

**ORDINANCE NO. 2022 - 01**

**AN ORDINANCE OF THE BOROUGH OF MCCLURE, COUNTY OF SNYDER, PENNSYLVANIA AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE BOROUGH OF MCCLURE, COUNTY OF SNYDER, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE.**

Be it enacted and ordained by the Borough Council of the Borough of McClure, County of Snyder, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

**ARTICLE I**

**Adoption of Code**

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 3301.5 of the Borough Code (8 Pa.C.S.A. § 3301.5), the codification of a complete body of legislation for the Borough of McClure, County of Snyder, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 12, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of McClure, which shall be known and is hereby designated as the "Code of the Borough of McClure," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of the 1983 Code and the ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of McClure, and it is the intention of said Borough Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Inconsistent legislation repealed.

**A. Repeal of inconsistent ordinances.**

Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of McClure which is not in



conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific ordinances. The Borough Council of the Borough of McClure has determined that all ordinances not contained in the Code are no longer in effect and hereby specifically repeals the same.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

A. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.

E. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.

F. Any ordinance adopting an annual budget or establishing an annual tax rate.

G. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

H. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

I. Any ordinance annexing land to the Borough.

J. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

K. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

L. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

M. Any ordinance providing for the making of public improvements.

N. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.



O. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

P. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.

Q. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

R. The Borough of McClure Subdivision and Land Development Ordinance.

#### § 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

#### § 1-6. Changes and revisions in previously adopted legislation; new provisions.

A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A (if any) attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

C. Statutory references. Pursuant to recodification of the Borough Code in 2012 and 2014 (see now 8 Pa.C.S.A. § 101 et seq.), statutory citations referring to specific sections of the Borough Code have been updated accordingly throughout the Code.

#### § 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

#### § 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.



B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all legislation adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Borough to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a

civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Borough in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Borough are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

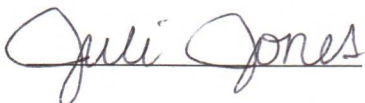
§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect five (5) days after enactment of the same.

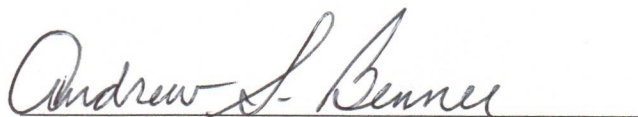
**DULY ORDAINED AND ENACTED** this 12<sup>TH</sup> day of October, 2022, by the Borough Council of the Borough of McClure, Snyder County, Pennsylvania.

**McCLURE BOROUGH, SNYDER COUNTY,  
PENNSYLVANIA**

Attest:

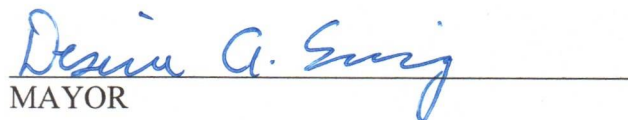


SECRETARY



PRESIDENT OF BOROUGH COUNCIL



  
MAYOR

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#### **A. Manager.**

**§101. Creation of the Office.** The Office of Borough Manager is hereby created by the Borough of McClure.

**§102. Appointment and Removal.** The Manager shall be appointed by a majority of all the members of Council and he shall serve until the first Monday of January of the odd numbered year succeeding his election and until his successor qualifies. The Manager shall serve at the pleasure of the Council, and he may be removed at any time by a majority vote of all its members. At least thirty days before such removal becomes effective, the Council shall furnish the Manager with a written statement setting forth its intention to remove him and the reasons therefor

**§103. Qualifications.** The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his Office as herein outlined. The Manager need not be a resident of the Borough or of the State of Pennsylvania at the time of his appointment. Whether or not Borough Manager shall thereafter become a resident of the Borough shall be negotiable between Council and the Borough Manager under his contract of employment.

**§ 104. Manager's Bond.** Before entering upon his duties, the Manager shall give a bond to the Borough with a bonding company as surety, in an amount to be established by resolution of Borough Council, conditioned for the faithful performance of his duties. The premium shall be paid by the Borough.

**§ 105. Manager's Compensation.** The salary of the Borough Manager shall be set by resolution and incorporated in a contract of employment.

**§ 106. Powers and Duties of the Manager.** The Manager shall be the Chief Administrative Officer of the Borough and he shall be responsible to Council as a whole for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers. Subject to recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:

1. He shall supervise and be responsible for the activities of all municipal departments;
2. He shall hire and, when necessary for the good of the service, shall suspend or discharge all employees under his supervision, provided that persons covered by the Civil Service provisions of the Borough Code shall be hired, suspended, or discharged in accordance with such provisions; provided further, that the Manager shall report, at the next meeting thereafter of Council, any action taken by authority of this subsection;
3. He shall prepare and submit to Council before the close of the fiscal year, or on such alternate date as Council shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget the Manager, or an officer designated by him, shall obtain from the head of each department, agency, board, or officer, estimates of revenue and expenditures and other supporting data as he requests. The Manager shall review them before submitting the budget to the Council;
4. He shall be responsible for the administration of the budget after its adoption by the Council;

5. He shall hold such other municipal offices or head one or more of the municipal departments as the Council may from time to time direct.
6. He shall attend all meetings of Council and its Committees with the right to take part in the discussion and he shall receive notice of all special meetings of Council or its committees;
7. He shall prepare the agenda for each meeting of Council and supply facts pertaining thereto;
8. He shall keep the Council informed as to the conduct of Borough affairs; submit monthly reports on the condition of the Borough finances and such other reports as the Council requests; and make such recommendations to the Council as he deems necessary;
9. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year;
10. He shall see that the provisions of all franchises, leases, permits, and privileges granted by the Borough are observed;
11. He may employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough. He shall control all engineering activities required by the Borough from time to time and may, by and with the approval of Council employ such experts and consultants to perform work and to advise in those functions beyond his capabilities and expertise;
12. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Borough Officer by statute;
13. He shall see that all money owed the Borough is promptly paid and that proper procedures are taken for the security and collection of all the Borough's claims;
14. He shall be the Purchasing Officer of the Borough and he shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the various agencies, boards, departments, and other offices of the Borough. He shall keep an account of all purchases and shall monthly or when directed by Council make a full written report thereof. He shall also issue rules and regulations -- subject to the approval of Council - governing the requisition and purchasing of all municipal supplies and equipment;
15. All complaints regarding services or personnel of the Borough shall be referred to the Office of the Manager. He, or an officer designated by him, shall investigate and dispose of such complaints, and the Manager shall report thereon to Council;
16. He shall represent the Borough at all inter-governmental meetings and accept appointment to any such boards or committees as Council may from time to time direct.

**§107. Mayor's Powers and Duties.** The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of his non-legislative and non-judicial powers and duties.

**§108. Limitations on Council's Powers.** Neither the Council nor any of its committees or members thereof shall dictate or attempt to dictate the hiring of any person to, or his discharge from, employment by the Manager, or in any manner take part in the hiring, suspending or discharging of employees in the administrative service of the Borough except as required to do so by the Civil Service provisions of the Code. Except for the purpose of inquiry, the Council, its committees, and its members shall deal with the administrative service solely through the Borough Manager and neither the Council nor any of its committees, or any of its members shall give orders -- publicly or privately -- to any subordinates of the Manager. However, additional positions for employment beyond the present positions existing in the Borough shall only be made available by Council.

**§109. Disability or Absence of the Manager.** If the Manager becomes ill or needs to be absent from the Borough he shall designate one qualified member of his staff who shall perform the duties of the Manager



during his absence or disability. The person so designated shall not perform these duties for a period longer than two weeks without the approval of the Council.

**B. Office of Secretary/Treasurer.**

**§121. Findings of Fact.** That upon investigation the Borough Council finds and determines the following matters of fact, that there is no incompatibility in fact between the offices of Borough Secretary and Borough Treasurer of the Borough of McClure, in as much as the Borough Treasurer, even when also the Borough Secretary, cannot pay out Borough funds without an order signed by the President of Council.

**§122. Same Person may be Secretary and Treasurer.** That hereafter and so long as no incompatibility in fact between the offices of Borough Secretary and Borough Treasurer becomes apparent, the Offices of Borough Secretary and Borough Treasurer may be held by the same person.

**PART 2 - POLICE [RESERVED]**

**PART 3 - PENSION FUNDS AND SOCIAL SECURITY [RESERVED]**

**PART 4 - FIREMEN'S RELIEF ASSOCIATION**

**§401. Recognition of Firemen's Relief Association.**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of McClure. McClure Volunteer Fire Co. #1, Relief Association. The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named Association of the Borough of McClure is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

**§402. Certification to Auditor General.** The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough of McClure. Such certification shall be on forms prescribed by the Auditor General.

**§403. Annual Appropriation.** There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

**PART 5 - COMMISSIONS AND AUTHORITIES**

**§501. Application of this Part.** Pursuant to the provisions contained in the Borough Code and in order to carry the said provision into effect, there is hereby created in the Borough of McClure a Borough Planning Commission which shall have all the powers and duties conferred upon it by the Borough Code and any other powers vested in it by law or ordinance.

**§502. Members.** The Borough Planning Commission shall consist of five members who shall reside within the Borough and who shall be appointed by the Council and shall serve without Compensation, except that they shall be reimbursed for expenses incurred in carrying out their Commission duties.

**§503. Conduct of Commission.** The Borough Planning Commission shall make an annual report to the Council showing their transaction and recommendations. It may employ planning technicians and other persons whose salaries and wages, together with other necessary expenses of the Commission, shall be provided for, at the discretion of the Council, by proper appropriations and resolutions. The Commission may also receive and expend for the purposes of its planning work, any gifts, grants and appropriations of money from any other sources, including Commonwealth, Federal or local funds, and may contract with governmental or private agencies or individuals with respect thereto.

**§504. Powers and Duties.** The Borough Planning Commission shall have the power and duty to make, adopt and maintain a comprehensive plan for the physical development of the Borough and surrounding territory. Said Comprehensive plan shall include among other things a land use plan, a thoroughfare plan, a communities facilities plan and a public improvement program. In the preparation of the comprehensive plan, the Commission should study population trends, existing land use, the economic base, traffic, existing thoroughfare system and other factors relating to the development of the Borough. The purpose of the comprehensive plan should be to accomplish a coordinated and harmonious development of the Borough and its environs in accordance with present and future needs. The Commission shall have the continuing responsibility for maintaining the comprehensive plan in and up-to-date condition, and in so doing, shall review and make recommendations to the Council on all ordinances which pertain to the physical development of the Borough.

**§505. Zoning Powers.** The Planning Commission shall serve as the Zoning Commission and may, in pursuance of its duties, prepare or cause to be prepared a zoning ordinance for consideration of the Council. The Commission shall have a continuing responsibility to review the ordinance and make recommendations as to proposed amendments.

**§506. Subdivision Powers.** The Planning Commission shall prepare and present to the Council land subdivision regulations. The Commission shall assist the Council in administering said regulations by reviewing and recommending to the Council actions to be taken on subdivisions submitted in accordance with established procedures.

## **PART 6 - SCHEDULE OF FEES**

## **PART 7 - COLLECTION OF MUNICIPAL LIENS**

**§701. Application of this Part.** This Part shall apply to all municipal claims allowed and authorized by the law of the Commonwealth to be assessed by the Borough of McClure including, but not limited to, liens for taxes and for municipal improvements, for the removal of nuisances and for water rents or rates, sewage rates, lighting rates and power rates to the fullest extent authorized by law (hereinafter "delinquent accounts"), whether heretofore or hereafter assessed or filed.

**§702. Schedule of Attorney Fees.** The following schedule of attorney fees is to be utilized and followed in the assessment of attorney fees in the collection of any delinquent account and the corresponding fees shall be added and included in the collection of the same at the time of the filing of the municipal claim by or for the

Borough of McClure or as soon thereafter as may be convenient or proper: Preparation and filing of \$95.00 municipal lien Revival of municipal lien \$25.00 Preparation and filing \$95.00 writ of scire facias Judgment for want affidavit of defense of \$50.00 Trial upon affidavit of Fee based upon hourly rate of the defense Solicitor for time expended in preparation for and attendance at trial Collection of municipal Fee based upon hourly rate of the claim in assumpsit Solicitor for time expended in preparation for and attendance at trial Execution on judgment and Sheriff's sale of real property, Fee based upon hourly rate of the Solicitor for the time expended in preparation and filing execution documents and attendance at Sheriff's sale

**§703. Notice.** Prior to assessing or imposing attorney fees in connection with a delinquent account, the Borough of McClure shall provide thirty (30) days notice of the Borough's intention to assess or impose attorney fees in connection with this Part as may be required by the Act of May 16, 1923, P.L. 207, No. 153, as amended or supplemented, 53 P.S. §7106.

**§704. Addition of Interest.** In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this Part, interest equal to ten (10) percent per annum shall be assessed and accrue on the claim from the date of the completion of the work after it is filed as a lien and on claims for taxes, water rents or rates, lighting rates or sewer rates, from the date of the filing of the lien therefor; provide, however, that if a municipal claim is filed arising out of a municipal project which required the Borough to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond issue or at the rate of twelve (12) percent per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the municipal claim and collected therewith.

**§705. Assessment of Penalty.** In all proceedings where a municipal claim is filed as a lien against real property for a delinquent accounts which are the subject of this Part, a penalty equal to five (5) percent of the delinquent account shall be added to the municipal claim and collected therewith when the delinquent account remains unpaid for ninety (90) days after the assessment shall have been levied or as soon thereafter as may be convenient or proper. No notice prior to the assessment or the imposition of a penalty as set forth herein shall be required.

## **PART 8 - FIRE INSURANCE ESCROW**

### **§801. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of McClure where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500.00), unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, (40 P.S. §638) (the "Act") and unless there is compliance with the procedures set forth in §§508(c) and (d) of the Act (40 P.S. §638(c) and (d)).
2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Borough of McClure has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Borough Secretary of the Borough of McClure shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall

furnish a certificate within fourteen (14) working days of the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection (2)(A) of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection (3) hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection (2) of this Section, or where the Treasurer has issued a certificate described in subsection (2)(A) indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds sixty (60) percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, two thousand dollars (\$2,000.00) for each fifteen thousand dollars (\$15,000.00) of such claim or fraction thereof.

B. If at the time a loss is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough of McClure, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insured shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough of McClure to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough of McClure in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough of McClure and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough of McClure a signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough of McClure in excess of that required to pay the municipal expenses; provided, the Borough of McClure, has not commenced to remove, repair, or secure the building or other structure, in which case the Borough of McClure will complete the work.

(4) Pay to the Borough Secretary, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough of McClure.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough of McClure.

(6) Nothing in this Section shall be construed to limit the ability of the Borough of McClure to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough of McClure or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough of McClure may deem responsible.

**§802. Limits of liability.** Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a Borough of McClure or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

**§803. Insurance Company Rights Reserved.** An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough of McClure shall have a full benefit of such payment including all rights of subrogation and of assignment.

**§804. Construction.** This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

**§805. Notification of Pennsylvania Department of Community and Economic Development.** The Secretary of the Borough of McClure shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

**§806. Penalty.** Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day on which an offense shall continue shall be deemed a separate offense.



## **CHAPTER 2 - SEWERS, SEWAGE, AND SOLID WASTE**

### **PART 1 – MUNICIPAL AUTHORITY**

**§101. Purpose.** The Borough Council of the Borough of McClure has determined that it is necessary to provide for an improved water system and for the collection and treatment of sanitary sewage and industrial waste in the Borough of McClure.

**§102. Definitions.** Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) “Authority” means the McClure Municipal Authority, a Pennsylvania Municipal Authority, or its successors or assigns.
- (b) “Borough” means the Borough of McClure, Snyder County, Pennsylvania, a municipality organized and existing under the laws of the Commonwealth of Pennsylvania.
- (c) “Borough Council” means the Council of the Borough of McClure, Snyder County, Pennsylvania.
- (d) “Improved Property” means any property upon which there is now or hereafter erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.
- (e) “Owner” means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- (f) “Person” means any individual (male or female), partnership, company, association, society, corporation or other group or entity; “his” means his, hers, or theirs, as is appropriate.
- (g) “Sewer System” means all facilities, as of any particular time, for collecting, pumping, treating or disposing of Sanitary Sewage and/or Industrial Wastes, situate in or near the Borough of McClure.
- (h) “Water System” means all facilities, as of any particular time, for collecting, impoundings, pumping, treating or distributing water, situate in or near the Borough of McClure.

**§103. Permission to Construct and Improve.** McClure Municipal Authority is hereby granted permission To:

- (1) Construct and operate, or lease for operation, a Sewer System for the benefit of the inhabitants of the Borough; and said Sewer System is hereby designated as a project to be undertaken by the Authority; and
- (2) Improve and operate, or lease for operation, the present Water System in the Borough for the benefit of the inhabitants of the Borough; and said Water System is hereby designated as a project to be undertaken by the Authority.

**§104. Easements.** McClure Municipal Authority is hereby granted a permanent easement within all Borough roads, streets, alleys and rights-of-way for construction, improvement, operation, maintenance and replacement of the Sewer System and the Water System; and the Authority is hereby granted permission to open Borough roads, streets, and alleys at such places and for such periods of time as may be necessary for such purpose.

**§105. Required Connections.** Each and every owner of Improved Property, whereon any part of the principal building, or other structure from which sewage or industrial waste is discharged, is within two hundred (200) feet from and accessible to any sewer which is ready to receive sewage though a service line installed by the Authority shall upon receipt of written notice from the Authority or the Borough Council or their agents, be

required to connect such premises with the Sewer System without delay, in accordance with this Ordinance and the rules and regulations of the Authority currently in effect covering such connection.

**§106. Lead Free Materials Required.** No person shall use or authorize another to use any pipe, pipe fitting, solder, or flux that is not lead free in the construction, modification, or repair of any plumbing system within the Borough. This section shall not apply to plumbing systems in existence before January 6, 1991, but shall apply to modifications and repairs of such systems after that date. Before connection of a plumbing system to the McClure Municipal Authority's water system, certification must be made to McClure Municipal Authority on a form acceptable to it that the materials used in the construction of the plumbing system are lead free. The certification shall be made by a person knowledgeable about the plumbing system. The McClure Municipal Authority shall refuse connection to the water system to any person who violates this paragraph. The terms "plumbing system" and "lead free" shall have the meanings given in the Plumbing System Lead Ban and Notification Act [35 P.S. § 723.1 et seq.].

**§107: When Connection With Water System Required.** Each and every owner of Improved Property, whereon any part of the principal building is within two hundred (200) feet from and accessible to any water line in which is ready to distribute water through a service line installed by the Authority shall upon receipt of written notice from the Authority or the Borough Council or their agents, be required to connect such premises within the water system without delay, in accordance with this Ordinance and the rules and regulations of the Authority currently in effect covering such connections.

**§108. Procedure to Enforce Connection.** If any owner of Improved Property, who is required to connect his premises with the Sewer System or Water System shall neglect or refuse to connect with said Sewer System or Water System after notice to do so, the Authority or Borough Council may give such owner sixty (60) days written notice of this Ordinance, and upon failure of such owner to make the required connection within said sixty (60) day period the Authority or Borough Council or their agents, may in accordance with the provisions of Borough Code and the Municipality Authorities Act of 1945, as amended, enter upon such property and construct such connection, and upon completion of the work, send an itemized bill of the cost of the construction of such connection to the property owner, including any necessary and reasonable engineer's or attorney's fees, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill the Authority or Borough Council may collect the cost thereof, including attorney's fees and other costs of suit, from such owner by a suit in assumpsit, or file municipal liens for said construction within six (6) months of the date of the completion of the construction of said connection.

**§109. Abandonment of Other Systems.** It shall be unlawful, sixty (60) days from the receipt of written notice of this Ordinance, for any owner of Improved Property who is required to connect his premises with the Sewer System to own, maintain, operate or use within the Borough, a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon such property or to connect any such privy, cesspool, vault, septic tank or similar receptacle with any such sewer, or to discharge sewage or industrial wastes into any storm sewer or outlet other than the Sewer System.

**§110. Notice.** Notice as required in this Ordinance may be given by personal service or by certified mail to the last known address of the owner, as appears on the public records of Snyder County, or by posting such notice in a conspicuous place of the Improved Property.

**§111. Penalty for Failure to Connect.** The failure of any owner to connect his property to the Sewer System or Water System, within the sixty (60) day period after notice as set forth in this Ordinance, shall be and is hereby declared to be a violation of this Ordinance, and such owner shall upon conviction thereof forfeit and pay to the Borough a sum not exceeding Fifty Dollars (\$50.00) for each ninety (90) days or fraction thereof

such violation shall persist, together with costs of prosecution, such sum to be collected as prescribed by law. The sum herein forfeited shall be considered a penalty.

**§112. Penalty for Use of or Failure to Abandon Other Sewage or Waste Disposal System.** Any owner or person who violates or aids or encourages others to violate §109 of this Ordinance relating to the abandonment of other systems shall, upon conviction thereof, forfeit or pay to the Borough a sum not exceeding fifty Dollars (\$50.00) for each ninety (90) days or fraction thereof such violation shall persist, together with costs of prosecution, which sum shall be collected as prescribed by law. The sum herein forfeited shall be considered a penalty.

**§113. Penalties.** In addition to the civil liabilities for damage caused by the violation of this Ordinance, any person who is violating or permitting any violation of this Article shall upon conviction thereof forfeit or pay to the Borough a sum of not less than Five Dollars (\$5.00), nor more than One Hundred Dollars (\$100.00) for each violation, together with the costs of prosecution and in default of such payment to be imprisoned for not more than five (5) days. Such penalties shall be collected as prescribed by law. Each day that any such violation is committed shall be considered a separate offense,

**§114. Appropriation of Fines and Penalties.** The Borough Council may, to the extent permissible by law, and not otherwise, appropriate to the use of the Authority from time to time, sums equal to the fines or penalties collected by the Borough Council under this Ordinance, not otherwise payable to the Authority, less any costs of enforcement or collection paid by the Borough.

## **PART 2 – SEWAGE SYSTEMS**

**§201. Incorporation Of Statute And Regulations:** The provisions of Section 2, 7, 11 and 12 of the Pennsylvania Sewage Facilities Act and Sections 2, 7 and 8 of the Rules and Regulations of the Commonwealth of Pennsylvania Department of Health, Chapter 4, Article 423 and the Standards dated February 27, 1967 which are a part of the Rules and Regulations are incorporated herein by reference and made a part of this ordinance.

### **§202. Permits and Inspection.**

(a) No person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed, within this municipality, without first obtaining a permit indicating that the site and the plan and specifications of such system are in compliance with the provisions of the Act, Rules and Regulations, and Standards, which are incorporated in and made a part of this ordinance by Section 2 hereof. But no permit shall be required in those cases where a permit from the Sanitary Water Board or the Secretary of Health has been obtained or where the Pennsylvania Department of Health determines that such permit is not necessary for the protection of the public health.

(b) Application for permit shall be in writing to this municipality and shall be made on formal application blanks to be furnished by the municipality or the inspectors representing the municipality. Applications shall be in the form prescribed by the Pennsylvania Department of Health. Each application shall be accompanied by an inspection fee of Fifty Dollars (\$50.00). The application and inspection fee shall be delivered to the Secretary of the Borough or to one of the inspectors for transmittal to the Secretary of the Borough.

(c) Permits shall be issued or denied within seven (7) days after receipt of an application by one of the inspectors of this municipality, except that action upon an incomplete application

may be extended for seven (7) days after receipt of information sufficient to complete the application. No application shall be determined to be complete unless accompanied by an application fee of Fifty Dollars (\$50.00). Denial of permit shall be supported by a statement in writing of the reasons for such action.

(d) No system or structure designed to provide individual or community sewage disposal to any realty improvement shall be covered from view until approval to cover the same has been given by an inspector representing this municipality. If forty-eight (48) hours have elapsed, excepting Sundays and holidays, since the inspector issuing the permit received notice of completion of construction, the applicant may cover said system or structure unless permission has been refused by the issuing inspector.

