ORDINANCE NO. 2019-02

AN ORDINANCE OF THE BOROUGH OF CAMP HILL, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 79, BUILDING CONSTRUCTION, AND CHAPTER 154, PROPERTY MAINTENANCE, OF THE CODE OF THE BOROUGH OF CAMP HILL.

WHEREAS, the Code of the Borough of Camp Hill adopted by reference the BOCA National Building Code, Twelfth Edition, 1993; and

WHEREAS, the Commonwealth of Pennsylvania has adopted the 2015 International Building Code as part of the Pennsylvania Uniform Construction Code; and

WHEREAS, the Code of the Borough of Camp Hill adopted by reference the BOCA National Property Maintenance Code, Fourth Edition, 1993; and

WHEREAS, the Borough Council of the Board of Camp Hill wishes to adopt the 2015 International Property Maintenance Code and the 2015 International Building Code;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Camp Hill, Cumberland County, Pennsylvania, that:

Section 1. The Code of the Borough of Camp Hill, Chapter 79, Building Construction, Article I, Building Code, Section 79-2, Adoption of Standards, is repealed in its entirety and replaced as follows:

§79-2. Adoption of Standards.

A certain document, copies of which are on file in the office of the Code Enforcement Officer of the Borough of Camp Hill, being marked and designated as the "2015 International Building Code," as published by the International Code Council, be and is hereby adopted as the Building Code of the Borough of Camp Hill in the Commonwealth of 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 2015 International Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions and changes, prescribed in §79-3 of this article.

Section 2. The Code of the Borough of Camp Hill, Chapter 79, Building Construction, Article I, Building Code, Section 79-3, Modification of Standards, is repealed in its entirety and replaced as follows:

§79-3. Modification of Standards.

The following sections are hereby revised, deleted, and/or added as follows:

A. Section 101.1 is amended to read:

101.1 Title: These regulations shall be known as the Building Code of the Borough of Camp Hill, hereinafter referred to as "this code."

B. Section 104.1 is amended to read:

Attested to be a true and correct copy

Pat Dennis
Borough Manager
Date: 3/19/20

104.1 Code official: The terms "Code Official," "Building Inspector," and "Building Official" refer to the Code Enforcement Officer or his designee.

C. Sections 104.2, 104.3, 104.4 and 104.5 are deleted in their entirety.

D. Section 107.5 is amended to read:

107.5 Construction documents: The application for permit shall be accompanied by not less than three sets of construction documents. The Code Official is permitted to waive the requirements for filing construction documents when the scope of the work is of a minor nature. When the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal "or its equivalent used as a substitute for specific information.

E. Section 109.2 is amended to read:

109.2 Schedule of Fees: A fee for each plan examination, building permit, demolition permit and inspection shall be paid in accordance with the schedule from time to time established by resolution of the Council of the Borough of Camp Hill.

F. Section 113.1 is deleted in its entirety.

G. Section 114.3 is amended to read:

114.3 Prosecution of Violation: If the notice of violation is not complied with within the time stated in the notice, the Building Official shall initiate a summary action against the alleged violator by the issuance of a non-traffic citation. In the absence of the Building Official, the Building Official's deputy, assistant or other designee shall initiate this action.

H. Section 114.4 is amended to read:

114.4 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the Building Official or of a permit or certificate issued under the provisions of this code shall be guilty of a summary offense punishable by a fine of not less than $300 and more than $1,000 and the costs of prosecution, or by imprisonment not exceeding 30 days in default of said fine. Each day that a violation continues shall be deemed a separate offense.

I. Section 115.3 is amended to read:

115.3 Unlawful continuance: Any person who shall continue any work in or about the 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 conditions, shall be guilty of a summary offense punishable by a fine of not less than $300 and more than $1,000 and the costs of prosecution, or by imprisonment not exceeding 30 days in default of said fine. Each day that a violation continues shall be deemed a separate offense.

J. Section 116.4 is deleted in its entirety.

K. **Chapter 29, Plumbing Systems**, is hereby deleted and in place thereof the following provision is enacted: The Plumbing Code of the Borough of Camp Hill, and rules and regulations of the Camp Hill Borough Authority, and the Pennsylvania Sewage Facilities Act and amendments thereto shall govern the design, installation and maintenance of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and stormwater and sewage disposal in buildings.

L. Section 3112 is added to read:

3112 Wood-burning stoves: A building permit shall be required prior to the installation of any wood stove or any wood-burning, wood-pellet burning, or coal-burning fireplace insert or appliance installed. Such permit shall be issued free of charge and an inspection by the Borough shall be required prior to the use of any such appliance. No appliance as identified herein shall be installed unless same shall have an Underwriters Laboratory approval.

