

## **Chapter 5**

### **Code Enforcement**

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## Part 1

### Uniform Construction Code

#### §5-101. Intent and Purpose.

It is the intent and purpose of this Part to promote the general health, safety and welfare of the citizens of this municipality 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"); and in the Township of Ferguson.

(*Ord. 832, 6/21/2004, §1*)

#### §5-102. Adoption of International Codes in Accordance with Act 45, the Pennsylvania Construction Code Act.

This Part adopts, as amended, the following International Codes in accordance with Act 45, 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") as follows:

- A. International Building Code (IBC)/2003.
- B. International Mechanical Code (IMC)/2003.
- C. International Plumbing Code (IPC)/2003.
- D. International Residential Code (IRC)/2003.
- E. International Fuel Gas Code (IFGC)/2003.
- F. International Existing Building Code (IEBC)/2003.
- G. International Wildland Interface Code (Iuwic)/2003.
- H. International Energy Construction Code (IECC)/2003.
- I. International Code Council Electrical Code (ICCEC)/2003.
- J. International Code Council Performance Code (ICCPC)/2003.

(*Ord. 832, 6/21/2004, §3*)

#### §5-103. Adoption of Amendments to the Code.

1. The Township hereby adopts by reference the following amendments, alterations and deletions for the International Building Code:

- A. Section 903.2.14 is added to read as follows:

An automatic fire suppression system shall be provided throughout all buildings of Use Group B when more than three stories of 35 feet in height or more than 10,000 square feet per floor in accordance with §903.3.1.1.

- B. Section 1608.2 is hereby amended to add the following sentence to this Section:

Ground snow loads to be used in determining the design snow loads for roofs are Pg 40 per square foot.

C. The Township hereby adopts by reference the following Appendices for the International Building Code:

- Appendix C: Group U-Agricultural Buildings
- Appendix D: Fire Districts
- Appendix E: Supplementary Accessibility Requirements
- Appendix F: Rodent Proofing
- Appendix G: Flood-Resistant Construction
- Appendix H: Signs
- Appendix I: Patio Covers
- Appendix J: Grading

2. The Township hereby adopts by reference the following Appendices for the International Residential Code:

- Appendix A: Sizing and Capacities of Gas Piping
- Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents
- Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
- Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation
- Appendix E: Manufactured Housing Used as Dwellings
- Appendix G: Swimming Pools, Spas and Hot Tubs
- Appendix H: Patio Covers
- Appendix J: Existing Buildings and Structures
- Appendix K: Sound Transmission

3. The Township hereby adopts by reference the following Appendices for the International Plumbing Code:

- Appendix B: Rates of Rainfall for Various Cities
- Appendix D: Degree Day and Design Temperature
- Appendix E: Sizing of Water Piping System
- Appendix F: Structural Safety

4. The Township hereby adopts by reference the following Appendix for the International Mechanical Code:

- Appendix A: Combustion Air Openings and Chimney Connector Pass Throughs

5. The Township hereby adopts by reference the following Appendices for the International Fuel Gas Code:

- Appendix A: Sizing and Capabilities of Gas Piping
- Appendix B: Sizing and Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents

Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

Appendix D: Recommended Procedure for Safety Inspection of an Existing Appliance Installation

6. The Township hereby adopts by reference the following Appendices for the International Existing Building Code:

Appendix A: Guidelines for the Seismic Retrofit of Existing Buildings

Appendix B: Supplementary Accessibility Requirements for Existing Buildings and Facilities

7. The Township hereby adopts by reference the following Appendix for the International Energy Conservation Code:

Appendix A: Wall Assemblies

8. The Township hereby adopts by reference the following Appendices for the International Urban Wildlife Interface Code:

Appendix C: Fire Hazard Severity Form

Appendix D: Fire Danger Rating System

9. The Township hereby adopts by reference the following Appendices for the International Code Council Performance Code:

Appendix A: Risk Factors of Use and Occupancy Classifications

Appendix B: Worksheet for Assigning Specific Structures to Risk Factors of Use and Occupancy Classifications