(e) In case any permit is denied or revoked, a hearing shall be held thereon before the governing body of this municipality within fifteen (15) days after request therefor is made by the applicant, within seven (7) days following the date of such hearing, the applicant shall be notified in writing of the determination of such hearing.

(f) If this municipality determines that any change has occurred in the physical conditions of any site of a realty improvement which will materially effect the operation of the community or individual sewage disposal system covered by any permit issued under this Section of this ordinance, the permit shall be revoked and a new permit shall be obtained before construction shall proceed.

**§203. Inspectors.** (a) The authority of this municipality to administer this ordinance and all the provisions incorporated herein by reference by Section 201 hereof is hereby vested in the individual inspectors hereinafter named. All applications for permits under this ordinance shall be delivered to one of these inspectors for action and every permit issued pursuant to this ordinance shall be signed by one of said inspectors. This municipality suggests but does not require that applicants for permits file such applications with the nearest available inspector.

(b) The persons hereby appointed inspectors for this municipality shall be set forth by Resolution or regulation.

(c) The inspectors will serve at the will of the municipality.

(d) Each inspector shall be responsible for his own travel and office expenses and for all other expenses in connection with the performance of his duties under this ordinance.

(e) An inspector shall be entitled to a fee of Fifty Dollars (\$50.00) for each application which he processes - such fee to be paid by the Borough.

(f) Each inspector shall keep and maintain in his office and have available for inspection duplicate copies of all applications which he receives and duplicate copies of all permits which he issues. Each inspector shall also keep and have available for examination and audit such other records as may from time to time be required by the Pennsylvania Department of Health or the governing body of this municipality.

**§204. Restraining Violations.** Each of the aforesaid inspectors and any member of the governing body of this municipality shall have the power on behalf of this municipality to institute in the Court of Common Pleas of Snyder County a proceeding to restrain violators of Section 202 of this ordinance.

**§205. Penalty.** Any person who shall violate any of the provisions of this ordinance or of the Pennsylvania Sewage Facilities Act or the Rules, Regulations and Standards promulgated thereunder or who resists or interferes with any inspector, other officer, agent or employee of this municipality in the performance of his duties shall upon conviction there- of in a summary proceeding before any Justice of the Peace or Magistrate in Snyder County, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and costs and not more than Three Hundred Dollars (\$300.00) and costs to Snyder County, Pennsylvania, or in default thereof, shall be confined in the county jail for a period of not more than thirty (30) days.

### **PART 3 – SOLID WASTE**

**§301. Definitions.** Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

**Borough** - The Borough of McClure, Snyder County, Pennsylvania.

**Collector** - A person regularly engaged in the transportation or disposal of municipal solid waste generated in the Borough by another person.

**Compost** - A process of controlled biological decomposition of organic materials, producing stable, aerobic, humus-like products.

**Council** - The Council of the Borough of McClure, Snyder County, Pennsylvania.

**County**- Snyder County, Pennsylvania, and any of its agencies and departments.

**Disposal** - The incineration, deposition, injection, dumping, spilling, leaking, or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of solid waste enters the land, is emitted into the air, or is discharged into the waters of the Commonwealth of Pennsylvania.

**Disposal Area** - Any site, location, area, incinerator, resource recovery facility, or premises to be used for the ultimate disposal of solid waste.

**Garbage** - Any table refuse, animal and vegetable matter, offal from meat, fish or fowl, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

**Incineration** - The undergoing of rapid combustion of a substance in such a manner as to give off heat, gases, and usually, but not always, light.

**License** - A written authorization from the County for the transportation and disposal of municipal solid waste at the County's Municipal Solid Waste Disposal Facilities.

**Municipal Solid Waste** - Any garbage, refuse, rubbish, industrial lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation of residential, municipal, commercial, or institutional establishments and from community activities and any sludge not included in the definition of residual or hazardous waste in the Pennsylvania Solid Waste Management Act (35 P. S. § 6018.103) from a municipal, commercial, or institutional water supply treatment plant, waste water treatment plant, or air pollution control facility.



**Person** - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal institution or agency, State institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties; whenever the masculine pronoun is used to refer to a person it shall encompass the feminine and neuter genders.

**Recyclable Material** - Any substance including, but not limited to, glass, paper, plastic, metal, and rubber, which may be reprocessed and made useful.

**Regular** - Occurring two or more times per calendar month.

**Refuse** - All matter and materials discarded or rejected by the owners thereof as offensive or useless, or which by their presence or accumulation may injuriously affect the health, comfort, and safety of the residents of the Borough and shall include, but not be limited to, ashes, garbage, rubbish, litter, and other discarded materials, but shall exclude human body waste.

**Rubbish** - Any sylvan materials, plastic materials, leather, rags, grass, straw, manure, and all solid combustible matter not included in this section under the term garbage.

**Solid Waste** - Any waste, including but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid, or contained gaseous materials. The term does not include coal ash or drill cuttings.

**Storage** - The containment of municipal solid waste on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of municipal solid waste in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**Sylvan Materials** - Any substance composed of wood including, but not limited to, leaves, brush, trees, paper, newspapers, magazines, and similar natural items.

**Transfer Station** - An area for the storage of municipal solid waste until its final transportation and disposal.

**Transportation** - The off-site removal of any solid waste at any time after generation.

#### **§302. PROHIBITED ACTS.**

- (a) Disposal of municipal solid waste or other solid waste within the Borough is prohibited except as specifically permitted under §309 of this Ordinance.
- (b) Transportation or disposal of municipal solid waste generated in the Borough by any person who is not a collector licensed by the County is prohibited except as specifically permitted under §309 of this Ordinance.
- (c) Disposal of municipal solid waste generated in the Borough at any disposal area other than the County Municipal Solid Waste Disposal Facilities is prohibited except as specifically permitted under §309 of this Ordinance.

#### **§303. REQUIRED ACTS.**

- (a) All collectors shall be licensed by the County.

- (b) Collectors shall comply with all of the rules and regulations of the County regarding transportation and disposal of municipal solid waste and such rules and regulations are hereby adopted as rules and regulations of the Borough.
- (c) Every vehicle used by a collector for the transportation or disposal of municipal solid waste in the Borough shall have a water-tight body which is fully enclosed, is maintained in good repair, is cleaned regularly, and has the name of the owner prominently displayed on both of its sides.
- (d) A collector may make a private contract with any resident of the Borough for the transportation and disposal of municipal solid waste for such prices as the collector deems appropriate.
- (e) A collector shall pay to the County, on such terms as the County may approve, all fees charged by the County in connection with the disposal of municipal solid waste transported by such collector.
- (f) A collector shall indemnify the County for all expense and loss sustained by the County which arises out of such collector's disposal at the County Municipal Solid Waste Disposal Facilities of any waste which is not authorized by any of the County's then existing permits to operate those facilities. The County may remove such waste from its facilities and dispose of it at a disposal area of the County's choice at such collector's expense.
- (g) Upon expiration, revocation, or termination of his license, a collector shall notify the Borough in writing and shall cease transportation and disposal of municipal solid waste generated in the Borough except as specifically permitted under §309 of this Ordinance.
- (h) Storage, transportation, and disposal of municipal solid waste shall be done in a safe, sanitary, and nuisance free manner and in compliance with all applicable rules, regulations, statutes, and laws of the Commonwealth of Pennsylvania and the ordinances and resolutions of the Borough and the County.

**§304. PERMITTED ACTS.**

- (a) The following acts are permitted without a license:

- (1) Transportation and disposal by any person of municipal solid waste generated on his land in the Borough at a site approved and licensed by the Commonwealth of Pennsylvania, Department of Environmental Recourses, or its successor, as a transfer station or disposal area.;
- (2) The use by any person of manure, compost, or refuse as fertilizer or mulch in farming or gardening in accordance with commonly accepted agricultural or horticultural practices;
- (3) The burial by any person of his dead household pets on his land;
- (4) The use as fill by any person of bricks, cement, clay, concrete, gravel, loam, plaster, sand, shale, slate, stones, and sylvan materials in a safe, sanitary, and nuisance free manner and in compliance with all applicable rules, regulations, statutes, and laws of the Commonwealth of Pennsylvania and the ordinances and resolutions of the Borough;
- (5) The incineration by any person of paper and other sylvan materials on his land in a safe, sanitary, and nuisance free manner and in compliance with all applicable rules, regulations, statutes, and laws of the Commonwealth of Pennsylvania and the ordinances and resolutions of the Borough; and
- (6) Storage or transportation of recyclable materials by any charitable, civic, religious, or school organization in a safe, sanitary, and nuisance free manner and in compliance with all applicable rules,

regulations, statutes, and laws of the Commonwealth of Pennsylvania and the ordinances and resolutions of the Borough.

**§305. LICENSING OF COLLECTORS.**

- (a) Every collector shall apply to the County for a license, and the Borough hereby appoints the County as its agent for the review of applications for licenses and for the issuance of such licenses to qualified persons.
- (b) A license may be issued only to a person who furnishes satisfactory evidence that he is capable of providing the necessary services and of complying with the provisions and intent of this Ordinance and the rules and regulations established by the Borough and the County.
- (c) Every license shall be issued on a fiscal year basis, but may be revoked at any time by the Borough or the County in accordance with the rules and regulations adopted by the Borough, the County, or the Pennsylvania Department of Environmental Recourses.
- (d) License fees shall be paid to the County according to its rules and regulations. No fees shall be paid to the Borough for a license. The Borough shall not pay the County any fees or reimburse any expenses incurred by the County for acting as its agent m the review and issuance of the licenses.
- (e) The license issued by the County shall be exhibited to any official of the Borough on demand.

**§306. COUNTY'S TITLE AND NONLIABILITY**

- (a) Upon disposal at the County Municipal Solid Waste Disposal Facilities, municipal solid waste generated in the Borough shall become the sole property of the County and the Borough hereby relinquishes any and all of its rights, title, and interests in and to such asset, provided, however, that if any such waste is not authorized for disposal at the County Mumc1pal Solid Waste Disposal Facilities under any of the County's then existing permits to operate those facilities, title to such unauthorized waste shall be deemed to remain in the collector who transported it.
- (b) Upon disposal at the County Municipal Solid Waste Disposal Facilities, recyclable materials in municipal solid waste generated in the Borough shall become the sole property of the County and the Borough hereby relinquishes any and all of its rights, title, and interests in and to such material. However, at any time during the term of the Municipal Agreement between the Borough and the County, the Borough by properly enacted resolution may adopt rules and regulations to recover any or all recyclable materials from its municipal solid waste and utilize such materials as it deems appropriate.
- (c) In the event that the County's right to operate the County Municipal Solid Waste Disposal Facilities is terminated for any reason, the County shall not be liable to any collector for damages nor be under any obligation to provide an alternate municipal solid waste disposal facility.

**§307. PENALTIES AND REMEDIES.**

- (a) Any person doing any act prohibited by this Ordinance or failing to do any act required by this Ordinance shall be guilty of a summary offense and upon conviction thereof before a District Magistrate of Snyder County shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) or more than Three Hundred Dollars (\$300.00) together with the costs of prosecution, or to undergo imprisonment in the Snyder County Jail for a period of not more than thirty (30) days, or both. Every violator of a provision of this Ordinance shall be deemed guilty of

a separate offense for each and every day such violation continues and shall be subject to the penalties authorized by this section for each and every such separate offense.

- (b) In addition to the foregoing penalties, the Borough may notify the owner or occupier of any real property to remove any accumulation of municipal solid waste or other solid waste and should said person fail to remove the same within ten (10) days after written notice, the Borough may cause the same to be removed and may collect the costs thereof together with a penalty of 10% of such costs in the manner provided by law for the collection of municipal claims, or by action in assumpsit, or may seek relief by bill of equity.

## CHAPTER 3 - PROPERTY MAINTENANCE CODE, FIRE SAFETY CODE

### PART 1 - SCOPE AND ADMINISTRATION

#### SECTION 101

##### GENERAL

**101.1 Title.** These regulations shall be known as the *Central Keystone Council of Governments Maintenance Code, Property, Fire Safety, and Building* hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures, equipment, and facilities* for light, *ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance*; the responsibility of *owners, persons-in-charge, operators and occupants*; the *occupancy* of existing *structures and premises*, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy and maintenance of structures and premises*. Existing *structures and premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### SECTION 102

##### APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation

or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner, operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *person-in-charge* shall be responsible for the maintenance of *buildings, structures and premises*.

**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 the *Uniform Construction Code of Pennsylvania, International Building Code, International Residential Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Fire Code, International Existing Building Code, and National Electrical Code NFPA 70* (See Chapter 10, Referenced Standards).

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the Municipality or its officers or agencies relating to the removal or demolition of any *structure* which is dangerous, unsafe and insanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer’s installation instructions.

**102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing *buildings* or *structures* designated as historic *buildings* when such *buildings* or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are



listed in Chapter 10 of this code and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.8 Requirements not covered by code.** No *structure*, the construction and use of which complied with all code and other such requirements in effect at the time of construction, shall be required to be altered in use or *structure* by the provisions of this code, except in the case of a clear public safety hazard. In the case of a clear public safety hazard, the *code official* shall be authorized to enforce a provision of this code, or other recognized relative codes, retroactively.

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

## SECTION 103

### PROPERTY MAINTENANCE DEPARTMENT

**103.1 General.** The CKCOG is hereby designated as Property Maintenance Department, hereinafter referred to as the Department.

**103.2 Appointment.** The Director of the CKCOG is hereby authorized to appoint *code official(s)*.

**103.3 Liability.** The *code official*, member of the Board of Appeals, or employee charged with the enforcement of this code, while acting for the Municipality, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable

personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the Municipality until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**103.4 Restriction of employees.** An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the Board of Appeals established under the provisions of Section 111, shall not be engaged in, or be directly or indirectly connected with, the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a *building*, or the preparation of construction documents thereof, unless that person is the *owner* of the *building*; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**103.5 Fees.** The fees for activities and services performed by the Department in carrying out its responsibilities under this code shall be established by the Executive Committee of the Board of Directors of the CKCOG and the same may be amended from time to time. The adopting Municipality shall also adopt and maintain the fee schedule as established by the Executive Committee of the Board of Directors of the CKCOG by Municipal Resolution. A copy of this fee schedule shall be retained by the CKCOG and shall be maintained as Appendix C of the Property, Fire Safety & *Building* Maintenance Code.

## SECTION 104

### DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in

compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Rental Permits.** Rental Permits shall be renewed when required, on or before the Permit expiration date, by completing a Rental Permit renewal application and submitting the Rental Permit renewal fee. A Rental Permit shall be suspended upon the Rental Permit holder's failure to submit the required completed renewal application and Rental Permit renewal fee. No reduction shall be made for fractional yearly permits.

**104.3 Fire Safety Permits.** Fire Safety Permits shall be renewed on or before the expiration date shown on such Fire Safety Permit. A Fire Safety Permit shall become null and void upon permittee's failure to submit the required or proper renewal Fire Safety Permit fee and application. No reduction shall be made for fractional yearly permits.

**104.4 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.4.1 Inspection frequency.**

1. Inspections are scheduled in accordance with the adopted Ordinance of the appointing municipality or a *minimum* of once every 36 months for Rental Permits or 60 months for Fire Permits.
2. Nothing in this Ordinance shall prevent the *code official* from conducting more frequent inspections of a property. More frequent inspections may occur when one or more of the following occurs:
  - a. When a complaint is made and the *code official* has reasonable cause to believe that the complaint is valid.
  - b. At the request of the *owner* or tenant.

**104.4.2 No-show fee.**

1. If the *owner* or *person-in-charge* fails to be present for any inspection within ten minutes after the start time of the scheduled inspection, the *owner* shall be considered a *No Show* and subject to a *No-Show Fee* as defined herein, except for good cause shown.
2. Following the first *No Show*, the inspection shall be rescheduled, and the *code official* shall give notice of the time and date for the rescheduled inspection. If the *owner* or *person-in-charge* fails to be present for the second inspection, the *owner* or *person-in-charge* shall be considered a second *No Show* and shall be subject to an additional *No Show* fee and shall be in violation of this Chapter.
3. Each day that the *owner* or *person-in-charge* fails to be present for an inspection shall constitute a separate violation. If the inspection has not been completed within thirty days of the first scheduled inspection as a result of the *owner* or *person-in-charge* not being present for a scheduled or rescheduled inspection, the Rental or Fire Permit may be suspended for a period of 180 days, in addition to any other penalties as set forth Section 106.3 of this Chapter.

**104.5 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, subject to applicable laws, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

**104.6 Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

**104.7 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.8 Department records.** The *code official* shall keep

official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

## SECTION 105 APPROVAL

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner or owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements complying with the provisions of the Uniform Construction Code of Pennsylvania.

The details of action granting modifications shall be recorded and entered in the department files.

**105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the Municipality.

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test

standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

**105.3.2 Test reports.** Reports of tests shall be retained by the *code official* for the period required for retention of public records.

**105.4 Used material and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

**105.5 Approved materials and equipment.** Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

**105.6 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

## SECTION 106 VIOLATIONS

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**106.2 Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 107.

**106.3 Penalty.** Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$1,000.00 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, in accordance with the terms and provisions hereof, shall be deemed a separate offense. Such penalties for violation of any notice to cease violation or notice and order to correct shall begin to

accrue on the first day such notice is served, and shall cease on the day the violation is stopped or abated.

**106.3.1 Failure to abate.** When a re-inspection is performed to determine abatement of a violation of this code and the inspection reveals that the abatement of the violation has not been completed; or the *owner* or *person-in-charge* is not present for a scheduled re-inspection, an additional inspection fee will be assessed for the re-inspection; and for every re-inspection thereafter. Failure to make the required payment, appear for an inspection, or abate the violations when required are also subject to the penalty section described in Section 106.3.

**106.3.2 No Show fee.** A No Show Fee will be assessed when an *owner* or *person-in-charge* fails to provide interior access for a scheduled inspection. Inspections in which an *owner* or *person-in-charge* fails to provide interior access must be rescheduled within 24- hours of the date and time of the initial inspection to avoid assessment of a No-Show Fee. When assessed, this fee must be paid within 7 days. Unpaid fees will be added to the next renewal fee for the rental housing permit and if still unpaid shall constitute a basis for denial of renewal.

**106.3.3 Outstanding Fees.** A Rental or Fire Permit will not be renewed until all outstanding “re-inspection”, “no-show” and “annual renewal” fees have been paid and any required applications or forms have been received by the CKCOG.

**106.4 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 to a fine of not less than \$100.00 or more than \$1,000.00. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the Municipality from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a *building, structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the *building, structure* or *premises*.

## SECTION 107

### NOTICES AND ORDERS

**107.1 Notice to person responsible.** Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3. Notices for an order of condemnation shall also comply with Section 108.7.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the *premises* sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.
5. Inform the *owner* of the right to appeal the notice of violation.
6. Inform the *owner* that failure to abate the violation(s) may result in a non-traffic Citation and the possible fines for same.

**107.3 Method of service.** Such notice shall be deemed to be properly served upon such *owner* if:

1. a copy thereof is delivered to the *owner* personally; or
2. sent by certified mail addressed to the *owner* at the last known address with return receipt requested; or
3. if the certified letter is returned with receipt showing that it has not been delivered; or
4. by posting a copy thereof in a conspicuous place in or about the *structure* or *premises* affected by such notice.

Service of such notice in the foregoing manner upon the *person-in-charge* for the *structure* or *premises* shall constitute service of notice upon the *owner*.

**107.4 Unauthorized tampering.** Signs, orders, stickers,

*placards, tags, or seals posted, affixed, or issued by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.*

**107.4.1 Replacement fee.** If a sign, order, sticker, placard, tag, or seal posted, affixed, or issued by the code official is removed, damaged or lost, there will be a replacement fee to re-issue such sign, order, sticker, placard, tag, or seal.

**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

**107.6 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 108

### UNSAFE STRUCTURES AND EQUIPMENT

**108.1 General.** When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be placarded as *Condemned* or *Uninhabitable* pursuant to the provisions of this code and the severity of the violation.

**108.2 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or

is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.2.1 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law or ordinance, including this code.

**108.5 Dangerous structure or premises.** For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the Municipality as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to



such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

3. Any portion of a *building*, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
4. The *building* or *structure*, or part of the *building* or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the *building* or *structure* is likely to fail or give way.
5. The *building* or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
6. The *building* or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the *building* or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the *building* or *structure* for committing a nuisance or an unlawful act.
7. Any *building* or *structure* has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such *building* or *structure* provided by the *approved building* or fire code of the Municipality, or of any law or ordinance to such an extent as to present either a substantial risk of fire, *building* collapse or any other threat to life and safety.
8. A *building* or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
9. Any *building* or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

10. Any portion of a *building* remains on a site after the demolition or destruction of the *building* or *structure* or whenever any *building* or *structure* is abandoned so as to constitute such *building* or portion thereof as an attractive nuisance or hazard to the public.

**108.6 Closing of vacant *structures*.** If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a *placard* stating *condemned* or *uninhabitable* on the *premises* and order the *structure* closed up so as not to be an attractive nuisance.

Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien filed upon such real estate by the Municipality and may be collected by any other legal resource.

**108.6.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the *building*, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the *building*, *structure*, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the *building structure* or service system shall be notified in writing as soon as practical thereafter.

**108.7 Notice.** Whenever the *code official* has *condemned* a *structure* or equipment under the provisions of this section, a notice shall be posted in a conspicuous place in or about the *structure* affected by such notice and served on the *owner* or the person or persons responsible for the *structure* or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

**108.8 Placarding.** The *code official* shall also post on the *premises* or on defective equipment a *placard* bearing the word “*Condemned*” or “*Uninhabitable*” and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the *placard*.

**108.8.1 Placard removal.** The *code official* shall remove the placard whenever the defect or defects upon which the condemnation and *placarding* action were based have been eliminated. Any person who defaces or removes a condemnation *placard* without the approval of the *code official* shall be subject to the penalties provided by this code in Section 107.4.1.

**108.9 Prohibited occupancy.** Any occupied *structure placarded* by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a *placarded premises* or shall operate *placarded* equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a *placarded premises* or operate *placarded* equipment shall be liable for the penalties provided by this code.

**108.10 Abatement methods.** The *owner*, *person-in-charge*, or *occupant* of a *building*, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

**108.11 Record.** The *code official* shall cause a report to be filed of an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a *building* or *structure* which endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the *building occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require

the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a placard reading as follows: “This *Structure* Is Dangerous and Unsafe” and further stating that its *occupancy* has been prohibited by the *Code Official*. It shall be unlawful for any person to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the *code official* shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the Municipality. The legal counsel of the Municipality shall institute appropriate action against the *owner* of the *premises* where the unsafe *structure* is or was located for the recovery of such costs.

**109.5 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board be afforded a hearing in accordance with Section 111.

## SECTION 110 DEMOLITION

**110.1 General.** The *code official* shall order the *owner* of

any *premises* upon which is located any *structure*, which in the *code official's* judgment, after review, is so *deteriorated* or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such *structure*, or board up until future repair. Boarding the *building* up for future repair shall not extend beyond one year, unless *approved* by the code official.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall, *under the direction of the Municipality*, cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and there shall be a lien filed upon such *premises* by the Municipality.

**110.4 Salvage materials.** When any *structure* has been ordered demolished and removed, the Municipality or other designee under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION 111 MEANS OF APPEAL

**111.1 Request for appeal.** All appeals concerning this code shall be heard before the CKCOG Board of Appeals as established by Municipal Resolution.

### Exceptions:

1. Except for those Municipalities that have elected to retain an alternative Board of Appeals, in such cases, all appeals must be made in accordance with the alternate Board's requirements. The alternative Board's final determination must be forwarded to the CKCOG by the Board Secretary, via certified mail.
2. Appeals stemming from actions taken in accordance with Section 807 of this code shall be heard in accordance with procedures detailed in those Sections.

**111.1.2 CKCOG Board of Appeals.** The CKCOG Board of Appeals is established and operated pursuant to Appendix B of the 2018 International Building Code.

**111.2 Appeal application deadline.** The appellant wishing to appeal the decision of the *code official* shall do so within 20 calendar days upon receipt of the written notice of decision.

