appeals of Frazer Township established under this Section, provided that a written application for an appeal is filed within 10 days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Township Board of Supervisors. An application for appeal shall be based on a claim that the true intent of the Pennsylvania Construction Code Act, or the Uniform Construction Code, or this Part, or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of the Pennsylvania Construction Code Act, or the Uniform Construction Code, or this Part do not fully apply, or an equivalent form of construction is to be used. Failure to submit an application for appeal within the time limit established by this Section shall constitute acceptance of the Township official's decision and/or a waiver of the individual's right to appeal.

B. *Establishment.* In order to hear and decide appeals of orders, decisions or determinations made by Township officials relative to the application and interpretation of the Pennsylvania Construction Code Act and the Uniform Construction Code, as well as requests for variances or extensions of time thereunder, there shall be and is hereby created a Board of Appeals for Frazer Township pursuant to §501(c) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(c), as amended.

C. *Membership.* The Township Board of Appeals shall consist of three persons appointed by the Township Board of Supervisors to hold office at the pleasure of the Township Board of Supervisors. Each member of the Board of Appeals shall be appointed for a term of 3 years or until his/her successor is appointed and qualified, which term shall expire on the first Monday of January of the year designated for the expiration of his/her term, except that the terms of the members first appointed pursuant to this Part shall be so fixed so that the term of office of one member shall expire each year. An appointment to fill a vacancy shall be only for the unexpired term.

D. *Alternate Members.* The Township Board of Supervisors shall appoint two alternate members who shall be called to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for a term of 2 years or until his/her successor is appointed and qualified, which term shall expire on the first Monday of January of the year designated for the expiration of his/her term, except

that the terms of the alternate members first appointed pursuant to this Part shall be so fixed so that the term of office of one alternate member shall expire each year. An appointment to fill a vacancy shall be only for the unexpired term.

E. *Qualifications.* Each member or alternate member of the Board of Appeals shall satisfy the following qualifications:

(1) A member of the Board of Appeals shall be qualified pursuant to the requirements of §403.121(c)(1) of the Uniform Construction Code, 34 Pa.Code §403.121(c)(1), as amended.

(2) Members of the Township Board of Supervisors and its code administrators shall not serve on the Board of Appeals pursuant to §403.121(c)(3) of the Uniform Construction Code, 34 Pa.Code §403.121(c)(3), as amended.

(3) A qualified person who resides outside of the Township may be appointed as a member of the Board of Appeals when the Township Board of Supervisors cannot find a person residing within the Township who satisfies the requirements of §403.121(c) of the Uniform Construction Code, 34 Pa.Code §403.121(c), as amended.

F. *Regulations and Procedures.* The Board of Appeals is authorized to establish policies and procedures necessary to carry out its duties as long as any such policies and procedures do not conflict with the provisions of the Pennsylvania Construction Code Act, the Uniform Construction Code, this Part or any other ordinance of the Township.

G. *Organization of Board.*

(1) The Board of Appeals shall elect from its own membership a Chairperson, Vice Chairperson and such other officers as it deems appropriate, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or meeting and the taking of any action, a quorum shall be not less than a majority of all the regular members of the Board.

(2) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson of the Board of Appeals shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis.

(3) The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Township Board of Supervisors as requested.

H. *Hearing Procedures.* All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Township's representative and any applicant or person aggrieved pursuant to paragraph .A above shall be given the opportunity to be heard. The Chairperson of the Board or Appeals, or its counsel, shall have the power and duty to direct the meeting, rule upon the acceptance of evidence and oversee the record of all proceedings. These

hearing procedures shall not require compliance with the strict rules of evidence, but shall mandate that only relevant information be received.

I. *Jurisdiction and Powers.* The Board of Appeals shall have the powers and duties as provided by the Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, this Part and any other ordinances adopted from time to time by the Township Board of Supervisors.

J. *Assignment of Additional Duties and Responsibilities.* The Board of Appeals shall have such other duties and responsibilities as may be assigned to it from time to time by appropriate action of the General Assembly of the Commonwealth of Pennsylvania or the Township Board of Supervisors.