M. Appendix B, Board of Appeals, is specifically adopted as part of this code.

N. Section B101.1 is amended to read:

B101.1 Application for Appeal: Any person shall have the right to appeal a decision of the Code Official to the Borough Council sitting as the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

O. Section B101.2, B101.2.1, and B101.2.2 is deleted in its entirety.

P. Section B101.3.3 is amended to read:

B101.3.3 Postponed hearing: When a majority of Council members is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Q. Section B101.4 is amended to read:

B101.4 Board decision: The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of members present.

Section 3. The Code of the Borough of Camp Hill, Chapter 154, Property Maintenance, Part 2, BOCA National Property Maintenance Code is repealed in its entirety and replaced as follows:

Part 2

International Property Maintenance Code

Article IV

Adoption of Standards

§154-13. Adoption of standards by reference.

A certain document, copies of which are on file in the office of the Code Enforcement Officer of the Borough of Camp Hill, being marked and designated as the "2015 International Property Maintenance Code," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Camp Hill in the Commonwealth of 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 2015 International Property Maintenance Code are hereby referred to, adopted and made a part hereof, as if fully set forth in Part 2 of this chapter, with the additions, insertions and changes prescribed in §154-15.

§154-14. Repealer.

All ordinances or parts of ordinances insofar as they are inconsistent herewith be, and the same are hereby repealed.

§154-15. Additions, insertions and changes.

The following sections are hereby revised as follows:

A. Section 101.1 is amended to read:

101.1 Title: These regulations shall be known as the "Property Maintenance Code of the Borough of Camp Hill," hereinafter referred to as "this code."

B. Section 104.1 is amended to read:

Section 104.1 General: The Code Official shall enforce all of the provisions of this code. The phrase "Code Official," "Building Inspector," or "Building Official" as used herein shall be the Code Enforcement Officer or his designee.

C. Section 106.4 is amended to read:

106.4 Violation penalties: Any person who shall violate a provision of this Code shall, upon conviction thereof be subject to a fine of not less than $50, nor more than $300 or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

D. Section 111.1 is amended to read:

111.1 Application for appeal: Any person shall have the right to appeal a decision of the Code Official to the borough Council sitting as the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

E. Section 111.2 is deleted in its entirety.

F. Section 111.5 is amended to read:

111.5 Postponed hearing: When a majority of Council members is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

G. Section 111.6 is amended to read:

111.6 Board Decision: The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of members present.

H. Section 202 is amended to include the following additional definitions:

One-family dwelling: A building containing one dwelling unit with not more than two lodgers or boarders.

Two-family dwelling: A building containing two dwelling units with not more than two lodgers or boarders per family.

I. Section 302.4 is amended to read:

302.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, that this term shall not include cultivated flowers or gardens.

J. Section 304.12 is amended to read:

304.12 Insect screens: During the period from May 1 to October 30, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every swinging door shall have a self-closing device in good working condition.

K. Section 602.3 is amended to read:

602.3 Heat supply: Every owner and operator of a building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnished heat to the occupants shall supply sufficient heat during the period as provided by the Pennsylvania Landlord and Tenant Act, as from time to time amended and supplemented.

L. Section 602.4 is amended to read:

602.4: Nonresidential structures: Every enclosed, occupied work space shall be supplied with sufficient heat during the period established in Section 602.3 to maintain a temperature of not less than 65°F during all work hours.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

§154-16. Effect on pending court cases and other laws and remedies.

Nothing in Part 2 of this chapter or in the 2015 International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in §154-14 nor shall any just or legal right or remedy of any character be lost, impaired or affected by Part 2 of this chapter.

§154-17. Responsibility of Borough Manager; when effective.

The Borough Manager of the Borough Council of Camp Hill is hereby authorized and directed to do all matters and things required to be done for the proper carrying out of the purposes of Part 2 of this chapter, which shall take effect upon adoption.

Section 4. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the constitutionality, legality, and validity of the remaining provisions shall be unaffected thereby. It the intention of the Borough Council of the Borough of Camp Hill, Cumberland County, Pennsylvania, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

Section 5. Repealer. All Ordinances, or any parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be in force and effect immediately upon its adoption and enactment.

DULY ORDAINED AND ENACTED this 13 day of March, 2019, by the Borough Council of the Borough of Camp Hill, Cumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Borough Secretary

CAMP HILL BOROUGH:

President

APPROVED this 13th day of March, 2019

BY

Mayor