**111.3 Application for appeal.** The application for appeal shall be made available at the office of the CKCOG. The appeal application shall be completed including all required information and any relevant materials for the appeal including the written notice of decision of the *Code official* and all applicable fees.

**111.4 Fees.** The fees for appeals under this code shall be established by the Executive Committee of the Board of Directors of the CKCOG.

**111.5 Hearing date.** The CKCOG Board of Appeals shall schedule a hearing of the board, to be held within 60 calendar days of the applicant's request unless a written request for continuance shall be submitted to the Director of the CKCOG, detailing why the hearing should not be held as scheduled, and when the applicant would be able to attend. Such a request shall be ruled on by the Board Chairman and if granted rescheduled in accordance with the board rules, wherein both parties agree in writing to an extension in time.

**111.6 Notice of hearing.** The designee of the CKCOG

Board of Appeals shall send in writing, no later than 10 business days prior to the hearing date and by first class mail, the Notice of Hearing; the appeals form; and the written decision or action of the *Code official* that is being appealed to all board members, the Municipality and all Parties of interest.

**111.7 Promulgation of decision.** Final Appeals Board approval of the decision shall be made within 15 business days after the close of evidence, and shall be forwarded by certified mail to all Board members, the municipality and all parties of interest by the Board of Appeals.

## SECTION 112 STOP WORK ORDER

**112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the *premises*, to the *person-in-charge*, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**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 liable to a fine of not less than \$100 dollars or more than \$1000 dollars.

## **PART 2 - DEFINITIONS**

### **SECTION 201 GENERAL**

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in the chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender shall include the feminine and the neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *Uniform Construction Code of Pennsylvania, International Building Code, International Residential Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Fire Code, International Zoning Code, International Existing Building Code, and National Electrical Code or NFPA 70*, such words shall have the meanings ascribed to them as stated in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof”.

### **SECTION 202 GENERAL DEFINITIONS**

#### ***ACCESSIBLE ELEMENT***

An architectural or mechanical component of a *building*, facility, space, or site thereof that was required by, and complies with, the Accessibility Standard that was in place at the time of the construction of the *building*, facility, space, or site.

#### ***ANCHORED, ANCHORAGE***

Secured in a manner that provides positive connection.

#### ***ANNULAR SPACE***

The opening around a penetrating item, such as a pipe or duct.

#### ***APPROVED***

Approved by the *code official*.

#### ***ATTACHED (Building)***

A building which is joined to another building on one or more sides by a common wall or roof; or an element of the building's construction (such as a wall, ceiling, or floor) is shared with another *building* or portion of a *building*.

#### ***BASEMENT***

That portion of a *building* which is partly or completely below grade and does not qualify as a *story above grade*.

#### ***BATHROOM***

A room containing plumbing fixtures including a bathtub or shower.

**BED & BREAKFAST (B&B)**

For the purposes of this code, the definition of Bed & Breakfast shall be identical to the definition of Bed & Breakfast in the municipal zoning ordinance of the municipality adopting this code.

Where not defined by municipal zoning ordinance, Bed & Breakfast (B & B) shall be defined as an *owner*-occupied *building* designed, used and occupied as a single-family residence, but having, as an accessory use therein, public lodging rooms and facilities for and serving breakfast prepared within the *building* to preregistered transient guests. (See PA Code Title 7, Ch. 46 and Consolidated Statutes Title 3, Ch. 57)

**BEDROOM**

Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**BUILDING**

Any structure utilized or intended for supporting or sheltering any occupancy.

**CARTWAY**

A pathway, paved or not paved, intended for, but not limited to vehicular traffic, also known as a street, lane, alley, road, or drive.

**CITATION**

A legal writ giving notice to a person to appear in court for a violation of this code.

**CODE OFFICIAL**

The official who is charged with the administration and enforcement of this code, or any duly authorized representative, this term also includes the *fire code official*.

**CONDEMN/CONDEMNED**

The *Code official* has adjudged the *structure* or *premises* to be unfit for *occupancy* due to unsafe conditions and an imminent hazard to the health, safety or welfare of the occupants exists. The *Code official* is empowered to order the *structure* be vacated immediately.

**CONGREGATE LIVING FACILITIES**

A *building* or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both (defined as an R-2 Use by the IBC, this definition includes fraternities/sororities, dormitories, and rooming houses).

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS**

The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailings; postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official* or board of appeals.

**COURT**

An open, uncovered space unobstructed to the sky, and bounded on three (3) or more sides by exterior *building* walls or other enclosing devices.

**DETACHED**

When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION**

To weaken, disintegrate, corrode, rust, or decay and lose effectiveness.

**DRAFTSTOP/DRAFTSTOPPING**

A material, device or construction installed to restrict the movement of air within open spaces of concealed areas of *building* components such as crawl spaces, floor/ceiling assemblies, roof/ceiling assemblies and *attics*.

**DWELLING UNIT(S)**

A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EASEMENT**

That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee owner or *person-in-charge* of the property. The *easement* shall be permitted to be for use under, on, or above a said lot or lots.

**ELEVATED PARKING STRUCTURE**

Any *structure* or portion of *structure* designed for the purpose of parking or storage of motor vehicles that is not directly supported throughout by soil.

**EMERGENCY ESCAPE AND RESCUE OPENING**

An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

**EQUIPMENT SUPPORT**

Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers, or saddles, that transmit gravity load,

lateral load, and operating load between the equipment and the *structure*.

**EXTERIOR**

The outside of a *structure*, including all horizontal and vertical surfaces.

**EXTERIOR PROPERTY**

The open space on the *premises* and on adjoining property under the control of *owner* or *person-in-charge* of such *premises*.

**FARM LABOR CAMP HOUSING**

A Seasonal Farm Labor Camp as defined by the Pennsylvania Code, Title 7, Chapter 82, Seasonal Farm Labor Camps, is living quarters, including housing accommodations, motels, rooming houses, dormitories, and mobile homes maintained directly or indirectly in connection with any work of or place where work is being performed by seasonal farm workers, whether or not rent is paid or reserved for use or occupancy.

**FIRE BARRIER**

A fire-resistance-rated wall assembly of materials designed to restrict the spread of fire in which continuity is maintained.

**FIREBLOCKING**

*Building* materials or materials for use as fireblocking, installed to resist the free passage of flame to other areas of the *building* through concealed spaces.

**FIRE CODE OFFICIAL**

The *code official* who is charged with the administration and enforcement of Chapter 7 of this code, or any duly authorized representative. Where the term *code official* is used, it shall be understood to include the *fire code official*.



### ***FIRE ESCAPE***

A stairway located on the exterior of the *structure* that is constructed for the sole purpose of providing a path of egress travel for *building* occupants in the event of emergency and does not meet the dimensional requirements of an exterior stairway.

### ***FIRE PARTITION***

A vertical assembly of materials designed to restrict the spread of fire in which openings are protected.

### ***FIRE WALL***

A fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

### ***FRATERNITY/SORORITY HOUSE***

For the purposes of this code, the definition of *fraternity / sorority house* shall be identical to the definition of *fraternity or sorority house* in the municipal zoning ordinance of the *municipality* adopting this code. If the municipal zoning ordinance does not contain a definition for a *fraternity or sorority house* then the *fraternity or sorority house* shall be defined for this code as; any *building* used as a dwelling and occupied by and maintained exclusively or primarily for college, university, or professional school students who are affiliated with a social, honorary, or professional organization recognized currently or in the past by a college, university, or professional school. Defined as an R-2 Use by the IBC, this definition includes dormitories and rooming houses).

### ***GARBAGE***

The animal or vegetable waste resulting from the handling, preparations, cooking and consumption of food.

### ***GRADE FLOOR OPENING***

A window or other opening located such that the sill height of the opening is not more than 44 inches above or below the finished ground level adjacent to the opening.

### ***GLAZING***

A transparent material (such as glass) used for windows, including all the materials used to keep the transparent material secured within the frame or pane.

### ***GUARD(S)***

A *building* component or a system of *building* components located at or near the open sides of elevated *walking surfaces* that minimizes the possibility of a fall from the *walking surface* to a lower level.

### ***HABITABLE SPACE(S)***

Space in a *structure* for living, sleeping, eating, or cooking. *Bathrooms, toilet rooms, closets, halls, storage, utility spaces, and similar areas* are not considered *habitable spaces*.

### ***HANDRAIL***

A horizontal or sloping rail intended for grasping by the hand for guidance or support.

### ***HEATING SYSTEM.***

A mechanical or electrical system that provides heat to a *structure* including mechanical equipment, appliances, ducts, filters, radiators, furnaces, pumps, piping, and fuel storage.

### ***HISTORIC BUILDING***

Any *building* or *structure* that is one (1) or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the

National Register of Historic Places, in the National Register of Historic Places.

2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

### **HOOD SYSTEM**

An air intake system used to capture by entrapment, impingement, adhesion, or similar means, grease, moisture, heat, and similar contaminants to transfer them out of the space. The system includes cooking equipment, filters, hoods, ducts, fans, fire extinguishing systems, and special effluent or energy control systems.

### **HOUSEKEEPING UNIT**

A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory, or bathtub or shower.

### **IMMINENT DANGER**

A condition which could cause serious or life-threatening injury or death at any time.

### **INFESTATION**

The presence, within or contiguous to, a *structure* or *premises* of *insects*, *rodents*, vermin, or other *pests*.

### **INOPERABLE MOTOR VEHICLE**

A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, unregistered, uninspected, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

### **INOPERATIVE/INOPERABLE**

Not capable of being used for the intended purpose due to defect, disrepair or legal status.

### **INSECT**

Any of a group of small and often winged animals that are arthropods having six jointed legs and a body formed of a head, thorax, and abdomen; or any animal commonly called an insect or bug.

### **INTERIOR**

The inside of a *structure* or enclosed area, including all surfaces within this area.

### **INTERNATIONAL BUILDING CODE (IBC)**

The currently adopted edition of the International Building Code.

### **INTERNATIONAL RESIDENTIAL CODE (IRC)**

The currently adopted edition of the International Residential Code.

### **JUNK**

“Junk” shall mean any used and discarded or abandoned materials or articles including, but not limited to, boats, trailers, machinery, equipment, appliances, house furnishings, structures, recreational equipment, building materials and debris, vehicle parts, rimless tires, the scrap and parts thereon and any other article or material which has been discarded and is not generally useable for the purpose for which it was manufactured. It shall also mean materials or articles including, but not limited to grills, building materials, toys, household goods, lawn mowers and similar equipment, machinery, appliances, house furnishings, structures, vehicle parts, and any other article or material which has been stored outside, and has remained unused for a period of more than 180 days.

### **LABELED**

Equipment, materials, or products to which have been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product

evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material, or product meets identified standards or has been tested and found suitable for a specified purpose.

### ***LET FOR OCCUPANCY OR LET***

To permit, provide, or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, *building*, *premise* or *structure* by a *person* who is or is not the legal owner or *person-in-charge* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

### ***LIFE SAFETY VIOLATION***

A condition that could cause serious or life-threatening injury or death at any time due to *structures* or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, which cause a fire hazard, are otherwise dangerous to human life or the public welfare, or which involve illegal or over *occupancy* or failure to maintain fire protection systems. These *violations* are defined in written regulation by the *Code Official*.

### ***MAINTAINED***

To keep in an existing state (as of repair, efficiency, or validity) and preserve from failure or decline.

### ***MAJOR COMPONENT PARTS (Vehicles)***

Includes any of the following parts of a vehicle: engine, transmission, front-end assemblies or unibodies structure which may consist of headlight, grille, fenders, bumpers and hood; fenders; hood; any door; any bumper; pickup box or cargo box; airbags; computer assembly; radio or stereo components; or trunk lid, deck lid, tailgate or hatchback, whichever is present.

### ***MEANS OF EGRESS***

A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a *building* or *structure* to a public way. A means of egress consists of three (3) separate and distinct parts; the exit access, the exit, and the exit discharge.

### ***MUNICIPALITY***

The township or borough having powers of self-government that has adopted this code by ordinance or resolution.

### ***NEGLECT***

The lack of proper maintenance for a *building* or *structure*.

### ***NON-COMPLIANT***

That which does not meet the requirements of this code, nor the intent of this code.

### ***NON-RESIDENTIAL***

Structures or portions of structures not meant to be used as a dwelling unit.

### ***NO-SHOW FEE***

A fee charged for the failure of the *owner* or *person-in-charge* to be present for an inspection within ten (10) minutes after the start time of the scheduled inspection.

### ***NOXIOUS***

A plant part or plant in any stage of development that is determined to be injurious to crops, livestock, agricultural land or other property, including forest land and bodies of water.

### **OCCUPANCY**

The purpose for which a *building* or portion thereof is utilized or occupied.

### **OCCUPANT(S)**

Any individual or individuals living or sleeping in a *building*, or having possession of a space within a *building*.

### **OCCUPANT LOAD**

The number of persons for which the *means of egress* of a *building* or portion thereof is designed.

### **ONE OR TWO-FAMILY DWELLING**

For the purposes of this code, a *detached* dwelling for one or two families and multiple single-family dwellings (*townhouses*) and not more than three (3) stories in height with a separate *means of egress*.

### **OPEN BURNING**

For the purposes of this code, the definition of *open burning* shall be identical to the definition of *open burning* in the municipal Zoning or other ordinance of the municipality adopting this code. Where not defined by municipal Ordinance, *open burning* shall be defined as burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots, or similar devices associated with safety or occupational uses typically considered open flames, *recreational fires*, or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

### **OPENABLE AREA**

That part of a window, skylight, or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

### **OWNER**

Any *person*, firm, or corporation having a legal or equitable interest in the *premises*; or recorded in the official records of the state, county, or municipality as holding title to the *premises*; or otherwise having control of the *premises*, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or in the absence of such people, the *person-in-charge*, or the *owner* or *person-in-charge's* employee or representative.

### **OWNER (Vehicles)**

A person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

### **PERSON/PERSONS**

An individual, corporation, partnership, or any other group acting as a unit.

### **PERSON-IN-CHARGE**

The *Person-in-charge* may be the *Owner*, a rental agent, a manager, or a designated person within a firm or corporation; this person is designated as the first point of contact for notifications or correspondence and is authorized to make decisions regarding the property and its occupants and ensure compliance with local codes and ordinances.

### **PEST CONTROL OPERATOR**

An individual or company that is licensed by the Pennsylvania Department of Agriculture to apply

pesticides and holds a valid certificate for the pesticide types being utilized (See PA Code Title 7, Chapter 128).

### ***PEST ELIMINATION***

The control and elimination of *insects, rodents*, or other *pests* by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; or by other *approved pest elimination* methods.

### ***PEST***

An *insect, rodent, nematode, fungus, weed*, or any other form of terrestrial, aquatic plant, animal life, virus, bacteria, or other microorganism (except viruses, bacteria, or other microorganisms on or in a living *person* or other living animals) which the Administrator of the Environmental Protection Agency declares to be a *pest* under Section 25(c)(1) of the Federal Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. § 136(1)).

### ***PLACARD/PLACARDED***

The posting or placement of an official notification of *Condemned* or *Uninhabitable* on or at the *structure* or *premises*.

### ***PREMISES***

A lot, plot, parcel of land, *easement*, or *public way*, including any *structures* thereon.

### ***PROPERTY MAINTENANCE VIOLATION***

Any conflict or *violation* of this code, other than a *life safety violation* as determined by the *code official*.

### ***PUBLIC WAY***

Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

***R-1, R-2, R-3, R-4 Use Groups (See USE GROUP R-1, R-2, R-3, R-4)***

### ***RECREATIONAL FIRE***

An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height, intended for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

### ***RENT TO OWN / LEASE PURCHASE / OWNER FINANCING***

The terms Rent to Own, Lease Purchase, and Owner Financing will be interchangeable for the purpose of this Ordinance. The *Owner* on the Deed of Record shall be required to comply with all regulations of this ordinance, regardless of any private agreement to transfer the property at a later date.

### ***RESIDENT***

Anyone who resides in a *dwelling unit* for any six (6) days or more in any ten (10) day period.

### ***RESIDENTIAL RENTAL PROPERTY***

Any *building*, or portion thereof, which is *let for occupancy* or rent as a residential dwelling, with or without compensation for a continuous period of more than 30 days. This definition shall include Farm Labor Camp Housing. This definition shall not include hotels, motels, *tourist homes, vacation homes, Short-Term Rentals*, or *bed-and-breakfast* establishments intended primarily for *transient* use of 1-29 days.

### ***RODENT***

Belonging or pertaining to the gnawing or nibbling mammals of the order Rodentia, including rats, mice, squirrels, beavers, etc.

### **ROOF**

A *roof* is defined as the exterior surface on the top of a *building* that is not means for walking or seating and does not have fall protection features such as *guardrails*.

### **ROOMING HOUSE**

A *building* arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

### **ROOMING UNIT**

Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

### **RUBBISH**

Combustible and non-combustible waste materials except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

### **SAFE**

In full compliance with the life and fire safety requirements of this code as determined by the code official.

### **SANITARY**

A surface that is free of visible soil and free from elements such as filth or bacteria that endanger health. Also, the reduction of pathogenic organisms on a clean surface to a safe level.

### **SATISFACTORY RENTAL HOUSING INSPECTION**

Defined as two (2) or fewer life safety violations or five (5) or fewer property maintenance violations per permit as determined by the code official.

### **SHORT-TERM RENTAL**

For the purposes of this code, the definition of Short-Term Rental shall be identical to the definition of Short-Term Rental in the municipal zoning ordinance of the municipality adopting this code. Where not defined by municipal zoning ordinance, *Short-Term Rental* shall be defined as a dwelling wherein a furnished room, multiple rooms or an entire property is *let for occupancy* for a period ranging from 1 - 29 days.

### **SIDEWALK**

That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians whether paved or unpaved. (See also *WALKING SURFACE*)

### **SLEEPING UNIT**

A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

### **SMOKE BARRIER**

A continuous membrane, either vertical or horizontal, such as a wall, floor or ceiling assembly, that is designed and constructed to restrict the movement of smoke.

### **STAIR**

A change in elevation, consisting of one (1) or more risers.

**STAIRWAY, EXTERIOR**

A stairway that is open on at least one (1) side, except for required structural columns, beams, handrails, or guards. The adjoining open areas shall be either yards, courts, or public ways. The other sides of the exterior stairway need not be open.

**STAIRWAY, INTERIOR**

A stairway not meeting the definition of an exterior stairway.

**STAIRWAY**

One (1) or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

**STORY**

That portion of a *building* included between the upper surface of a floor and the upper surface of the floor or *roof* next above.

**STORY ABOVE GRADE**

Any *story* having its finished floor surface entirely above grade, except that a *basement* shall be considered a *story above grade* where the finished surface of the floor above the *basement* is:

1. More than six (6) feet above grade plane.
2. More than six (6) feet above the finished ground level for more than 50% of the total *building* perimeter.
3. More than 12 feet above the finished ground at any point.

**STRICT LIABILITY OFFENSE**

An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act

which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE**

That which is built or constructed or a portion thereof.

**TENANT**

A *person*, corporation, partnership, or group, whether or not the legal *owner* or *person-in-charge* of record, occupying a *building* or portion thereof as a unit.

**TOILET ROOMS**

A room containing a water closet or urinal but not a bathtub or shower.

**TOURIST HOME**

For the purposes of this code, the definition of *tourist home* shall be identical to the definition of *tourist home* in the municipal zoning ordinance of the *municipality* adopting this code Where not defined by municipal zoning ordinance, *Tourist Home* shall be defined as a dwelling which is the principal residence of the *owner*, caters to the needs of the travelling public by the furnishing of sleeping accommodation, and may include the provision of meals.

**TOWNHOUSE**

A single-family *dwelling unit* constructed in a group of three (3) or more attached units in which each unit extends from the foundation to *roof* and with open space on at least two (2) sides.

**TRANSIENT**

*Occupancy* of a dwelling unit or sleeping unit for not more than 29 days (1 - 29 days).

**TREE**

A plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground;



or any of the various shrubs, bushes, and plants resembling a *tree* in form and size.

***TREE, DANGEROUS***

A tree where the condition presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, *structures*, or development, such as sidewalks or utilities.

***TREE, DEAD***

A tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, roots, or branches exist to sustain life as determined by an arborist.

***TREE, DECAY***

Degradation of tissue caused by biological organisms; the orderly breakdown of tissue resulting in strength-loss.

***TREE, DISEASED***

Any tree infected with a disease-causing organism or insect capable of infecting other trees if not removed or left untreated.

***TREE, DYING***

A tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees, or is imminently likely to become a danger or die.

***TREE, STRUCTURALLY UNSOUND***

Any tree with a significantly degraded root system, bole, or canopy that significantly increases the likelihood of failure of the entire tree or parts of the tree.

***ULTIMATE DEFORMATION***

The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80% or less of the maximum strength.

***UNINHABITABLE***

The Code Officer has adjudged the *structure* or *premises* to be unfit for *occupancy* due to unlawful conditions or that an imminent hazard to the health, safety or welfare of the occupants exists. The *Code official* is empowered to order any *structure* such *placarded* be vacated immediately or within a time period set by the Code Official.

***USE GROUP R-1***

This use group shall include all hotels, motels, and boarding houses for more than five (5) *occupants* who are primarily *transient* in nature and occupying the facilities for a period of less than 30 days.

***USE GROUP R-2***

This use group shall include all multiple-family dwellings having more than two (2) *dwelling units*, *rooming houses* having more than five (5) *rooming units*, and *fraternities/sororities* and *dormitories* or *congregate* living facilities in which the *occupants* are primarily not *transient* in nature and meant for 16 or more occupants.

***USE GROUP R-3***

This group shall include all *buildings* arranged for *occupancy* as one or two-family *dwelling units* including not more than five (5) lodgers or boarders, or adult and child care facilities that provide accommodations for five (5) or fewer *persons* of any age for less than 24 hours, or *Congregate* living facilities (nontransient) with 16 or fewer occupants.

***USE GROUP R-4***

This use group shall include all residential *buildings* arranged for *occupancy* as Residential Care/Assisted

Living Facilities including more than five (5) but not more than 16 *occupants*, excluding staff.

***TRANSIENT RENTAL or SHORT-TERM RENTAL (VACATION HOME)***

For the purposes of this code, the definition of *transient rental* shall be identical to the definition of *transient rental* in the municipal zoning ordinance of the *municipality* adopting this code. Where not defined by municipal zoning ordinance, *transient rental* shall be defined as a dwelling not occupied by the *Owner* on a regular or permanent basis, wherein a furnished room, multiple rooms or an entire property is *let for occupancy* for a period ranging from 1 - 29 days.

***VEHICLE***

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks. This term includes but is not limited to the following as defined by *PA Title 75, Chapter 1, Vehicles*: Passenger Vehicles, Utility Trailers, House Trailers, Motor Homes, Recreational Trailers, Recreational Cargo Trailers, Truck Campers, Boats and Watercraft Trailers, and Watercraft powered and non-powered.

***VENTILATION***

The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

***VIOLATION***

A failure to follow or abide by the requirements as set forth by this code.

***WALKING SURFACE***

A stable, solid surface including but not limited to stone, concrete, brick, compacted stone, compacted earth, or in some cases grass or other non-solid surfaces, intended for the movement of foot traffic.

***WEED(S)***

An uncultivated, invasive, or noxious plant, growing where it is not wanted and in competition with cultivated plants, or any plant adjudged by the municipality or the *code official* to be a nuisance in its existing form or location.

***WORKMANLIKE***

Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

***YARD***

An open space on the same lot with a *structure*.

## **PART 3 - GENERAL REQUIREMENTS**

### **SECTION 301 GENERAL**

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment, and *exterior property*.

**301.2 Responsibility.** The *owner* or *person-in-charge* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* which are not in a safe and sanitary condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit*, or *housekeeping unit* are responsible for keeping in a safe and sanitary condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit*, or *premises* which they occupy and control.