(Ord. 128, 6/1/2004, §5)

§5-106. Violations and Penalties.

1. *General.* Any person who violates a provision of the Uniform Construction Code or the codes adopted thereunder, or this Part, or who fails to comply with any of the requirements thereof, or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under provisions of the Uniform Construction Code or the codes adopted thereunder, or this Part, shall be guilty of a summary offense and subject to such penalties and costs as established in §903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, as amended, including reasonable attorney fees incurred by the Township. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Uniform Construction Code, or the codes adopted thereunder, or this Part, found to have been violated. The Township may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of the Uniform Construction Code, the codes adopted thereunder, or this Part. Any action taken by the Township in the prosecution of a violation of the Uniform Construction Code, the codes adopted thereunder, or this Part and any costs incurred by the Township related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.

2. *Stop-Work Order.* Any person who continues any work after having been served with a stop-work order under the Uniform Construction Code, or the codes adopted thereunder, or this Part, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a summary offense and subject to such penalties as established in §903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, as amended. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Uniform Construction Code, or the codes adopted thereunder, or this Part, found to have been violated. Any action taken by the Township in the prosecution of a violation of the Uniform Construction Code, the codes adopted thereunder, or this Part and any costs incurred by the Township related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.

(Ord. 128, 6/1/2004, §6)

§5-107. Permit Hours.

The operation of heavy construction or excavation machinery (including but not limited to bulldozers, highlifts, backhoes, trucks, power shovels, pumps and jack hammers) and the use of construction equipment such as saws, drills or other types of machinery used outside a structure in conjunction with work requiring a building permit shall be prohibited when it is determined by the Township Building Code Official that the noise is sufficient to disturb the peace and tranquility of the general public. This restriction shall be enforced throughout the entire Township between the hours of 7 p.m. to 7 a.m., Mondays through Saturday and all day Sunday and Federally designated legal holidays, except in cases of emergencies involving life or property as designated by emergency personnel.

(*Ord. 128, 6/1/2004, §7*)

§5-108. More Restrictive Provisions to Apply.

Unless otherwise provided in the Pennsylvania Construction Code Act, or the Uniform Construction Code, or otherwise stated herein, when the provisions of this Part are in conflict with other ordinances of the Township or any other applicable codes, the more stringent code or ordinance shall apply. This Section is a reenactment of provisions of Frazer Township *Ord. 101* protected by §303(b) of the Pennsylvania Construction Code Act, 35 P.S. §7210.303(b), as amended.

(*Ord. 128, 6/1/2004, §8*)

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

The Township hereby adopts the International Property Maintenance Code, 2009 Edition, as published by the International Code Council, Inc., as the Property Maintenance Code of Frazer Township for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupation and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Township Office 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. 162, 5/4/2010, §1*)

§5-202. Modifications to Standards.

The following sections and subsections of the 2009 International Property Maintenance Code are hereby added, inserted, deleted, restated or changed as set forth below.

A. *Section 101.1:* §101.1 is amended by inserting “Frazer Township” in the space provided.

B. *Section 102.3:* §102.3 is restated as follows:

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 5, Part 1, of the Frazer Township Code of Ordinances, Construction Code, as amended. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Chapter 27 of the Frazer Township Code of Ordinances, Zoning, as amended.

C. *Section 103:* §103 is amended by changing the title of the Section to “Department of Code Administration/Building Inspection.”

D. *Section 103.1:* §103.1 is restated as follows:

103.1 General. The Department of Code Administration/Building Inspection is hereby created by the Township Board of Supervisors and is charged with the implementation, administration and enforcement of the provisions of this code.

E. *Section 103.2:* §103.2 is restated as follows:

103.2 Appointment. The Township Board of Supervisors shall appoint a Code Official/Building Inspector who shall be in charge of the Department of Code Administration/Building Inspection. For the purposes of this code, the

Code Official/Building Inspector shall also be referred to as the “Code Official.” The Township Board of Supervisors may appoint and contract with outside persons and entities to serve as subcontractors for the performance of such portions of the inspection or other duties of the Code Official as the Township Board of Supervisors may deem appropriate.