Appendix C: Individually Substantiated Design Method

Appendix D: Qualification Characteristics for Design and Review of Performance-Based Designs

(*Ord. 832, 6/21/2004, §4*)

#### **§5-104. Rules and Regulations.**

1. The Township hereby adopts the rules and regulations contained in Title 34 Pa.Code, Chapters 401 through 405.

2. The Uniform Construction Code, Title 34 Pa.Code, Chapters 401-405, as amended from time to time is hereby adopted and incorporated herein by reference as the Building Code of Ferguson Township.

(*Ord. 832, 6/21/2004, §5*)

#### **§5-105. Code Board of Appeals.**

A Board of Appeals is hereby established in accordance with the Centre Region Council of Governments Centre Region Housing and Code Board of Appeals Articles of Agreement dated \_\_\_\_\_, 2004.

(*Ord. 832, 6/21/2004, §6*)

#### **§5-106. Fees.**

Fees assessable by the municipality for the administration and enforcement

undertaken pursuant to this Part and the Code shall be established by the governing body by resolution from time to time.

*(Ord. 832, 6/21/2004, §7)*

## Part 2

### Electrical Code

#### §5-201. Intent and Purpose.

It is the intent and purpose of this Part to adopt a modern electrical code, which will prescribe effective standards for the installation, repair and maintenance of all electrical service and distribution wiring, and all electrical equipment in the Township of Ferguson and to provide informed and professional administration and inspection of the provisions so adopted.

(*Ord. 808, 2/18/2003, §1*)

#### §5-202. Adoption of the National Electrical Code.

There is hereby adopted by the Township of Ferguson for the purposes set forth in §5-301 that certain code known as the National Electrical Code, 2002 edition, and the International Electrical Code, 2000 edition, Administrative Provisions, as promulgated by the International Code Council, except such provisions which may be in conflict with the laws of the Commonwealth of Pennsylvania or the regulations issued by an agency of the Commonwealth by virtue of such laws and which provide a more stringent standard and which are required to be observed by the Township of Ferguson or the provisions of other Ordinances of this jurisdiction which are in conflict with the provisions of this Part, regardless of the strictness of the provisions. The provisions of the National Electrical Code, 2002 edition, and International Electrical Code 2000 edition, Administrative Provisions, as supplemented, are set forth in these three copies which are presently on file in the office of the Township Manager, and is hereby adopted as fully as if set forth in length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the limits of the Township of Ferguson, except as modified by this Part and any subsequent amendments thereto.

(*Ord. 808, 2/18/2003, §3*)

#### §5-203. Amendments; Deletions; Alterations.

The following articles and sections of the National Electrical Code, 2002, and the International Electrical Code, 2000 Administrative Provisions, as adopted, are amended, deleted or altered as follows:

A. Section 101.1, entitled "Title" is amended to read as follows:

These regulations shall be known as the Electrical Code of Ferguson Township hereinafter referred to as "this code."

B. Section 102.4, entitled "Validity" is amended to read as follows:

Should any word, sentence, paragraph, or section of this Part, or the code adopted herein, be declared invalid for any reason whatsoever, it is the intent of the Board of Supervisors of the Township of Ferguson that it would have enacted all other portions of this Part, or the code adopted hereby, independent of the word, sentence, paragraph or section declared invalid.

C. Section 202.0 entitled "General Definitions" is amended to read as follows:

Code Official: The Director of the Centre Region Code Administration or duly authorized representative.

D. Section 404.2 entitled "Schedule of Permit Fees" is amended to read as follows:

The permit fee shall be .0055 dollars per dollar value of total project costs based upon the greater of either the declared contract price as provided by the applicant or the reasonable market value as determined by the Code Official using the Type of Construction Factor as published by the International Code Council, as amended. In no instance shall the fee be less than \$25.00. When the applicant on the permit, or his/her agent request a required inspection reveals the work has not been completed, an additional fee of \$45.00 shall be charged, and no further inspection will be performed until such fee is paid. The fee schedule may be amended from tune to time by resolution of the Township.