**301.3 Vacant *structures* and land.** All vacant *structures* and *premises* thereof or vacant land shall be maintained in a secure, *safe* and *sanitary* condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### **SECTION 302 EXTERIOR PROPERTY AREAS**

**302.1 Sanitation.** All *exterior property* and *premises* shall be maintained in a *safe* and *sanitary* condition. The *occupant* shall keep that part of the *exterior property*, which such *occupant* occupies or controls, in a *safe* and *sanitary* condition.

**302.2 Grading and drainage.** All *premises* shall be graded and maintained to prevent the erosion of soil and to

prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

**Exception:** *Approved* retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, driveways, parking spaces, and *stairways* for public use on private property shall be kept in a proper state of repair and maintained free of all snow, ice, mud, and debris. If any sidewalks or driveway, or portion thereof, by virtue of its state of repair shall constitute a hazard to public health and safety, the sidewalk or driveway or portion thereof shall be replaced in accordance with municipal regulations.

**302.4 Weeds.** *Premises* shall be maintained free from weeds or plant growth in excess of 10" (ten inches). Weeds shall be defined as all uncultivated grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. *Noxious* weeds as defined by the Commonwealth of PA in Act 46 of 2017 shall be prohibited.

Upon failure of the *owner* or *person-in-charge* of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the Municipality. Upon failure to comply with the notice of violation, any duly authorized employee of the Municipality or contractor hired by the Municipality shall be authorized to enter upon the *premises* in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or *person-in-charge* responsible for the *premises*.

**302.5 Fire escapes and exterior stairways.** All *fire escapes*, *exterior stairways*, and all *walking surfaces* leading from these *structures* to a *public way* shall be kept in a proper state of repair and maintained free of all snow, ice, mud, and debris. Removal of snow and ice shall be

completed within 24 hours after the snow has ceased to fall or the ice has developed.

**302.6 Rodent harborage.** All *structures* and *exterior property* shall be kept free from *rodent* harborage and *infestation*. Where *rodents* are found, they shall be promptly exterminated by an *approved process* which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate *rodent* harborage and prevent re-infestation.

**302.6.1 Rodent elimination.** When ordered by the *code official*, *rodent* control measures shall be done by a *Pest Control Operator*, with a current certification issued by the Pennsylvania Department of Agriculture to perform this work.

**302.7 Interior furniture.** Furniture that is manufactured and intended exclusively for interior use including but not limited to sofas, couches, recliners, chase lounges, upright padded chairs, mattresses, box springs, or any furniture containing sufficient padding, and material whether animal, natural, or manmade that it cannot resist the environmental elements such as weather, insects, *rodents*, or vermin, or which may be in the opinion of the *code official* a fire hazard, shall not be stored or left on the lawn, driveway, parking area, or walkway.

**Exception:** That furniture that is properly placed at the curbside for refuse collection.

**302.8 Exhaust vents.** Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

**302.9 Accessory structures.** All accessory *structures*, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.10 Motor Vehicles.** Except as provided for in other regulations, no *inoperable* motor *vehicle* shall be parked, kept or stored on any *premises*, and no *vehicle* shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exceptions:**

1. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and approved for such purposes.
2. A vehicle owned by the *resident* conducting major repair or restoration work on his own vehicle in an enclosed garage.

**302.11 Defacement of property.** No *person* shall willfully or wantonly damage, mutilate, or deface any exterior surface of any *structure* or *building* on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the *owner* or *person-in-charge* to restore said surface to an *approved* state of maintenance and repair.

**302.12 Elevated parking structures.** *Elevated parking structures* shall be inspected on a regular basis, not to exceed seven (7) years, by a registered design professional in the Commonwealth of Pennsylvania contracted by the *owner* or *person-in-charge* and at the *owner* or *person-in-charge's* expense, to verify the ability of the *structure* to adequately support the appropriate loads as defined by the *International Building Code*. A letter stating the suitability of the *structure* to adequately resist the code-defined loads shall be kept on file at the code office.

**302.13 Trees.** This section applies to potentially hazardous, *diseased*, or *infested* trees or parts of trees, that are *dead*, *dying*, *structurally unsound*, infected with contagious diseases or insects, have significant *decay* that may potentially impact trees on public or private property, damage *structures* or property, or cause personal injury.

**302.13.1 Study ordered.** At any time when the *code official*, municipal arborist, municipal director of public works, or other municipal official observes a tree that appears to be a *structurally unsound tree*, a *diseased*

*tree, a dead tree, a dying tree, has significant amount of decay present, or is a dangerous tree, the code official, municipal arborist, or municipal director of public works has the authority to order a special inspection or study be completed by a third party professional certified arborist, contracted by the owner or person-in-charge, at the owner or person-in-charge's expense.*

**302.13.2 Report completion.** When ordered in accordance with Section 302.13.1, a special inspection or engineering report shall be produced to the official who ordered the study within 15 calendar days.

**302.13.3 Tree removal.** If a tree is determined to be a *dangerous tree* by a certified arborist, the *code official*, municipal arborist, or municipal director of public works has the authority to require the modification of the tree, as to abate the hazard, and maintain the tree in a non-dangerous condition. If the hazard cannot be abated, the *code official*, municipal arborist, or municipal director of public works has the authority to require the removal of the tree. The modification or removal shall be ordered in writing in accordance with the requirements of Section 107 of this Code.

**Exception:** in Municipalities with adopted Ordinances governing the removal, maintenance and planting of trees, the compliance provisions of such Ordinance shall supersede Section 302.13.3.

**302.13.4 Correction order.** The correction order shall be in writing and include details of the correction to be made, the deadline to complete the corrections, and penalties for non-compliance.

## SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

**303.1Swimming pools.** Swimming pools shall be maintained in a *safe and sanitary* condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs, and spas containing water more than 24 inches in depth, shall be completely surrounded by a fence or barrier at least 48

inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

## SECTION 304 EXTERIOR STRUCTURE

**304.1 General.** The exterior of a *structure* shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

**304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing *buildings*:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength;
2. The *anchorage* of the floor or *roof* to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. *Structures* or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the *building* envelope and the perimeter of windows, doors, and skylights are not maintained, weather resistant, or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored*, or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, *roof* surfaces with inadequate drainage, or any portion of the *roof* framing that is not in good repair with signs of *deterioration*, fatigue, or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability, or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored*, or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings, and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, *fire escapes*, standpipes, and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including *guards* and *handrails*, are not structurally sound, not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, or chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the *building* envelope and the perimeter of windows, doors, and skylights, shall be maintained, weather resistant, and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.3 Premises identification.** *Buildings* shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch.

**304.3.1 Subordinate premises identification.**

Individual *dwelling units* in multi-family *dwelling*s shall have *approved* address numbers placed in a position to be plainly legible and visible from the adjacent egress path. These numbers shall contrast with their background. Address numbers shall be Arabic numerals

or alphabet letters. For units that the door can be seen from the exterior of the *building*, numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch. For units that the door cannot be seen from the exterior of the *building*, numbers shall be a minimum of 1.5 inches high with a minimum stroke width of 0.25 inch.

**304.4 Structural members.** All structural members shall be maintained free from *deterioration* and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained, plumb and free from open cracks and breaks, and shall be kept in such condition so as to prevent the entry of *rodents* and other *pests*.

**304.6 Exterior walls.** All *exterior* walls shall be free from holes, breaks, and loose or rotting materials; and *maintained* weatherproof and properly surface coated where required to prevent *deterioration*.

**304.7 Roofs and drainage.** The *roof* and flashing shall be sound, tight, and not have defects that admit rain. *Roof* drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. *Roof* drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. *Roof* water shall not be discharged in a manner that creates a public nuisance or negatively impacts neighboring properties.

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, *fire escapes*, standpipes, and exhaust

ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches, and balconies.** Every *exterior stairway*, deck, porch, balcony, and all appurtenances attached thereto, shall be maintained, structurally sound, in good repair, with proper *anchorage*, and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained, structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every *handrail* and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Windows, skylights, and door frames.** Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

**304.13.1 Glazing.** All *glazing* materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window not required for egress, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** Every door, window, and other outside opening required for *ventilation* purposes serving



any *structure* having habitable or occupiable 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 screen door shall have a self-closing device in good working condition. Screens shall not be torn or damaged in a way that may allow insect *infestation* into the *structure*.

**304.14.1 Insect screens in food preparation areas.** In multi-family dwellings and commercial *structures*, every door, operable window, and other outside opening serving any congregate food preparation areas, congregate 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 screen door shall have a self-closing device in good working condition. Screens shall not be torn or damaged in a way that may allow insect infestation into the *structure*.

**Exception:** Those *structures* where an approved air-curtain, manufactured, and tested for the expressed purpose of pest control is properly installed and maintained in proper working fashion.

**304.15 Doors.** All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways.** Every *basement* hatchway shall be maintained to prevent the entrance of *rodents*, rain, and surface drainage water.

**304.17 Guards for basement windows.** Every *basement* window that is openable shall be supplied with *rodent*

shields, storm windows, or other *approved* protection against the entry of *rodents*.

**304.18 Building security.** Doors, windows, or hatchways for *dwelling units*, *room units*, or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

**304.18.1 Doors.** Doors providing access to a *dwelling unit*, *rooming unit*, or *housekeeping unit* that is rented, leased, or *let* shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, and shall have a lock throw of not less than one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**304.18.2 Windows.** Operable windows located in whole or in part within six (6) feet of ground level or a walking surface below that provides access to a *dwelling unit*, *rooming unit*, or *housekeeping unit* that is rented, leased, or *let* shall be equipped with a window sash-locking device.

**304.18.3 Basement hatchways.** *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit*, or *housekeeping unit* that is rented, leased, or *let* shall be equipped with devices that secure the units from unauthorized entry.

**304.19 Roof occupancy.** Any *person* that is on or occupying the *roof* of any *building* shall be in violation of this code. In addition to the noted enforcement agencies authorized in this code, this section can be enforced by the police department having jurisdiction.

**Exception:** *Occupancy* of the *roof* is permitted for authorized *persons* for the purposes of inspection or repairs to the *roof* or equipment on the *roof*.

**304.20 Fire escape use.** The express and sole purpose of a fire escape is to provide a means of egress from a *building* during an emergency and the purpose of an exterior stairway is to provide ingress or egress from a *building*. It shall be a violation of this code to gather on or use the fire escape or exterior stairway for any purpose other than described.

**304.21 Ice buildup.** The *owner* or *person-in-charge* shall not allow ice or other material to build up on a roof, overhang, gutter, or other *structure* to the point where it is not fully supported throughout by the *building structure* or to a point where, in the opinion of the code official, it presents a risk of falling or causing injury. If such a condition does exist, the *owner* or *person-in-charge* shall remove such material immediately.

**304.22 Gates.** All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

**304.23 Exterior stairway riser opening protectives.** For all *buildings* receiving the initial fire permit or initial rental housing permit on or after the adoption date of this Code by a Municipality, at no point shall the opening between the treads permit the passage of a sphere four (4) inches in diameter.

**304.24 Fire escape inspection.** Fire escapes shall be inspected on a regular basis, not to exceed six (6) years, by a registered design professional in the Commonwealth of Pennsylvania contracted by the *owner* or *person-in-charge* and at the *owner* or *person-in-charge's* expense, to verify the ability of the *structure* to adequately support the appropriate loads as defined by the *International Building Code*. A copy of this report or a letter stating the suitability of the *structure* to adequately resist the code-defined loads shall be submitted to the CKCOG office when inspected.

## SECTION 305

### INTERIOR STRUCTURE

**305.1 General.** The interior of a *structure* and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. *Occupants* shall keep that part of the *structure* which they occupy or control in a *clean and sanitary* condition. Every *owner* or *person-in-charge* of a *structure* containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two (2) or more *dwelling units*, or two (2) or more nonresidential occupancies shall maintain, in a *safe and sanitary* condition, the shared or public areas of the *structure* and *exterior property*.

**305.1.1 Owner/Occupant Responsibility.** *Owner* or *person-in-charge* or *occupants* who fail to keep that part of the *structure* which they occupy or control in a *clean and sanitary* condition are in *violation* of this code and subject to the provisions of Sections 106.3 and 106.3.1, and are exempt from the notification requirements of Section 107.

**305.1.2 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing *buildings*:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength;
2. The anchorage of the floor or *roof* to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. *Structures* or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. *Stairs*, landings, balconies and all similar *walking surfaces*, including *guards* and *handrails*, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of

supporting all nominal loads or resisting all load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored*, or are not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in a good, *safe and sanitary* condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected. If moisture is the cause of paint deterioration or other defective surface conditions, the cause of the moisture shall be corrected.

**305.4 Stairs and walking surfaces.** Every *stair*, ramp, landing, balcony, porch, deck, or other *walking surface* shall be maintained in a sound condition and good repair.

**305.5 Handrails and guards.** Every *handrail* and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

**305.7 Interior stairway riser opening protectives.** For all *buildings* receiving the initial fire permit or initial rental housing permit on or after the adoption date of this code, at no point shall the opening between the treads permit the passage of a sphere four (4) inches in diameter.

**305.8 Residential rental unit vehicle storage.** In residential rental units that have attached areas for vehicle storage (garages), any hazards such as inadequate fire separations, inadequate fire rating on *structure*, furnaces installed, or other deficiencies that in the opinion of the *code official* constitutes a life safety or fire hazard, the hazard shall be mitigated or the area shall be transformed into a use that is compliant based on the conditions present. This would include but not limited to the disabling of or locking of doors to prevent the ability to use the space for vehicle storage.

## SECTION 306 COMPONENT SERVICEABILITY

**306.1 General.** The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition.

**306.1.1 Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing *buildings*:

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete, or other structural element due to soil expansion;

- 1.3. Adverse effects to the design strength of footing, foundation, concrete, or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geotechnical investigation;
  - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6. Adverse effects to the footing, foundation, concrete, or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
    - 2.1. *Deterioration*;
    - 2.2. *Ultimate deformation*;
    - 2.3. Fractures;
    - 2.4. Fissures;
    - 2.5. Spalling;
    - 2.6. Exposed reinforcement; or
    - 2.7. *Detached*, dislodged, or failing connections.
  3. Aluminum that has been subjected to any of the following conditions:
    - 3.1. *Deterioration*;
    - 3.2. Corrosion;
    - 3.3. Elastic deformation;
    - 3.4. *Ultimate deformation*;
    - 3.5. Stress or strain cracks;
    - 3.6. Joint fatigue; or
    - 3.7. *Detached*, dislodged, or failing connections.
  4. Masonry that has been subjected to any of the following conditions:
    - 4.1. *Deterioration*;
    - 4.2. *Ultimate deformation*;
    - 4.3. Fractures in masonry or mortar joints;
    - 4.4. Fissures in masonry or mortar joints;
    - 4.5. Spalling;
    - 4.6. Exposed reinforcement; or
    - 4.7. *Detached*, dislodged, or failing connections.
  5. Steel that has been subjected to any of the following conditions:
    - 5.1. *Deterioration*;
    - 5.2. Elastic deformation;
    - 5.3. *Ultimate deformation*;
    - 5.4. Metal fatigue; or
    - 5.5. *Detached*, dislodged, or failing connections.
  6. Wood that has been subjected to any of the following conditions:
    - 6.1. *Ultimate deformation*;
    - 6.2. *Deterioration*;
    - 6.3. Damage from insects, *rodents*, and other vermin;
    - 6.4. Fire damage beyond charring;
    - 6.5. Significant splits and checks;
    - 6.6. Horizontal shear cracks;
    - 6.7. Vertical shear cracks;
    - 6.8. Inadequate support;
    - 6.9. *Detached*, dislodged, or failing connections; or Excessive cutting and notching.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**306.2 Engineering study and special inspection.** At any time when the *code official* observes a condition that is determined to require additional inspection or study by someone with advanced or specialized knowledge, the *code official* has the authority to order a special inspection or engineering study be completed by a third-party professional in accordance with Section 311, at the *owner* or *person-in-charge's* expense.

## SECTION 307

### HANDRAILS AND GUARDS

**307.1 General.** Every *exterior* and *interior* flight of stairs having more than four (4) risers shall have a *handrail* on one side of the *stair* and every open portion of a *stair*, landing, balcony, porch, deck, ramp, or other *walking surface* which is more than 30 inches above the floor or grade below shall have *guards*.

**Exception:** *Fire escapes* shall comply with the requirements of Section 307.2.

**307.1.1 Handrails.** *Handrails* shall not be less than 30 inches high or more than 42 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or *walking surfaces*. The handgrip portion of *handrails* shall not be less than 1-1/4 inches nor more than 2 inches in cross-sectional dimension or the shape shall provide equivalent grasp ability. At least one (1) *handrail* shall be provided for a *stairway*. The top of a *guardrail* may serve as a *handrail*, provided it meets the *handrail* requirements.

**Exception:** For properties replacing *handrails*, the *handrails* shall be installed as required by the currently in effect *International Building Code (IBC)* or *International Residential Code (IRC)*.

**307.1.2 Guards.** *Guards* shall not be less than 36 inches above the floor of the landing, balcony, porch, deck, ramp, or other *walking surface*. Horizontal spacing between the vertical members in required *guards* shall be a maximum of six (6) inches at the nearest point between the members in accordance with the requirements of the *International Building Code*.

**Exception:** For properties replacing *guards*, the *guards* shall be installed as required by the currently

in effect *International Building Code (IBC)* or *International Residential Code (IRC)*.

*Guards* installed in *handrails* assemblies within common enclosed *stair towers* are permitted as previously *approved* until replaced.

**307.1.3 Guards required.** When a *walking surface* passes within three (3) feet of a downward change in elevation of 30 inches or more, the change in elevation shall be protected by a *guard*.

**307.2 Fire escape guards.** *Fire escape stairs* and landings shall be provided with a top and intermediate *guard* on each side.

## SECTION 308

### RUBBISH AND GARBAGE

**308.1 Accumulation of rubbish or garbage.** All *exterior property* and *premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or *garbage*.

**308.2 Disposal of rubbish.** Every *occupant* of a *structure* shall dispose of all *rubbish* in a sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.** The *owner* or *person-in-charge* of every occupied *premises* shall supply *approved*, covered containers necessary for the proper control and disposal of *rubbish*, and the *owner* or *person-in-charge* of the *premises* shall be responsible for the removal of *rubbish*.

**308.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

**308.2.3 Unhealthy Accumulations.** No person shall accumulate *rubbish* or *save*, collect, stockpile, or keep any abandoned, discarded *junk*, or *inoperable vehicles*, boats, trailers or recreational vehicles of any type.

**308.3 Disposal of garbage.** Every occupant of a *structure* shall dispose of *garbage* in a clean and sanitary manner by placing such *garbage* in an approved *garbage* disposal facility or approved containers.

**308.3.1 Garbage facilities.** The *owner* or *person-in-charge* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the *structure* available to the *occupants* in each *dwelling unit*; or one or more *approved*, leak-proof, covered, outside containers sufficient to contain the occupants rubbish or garbage.

**308.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

## SECTION 309 PEST ELIMINATION

**309.1 Infestation.** All *structures* shall be kept free from *insect* and *rodent infestation*. All *structures* in which insects or *rodents* are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent *re-infestation*.

**309.1.1 Insect and rodent elimination.** When ordered by the *code official*, insect or *rodent* control measures

shall be done by a *pest control operator*, with a current certification issued by the Pennsylvania Department of Agriculture to perform this work.

**309.2 Owner.** The *owner* or *person-in-charge* of any *structure* shall be responsible for extermination within the *structure* prior to renting or leasing the *structure*.

**309.3 Single occupant.** The *occupant* of a one-family *dwelling* or of a *single-tenant* nonresidential *structure* shall be responsible for extermination on the *premises*.

**309.4 Multiple occupancy.** The *owner* or *person-in-charge* of a *structure* containing two (2) or more *dwelling units*, a multiple *occupancy*, a *rooming house*, or a nonresidential *structure* shall be responsible for extermination in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* or *person-in-charge* shall be responsible for extermination.

**309.5 Occupant.** The *occupant* of any *structure* shall be responsible for the continued *rodent* and *infestation-free* condition of the *structure*.

**Exception:** Where the *infestations* are caused by defects in the *structure*, the *owner* or *person-in-charge* shall be responsible for extermination.

## SECTION 310 CHEMICAL AND RADIATION HAZARDS

**310.1 Chemical and radiation hazards.** Documentation from an *approved* laboratory shall accompany any complaint of chemical or radiation hazard in a *structure*. Identification of hazards shall be conducted by a *person* certified by the Pennsylvania Department of

Environmental Protection or the United States Environmental Protection Agency for such testing and the results published by an *approved* laboratory. Every *owner* or *person-in-charge* of a *structure* in which an identified chemical or radiation hazard exists shall be responsible to make the *structure* safe.

## SECTION 311 ENGINEERING STUDY AND SPECIAL INSPECTIONS

**311.1 Engineering study and special inspection.** At any time when the *code official* observes a condition that is determined to require additional inspection or study by someone with advanced or specialized knowledge, the *code official* has the authority to order a special inspection or engineering study be completed by a third-party professional, contracted by the *owner* or *person-in-charge*, at the *owner* or *person-in-charge's* expense.

**311.1.1 Qualifications.** The *code official* shall state in the request for study any minimum qualifications that in the professional opinion of the *code official* are required to adequately study or inspect the observed problem.

**311.1.2 Report completion.** When ordered in accordance with this section, a special inspection or engineering report shall be produced to the CKCOG within 45 calendar days.

**Exception:** The *code official* can extend this deadline when, in the professional opinion of the *code official* in conjunction with the engineer of record or special inspector, that the report cannot be properly produced within this timeframe due to weather, climate, or study scope and complexity.

**311.1.3 Report content.** At a minimum, when ordered in accordance with this section, the report shall include

a description of the problem, report of the findings, required actions to mitigate the problem, Pennsylvania seal (for registered design professionals), signature, date, deadline for completion of work, any intermediate inspections that are required prior to completion, and any requirements prior to completion regarding use and occupancy of the *structure*.

**311.1.4 Report completion letter.** When the work detailed in the report is completed, a letter from the special inspector or design professional shall be produced within 15 calendar days, indicating their acceptance of the work and any future need for involvement.

## SECTION 312 EMERGENCY ACCOMMODATIONS

**312.1 Scope.** The provisions of this section apply to rental housing units that have been declared unfit for human habitation, *condemned*, *uninhabitable*, or unsafe by the *code official* or in accordance with this code, and in the opinion of the *code official* or the conditions requiring the declaration were not caused by the *tenant* or were not within the *tenant's* control to advert.

**312.2 Accommodations.** If the *dwelling* will not be able to be used for a period of eight (8) hours or more or it will not be accessible for any time between the hours of 11pm and 7am local prevailing time the *code official* may order the *owner* or *person-in-charge* to make accommodations for the *tenants* to be housed at an alternative location that is permitted properly under this code solely at the *owner* or *person-in-charge's* expense and at no expense to the *tenant*. In addition, if the accommodations provided do not provide for cooking and eating facilities in accordance with this code, the *owner* or *person-in-charge* shall provide the *tenant* with a meal allowance in accordance with United States General Services Administration (GSA) stated rates for the duration of the period of displacement.

**SECTION 313**  
**ACCESSIBILITY FEATURES**

**313.1 Scope.** The provisions of this section apply to all *structures* and exterior areas that have been constructed with accessibility features required by the *International Building Code (IBC)*.

**313.2 Maintenance.** The accessibility features of all *structures* shall be maintained in the same condition and configuration as they were permitted and constructed.



## **PART 4 - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

### **SECTION 401**

#### **GENERAL**

**401.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

**401.2 Responsibility.** The *owner* of the *structure* shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. An *owner* shall not occupy, or permit another *person* to occupy, any *premises* that do not comply with the requirements of this chapter.

**401.3 Alternative devices.** In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

### **SECTION 402**

#### **LIGHT**

**402.1 Habitable spaces.** Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total square feet of glazing, measured between stops, for every *habitable space* shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the *International Building Code*. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**402.2 Common halls and stairways.** Every common hall and *stairway* in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60- watt standard incandescent for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, *means of egress*, including exterior *means of egress*, *stairways* shall be illuminated at all times the *building* space served by the *means of egress* is occupied with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

## SECTION 403 VENTILATION

**403.1 Habitable spaces.** Every *habitable space* shall have at least one openable window. The total *openable area* of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**Exceptions:**

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.
2. Rooms where mechanical *ventilation* is provided in accordance with the International Mechanical Code shall be provided with a level of *ventilation* that meets or exceeds this section.