F. *Section 103.5*: §103.5 is restated as follows:

103.5 Fees. The fees for applications and permits referenced in this code and for the activities and services performed by the code official in carrying out his/her responsibilities under this code shall be established, from time to time, by resolution of the Township Board of Supervisors.

G. *Section 106.3*: §106.3 is amended by restating the last sentence of the Section as follows:

“Any action taken by the Township in the prosecution of a violation of this code and any costs incurred by the Township related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.”

H. *Section 106.4*: §106.4 is restated as follows:

106.4 Violation Penalties. Any person, firm or corporation who shall violate any provision of this code, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before the district magistrate judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the code found to have been violated. The Township may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of this code. All fines and penalties collected for violation of this code shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Township Secretary, the Police Chief, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Secretary or the Township Board of Supervisors shall deem appropriate.

I. *Section 111*: §111, Means of Appeals, is deleted in its entirety and restated as follows:

Section 111

Means of Appeals

111.1 Application for Appeal. Any applicant or person aggrieved by a decision of the Code Official or a notice or order issued under this code shall have the right of appeal to the Board of Appeals established under Chapter 5, Part 1, of the Frazer Township Code of Ordinances, Construction Code, as amended, provided that a written application for an appeal is filed within 10

days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Township Board of Supervisors. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Regulations and Procedures for Appeals. All appeals under this code shall proceed under the regulations and procedures established under Chapter 5, Part 1, of the Frazer Township Code of Ordinances, Construction Code, as amended.

J. *Section 112.4*: §112.4 is restated as follows:

112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be considered to be in violation of this code and subject to the violation penalties under §106 of this code.

K. *Section 201.3*: §201.3 is amended by deleting the reference to the “International Zoning Code” in the Section.

L. *Section 202*: §202 is amended by adding the following definition;

JUNK VEHICLE. Any vehicle which is without a currently valid license plate or State registration and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition, and/or for which the certificate of title has been returned to the Pennsylvania Department of Transportation in accordance with the provision of the State Vehicle Code,² and/or which by its appearance is unsightly and not in repairable condition, and/or which had been declared abandoned according to the provisions of the State Vehicle Code. Where a certificate of junk has been issued by the Pennsylvania Department of Transportation, such certificate shall be conclusive evidence that the subject vehicle is a junk vehicle; however, where no such certificate has been issued or applied for, the failure to have the vehicle licensed shall be prima facie evidence that the subject vehicle is a junk vehicle. Also included in this definition is any trailer, semi-trailer or any other article which would be classified as a vehicle, as well as any disabled, abandoned, non-operable, non-registered, wrecked, ruined or dismantled motor vehicle.

M. *Section 301*; §301 is amended by inserting §301.4 as follows:

301.4 Lead-Based Paint. Lead-based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain lead paint with a lead content of more than 0.5 percent shall be removed or covered with paneling or other suitable covering approved by the Code Official.

²See 75 Pa.C.S.A. §101 *et seq.*, as amended.

N. *Section 302.4*: §302.4 is amended by restating the first paragraph of the Section as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches and shall be landscaped so as to have either grass or other form of approved ground cover, growing or artificial or maintained in its natural state. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

O. *Section 302.8*: §302.8 is amended by adding the following sentences at the end of the first paragraph: "No junk vehicle shall be stored outside any private or public property, including vacant lots, streets or alleys in the Township."

P. *Section 304.14*: §304.14 is amended by inserting "June 1 to September 30" in the space provided.

Q. *Section 602.3*. Section 602.3 is amended by inserting "October 1 to May 1" in the space provided.

R. *Section 602.4*. Section 602.4 is amended by inserting "October 1 to May 1" in the space provided.

(*Ord. 162, 5/4/2010, §1*)