E. Section 404.3 entitled "Work Commencing Before Permit Issuance" is deleted.

F. Section 404.5 entitled "Refunds" shall be amended to read as follows:

The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.

2. Not more than 75% of the permit fee in excess of minimum base of \$25.00 when no work has been done under a permit issued in accordance with this code.

3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

G. Section 1003.1 entitled "Penalties" shall be amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter or repair work regulated by this code in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, upon conviction thereof in a proceeding commenced before a district justice pursuant to the Pennsylvania Rules of Criminal Procedures, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, a term of imprisonment not to exceed 90 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense. [Ord. 820]

H. Section 1004.3 entitled "Unlawful Continuance" is amended to read as follows:

Any person who shall continue any work in or about the building or structure 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, upon conviction thereof in a proceeding commenced before a district justice

pursuant to the Pennsylvania Rules of Criminal Procedures, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, a term of imprisonment not to exceed 90 days. Each day that the work continues or each day that the results of such work remain, shall be considered a separate violation and subject to the fine indicated above. [*Ord. 820*]

I. Section 1102.2 entitled "Qualifications" is amended to read as follows:

The Board of Appeals shall consist of five members and two alternates. The core shall be increased by two additional members according to their designated code appointment for appeals regarding plumbing, mechanical, electrical, property maintenance and handicapped accessibility. Members of the board shall serve without compensation and for the period of a maximum of three consecutive terms (a term consists of 3 years).

(*Ord. 808, 2/18/2003, §4; as amended by Ord. 820, 12/8/2003*)



**Part 3**

**Building Safety and Property Maintenance Code**

**§5-301. Intent and Purpose.**

It is the intent and purpose of this Part to adopt a modern property maintenance code, which will prescribe effective standards and minimum requirements for buildings and premises in the municipality. This code is designed to cover every facet of housing and property maintenance in order to insure those persons in or visiting the municipality are provided with a safe and sanitary environment.

*(Ord. 932, 5/3/2010, §102)*

**§5-302. Adoption of the Centre Region Building Safety and Property Maintenance Code 2010 Edition.**

It is hereby adopted by the municipality for the purposes set forth in §5-301 that certain code known as the Centre Region Building Safety and Property Maintenance Code, 2010 edition, as promulgated by the Centre Region Council of Governments, except such provisions which may be in conflict with the laws of the Commonwealth of Pennsylvania or the regulations issued by an agency of the Commonwealth by virtue of such laws and which provide a more stringent standard and which are required to be observed by the municipality or the provisions of other ordinances of this jurisdiction which are in conflict with the provisions of the ordinance, regardless of the strictness of the provisions. The provisions of the Centre Region Building Safety and Property Maintenance Code, 2010 edition, as amended, are set forth in the copy presently on file in the office of the municipal manager, and are hereby adopted as fully as if set forth in length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the limits of the municipality, except as modified by this Part and any subsequent amendments thereto.

*(Ord. 932, 5/3/2010, §102)*

**§5-303. Amendments to Building Safety and Property Maintenance Code.**

The following sections are amended, deleted or altered as follows:

A. The title of Table 404.5.1 Minimum Habitable Space (square feet) applies to all properties receiving a rental housing permit for the first time after January 1, 1998, the following minimum habitable space requirements shall apply:

**Table PM 404.5.1  
Minimum Habitable Space (square feet)**

<b>Space/Occupant</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>Or More</b>
Living Room, Dining Room and Kitchen Combined	50	100	250	250	250	310	310
Bedroom	70	120	150	200	250	300	(a)

Space/Occupant	1	2	3	4	5	6	Or More
TOTAL:	120	220	400	450	500	610	310+(a)

(a) = plus 50 additional square feet per occupant

B. Table 404.5.2 is deleted.

(Ord. 932, 5/3/2010; as added by Ord. 948, 2/22/2011, §2)