**403.2 Bathrooms and toilet rooms.** Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

**403.3 Cooking facilities.** Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

**Exceptions:**

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**403.4 Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**403.5 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer's instructions.

**Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

**403.5.1 Duct construction.** Exhaust ducts shall be constructed of minimum 0.016-inch-thick rigid metal ducts, having smooth interior surfaces with joints running in the direction of air flow. Exhaust ducts shall not be connected with sheet-metal screws or fastening means which extend into the duct.

**403.5.2 Transition ducts.** Transition ducts shall not be concealed within construction. Flexible transition ducts used to connect the dryer to the exhaust duct system shall be limited to single lengths, not to exceed 8 feet.

**403.5.3 Length identification.** For *buildings* constructed after January 1, 2010, and those installing dryer venting systems after the effective date of this code, where the exhaust duct is concealed within the *building* construction, the equivalent length of the exhaust duct shall be identified on a permanent label or tag. The label or tag shall be located within 6 feet of the exhaust duct to appliance connection.

**403.5.4 Auxiliary equipment identification.** For *buildings* constructed after January 1, 2010, and those installing dryer venting systems after the effective date of this code, where the exhaust duct length exceeded the maximum length requirements and an auxiliary blower or fan has been installed to allow additional duct length, the presence of this equipment must be identified including the equipment location, the equipment manufacturer name and model number, service requirements, and frequency of service. The label or tag shall be located within 6 feet of the exhaust duct to appliance connection.

## SECTION 404

### OCCUPANCY LIMITATIONS

**404.1 Privacy.** *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than seven (7') feet in any plan dimension. Kitchens shall have a minimum clear passageway of three (3') feet between counter fronts and appliances or counter fronts and walls.

**404.3 Minimum ceiling heights.** *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and *habitable basement* areas shall have a minimum clear ceiling height of not less than seven (7') feet.

#### Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than four (4') feet on center and projecting not more than six (6") inches below the required ceiling height.

2. **Basement** rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (6'8") with not less than 6 feet 4 inches (6'4") of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7') feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5') feet or more shall be included.

**404.3.1 Stair headroom.** The minimum headroom in all parts of the *stairway* shall not be less than 6 feet 8 inches (6'8") measured vertically from the sloped line adjoining the tread nosing or from the floor surface of the landing or platform on that portion of the *stairway*.

**404.4 Bedroom and living room requirements.** Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every living room shall contain at least 120 square feet and every *bedroom* shall contain at least 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof (*See Table 404.4.1*).

**404.4.2 Access from bedrooms.** *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only *means of egress* from other *habitable spaces*.

**Exception:** Units that contain fewer than two *bedrooms*.

**404.4.3 Water closet accessibility.** Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same *story* as the *bedroom* or an adjacent *story*.

**404.4.4 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.** *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** The number of *persons* occupying a *dwelling unit* or any space shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

**404.5.1 Establishing Occupancy Limits.** The *code official* shall establish in accordance with the *building* code that was legally adopted at the time of construction the *occupancy* limit for each *dwelling unit*, *tenant space*, and *building*.

**404.5.2 Egress limitations.** Any room, space or *dwelling unit* containing more than 50 *persons* gathering for purposes such as civic, social or religious functions, recreation, food or drink consumption is required to have at least two *approved* exits. When more than one exit is required, all exit doors must swing in the direction of egress. Any *dwelling unit* requiring two or more exits is required to comply with Section 702.1.1 regarding exit signs and emergency lighting.

**404.5.2.1 Over occupancy.** It shall be a violation of this code for any person to permit the number of persons in a *dwelling unit*, *tenant space*, or *building* to exceed the *occupancy limit* established by the *code official* once determined.

**404.5.3 Establishing Residency Limits.** The *code official* may establish in accordance with the *building* code, applicable zoning ordinance requirements, and the requirements of this code the residency limit for each *dwelling unit*.

**404.5.3.1 Zoning restrictions.** For existing *buildings* being converted to a rental property without the need for a change of use permit, the *occupancy* will be in accordance with Section 404.4.1 or determined by the Zoning regulations of the *Municipality*, whichever is most restrictive.

**404.5.3.2 Over residency.** It shall be a violation of this code for any person to permit the number of persons residing in a *dwelling unit*, *tenant space*, or *building* to exceed the *residency limit* established by *code official* once determined.

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet. A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3 of this Section.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (30") in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of *occupants* shall be three (3).

**Table 404.4.1**

# OF OCCUPANTS	REQUIRED MINIMUM Sq. Ft
1	70'
2	120'
3	170'
Ea. Additional	+50'

**Sleeping Areas Example:**

SLEEPING AREA	Sq. Ft	# OF OCCUPANTS
Bedroom 1	113	1
Bedroom 2	127	2
Bedroom 3	92	1

**Living Space Example:**

SPACE	MINIMUM AREA IN SQUARE FEET		
<i>Occupancy</i>	1-2	3-5	6+
Living Room	120	120	150
Dining Room	No Req.	80	100
Bedrooms	Shall Comply with Table 404.4.1		

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage

## **PART 5 - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **SECTION 501**

#### **GENERAL**

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The *owner* of the *structure* shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. An *owner* shall not occupy, or permit another person to occupy, any *structure* or *premises* which does not comply with the requirements of this chapter.

### **SECTION 502**

#### **REQUIRED FACILITIES**

**502.1 Dwelling units.** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**502.2 Rooming houses.** A minimum of one water closet, lavatory and bathtub or shower shall be supplied for each four (4) *rooming units*.

**502.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one

bathtub or shower having access from a public hallway shall be provided for each ten (10) *occupants*.

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

**502.4.2 Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

## SECTION 503 TOILET ROOMS

**503.1 Privacy.** *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

**503.2 Location.** *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet. Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage *structures* or kiosks, which are located in adjacent *structures* under the same *ownership*, lease or control, shall not exceed a travel distance of 500 feet from the employees' regular working area to the facilities.

**503.4 Floor surface.** In *buildings* other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## SECTION 504

### PLUMBING SYSTEMS AND FIXTURES

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

## SECTION 505

### WATER SYSTEM

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure- relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**505.5 Nonpotable water reuse systems.** Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions or the system shall be abandoned in accordance



with Section 505.5.1.

**505.5.1 Abandonment of systems.** Where a nonpotable water reuse system or rainwater collections and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the International Plumbing Code.

## SECTION 506

### SANITARY DRAINAGE SYSTEM

**506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* and properly functioning private sewage disposalsystem.

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**506.3 Grease interceptors.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturers installation instructions. Grease interceptors and automatic grease removal devices shall be regularly services and cleaned to prevent the discharge of oil, grease and other substances harmful or hazardous to the *building* drainage system, the private sewage disposal system or the sewage treatment plant or process. Records of maintenance, cleaning and repairs shall be available for inspection by the *code official*.

**506.4 Maintenance.** Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

## SECTION 507

### STORM DRAINAGE

**507.1 General.** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance or that negatively impacts neighboring properties.

## **PART 6 - MECHANICAL AND ELECTRICAL REQUIREMENTS**

## SECTION 601

### GENERAL

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility.** The *owner* of the *structure* shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. An *owner* shall not occupy, or permit another *person* to occupy, any *premises* that do not comply with the requirements of this chapter.

## SECTION 602

### HEATING FACILITIES

**602.1 Facilities required.** Heating facilities shall be provided in *structures* as required by this section.

**602.2 Residential occupancies.** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68°F measured at three (3) feet above the floor and a distance two (2) feet from the exterior wall in all habitable rooms, *bathrooms* and *toilet rooms*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating to meet the requirements of this section. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

**602.3 Heat supply.** Every *owner* and operator of any *building* who rents, leases or lets one or more dwelling unit, rooming unit, dormitory, or guest room on terms, either express or implied, to furnish heat to the occupants thereof, shall supply sufficient heat during the period from October 1 to April 30 to maintain a room temperature of not less than 68° F in all habitable rooms, bathrooms and toilet rooms.

**Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

**602.4 Non-Residential occupancies.** Indoor occupiable workspaces shall be supplied with sufficient heat during the period from October 1 to April 30 to maintain a temperature of not less than 65°F, measured at three (3) feet above the floor and a distance two (2) feet from the exterior wall in all habitable rooms, *bathrooms* and *toilet rooms*, during all working 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.

## SECTION 603

### MECHANICAL EQUIPMENT

**603.1 Mechanical equipment and appliances.** All mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, fossil-fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

Installation, maintenance and inspection of these appliances shall be in accordance with the manufacturer's recommendations. If manufacturer's recommendations are not available, the installation and/or maintenance will be in accordance with the International Residential Code, International Mechanical Code, International Fuel Gas Code, and/or the appropriate NFPA standard for the specific use and appliance as approved by the code official. An inspection of a fuel burning appliance that is vented to the exterior shall include an inspection of the entire system, from air-intake to exhaust.

**603.1.1 Compliance tag.** A compliance tag or proof of inspection will be displayed on each *heating system* inspected, indicating the name of the company (if applicable), technician performing the service and the date of the service. Any deficiencies noted during the inspection must be corrected before a compliance tag is displayed on the appliance.

All records of maintenance, cleaning, and repairs shall be available for inspection by the *code official* and shall be maintained for a minimum of five (5) years.

**603.2 Removal of combustion products.** All fuel- burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are *labeled* for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** All safety controls for fuel- burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for fuel-burning equipment in accordance with the manufacturer's listing or the International Mechanical Code Chapter 11.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping there from, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

## SECTION 604

### ELECTRICAL FACILITIES

**604.1 Facilities required.** Every occupied *building* shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code, NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single- phase electrical service having a rating of not less than 60 amperes, or the minimum allowable service permitted by the local electrical utility company.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a *structure* constitutes a hazard to the *occupants* or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

**604.3.1 Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

**604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

**604.3.2 Abatement of electrical hazards associated with fire exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

**604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

## SECTION 605

### ELECTRICAL EQUIPMENT

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

**605.1.1 Three to two prong adapters.** Electrical 3 to 2 prong adapter plugs shall not be used in conjunction with appliances that require a ground-type receptacle.

**605.2 Receptacles.** Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle. Every *bathroom* shall contain at least one receptacle and all *bathroom* receptacle outlets shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

**605.3 Luminaires.** Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaires over 15V shall have ground fault circuit interrupter protection. All luminary switches shall have the appropriate faceplate cover for the location.

**605.4 Lighting equipment.** In closets, storage areas, *bathrooms*, under kitchen *hood systems*, and in any other high humidity area or area where combustible material is likely to come in contact with the lamp or luminaire, all lighting equipment shall be maintained in the same condition as installed and *approved* by the *code official*. This includes but is not limited to globes.

**605.5 Wiring.** Flexible cords shall not be used for permanent wiring or for running through doors, windows, cabinets, or concealed within walls, floors, or ceilings.

**605.6 Routine maintenance.** All electrical equipment shall be kept in working order according to their listing.

## SECTION 606

### ELEVATORS, ESCALATORS AND DUMBWAITERS

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1 and the requirements of the Pennsylvania Department of Labor and Industry. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the *building operator* or be posted in a publicly conspicuous location approved by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.** In *buildings* equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the *building* is occupied.

**Exception:** *Buildings* equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## SECTION 607

### DUCT SYSTEMS

**607.1 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

**607.2 Hood systems.** *Hood systems* in commercial *structures* shall be maintained in accordance with this code, the manufacturer's installation instructions, and NFPA 96. *Hood systems* shall be regularly serviced and cleaned to prevent the accumulation of oil, grease, and other harmful, combustible, or flammable substances. The cleaning process shall be completed by an *approved* third-party cleaning company on a basis not to exceed that stated in NFPA 96. If the *code official*

determines based on observations that the *hood system* is not performing adequately or that material buildup is observed, the *code official* may order the *hood system* be cleaned immediately or that the frequency of cleaning be increased going forward.

At the time of cleaning, the *hood system* shall be marked with an inspection tag supplied by the third-party cleaning company. This tag shall remain on the *hood system* until the next cleaning. The tag shall at a minimum contain the following information:

1. Name of the third-party cleaning company;
2. The business address of the third-party cleaning company;
3. A valid telephone number for the third-party cleaning company;
4. The name of the facility being cleaned;
5. The address of the facility being cleaned;
6. The date of the cleaning;
7. The name of the technician doing the cleaning;
8. The signature of the cleaning technician;
9. And notation if there were any problems with the equipment observed at the time of cleaning.

All records of maintenance, cleaning, and repairs shall be available for inspection by the *code official* and shall be maintained for a minimum of five (5) years.

## SECTION 608

### CARBON MONOXIDE DETECTION

**608.1 Where required.** An approved carbon monoxide (CO) detector shall be installed in all *dwelling units*, rooming units, guest rooms, and lodging rooms when a fossil fuel or solid fuel appliance is utilized as the primary or supplemental heat source, fixed cooking appliance, or auxiliary power source. The options for the installation of these devices are:

1. If the *dwelling unit* or guestroom contains a fuel-burning appliance or has an attached garage, a CO alarm is required to be provided in the immediate vicinity of the sleeping rooms.
2. If ductwork or ventilation shafts to a room containing a fuel-burning appliance or to an attached garage connect the *dwelling unit* or guestroom, a CO alarm is required to be provided in the immediate vicinity of the sleeping rooms.
3. If the installation of CO alarms is not triggered by 1 or 2 above, but the *building* contains a fuel-burning appliance or has an attached garage, common area CO alarms are required to be installed in the immediate vicinity of the room containing the fuel-burning appliance and in the immediate vicinity of any ventilation shaft on the floor containing the fuel-burning appliance and within 2 stories above and below. Common-area CO alarms must be interconnected or monitored. As an alternative, CO alarms can be installed in each unit on the floor, 2 floors above and below.

**608.2 Approved detectors.** Approved detectors will be listed in accordance with ANSI/UL 2034.

**608.3 Alarm system.** In *buildings* where the CO detector is connected to a fire alarm system, activation of a CO detector shall not transmit a signal to the central station unless it is a distinct “carbon monoxide alarm” signal. Activation of a CO detector shall not cause notification to the entire *building*, only at the affected detector and the fire alarm control panel.

**608.4 Responsibility.** It shall be the responsibility of the property *owner* or *person-in-charge* to provide a functioning carbon monoxide alarm at the beginning of each lease period. *Tenants* are responsible to maintain the detector in a functional condition at all times after starting *occupancy*.

**608.5 Tampering.** Removal of the battery or power source from a carbon monoxide alarm, making the detector inoperable or tampering with the detector in any way is a violation of this code and subjects that person to the violation penalties pursuant to Section 106 of this Code.

## SECTION 609 MOISTURE CONTROL

**609.1 Dehumidifiers.** If evidence of moisture damage is present in a dwelling, and in the opinion of the *code official* ambient moisture or structural conditions are contributing to this damage or to mold or mildew growth, the *code official* may require dehumidification equipment be used in the affected dwelling. If the dwelling is a rental unit, the *owner* or *person-in-charge* shall supply the equipment for use to the *tenant* at no cost to the *tenant*.

## PART 7 - FIRE SAFETY REQUIREMENTS

### SECTION 701 GENERAL

**701.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to *structures* and exterior *premises*, including fire safety facilities and equipment to be provided.

*Tourist homes, Bed and Breakfasts, Transient and Short-Term Rentals*, are not required to obtain a Rental Housing Permit in accordance with Chapter 8 of this code prior to Occupancy. These *structures* shall obtain a **Fire Safety Permit** in accordance with Chapter 7 of this Code when Section 708 has been adopted by the Municipality.

**701.2 Responsibility.** The *owner* or *person-in-charge* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy any *premises* that do not comply with the requirements of this chapter. This section shall also apply retroactively to all existing rental properties.

### SECTION 702 MEANS OF EGRESS

**702.1 General.** A safe, continuous, and unobstructed path of travel shall be provided from any point in a

*building or structure to the public way. Means of egress shall comply with the International Fire Code.*

**702.1.1 Means of egress lighting.** All *means of egress* in Use Groups *R-1*, *R-2*, and *R-4* shall be equipped with artificial and emergency lighting and exit signs in accordance with the requirements for new *buildings* in the *International Building Code* listed in Chapter 11.

**702.2 Aisles.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

**702.3 Locked doors.** All *means of egress* doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort except where the door hardware conforms to that permitted by the *International Building Code*.

**702.3.1 Doors and gates.** Doors, gates, and their hardware shall be installed and maintained in accordance with the *International Building Code* Section 1008.

**702.4 Emergency escape openings.** Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and *both* of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
3. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.10 of the *International Building Code*. Such devices shall be releasable or removable from the inside without the use of a key, tool or force

greater than that which is required for normal operation of the escape and rescue opening.

**702.4.1 Emergency escape requirements.** Every sleeping room located in a *basement* in an *occupancy Use Group I-1* or *R* shall have at least one (1) operable window or exterior door *approved* for emergency egress or rescue, or shall have access to not less than two (2) *approved* independent exits. An outside window or exterior door for emergency escape is not required in *buildings* equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or Section 903.3.1.2 of the *International Fire Code*.

Each emergency escape and rescue window shall have a minimum net clear opening of 5.7 square feet. The net clear opening shall be at least 24 inches in height and at least 20 inches in width. The net clear opening dimensions shall be obtained by the normal operation of the window from the inside. The bottom of the net clear opening shall not be more than 44 inches above the floor. The minimum net clear opening for grade floor windows shall be five (5') square feet.

**702.4.1.1 Emergency escape window wells.** The area of the window well shall allow the emergency escape and rescue opening to be fully opened. Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders shall project at least three (3) inches from the wall and rungs or steps shall be spaced not more than 18 inches on center vertically for the full height of the window well and *guard* if installed.

**702.4.1.2 Bars, grilles, covers, and screens.** Bars, grilles, covers, screens, or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve as such openings. Such devices shall be releasable from the inside without the use of a key, tool, special knowledge, or force greater than that which is required for normal operation of the escape and rescue opening.



**702.4.1.3 Emergency escape windows under decks and porches.** Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a clear path of not less than 36 inches in height to a yard or court.

**702.5 Corridor enclosure.** Multi-family *buildings* with one (1) exit, as permitted in the *IBC*, all corridors serving an *occupant* load greater than 30, and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors, and other openings shall be closed or shall be self-closing.

**Exception:** Corridors that are in compliance with the *International Building Code*.

**702.6 Number of exits.** In residential *buildings* (not including one or two-family dwellings), every *story* exceeding two (2) stories above grade shall be provided with not less than two (2) independent exits. In stories where more than one (1) exit is required, all *occupants* shall have access to at least two (2) exits. Every occupied *story* which is both totally below grade, and greater than 2,000 square feet, shall be provided with not less than two (2) independent exits.

**Exception:** A single exit is acceptable under any one of the following conditions:

1. Where the *building* is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies, and common areas.
2. Where the *building* is equipped throughout with an automatic fire detection system and the exit is an *approved* smoke-proof enclosure or pressurized *stairway*.
3. Where an existing *fire escape* conforming to the *International Building Code*, is provided in addition to the single exit.

4. Where permitted by the *International Building Code*.

**702.6.1 Three story one or two-family dwelling.** Any existing *one or two-family dwellings* having *habitable space*, not including kitchens, on the third floor must provide two (2) *approved means of egress* from this space. Newly constructed *stairways* will be in accordance with the *International Residential Code* as amended, or as *approved* by the *code official*. Existing windows can be used for access to the *stairway* providing that the window meets the requirements of an egress window in accordance with 702.4.1 of this code. If an opening does not exist, the new opening must be a doorway of an *approved* dimension in accordance with the *International Residential Code*.

**Exception:** A *one or two-family dwelling* protected throughout with an *approved* automatic sprinkler system.

**702.7 Pass through.** For properties receiving a rental housing permit, egress shall not pass through kitchens, storage rooms, closets, or spaces used for similar purposes. An exit access shall not pass through a room that can be locked to prevent egress. *Means of egress* from *dwelling units* or sleeping areas shall not lead through other sleeping areas, *toilet rooms*, or *bathrooms*.

**Exception:** *Means of egress* are not prohibited through a kitchen area serving adjoining rooms constituting part of the same *dwelling unit*.

**702.8 Rooming Units.** Egress from a *rooming unit* within a *rooming house* is not exempt from this section in accordance with the *International Building Code*, Section 1013.2.

## SECTION 703 FIRE-RESISTANCE RATINGS

**703.1 Maintenance.** The required *fire-resistance rating* of *fire-resistance-rated* construction (including walls,

firestops, shaft enclosures, partitions, *smoke barriers*, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members, and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the *owner* or *person-in-charge* annually and properly repaired, restored, or replaced when damaged, altered, breached, or penetrated. Where concealed, such elements shall not be required to be visually inspected by the *owner* or *person-in-charge* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile, or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings, and holes made for any reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through *fire-resistance-rated* assemblies shall be protected by self or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

**703.1.1 Fireblocking and draftstopping.** Required *fireblocking* and *draftstopping* in combustibles, concealed spaces shall be maintained to provide continuity and integrity of the construction.

**703.1.2 Smoke barriers and smoke partitions.** Required *smoke barriers* and smoke partitions shall be maintained to prevent the passage of smoke. All openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

**703.1.3 Fire walls, fire barriers, and fire partitions.** Required *fire walls*, *fire barriers*, and *fire partitions* shall be maintained to prevent the passage of fire. All openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

**703.1.4 Unsafe Conditions** Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the *building* was constructed or altered, such

components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the *International Fire Code*. Components or portions thereof determined to be unsafe shall be repaired or replaced to that code under which the *building* was erected or altered. Where the condition of components is such that any *building*, *structure* or portion thereof presents an imminent danger to the occupants of the *building*, *structure* or portion thereof, the *fire code official* shall act in accordance with Section 111.2 of the *International Fire Code*.

**703.2 Opening protectives.** *Opening protectives* shall be maintained in an operative condition in accordance with NFPA 80. Fire doors and *smoke barrier* doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged. Fire door assemblies shall not be modified.

**703.2.1 Fire resistive glazing.** Exterior wall openings within ten (10) feet of an existing *fire escape* or *exterior stairway* shall be protected with fire rated glazing or other *approved* means in accordance with the *International Building Code*.

**Exception:** Opening protection is not required when the *building* is equipped throughout with an *approved* automatic sprinkler system.

**703.2.2 Operable windows.** For *buildings* with a certificate of *occupancy* dated prior to January 1, 2004, when *non-compliant* windows are being replaced that are within ten (10) feet of a *fire escape* or *exterior stairway*, those windows that are not needed to meet the requirements of Section 403 of this code or a required means of emergency egress shall be made permanently inoperable, equipped with an *approved* fire shutter, or replaced with a fixed pane window assembly. All operable replacement windows in this area shall still meet the fire rating requirements of the *International Building Code*.

**Exception:** Opening protection is not required when the *building* is equipped throughout with an *approved* automatic sprinkler system.

**703.3 Hold Open Devices and closers.** Hold-open devices and automatic door closers shall be maintained. During the period that a device is out of service for repairs, the door it operated shall remain in a closed position.

**703.4 Door Operation.** Swinging fire doors shall close from the fully open position and latch automatically. The door closer shall exert enough force to close and latch the door from and partially open position.

**703.5 Testing.** Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

**703.6 Signs** Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch high to read as follows:

1. For Doors designed to be kept normally open:  
FIRE DOOR - DO NOT BLOCK
2. For doors designed to be kept normally closed:  
FIRE DOOR - KEEP CLOSED

**703.7 Vertical Shafts.** Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a *building* shall be enclosed or protected as required in Chapter 11 of the *international Fire Code*. New floor openings in existing *buildings* shall comply with the *International Building Code*.

**703.8 Opening protective closers.** Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detections. Existing fusible-link type automatic door

closing devices shall be replaced if the fusible link rating exceeds 135°F.

**703.9 Dwelling/garage opening/penetration protection.** Openings and penetrations through the walls or ceilings separating the *dwelling* from the garage shall be in accordance with Sections 703.9.1 through 703.9.3.

**703.9.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches thick, or 20-minute fire-rated doors.

**703.9.2 Duct penetration.** Ducts in the garage and ducts penetrating the walls or ceilings separating the *dwelling* from the garage shall be constructed of a minimum No. 26 gauge sheet steel or other *approved* material and shall have no openings into the garage.

**703.9.3 Other penetrations.** Penetrations through the separation required due to a carport shall be protected as required by Section 703.9.3.1.

**703.9.3.1 Fireblocking.** Required at openings around vents, pipes, ducts, cables, and wires at ceiling and floor level, with an *approved* material to resist the free passage of flame and products of combustion. The material filling this *annular space* shall be required to meet the ASTM E 136 requirements.

**703.10 Clearance to combustibles above ranges.** A minimum of 30 inches' clear space shall be maintained vertically between the cooking surface and any combustible materials; this can be reduced to a minimum clear space of 24 inches if a metal barrier is installed between the cooking surface and the combustible material. The metal barrier shall be a steel sheet with minimum thickness of 24 AWG and be installed extending

to the perpendicular projection of the edge of the cooking appliance at a minimum. The barrier shall be mounted in such a way that there is a minimum of one (1) inch clear space between the combustible surface and the barrier.

**703.11 Dwelling/garage fire separation.** The garage shall be separated as required by Table 703.5 including structural elements supporting the required separation elements. Openings in garage walls shall comply with Section 703.9. This provision does not apply to garage walls that are perpendicular to the adjacent *dwelling unit* wall.

**Table 703.5**

**Dwelling/Garage Separation**

SEPARATION	MATERIAL
From the residence and attics	Not less than 1/2-inch gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage	Not less than 5/8-inch Type X gypsum board or equivalent
Structure(s) supporting the floor/ceiling assemblies used for separation required by this section	Not less than 1/2-inch gypsum board or equivalent
Garages located less than 3 feet from a dwelling on the same lot	Not less than 1/2-inch gypsum board or the equivalent applied to the interior side of exterior walls within this area

**SECTION 704**

**FIRE PROTECTION SYSTEMS**

**704.1 General.** All systems, devices, and equipment to detect a fire, actuate an alarm, suppress or control a fire, or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

**704.2 Inspection, testing and maintenance.** Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the *International Fire Code* in an operative condition at all times, and shall be replaced or repaired where defective.

**704.2.1 Installation.** Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the *building* is

altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.

**704.2.2 Required fire protection systems.** Fire protection systems required by this code, the *International Fire Code* or the *International Building Code* shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code, the *International Fire Code* or the *International Building Code* has been granted shall be considered to be a required system.

**704.2.3 Fire protection systems.** Fire protection systems shall be inspected, maintained and tested in accordance with the following *International Fire Code* requirements.

1. Automatic sprinkler systems, see Section 903.5.

2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
3. Automatic water mist extinguishing systems, see Section 904.11.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.
7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.10.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5
15. Smoke control systems, see Section 909.20.
16. Wet-chemical extinguishing systems, see Section 904.5.

**704.3 Standards.** Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.3 and as required in this section.

**TABLE 704.3**

**FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS**

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10

Carbon dioxide fire-extinguishing system	NFPA 12
Halon 130 I fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

**704.3.1 Records.** Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.

**704.3.2 Records information.** Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

**704.4 Systems out of service.** Where a required fire protection system is out of service, the fire department and the fire *code official* shall be notified immediately and, where required by the fire code official, either the *building* shall be evacuated or an approved fire watch shall be provided for all *occupants* left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with the *International Fire Code* to bring the systems back in service.

**704.4.1 Emergency impairments.** Where unplanned impairments of fire protection systems occur. Appropriate emergency action shall be taken to minimize potential injury and damage. The *code official* shall implement the steps outlined in Section 901.7.4. of the *International Fire Code*.

**704.5 Removal of or tampering with equipment.** It shall be unlawful for any person to remove, tamper with, or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system, or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

**704.5.1 Removal of or tampering with appurtenances.**

Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the *code official* shall not be removed, unlocked, destroyed or tampered with in any manner.

**704.5.2 Removal of existing occupant-use hose lines.** The *code official* is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the *International Fire Code* or the *International Building Code*.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

**704.5.3 Termination of monitoring service.** For fire alarm systems required to be monitored by the *International Fire Code*, notice shall be made to the *code official* whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

**704.6 Fire department connection.** Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the *building*. Such sign shall have the letters "FDC" not less than 6 inches high and words in letters not less than 2 inches (51 mm) high or an arrow to

indicate the location. Such signs shall be subject to the approval of the *code official*.

**704.6.1 Fire department connection access.** Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

**Exception:** Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the *International Fire Code* and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

**704.6.2 Clear space around connections.** A working space of not less than 36 inches in width, 36 inches in depth and 78 inches in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connection

**704.7 Smoke alarms.** Single and Multiple-station smoke alarms shall be installed in existing Group R and I-1 occupancies in accordance with the Sections 704.7.1, 704.7.2 and 704.2.3.

**704.7.1 One or two-family dwellings, Use Group R-3:** A smoke alarm shall be installed in each sleeping room, outside each sleeping area in the immediate vicinity of the *bedrooms* and on each additional *story* of the dwelling, including *basements* but not including crawl spaces and uninhabitable attics.

**704.7.1.1 Dwellings or dwelling units with split levels and without an intervening door between the adjacent levels:** A smoke alarm installed on the

upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full *story* below the upper level.

**704.7.2 Use Group R-1:** A smoke alarm shall be installed in each sleeping room and the immediate vicinity of the sleeping rooms and in every room in the path of the *means of egress* from the sleeping area to the door leading from the *sleeping unit*.

**704.7.3 Use Groups R-2, R-4 and I-1.** Single or multiple-station smoke alarms shall be installed and maintained in Groups *R-2, R-4* and *I-1* regardless of *occupant load* at all of the following locations:

**704.7.3.1** On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.

**704.7.3.2** In each room used for sleeping purposes.

**704.7.3.3** In each *story* within a *dwelling unit*, including *basements* but not including crawl spaces and uninhabitable attics. In *dwellings* or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full *story* below the upper level.

**704.7.3.4** Smoke alarms shall be required in the common areas of the *building* serving more than one (1) *dwelling unit*.

**704.7.3.5** All smoke alarms must be placed so that a minimum decibel level of 70 dB can be heard in all occupied spaces of the unit when the smoke alarm is sounded.

**704.7.4 Smoke detector maintenance.** It shall be the responsibility of the property *owner* or *person-in-charge* to provide a functioning smoke detector at the beginning of each lease period. *Tenants* are responsible to maintain the smoke detector in a functional condition at all times after starting *occupancy*. Removal of the battery or power source from a smoke detector, making the detector inoperable, or tampering with the detector in any way, is a *violation* of this code and

subjects that *person* to the penalties of Sections 106.3 and 106.3.1.

**704.7.5 Installation near cooking appliances.** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by other sections of this code.

1. Ionization smoke alarms shall not be installed less than 20 feet horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than ten (10) feet horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than six (6) feet horizontally from a permanently installed cooking appliance.

**704.7.6 Installation near bathrooms.** Smoke alarms shall be installed not less than three (3) feet horizontally from the door or opening of a *bathroom* that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by other sections of this code.

**704.7.7 Power source.** Single station smoke alarms shall receive their primary power from the *building* wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with an integral strobe that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exceptions:**

1. Existing Group R properties not undergoing alterations or repairs may, upon approval, install tamper-resistant, battery-operated smoke detectors.

2. Smoke alarms are permitted to be solely battery operated in *buildings* that are not served from a commercial power source.

**704.7.7.1 Smoke alarm circuits.** Smoke alarms required by this code and installed within *dwelling units* shall not be connected as the only load on a branch circuit. Such detectors shall be supplied by branch circuits having lighting loads consisting of lighting outlets in *habitable spaces* in accordance with the *National Electrical Code, NFPA 70*. All smoke alarms shall be listed, installed and maintained in accordance with the provisions of this code and the National Fire Alarm Code NFPA-72.

**704.7.8 Interconnection.** When more than one (1) smoke alarm is required to be installed within an individual *dwelling unit* the alarm devices shall be interconnected in such a manner that the actuation of one (1) alarm will activate all of the alarms in the individual unit. Common area smoke alarms (not located within a dwelling or *rooming unit*) shall be interconnected such that the actuation of one (1) common area alarm will cause all of the common area alarms or notification appliances to sound. Interconnection may be accomplished by wireless transmission or other means provided that the method of interconnection is *approved* by the *code official*.

**Exception:** Interconnection is not required within the *dwelling unit* where existing *buildings* have *dwelling unit* separations and a sprinkler system installed in accordance with the *International Building Code* or *International Residential Code*.

**704.7.9 Compliance time.** For Group R properties receiving a Rental Permit, compliance with all smoke alarm requirements is required prior to *occupancy*.

**704.7.10 Smoke detection system.** Smoke detectors listed in accordance with UL 268 and provided as part of the *building's* fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the *International Fire Code*.
2. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall initiate alarm notification in the *dwelling* or *sleeping unit* in accordance with Section 907.5.2 of the *International Fire Code*.
3. Activation of a smoke detector in a *dwelling* or *sleeping unit* shall not activate alarm notification appliances outside of the *dwelling* or *sleeping unit*, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the *International Fire Code*.

**704.8 Fire extinguishers.** In Use Group *R-1* and *R-2 rooming houses* and *fraternities*, a five (5) pound type ABC fire extinguisher with a minimum 2A rating shall be provided in corridors, those provided in other areas shall be in accordance with the *International Fire Code*.

**Exception.** Disposable fire extinguishers that are UL listed and meet the requirements of NFPA 10 shall be *approved* for use as listed, but in no way more than six (6) years from the date of manufacture. These disposable extinguishers are exempted from the requirements to be inspected annually by a third-party-trained individual. It is the responsibility of the property owner or *person-in-charge* to inspect the extinguisher annually, certifying that the extinguisher is in good working condition and that the extinguisher is charged and ready for use. The individual inspecting the extinguisher shall permanently affix the date that the inspection occurred and the initials of the inspector to the extinguisher.

**Exception.** In B (Business), M (Mercantile), S (Storage), and U (Utility) occupancies with a gross *tenant* area less than 500 ft<sup>2</sup>, are not required to provide a fire extinguisher in the *tenant* space provided the travel distance to the closest fire extinguisher is within 75 feet and that access is provided to the *tenant* without the use of keys or special locking mechanisms at any time that the *building* is occupied.



**704.8.1 Fire extinguisher maintenance.** All fire extinguishers shall be inspected and maintained annually in accordance with NFPA 10; the Standard for Portable Extinguishers. Inspections of fire extinguishers must be conducted by a certified extinguisher technician as defined by the Pennsylvania Fire Equipment Distributors (PAFED) or the National Fire Equipment Distributors (NAFED) specifications, or equivalent as *approved by the code official*.

**704.9 Maintenance of fire protection systems.** All fire protection systems (automatic fire alarms, manual fire alarms, sprinkler systems, fire extinguishers, and automatic fire extinguishing systems) shall be tested and maintained in accordance with the NFPA standards specific to the type of system. The *owner or person-in-charge* is responsible for inspecting and maintaining these systems.

**704.9.1 Violations.** Failure to maintain a fire protection system in an operable condition at all times and complete the required inspections is a *violation* of this code and subject to the provisions of Sections 106 and the *owner or person-in-charge* is exempt from the notification requirements of Section 107.

**704.10 Tampering.** Any *person* tampering or interfering with the effectiveness of a smoke detector, emergency lighting, exit signs, fire extinguisher, sprinkler system, suppression system, alarm system, or anyone obstructing a fire exit or propping open a fire door, or compromising any other life safety aspects of the *structure* shall be in *violation* of this code and subject to the provisions of Sections 106 and the *person* is exempt from the notification requirements of Section 107.

**704.11 Fire safety certification.** At the beginning of each *occupancy* period and at least annually thereafter, the *owner or person-in-charge* shall provide all *tenants* on the lease with a signed certification that all fire extinguishers (Section 704.8), smoke alarms (Section 704.7), and carbon monoxide detectors (Section 608), where required, are in working condition. It shall be the responsibility of the *tenants* to verify that the life safety equipment, smoke

alarms, and carbon monoxide detectors, where provided, are in working condition and the fire extinguisher is inspected and charged, and to sign the certification and return it to the landlord. All *tenants* on a lease shall sign the Certification. The *owner or person-in-charge* shall maintain the original certification document and make it available to the *code official* upon request.

**704.11.1 Violations.** Any *tenant, owner, or person-in-charge* failing to execute the certification shall be in *violation* of this section and subject to the penalties set forth in Section 106.3. Neither the *owner or person-in-charge* nor the *tenants* shall be responsible for the failure of either party to execute the certification.

**704.11.2 Reporting.** In addition to the *tenant* notification requirements contained in Section 803.3, the *owner or person-in-charge* shall provide the *tenant* with instruction on how to report deficiencies with these fire safety systems.

**704.11.3 Tampering.** At any time during the lease period when the *code official* finds that tampering has occurred as set forth in Section 704.13 of this chapter, it shall be a *violation*.

**Exception:** The *tenant* must report a deficiency to the *owner or person-in-charge* immediately after the deficiency is detected or if the system is malfunctioning.

**704.11.4 Certification verification.** Any time the *code official* discovers a deficiency with a smoke detector or fire extinguisher, the *owner or person-in-charge*, upon 24 hours after notification of such deficiency, shall provide a copy of the Fire Safety Certification to the *code official*. If the certification is provided and the *tenants* have previously signed the form or have been provided with a copy, the *tenants* are considered in *violation* and will be issued a penalty in accordance with Section 106.

**704.11.5 Responsibility.** If the *owner or person-in-charge*, cannot provide the affidavit within 24 hours the

*owner or person-in-charge* is then considered in violation and will be issued a penalty in accordance with the afore referenced sections.

**704.12 Fire alarm monitoring.** Existing fire alarm systems that were installed prior to the enactment of the Uniform Construction Code of Pennsylvania, that are not supervised to notify a monitoring agency, without delay, must be indicated as a Local Alarm, and have a sign that instructs *occupants* to call 9-1-1 to report the fire alarm. Systems installed after the enactment of the Uniform Construction Code of Pennsylvania must remain supervised and may not delay the notification to a monitoring agency, unless *approved* in writing by the *code official*.

**704.12.1 Repairs.** Modifications and repairs of fire alarm monitoring systems that involve the replacement of the FACP/FACU (fire alarm control panel / fire alarm control unit) are required to be monitored/ electronically supervised in accordance with requirements of the Uniform Construction Code of Pennsylvania.

## SECTION 705 DECORATIVE MATERIALS

**705.1 Ceilings.** The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistant-rated horizontal assembly shall be prohibited.

**705.2 Decorative material.** Overhead decorative material such as, but not limited to, burlap, fish netting, plastic, or other similar combustible or flammable material shall not be suspended from the ceiling of any *building* unless it is certified to be flame resistant. Where documented certification of flame resistance is not provided, the *code official* shall require the *owner or person-in-charge*, to remove the decorations, or to subject the decorative

materials to a field test in accordance with Chapter 10 of NFPA 701 at the cost of the *owner or person-in-charge*.

**705.3 Encroachment.** In no way shall any decorative material or sales goods cover or be installed in a way that may hamper or adversely affect an automatic sprinkler system, alarm system, or any other fire safety feature.

## SECTION 706 CARBON MONOXIDE ALARMS AND DETECTION

**706.1 General.** Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the *International Fire Code*, except that alarms in dwellings covered by the *International Residential Code* shall be installed in accordance with Section R315 of that code.

**706.2 Carbon monoxide alarms and detectors.** Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

## SECTION 707 LABELING

**707.1 Labeling required.** Doors into all locked rooms that contain *building* utilities shall be identified with a plainly visible and legible sign. These letters and numbers shall contrast with their background. Printing shall be Arabic numerals or alphabet letters. Letters and numbers shall be a minimum of two (2") inches high with a minimum stroke width of 0.25 inch. This includes, but not limited to electrical, utility, sprinkler, fire alarm and mechanical room.

## SECTION 708

### FIRE SAFETY PERMITS

**708.1 Fire Safety Permit.** The Fire Safety Permit is the same as a fire permit, fire certificate, and fire certificate of *occupancy* for the purposes of this document.

**708.2 Permit Fees.** The Fire Safety Permit fee and Operational Permit fee shall be established by resolution of the Executive Committee of the Board of Directors of the CKCOG. Fees for additional services provided may also be set by Municipal Resolution or Ordinance.

Fire Safety Permit fees are determined using a formula which is based on size and risk of the establishment. The Fire Safety Permit fee schedule and Operational Permit fees may be amended, as needed, by resolution.

**708.3 Required.** No *person*, firm, business, association, or corporation shall operate a place of assembly, business, educational facility, factory, high-hazard facility, institution, mercantile establishment, hotel, motel, residential care or assisted living facility, or storage facility; or rent such space to another until such a *person*, firm, business, association, or corporation has been issued a Fire Safety Permit by the *code official*. The Fire Safety Permit shall be posted in a window visible from the street or kept in plain view at the entrance or reception area of the main *building* and a copy maintained by the property *owner* or *person-in-charge*. The *owner* or *person-in-charge* of the property is required to obtain and maintain the Fire Safety Permit prior to *occupancy* of the space. If the use of the space changes the *code official* is to be notified in writing so an inspection can be conducted to determine code compliance prior to *occupancy*.

**708.4 Transfer.** The Fire Safety Permit is not transferable and is only valid for a specific *tenant*, *occupant*, franchisee, business, or legal entity, and if the occupying entity changes, a new Fire Safety Permit shall be applied for within five (5) calendar days of the transfer occurring.

**708.5 Permit application.** Applications for permits shall be made to the CKCOG Office on forms furnished by said office.

**708.6 Issuance or refusal.** The *code official* shall issue a fire safety license to the applicant upon proof that all of the following requirements have been satisfied:

1. The *structure* complies with the provisions of this code and all other applicable codes and/or ordinances;
2. A proper Fire Safety Permit fee has been submitted.

**708.7 Renewal.** Fire Safety Permits shall be renewed on or before the permit expiration date. A Fire Safety Permit shall become null and void upon permittee's failure to submit the required or proper renewal Fire Safety Permit fee. No reduction shall be made for fractional yearly permits.

**708.8 Penalty.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

**708.9 Applications.** Applications for Fire Safety Permits and applications for the renewal of Fire Safety Permit shall be filled out completely and accurately including addresses and telephone numbers for both the *owner* or *person-in-charge*, and *tenant*. The Fire Safety Permit shall not be issued or renewed if an application does not contain all required information.

**708.9.1 Contact address.** The contact addresses provided to the CKCOG must be a valid address for the receipt of United States mail and shall be checked by the *owner* or *person-in-charge* on a regular basis.

**708.9.2 Telephone number.** The telephone number(s) provided to the CKCOG must be a valid telephone number capable of receiving and recording voice mail at all times. This number is considered the emergency

contact number for this individual. A response to a voice mail left on this number by a representative of the *municipality* or the CKCOG shall be returned or responded to within the time frame requested by the CKCOG.

**708.9.3 E-mail address.** A valid e-mail address for the *owner* or *person-in-charge* shall be provided to the CKCOG. The e-mail address shall be considered an emergency contact and response to an e-mail left at this address by a staff member of the CKCOG shall be responded to within the time frame requested.

**708.10 Display and ownership.** The Fire Safety Permit must be displayed in a window visible from the street or kept in plain view at the entrance or reception area of the main *building*. The issuance of a Fire Safety Permit to an *owner* or *person-in-charge* shall constitute consent for an inspection. The Fire Safety Permit is and shall remain the property of CKCOG. Replacement of a lost or damaged Fire Permit shall be assessed a replacement fee in accordance with Section 107.4.1.

## SECTION 709 OPERATIONAL PERMITS

**709.1 Operational Permit.** An Operational Permit is separate from any required Fire Permit and is required for all operations set forth in the following uses:

**709.1.1 Carnivals and fairs.** A permit is required to conduct a carnival or fair.

**709.1.2 Explosives.** An operational permit is required for the manufacture, storage, handling, sale, or use of any quantity of *explosives*, *explosive materials*, fireworks, or pyrotechnic special effects that are not otherwise regulated by State or Federal permit.

**709.1.3 Open burning.** An open-burn permit is required for the kindling or maintaining an open fire, unless excluded or prohibited under other municipal regulation.

**Exception:** *Recreational fires* conducted more than 25 feet from a *structure* and portable outdoor fireplaces when used in accordance with the manufacturer's instructions and operated more than 15 feet from a *structure* or combustible material.

**709.1.4 Fire alarm system.** A permit is required for systems which transmit alarm signals off site.

**709.1.5 Tents and other temporary structures.** A permit is required to erect and operate from any tent or temporary *structure* in excess of 200 square feet, and for canopies in excess of 400 square feet.

**709.2 Transfer.** The Operational Permit is not transferable and is only valid for a specific event, *tenant*, *occupant*, franchisee, business, or legal entity, and if the occupying entity changes, a new Operational Permit shall be applied for within five (5) calendar days of the change occurring.

**709.3 Permit application.** Applications for permits shall be made to the CKCOG Office on forms furnished by said office.

**709.4 Issuance or refusal.** The *code official* shall issue an Operational Permit to the applicant upon proof that all of the following requirements have been satisfied:

1. The *structure* complies with the provisions of this code and all other applicable codes and/or ordinances;
2. A proper Operational Permit fee has been submitted.

**709.5 Penalty.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

**709.6 Applications.** Applications for Fire Safety Permits and applications for the renewal of Fire Safety Permit shall be filled out completely and accurately including addresses and telephone numbers for both the *owner* or *person-in-charge*, and *tenant*. The Fire Safety Permit shall not be issued or renewed if an application does not contain all required information.

**709.6.1 Contact address.** The contact addresses provided to the CKCOG must be a valid address for the receipt of United States mail and shall be checked by the *owner* or *person-in-charge* on a regular basis.

**709.6.2 Telephone number.** The telephone numbers provided to the CKCOG must be a valid telephone number capable of receiving and recording voice mail at all times. This number is considered the emergency contact number for this individual. A response to a voice mail left on this number by a representative of the *municipality* or the CKCOG shall be returned or responded to within the time frame requested by the CKCOG.

**709.6.3 E-mail address.** A valid e-mail address for the *owner* or *person-in-charge* shall be provided to the CKCOG. The e-mail address shall be considered an emergency contact and response to an e-mail left at this address by a staff member of the CKCOG shall be responded to within the time frame requested.

**709.7 Display and ownership.** The Operational Permit must be displayed in a window visible from the street or kept in plain view at the entrance of the main *building*, tent or other *structure*. The issuance of an Operational Permit to an *owner* or *person-in-charge* shall constitute consent for an inspection. The Operational Permit is and shall remain the property of CKCOG. Replacement of a lost or damaged Fire Permit shall be assessed a replacement fee in accordance with Section 107.4.1.

## SECTION 710 INSPECTIONS

**710.1 Regular inspection frequency.** The *code official* shall establish, by written regulation, the frequency of inspection for all properties requiring a Fire Safety Permit. The inspection frequency shall be based upon a classification of hazards associated with the use or *occupancy* of all establishments. Such periods shall not be more than every five (5) years and shall cause inspection or re-inspection of all establishments to be made in accordance with the established classification.

**710.2 Other inspections.** Nothing in this code shall prevent the *code official* from conducting more frequent inspections of a property. More frequent inspections may occur when any of the following occurs:

- a. When a complaint is made and the *code official* has reasonable cause to believe that the complaint is valid;
- b. At the request of the *owner* or *tenant*;
- c. By recurrent *deficiencies*, such that any *structure* which has been found to have a high incidence of recurrent or uncorrected *deficiencies* will be inspected more frequently;
- d. For the purpose of re-inspection to ensure the correction of any *deficiencies* in existence at a previous inspection;
- e. When an alteration of the *premises* results in the increase or decrease in occupiable space;
- f. By area, such that all *structures* in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

## SECTION 711 PORTABLE FIRE EXTINGUISHERS

**711.1 Where required.** Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, and S occupancies.

**Exception:** In new and existing Group A, B, and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in items 2 through 6.

2. Within 30 feet of commercial cooking equipment.
3. In areas where flammable or *combustible liquids* are stored, used, or dispensed.
4. On each floor of *structures* under construction, except Group *R-3* occupancies, in accordance with Section 1415.1 of the *International Fire Code*.
5. Where required by the sections indicated in Table 906.1 of the *International Fire Code*.
6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the fire official.
7. In non-sprinklered use group *R-2 fraternity and sorority houses*, a 5-pound ABC type with 2A rating portable fire extinguisher shall also be provided in corridors located in accordance with NFPA 10.
8. In temporary *structures* where cooking operations are being conducted involving combustible cooking media, the minimum of one (1) 6-liter, Class K portable fire extinguisher shall be provided and ready for use in the vicinity of the cooking equipment. The maximum distance that can be protected by a single extinguisher is 25 feet, unobstructed.

## SECTION 712

### FIRE DEPARTMENT CONNECTION CAPS AND THREADS

**712.1 Threads.** All threads provided for fire department connections to sprinkler systems, standpipe systems, yard hydrants, or any other fire hose connection shall be National Standard Hose thread with a maximum size of 2.5 inches per inlet. For residential suppression systems, based on flow requirements 1.5-inch hose connections with National Standard Hose thread may be used.

**712.2 Non-visible Fire Department Connections.** Fire Department Connections that are not readably visible from the street address side of the *building* shall be made visible or provide *approved* sign(s) to direct the fire department to this location. A metal sign with raised letters at least two (2) inch in size with minimum stroke width of 1/4 inch. Such signs shall read: "AUTOMATIC SPRINKLERS, STANDPIPES, TEST CONNECTION" or a combination thereof as applicable with proper directional indication.

## SECTION 713

### ASSEMBLY OCCUPANCY

**713.1 General.** All spaces that are permitted by the CKCOG as Assembly A-2 *Occupancy* Group, as defined by the *International Building Code*, and have a permitted maximum *occupancy* level equal to or exceeding 100 *persons* shall comply with the requirements of Sections 713.

**713.2 Maximum *occupancy* level.** The *owner, person-in-charge, manager, person* of authority, staff member, or duly authorized individual working the door and controlling the inflow of patrons shall know and be able to verbally provide to the *code official* the maximum *occupancy* level of the assembly area when requested.

**713.3 Actual *occupancy* level.** The *owner, person-in-charge, person* of authority, staff member, or duly authorized individual working the door and controlling the inflow of patrons shall know and verbally provide to the *code official* the actual *occupancy* level of the assembly area including staff with an accuracy of plus or minus 5% of the maximum *occupancy* of the assembly area when requested.

## SECTION 714

### OPEN-FLAME COOKING DEVICES

**714.1 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction.

**Exceptions:** Where *buildings*, balconies, or decks are protected by an *automatic sprinkler system*.

**714.2 LP-gas containers.** Under no circumstances shall any LP-gas container or compressed gas fuel cylinder with

a water capacity greater than 2 ½ pounds [nominal one (1) pound LP-gas capacity] be used on any balcony, deck, or area that does not have a direct *means of egress* that does not require entry into a *structure* nor in areas covered by a *roof* or a partially enclosed area no matter what the construction type.

## PART 8 - RENTAL PERMITS

### SECTION 801 GENERAL

**801.1 Scope.** The provisions of this chapter shall govern the issuance, refusal, and maintenance of residential *Rental Permits* (hereinafter referred to as “Permit” for the remainder of this Chapter) for the Municipalities adopting Chapter 8 of this Code.

### SECTION 802 PERMIT

**802.1 Permit required.** No *owner, person, firm, or corporation* shall operate or rent to another, or provide for residential *occupancy* with or without compensation for thirty (30) or more days, any *dwelling unit, rooming unit, sleeping unit, or congregate living facility*, or operate a *Farm Labor Camp* until a Rental Permit has been issued by the *code official*. *Tourist homes, Bed and Breakfasts and Transient or Short-Term Rentals* shall obtain a **Fire Safety Permit** in accordance with Chapter 7 of this Code when Section 708 has been adopted by the Municipality.

#### Exceptions:

1. When as part of a property sales agreement, the *owner* of an *owner-occupied single-family residential property* negotiates a post-settlement agreement to stay in the *premises* after the transfer of *ownership* to the purchaser, for a maximum of 180 days, the property is not required to have a Permit.
2. In case of extraordinary circumstances or national disaster, the municipality may temporarily exempt units from the Permit requirement of this Section for up to 180 days.
3. When a Municipality has enacted an Ordinance that equals or exceeds the requirements of this

Code.

**802.1.1 Occupancy prior to permit issuance.** *Occupancy* of any rental property prior to Permit issuance is a *violation* of this code. In addition to the imposition of the penalties herein described, the *code official* is authorized to issue *citations* in accordance with this code. Each day that a *violation* continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. Any *person, firm, or corporation* violating this section is exempt from the notification requirements set forth in Section 107.

**802.2 Purpose.** The regulation, inspection and licensing of rental units is intended to:

1. Protect the health, safety, and welfare of *persons* affected by or subject to the provisions of this Chapter;
2. Ensure that *owner(s), person(s)-in-charge, and tenant(s)* of such rental unit, are informed of, and adhere to, all applicable code provisions governing the use and maintenance of rental units.

**802.3 Permit application.** Applications for Permits shall be made to the CKCOG Office on forms furnished by the CKCOG.

**802.3.1 Floor plan.** All Permit applications shall be accompanied by a floor plan of the proposed rental space including room dimensions, windows, and door locations. Floor plan shall include location, current use, and description of all attached nonresidential spaces.

**802.4 Rental Permit fee.** The initial Permit fee and renewal Permit fee shall be established by resolution of the Executive Committee of the Board of Directors of the CKCOG. The inspection frequency and Permit renewal schedule shall be established by resolution of the *Municipality*.



**802.5 Issuance or refusal.** The *code official* shall issue an initial Permit to the applicant upon proof that all of the following requirements have been satisfied:

1. Zoning use permit has been issued for the purpose for which it will be used or that no Zoning approval is required;
2. The *structure* complies with the provisions of this Chapter and all other applicable codes and/or ordinances, including the Property Maintenance Code;
3. The initial Permit fee has been submitted.

**802.6 Renewal.** Permits shall be renewed in accordance with the adopted schedule of the municipality, on or before the Permit expiration, by completing a Permit renewal application and submitting the Permit renewal fee and receiving a *satisfactory rental housing inspection* Report. A Permit shall be suspended upon the Permit holder's failure to submit the required completed renewal application and Permit renewal fee. No reduction shall be made for fractional yearly permits.

**802.7 Late fee.** A late fee charge, per unpaid unit(s), shall be imposed for any renewal fees not paid within 90 days of the date of the initial renewal letter.

**802.8 Transferability.** Permits shall be transferable upon change of *ownership*, providing the permitted use has not changed. The new *owner* is required to notify the CKCOG of any *ownership* change. Failure to notify the CKCOG of transfer within 15 calendar days will result in the revocation of the existing Permit.

**802.9 Applications.** Applications for Permits shall be filled out completely and accurately including addresses and telephone numbers for both the *owner(s)*, and *person-in-charge*. The Permit shall not be issued or renewed if an application does not contain all required information. The CKCOG shall be notified in writing of any changes to information required by this Section within 15 calendar days.

**802.9.1 Contact address.** The *owner* and *person-in-charge* contact addresses provided to the CKCOG on such application must be a valid address for the receipt of United States mail and shall be checked by the *owner* or *person-in-charge* on a regular basis not to exceed 1 week.

**802.9.2 Telephone number.** The *owner* and *person-in-charge* telephone numbers provided to the CKCOG on such application must be valid telephone numbers capable of receiving and recording voice mail at all times. A response to a voice mail left on this number by a representative of the *Municipality* or the CKCOG shall be returned or responded to within the time frame requested.

**802.9.3 E-Mail address.** Whenever possible, a valid e-mail address for the *owner* and *person-in-charge* shall be provided to the CKCOG. A response to an e-mail sent to this address by a staff member of the CKCOG or the *municipality* shall be responded to within the time frame requested.

**802.10 Display and use.** The Permit should be displayed in a common area of the *structure* of a multi-family dwelling. In single-family units or those without common areas, the Permit must be made available to the Code Officer, the Municipality, or current or prospective tenants upon request. The issuance of a Rental Permit to an *owner* or *person-in-charge* shall constitute consent for an inspection. The Rental Permit is and shall remain the property of CKCOG. Replacement of a lost or damaged Rental Permit shall be assessed a replacement fee in accordance with Section 107.4.1.

## SECTION 803 PERSON-IN-CHARGE

**803.1 Designation.** All *owners* of *residential rental property* shall designate a *person-in-charge* for each of their residential properties. This *person-in-charge* may be

the *owner*, however, if the *owner* resides on a regular or permanent basis more than thirty (30) miles from the property, a *person-in-charge* must be designated that resides within thirty (30) miles of the subject property.

**803.2 Authorization.** The *person-in-charge* shall be authorized to receive all notifications and correspondence and is authorized to make decisions regarding the property and its occupants to ensure compliance with this Code and all other applicable municipal Ordinances.

**803.3 Duties.** It shall be the duty of every *person-in-charge* to keep and maintain all regulated rental units in compliance with this Code and all other applicable municipal Ordinances, including:

1. To maintain the *premises* in good and safe condition;
2. To respond promptly to reasonable complaints and inquiries from occupants.
3. To comply fully with all provisions of this Code.

**803.4 Occupancy.** The *person-in-charge* shall maintain all rental property under their control in compliance with the *occupancy* limits, as specified in the Zoning Ordinance of the *Municipality* or as determined after inspection by the *code official*.

**803.5. Notification.** The *person-in-charge* shall promptly notify the *owner* of such rental property of any and all *violations* or *citations* issued against said property by the *code official*.

## SECTION 804 TENANT NOTIFICATIONS

**804.1 Tenant Information Packet.** The *person-in-charge* shall be required to distribute to each *tenant*, a Tenant Information Packet (hereinafter referred to as the

“packet”). The packet shall be distributed annually and/or with each new lease or *occupancy*. Contents of the packet shall be developed by the CKCOG, in cooperation with the Municipality, and made available in electronic format to property *owners* and *persons-in-charge* to distribute.

The packet shall be separate from any written lease and shall include the following:

1. *Occupancy* limits of the rental property, where applicable;
2. Municipal codes and Ordinances regarding refuse, litter, parking, weeds, grass, and the removal of snow and ice from sidewalks;
3. Specific information regarding the CKCOG requirements including:
  - a. Basic property maintenance code requirements;
  - b. Contact information for the CKCOG to include telephone numbers, hours of operation, email addresses, and website address.
4. Fire safety certification in accordance with Section 708.1, where applicable;
5. Regulations regarding tampering with fire protection equipment;
6. A signature form acknowledging receipt of the packet. A signed copy of the form shall be maintained by the *person-in-charge* and shall be made available to the *tenant*, *code official*, or municipality upon request.

## SECTION 805 INSPECTIONS REQUIRED

**805.1 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to

report upon unusual technical issues that arise, subject to the approval of the Municipality.

**Exception:** Any residential rental unit that is subject to an inspection by any other government agency whose inspection standards are **equal to or greater than** this Codes may be exempted from the inspection schedule for a period determined by the *code official*, not to exceed 36 months; provided, however, that inspection may occur as set forth in this Chapter if a violation of this Code occurs. This exemption does not exclude the property from being subject to any of the Municipality's Ordinances. This exemption **does not** apply to any non-residential occupied space attached to such rental unit.

**805.1.1 Initial Rental Permit inspection.** Within 60 calendar days following the acceptance of an application for a Permit, the residential unit and any connected non-residential spaces shall be inspected for compliance with the requirements of this Code and any other applicable ordinances of the Municipality.

**805.1.2 Rental Permit inspection frequency after Permit issuance.**

1. All residential rental properties and any attached nonresidential spaces or uses shall be inspected in accordance with the adopted ordinance of the appointing municipality, or a minimum of once every 36-months. The next regular inspection will be scheduled 36-months or sooner from the last regular inspection.
2. If a property fails to receive a *satisfactory rental housing inspection* during any regular inspection, that property may be inspected annually thereafter until such time as the property has received a satisfactory inspection report during three (3) consecutive annual inspections. The *owner* shall be charged for each additional inspection required under this section. A satisfactory rental housing inspection is defined as two (2) or fewer life safety deficiencies or five (5) or fewer property maintenance deficiencies per permit.

3. Nothing in this Code shall prevent the *code official* from conducting more frequent inspections of a *premises*. More frequent inspections may occur when any of the following occurs:

- 3.1 For the purpose of re-inspection to ensure the correction of any *deficiencies* in existence at a previous inspection;

- 3.2 When a complaint is made and the *code official* has reasonable cause to believe that the complaint is valid;

- 3.3 At the request of the *owner* or *tenant*;

- 3.4 By recurrent *deficiencies*, such that any rental unit which has been found to have a high incidence of recurrent or uncorrected *deficiencies*:

- 3.4.1 Three (3) or more *life safety deficiencies* (See Appendix B); and/or

- 3.4.2 Six (6) or more *property maintenance deficiencies* (see Appendix B) in a calendar year;

- 3.5 When an alteration of the *premises* results in the increase or decrease in habitable space;

- 3.6 When there is a change of use in any attached non-residential portion of the building;

- 3.7 By area, such that all rental units in a predetermined geographical area will be inspected simultaneously, or within a short period of time;

- 3.8 By Municipal Ordinance requiring a more frequent inspection schedule.

4. Transfer of complaint inspection fees. No *owner* or *person-in-charge* shall transfer or attempt to transfer fees imposed for complaint inspections to the *tenant* making the complaint unless the *owner* or *person-in-charge* was not given a reasonable opportunity to repair the *deficiency* prior to the complaint or the *tenant* was responsible for the *deficiency* which gave rise to the complaint;

**805.2 No-show fee.**

1. If the *owner* or *person-in charge* fails to be present or to provide interior access for an inspection within ten minutes after the start time of the scheduled inspection, the *owner* shall be considered a *no show* and subject to a *no-show* fee, except for good cause shown.
2. Following the first *no show*, the inspection shall be rescheduled, and the *code official* shall give notice of the time and date for the rescheduled inspection. If the *owner* or *person-in-charge* fails to be present and/or to provide interior access for the second inspection, the *owner* or *person-in-charge* shall be considered a second *no show* and shall be subject to an additional *no show* fee and shall be in *violation* of this Chapter.
  - 2.1 Each day that the *owner* or *person-in-charge* fails to be present and/or provide interior access for an inspection shall constitute a separate *violation*.
  - 2.2 If the inspection has not been completed within ninety (90) days of the first scheduled inspection as a result of the *owner* or *person-in-charge* not being present and/or failing to provide interior access for a scheduled or rescheduled inspection, the rental permit may be suspended in accordance with Section 807.

**805.3 Report of Inspection Findings.** The property *owner* or *person-in-charge* shall be notified in writing of the existence of any *deficiencies* found during an inspection of a *premises*.

This report shall be sent by first class mail to the address(s) for the *owner* or *person-in-charge* contained in the rental unit license application or renewal application. All *deficiency* notices shall provide a reasonable time limit within which the *deficiencies* must be corrected.

**805.4 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in *violation* of this code, the *code official* is

authorized to enter the *structure* or *premises* at reasonable times to inspect or perform the duties imposed by this code, subject to applicable laws, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or *person-in-charge* of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

**805.5 Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

**805.6 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**805.7 Department records.** The *code official* shall keep records of all business and activities of the department specified in the provisions of this code. Such records shall be retained for the period required for retention of public records as established by the Commonwealth of Pennsylvania.

## SECTION 806

### RENTAL PERMIT SUSPENSION FOR IMMINENT HAZARD

**806.1 Imminent hazard.** Whenever an imminent hazard to community health, safety, or welfare exists at a property, the *Building Code official* is authorized and empowered to order and require any *structure* on the property vacated immediately. A *placard* shall be posted at each entrance to the *structure(s)* stating that the *structure* is “*Uninhabitable*” or “*Condemned*” depending on the severity of the hazard, and that *occupancy* of the *structure* is unlawful and any *person* occupying the *structure* will be prosecuted. The *Building Code official*

shall schedule a hearing with the property *owner* or *person-in-charge* within 10 calendar days from the date of the order. The purpose of the hearing will be to review the vacation order with the property *owner* or *person-in-charge* and to establish an abatement plan.

#### **806.2 Imminent Hazard Suspension Procedures.**

**806.2.1 Notification.** The CKCOG shall notify the property *owner* and *person-in-charge* of a Rental Permit suspension by written notice sent by a method that provides proof of delivery *or* delivered and posted on the *structure* in person. The notice shall advise the property *owner* of the property address, the effective dates of the suspension, the term of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for *violation* of the suspension, and appeal rights and procedures.

**806.3 Appeal procedure for *placarding* initiated by the *Building Code Official*.** Appeal of the *placarding* of a property as “*Condemned*” or “*Uninhabitable*” initiated by the *Building Code official* shall be heard by the CKCOG Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 111. The Board of Appeals is empowered to sustain, withdraw, or modify the *placarding*.

**806.4 Appeals to the Court of Common Pleas.** Appeals by the property *owner* of the CKCOG Board of Appeals decision shall be made to the appropriate Court of Common Pleas.

**806.5 Effect of suspension.** While under suspension, the residential unit subject to suspension shall be vacated. If such suspension is to last more than thirty (30) calendar days, the *structure* must be secured in accordance with Section 108 and 109 of this Code.

## **SECTION 807**

### **RENTAL PERMIT SUSPENSION FOR OUTSTANDING VIOLATIONS**

**807.1 Outstanding violations.** The *code official* may suspend the Rental Permit when a violation of this Chapter has not been corrected after a period of 90 calendar days. This includes:

1. Refusal to permit the inspection of the *premises* when required;
2. Failure to abate deficiencies reported after inspection;
3. Failure to complete required forms and/or pay required fees.

#### **807.2 Outstanding Violation Rental Permit Suspension Procedures.**

**807.2.1 Notification.** The CKCOG shall notify the property *owner* and *person-in-charge* of a suspension by written notice sent by a method that provides proof of delivery *or* delivered and posted on the *structure* in person. The notice shall advise the property *owner* of the property address, the effective dates of the suspension, the term of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for *violation* of the suspension, and appeal rights and procedures.

**807.3 Appeal procedure for outstanding violation suspension initiated by the *code official*.** Any affected *owner* may appeal a suspension notice by first filing an appeal to the CKCOG Director. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The CKCOG Director shall hold a hearing within 30 calendar days of receiving the *owner's* appeal, and shall notify the *owner* of the date, time, and location of the hearing. Following the conclusion of the inquiry, the CKCOG Director is empowered to take any of the following actions:

1. Sustain the suspension;
2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension;

3. Enter into a consent agreement with the *owner* and stay the effective dates of the suspension pursuant to Section 807.4. Consent Agreement.

The CKCOG may charge an administrative fee to recover the costs of conducting the administrative inquiry. This fee shall be based on the current hourly rate as set by the Executive Committee of the Board of Directors of the CKCOG.

**807.4 Consent agreement and stay of suspension.** The CKCOG Director is empowered during the course of an administrative inquiry on suspension of a Permit to enter into a consent agreement with the *owner*. The consent agreement may set forth steps and conditions designed to bring the property into compliance with this Chapter and any applicable Municipal Ordinances and to maintain the property in a proper manner. In conjunction with the consent agreement, the CKCOG Director may stay the effective date of the suspension to afford the *landowner* an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a *violation* of the consent agreement occurs or additional violations accrue, the stay shall be immediately lifted and the suspension reinstated.

**807.4.1** As part of the consent agreement, the CKCOG Director is authorized to require that additional financial penalties be included in the agreement for failure to comply with the terms of the agreement.

**807.5 Appeal procedure for suspension initiated by the Code official and upheld by the CKCOG Director after a hearing.** Appeals of suspension initiated by the *code official* and upheld by the CKCOG Director shall be heard by the CKCOG Board of Appeals in accordance with the procedures established for appeals to that Board, as referenced in Section 111. The Board of Appeals is empowered to sustain, withdraw, or modify the suspension.

**807.6 Appeals to the Court of Common Pleas.** Appeals by the property *owner* of the CKCOG Board of Appeals decision shall be made to the appropriate Court of Common Pleas.

**807.7 Effect of suspension.** While under suspension, the residential unit subject to suspension shall be vacated. If such suspension is to last more than thirty (30) calendar days, the *structure* must be secured in accordance with Section 108 and 109 of this Code.

## SECTION 808 ENFORCEMENT

**808.1. Occupancy without a Permit.** No *person* shall occupy, and no *owner* or *person-in-charge* shall allow Code unless a Permit has been issued and remains in effect. Each day that a *violation* exists shall constitute a separate offense.

**808.2 False statements.** No *person* shall knowingly make any false statement or provide any false information on a rental unit license application to any employee of the CKCOG or other authorized *person* in relation to any investigation of a *violation* of this Part.

**808.3 Coercive conduct.** No *person* shall coerce, threaten, or intimidate any *person* into failing to report, or as a result of reporting, a *violation* of this Code, or to waive any rights established by law.

**808.4 Penalty.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.

**PART 9 - FIRE CODE**

**SECTION 901**

**SCOPE**

**901.1 Scope.** These regulations shall adopt the *International Fire Code 2021 edition*, in its entirety and be known as the Fire Code of the *Municipality*.

## PART 10 - REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

### ASME

American Society of Mechanical Engineers  
Three Park Avenue  
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
ASME A17.1 -2016/CSA B44	Safety Code for Elevators and Escalators	606.1

### ASTM

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

F1346—91 (2010)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
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### ICC

International Code Council  
500 New Jersey Avenue, NW  
6th Floor  
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC-2018	International <i>Building Code</i>	102.3, 201.3, 304.1.1, 305.1.2, 306.1.1, 307.1.2, 307.1.3, 401.3, 402.1, 404.5.2.3, 604.3.1.1, 604.3.2.1, 702.1.1, 702.3, 702.3.1, 702.5, 702.6, 702.7, 703.2.1, 703.2.2, 704.2.5, 711.1, 713.1, A102.1, A102.2, A102.3
IEBC-2018	International Existing <i>Building Code</i>	102.3, 201.3, 304.1.1, 305.1.2
IFC-2018	International Fire Code	102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1
IFGC-2018	International Fuel Gas Code	102.3, 201.3, 603.1
IMC-2018	International Mechanical Code	102.3, 201.3, 403.1, 603.1, 603.5
IPC-2018	International Plumbing Code	102.3, 201.3, 502.5, 505.1, 602.2
IPMC-2021	International Property Maintenance Code	704.2.4, 704.2.6
IRC-2018	International Residential Code	102.3, 201.3, 303.2, 603.1, 702.6.1, 704.2.5



## NFPA

National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
10-17	Standard for Portable Fire Extinguishers	Table 704.2
12-15	Standard on Carbon Dioxide Extinguishing Systems	Table 704.3
12A-15	Standard on Halon 1301 Fire Extinguishing Systems	Table 704.3
17-17	Standard for Dry Chemical Extinguishing Systems	Table 704.3
17A-17	Standard for Dry Chemical Extinguishing Systems	Table 704.3
25-17	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	Table 704.3
70-17	National Electrical Code	102.3, 201.3, 604.2
72-16	National Alarm and Signaling Code	Table 704.3
80-17	Fire Doors and Other Opening Protectives	703.3.3, 703.4
105-16	Installation of Smoke Door Assemblies and Other Opening Protectives	703.1.2
204-15	Standard for Smoke and Heat Venting	Table 704.3
720-15	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment	705.2
750-14	Standard on Water Mist Fire Protection Systems	Table 704.3
2001-15	Standard on Clean Agent Fire Extinguishing Systems	Table 704.3

## UL

Underwriters Laboratory Inc.  
333 Pfingsten Road  
Northbrook, IL 60062

Standard reference number	Title	Referenced in code section number
268-08	Smoke Detectors for Fire Alarm Systems	704.6.4

## UCC

Pennsylvania Department of Labor and Industry  
651 Boas Street, Room 1613  
Harrisburg, PA 17121-0750

Standard reference number	Title	Referenced in code section number
PA-UCC	Uniform Construction Code of Pennsylvania	102.3, 102.7, 105.1, 404.5.2.3, 704.10, 802.1

## **APPENDIX A - BOARDING STANDARD**

### **A101**

#### **GENERAL**

**A101.1 General.** All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized *persons* and shall be painted to correspond to the color of the existing *structure*.

### **A102**

#### **MATERIALS**

**A102.1 Boarding sheet material.** Boarding sheet material shall be minimum of ½ inch thick wood structural panels complying with the *International Building Code*.

**A102.2 Boarding framing material.** Boarding framing material shall be minimum nominal two (2) inches by four (4) inches solid sawn lumber complying with the *International Building Code*.

**A102.3 Boarding fasteners.** Boarding fasteners shall be minimum 3/8-inch diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

### **A103**

#### **INSTALLATION**

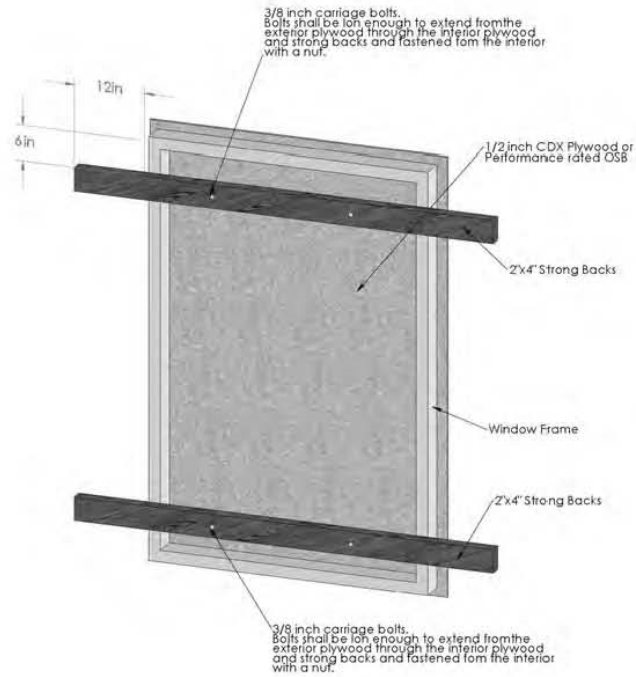
**A103.1 Boarding installation.** The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

**A103.2 Boarding sheet material.** The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

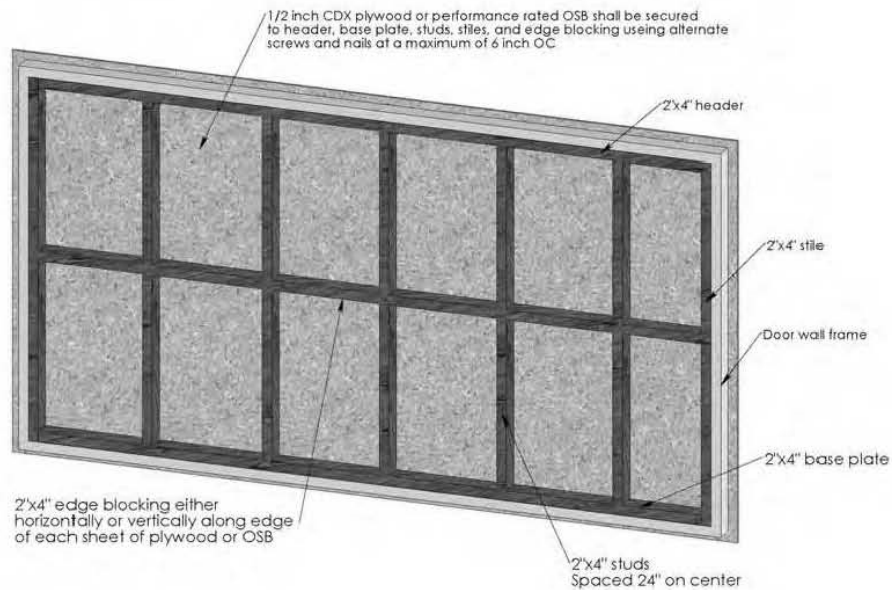
**A103.3 Windows.** The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The two (2) inches by four (4) inches strong back framing material shall be cut minimum two (2) inches wider than the window opening and shall be placed on the inside of the window opening six (6) inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

**A103.4 Door walls.** The door opening shall be framed with minimum two (2) inches by four (4) inches framing material secured at the entire perimeter and vertical members at not more than 24 inches on center. Blocking shall also be secured at not more than 48 inches on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six (6) inches on center.

**A103.5 Doors.** Doors shall be secured by the same method as for windows or door openings. One door to the *structure* shall be available for authorized entry and shall be secured and locked in an *approved* manner.



**FIGURE A103.1(1)**  
**BOARDING OF DOOR OR WINDOW**



**FIGURE A103.1(2)**  
**BOARDING OF DOOR WALL**

**APPENDIX B - INSPECTION CHECKLISTS**

**RENTAL UNIT OCCUPANCY**

**Pre-Inspection Checklist**

***Life & Fire Safety –***

- Is there a working smoke detector in EACH bedroom (or other room used for sleeping), in the hallway(s) outside of the bedrooms and on each level, including the basement and attic? (704.2)
- Is the hot water heater and furnace clear (at least 3 feet away) of boxes, other “junk” or flammable materials? (603.3)
- Are all exits free from obstruction inside and outside (personal belongings, junk, shrubbery etc.)? (702)
- Do they lock and unlock from the **inside** without using a key or special knowledge? (304.18.1 & 702.3)
- Does the Water Heater have a temperature and pressure-relief valve and a relief valve discharge pipe (“drip-leg”) ? (505.4)
- Is all fuel burning equipment in good repair and safe condition, properly installed and connected to chimneys or vents? (304.11, 603.1, 603.2)
- Do all rooms used for sleeping have a window? Or two means of approved egress from such room? (403.1, 702.4)
- Are carbon monoxide alarms installed in units with fuel burning appliances and/or attached garage as per manufacturer requirements? (IPMC 705)

***Property Maintenance –***

***Doors & Windows –***

- Do all exterior doors open and close easily? Are they weather tight? (304.13, 304.15)
- Do all windows open and stay open? (304.13.2)
- Do all windows close and lock (1<sup>st</sup> Fl)? Are they weather tight? (304.13.1, 304.18.2)
- Are there any broken or cracked windows? Are screens in place (when required) and free from tears? (304.14)

***Walls, Ceilings and Floor –***

- Are the walls, window sills and ceilings clean and free from peeling paint or wallpaper? (305.3)
- Are the floors structurally sound? (305.4)
- Is the flooring (carpet, vinyl, wood, etc.) clean and in good condition, i.e. thresholds in place, no rips or other tripping hazards, no missing tiles? No exposed subflooring (plywood or concrete)? (305.4)
- Are there proper globes/diffusers/covers on all light fixtures? (605.1)
- Are there light fixtures in all halls, stairways, laundry rooms and furnace rooms? (605.3)
- Does every set of stairs with more than four steps have a graspable handrail on at least one side? This includes stairs to a basement or attic and exterior stairs. (307.1)
- Are handrails and other railings firmly attached with no loose or missing spindles? (305.5)

***Heating, Plumbing & Electrical -***

- Are there working GFCI outlets in the Kitchen & Bathrooms (on outlets >6' from any water source)? (605.2)
- Is there a working exhaust fan or a window in each bathroom?
- Do all outlets, switches and panel boxes have covers? (605.1)
- Are there two outlets in each room and one in the bathroom? (605.2)
- Do all taps run (hot & cold) and toilets flush? Is the plumbing properly vented? (505.1, 506.1)
- Do any pipes leak or faucets drip? (504.1)

***Exterior –***

- Does each unit have address numbers that are clearly visible from the street (at least 4" high)? (304.3)
- Is the yard maintained (grass under 6", no tall weeds)? (302.4) (NOTE: height may vary by Municipality)
- Is all rubbish stored in appropriate containers and removed regularly? (308)
- Is the exterior in good repair? Siding, brick or paint free of chips or deterioration? (304.2)
- Is the roof in good repair with no leaks? No overhanging tree limbs or branches? (304.7)
- Is the chimney in good repair and safe condition? (304.11)
- Is the foundation in good repair, level with no cracking or deterioration? (304.5)
- Are the gutters and downspouts free of debris and directing water away from the *structure*? (304.7)
- Are the *premises* free of infestation such as insects, rats and/or other vermin? (302.5)
- If the property has a swimming pool, is it protected by a 48" barrier or fence in good repair, with a self-latching, self-closing gate? (303)
- Are all resident's vehicles properly registered and licensed? (302.8)
- Are any accessory *structures* (garages, sheds, fences) structurally sound and in good repair? (302.7)

***Recommended but not required in existing buildings NOT undergoing renovation –***

- Attached garages ½" drywall on garage side between house and garage and 1¾" solid core or fire rated door
- GFCI on all receptacles within six feet of a water source, in the garage, on the exterior and in any unfinished basement.

## **Multi-Family / Use Group R-2\* / Mixed-Use**

### **Supplemental Pre-Inspection Checklist**

In addition to the requirements for Use Group R-3, multi-Family structures, Use Group R-2 structures, and mixed-use Commercial structures with an attached Residential use must also comply with the Fire Safety Requirements found in Chapter 7 of the CMC

**This list shows commonly found violations. It is NOT intended to be a comprehensive list of all Fire Safety violations that could be found. If you have questions about a specific situation, please call the Central Keystone COG at 1-877-457-9401 or 570-522-1326.**

NOTE: The number shown in parentheses ( ) is the referenced code section of the CKCOG Property, Fire Safety and Existing Building Maintenance Code unless otherwise noted. IFC = 2018 International Fire Code, IRC = 2018 International Residential Code, IBC = 2018 International Building Code.

#### ***Administration –***

- Is Emergency Contact information clearly posted? (701.2)
- Is the Building Fire Safety Plan readily available? (IFC 404.1)
- Are Evacuation and Egress routes displayed in all required locations and up to date? (IFC 404)
- Is the Occupancy Load for each structure clearly posted? (713.2)
- Are the maintenance records and testing results for all fire protection system inspections up to date and available for review? (704.1, IFC 901.6)
- Is your Hazardous Materials Inventory Statement and Hazardous Materials Management Plan (when required) and available and up-to-date? (IFC 407.5)
- Are Safety Data Sheets for all hazardous materials readily available in either paper or electronic format? (IFC 407.1)

#### ***Exterior -***

- Is the building clearly addressed with the correct 911 address? Are secondary structures or offices also clearly identified? (304.3, 304.3.1)
- Is the Fire Department Connection (FDC) clearly visible? If not visible, has the required signage been installed? (704.5)
- Is the access to the FDC clear of obstructions? This includes fences, bushes, trees, dumpsters or any other movable or non-movable object. (704.5.1)
- Is a clear space of not less than 36 inches in width, 36 inches in depth, and 78 inches in height maintained around FDC's? (705.5.2)
- Are required fire apparatus lanes and roadways clearly marked and free of obstructions? (503.1, 503.2)
- Are all exterior doors, discharge areas and areas of refuge clear of obstructions or other hazards? (702.1)

#### ***Exits and Egress –***

- Is a safe, continuous, unobstructed and accessible egress route provided to the exterior? (702.1)
- Are all means of egress doors and openings readily openable from the inside? Does all egress door hardware conform to that permitted by the International Building Code? (702.3)
- Are doors required for fire blocking or smoke barrier clearly marked with the appropriate signage? (703.4.1)
- Is all required EXIT signage illuminated? Is all required emergency lighting in operation? (702.1.1)
- Are all stairways clearly identified with floor identifications and exit discharge level? (IFC 1009.9)

**Fire Protection Systems -**

- Are portable Fire Extinguishers provided where required? Are they the correct type for use and location? Have they been tested and maintained by a certified technician? (704.8, 704.8.1, 710)
- Have all fire protections systems; automatic fire alarms, manual fire alarms, sprinkler systems, fire extinguishers and automatic fire extinguishing systems been tested in accordance with NFPA standards? (704.2.3)
- Are all pull-stations, horns, strobes, smoke/carbon monoxide detectors and sprinkler heads free of debris, operable and unobstructed? (IFC 901)

**Fire Prevention –**

- Are all storage clearances maintained? 36” minimum is required around all fuel burning appliances and heat sources. (603.3)
- Are all doors into all rooms that contain building utilities identified with a plainly visible and legible sign? (707.1)
- Are rooms containing utilities free of combustible materials? (IFC 315.3.3)
- Are all refuse holding containers (dumpsters) with a capacity of more than 1.5 cubic yards placed more than 5 feet from any structure not protected by a sprinkler system? (IFC 304.3.3)
- Are “No Smoking” signs placed in areas where flammable or combustible materials are stored? (IFC 310.3)

**Electrical -**

- Is all wiring permanent, free of hazards, and in good condition? (IFC 604.3, 604.5)
- Are all working clearances around service panels, fuse boxes, and electrical equipment maintained free of obstruction and other materials? (IFC305.1, IFC 604.3)
- Are all panelboards and breakers clearly labeled? (605.1)

**Other -**

- Is the kitchen hood (ANSUL) system up to date on inspections, cleaned and operable? Are these records readily available? (IFC607.3)
-

**\*310.3 Residential Group R-2.**

**Residential Group R-2 occupancies containing *sleeping units* or more than two *dwelling units* where the occupants are primarily permanent in nature, including:**

Apartment houses

*Congregate living facilities* (nontransient) with more than 16 occupants

*Boarding houses* (nontransient)

*Dormitories*

Fraternities and sororities

Hotels (nontransient)

Motels (nontransient)

Vacation timeshare properties

**\*310.4 Residential Group R-3.**

**Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:**

Buildings that do not contain more than two *dwelling units*

*Congregate living facilities* (nontransient) with 16 or fewer occupants

*Boarding houses* (nontransient)

Dormitories

Fraternities and sororities

*Congregate living facilities* (transient) with 10 or fewer occupants

*Boarding houses* (transient)

*Lodging houses* (transient) with five or fewer *guest rooms* and 10 or fewer occupants



## **FIRE SAFETY INSPECTION**

### **Pre-Inspection Checklist**

Your Municipality has adopted an Ordinance requiring that all Commercial, Industrial and Multi-Family structures obtain and maintain a Fire Safety Permit. This Permit is issued by the Code officer after they have conducted an inspection of your premises and determined that is substantially in compliance with the CKCOG Property, Fire Safety, and Building Maintenance Code. This report reflects violations of this code observed at the time of the inspection. Violations of other codes may exist that were not observed at the time of the inspection.

If conditions are found that violate this Fire Code, could contribute to or cause a fire, or endanger life or property, the inspector will notify the owner or person-in-charge immediately. If any of the conditions are not immediately correctable, a written report stating the time limit to correct the conditions will be sent to the owner or person-in charge within 10 days. This report reflects violations of this code observed at the time of the inspection. Violations of other codes may exist that were not observed at the time of the inspection.

**This list shows commonly found violations. It is NOT intended to be a comprehensive list of all Fire Safety violations that could be found. If you have questions about a specific situation, please call the Central Keystone COG at 1-877-457-9401 or 570-522-1326.**

NOTE: The number shown in parentheses ( ) is the referenced code section of the CKCOG Property, Fire Safety and Existing Building Maintenance Code unless otherwise noted. IFC = 2018 International Fire Code, IRC = 2018 International Residential Code, IBC = 2018 International Building Code.

#### ***Administration –***

- Is Emergency Contact information clearly posted? (701.2)
- Is the Building Fire Safety Plan readily available? (IFC 404.1azx)
- Are Evacuation and Egress routes displayed in all required locations and up to date? (IFC 404)
- Is the Occupancy Load for each structure clearly posted? (713.2)
- Are the maintenance records and testing results for all fire protection system inspections up to date and available for review? (704.1, IFC 901.6)
- Is your Hazardous Materials Inventory Statement and Hazardous Materials Management Plan (when required) and available and up-to-date? (IFC 407.5)

- Are Safety Data Sheets for all hazardous materials readily available in either paper or electronic format? (IFC 407.1)

***Exterior -***

- Is the building clearly addressed with the correct 911 address? Are secondary structures or offices also clearly identified? (304.3, 304.3.1)
- Is the Fire Department Connection (FDC) clearly visible? If not visible, has the required signage been installed? (704.5)
- Is the access to the FDC clear of obstructions? This includes fences, bushes, trees, dumpsters or any other movable or non-movable object. (704.5.1)
- Is a clear space of not less than 36 inches in width, 36 inches in depth, and 78 inches in height maintained around FDC's? (705.5.2)
- Are required fire apparatus lanes and roadways clearly marked and free of obstructions? (503.1, 503.2)
- Are all exterior doors, discharge areas and areas of refuge clear of obstructions or other hazards? (702.1)

***Exits and Egress -***

- Is a safe, continuous, unobstructed and accessible egress route provided to the exterior? (702.1)
- Are all means of egress doors and openings readily openable from the inside? Does all egress door hardware conform to that permitted by the International Building Code? (702.3)
- Are doors required for fire blocking or smoke barrier clearly marked with the appropriate signage? (703.4.1)
- Is all required EXIT signage illuminated? Is all required emergency lighting in operation? (702.1.1)
- Are all stairways clearly identified with floor identifications and exit discharge level? (IFC 1009.9)

***Fire Protection Systems -***

- Are portable Fire Extinguishers provided where required? Are they the correct type for use and location? Have they been tested and maintained by a certified technician? (704.8, 704.8.1, 710)
- Have all fire protections systems; automatic fire alarms, manual fire alarms, sprinkler systems, fire extinguishers and automatic fire extinguishing systems been tested in accordance with NFPA standards? (704.2.3)
- Are all pull-stations, horns, strobes, smoke/carbon monoxide detectors and sprinkler heads free of debris, operable and unobstructed? (IFC 901)

***Fire Prevention -***

- Are all storage clearances maintained? 36" minimum is required around all fuel burning appliances and heat sources. (603.3)

- Are all doors into all rooms that contain building utilities identified with a plainly visible and legible sign? (707.1)
- Are rooms containing utilities free of combustible materials? (IFC 315.3.3)
- Are all refuse holding containers (dumpsters) with a capacity of more than 1.5 cubic yards placed more than 5 feet from any structure not protected by a sprinkler system? (IFC 304.3.3)
- Are “No Smoking” signs placed in areas where flammable or combustible materials are stored? (IFC 310.3)

**Electrical -**

- Is all wiring permanent, free of hazards, and in good condition? (IFC 604.3, 604.5)
- Are all working clearances around service panels, fuse boxes, and electrical equipment maintained free of obstruction and other materials? (IFC305.1, IFC 604.3)
- Are all panelboards and breakers clearly labeled? (605.1)

**Other -**

- ☐ Is the kitchen hood (ANSUL) system up to date on inspections, cleaned and operable? Are these records readily available? (IFC607.3)

**APPENDIX C  
FEE SCHEDULES**

**Fee Schedule for those fees set by the Executive Committee of the Board of Directors of the CKCOG and adopted by Resolution of the member Municipality.**

<b>Section</b>	<b>Amount</b>	<b>Reason</b>
<b>106.3.1</b>	\$50.00 for the first additional re-inspection and a fee of \$75.00 for every re-inspection thereafter	Penalty - Failure to abate deficiencies when required
<b>106.3.2 106.4.2 805.2</b>	\$50.00	Penalty – <i>No-Show</i> , failure to be present for inspection
<b>107.4.1</b>	\$5.00	Replacement Fee - Of sign, order, sticker, <i>placard</i> , tag, or seal.
<b>708.2</b>	\$75.00 and up See <i>Table 708.2.1</i>	Permit Fee - Inspection of <i>Premises</i> and Issuance of Fire Permit

<b>802.1.1</b>	<b>\$50.00</b>	<b>Penalty - <i>Occupancy</i> prior to permit issuance</b>
<b>802.4</b>	<b>\$35.00 or \$75.00 See <i>Table 802.4.1</i></b>	<b>Permit Fee - Issuance or Renewal of Rental Permit</b>
<b>802.7</b>	<b>\$50.00</b>	<b>Late Fee – Failure to remit fees when due</b>
<b>805.1.2</b>	<b>\$25.00</b>	<b>Re-inspection Fee – Re-inspection to ensure the correction of any <i>deficiencies</i> in a Residential Rental Unit</b>

**Table 708.2.1**

**FIRE PERMIT FEE SCHEDULE**

Fire Permit fees are determined by the square footage of the structure being inspected, the use of the structure and any special hazards associated with that use, with a minimum of 1 hour at the CKCOG's current hourly rate.

Fees for inspection of Non-Residential uses attached to a residential structure receiving a Residential Rental Permit are set by Municipal resolution and are equal to the fee for the Residential Rental Permit.

Fees for special circumstances or uses will be determined at time of application based on the CKCOG's current hourly rate.

**Table 802.4.1**

**RENTAL PERMIT FEE SCHEDULE\***

Rental Permit fees are PER DWELLING or ROOMING UNIT, paid either annually or every 36 months.

<b><i>Renewal Frequency</i></b>	<b><i>Inspection Frequency</i></b>
<b>Annual</b>	every 36 Months
\$35.00 per Unit	No additional cost for <i>satisfactory</i> inspection
<b>Triennial</b>	every 36 Months

Fees for additional services provided may also be set by Municipal Resolution.

## CHAPTER 4 - HEALTH, SAFETY, AND PUBLIC CONDUCT

### PART 1- BURNING

**§101. Intent.** The Council of the Borough of McClure enacts this ordinance, with the intent of promoting the general health, welfare, and safety of the community by minimizing danger to public health and safety from fire and noxious fumes by regulating the disposal of certain substances through outside burning.

**§102. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the following words, terms, or phrases shall for the Purpose of this Ordinance, have the meanings indicated below:

**Borough:** The Borough of McClure, Snyder County, Pennsylvania.

**Burn or Burning:** The undergoing of rapid combustion of a substance in such a manner as to give off heat, gases and usually, but not always, light.

**Burn Container:** Any non-combustive, metal, brick, stone or cement enclosure used outside primarily for the disposal of sylvan materials through burning.

**Garbage:** Any discarded animal or vegetable matter.

**Person:** Every natural person, association, corporation, partnership or trust. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

**Plastic:** Any synthetic or natural organic materials made from or consisting of resins, resinoids, polymers, cellulose derivatives, casein materials, and proteins.

**Rubber:** A highly elastic solid substance polymerized by the drying and coagulation of the latex of rubber trees and plants.

**Rubbish:** Any unwanted material that is rejected or discarded including, but not limited to: debris, litter, trash, refuse and disposable diapers.

**Sylvan Materials:** Any substance made exclusively of wood including, but not limited to, leaves, newspapers, magazines, brush, trees, and similar natural items.

**§103. Prohibited Burning.** No person shall burn garbage, rubbish, or rubber, plastic or related materials in any manner within the Borough.

**§104. Permitted Burning And Burning Hours.** Any person may burn sylvan materials outside his dwelling with the Borough provided such burning occurs only during day light hours and in a burn container as specified in Section One Hundred and Five below. No person shall burn sylvan materials outside his dwelling after sunset or before dawn. Nothing in this section shall apply to burning that takes place inside an outdoor furnace in accordance with Part 4 of this chapter.

**§105. Burn Container Required.** Any and all outside burning of sylvan materials within the Borough shall occur in a burn container except for leaves and brush which may also be burned in an open area. Every burn container and open area for burning leaves and brush shall be situated so as not to be a fire hazard when in use and so as not to cause a, public or private nuisance from smoke or other discharges into the atmosphere. Every burn container shall be constructed, equipped, and used so as to prevent the discharge of embers, ashes or other debris into the atmosphere. Nothing in this section shall apply to burning that takes place inside an outdoor furnace in accordance with Part 4 of this chapter.

**§106. Penalty.** Any person burning substances within the Borough without complying with this Ordinance shall be guilty of a summary offense, and upon conviction thereof, such person shall pay a fine not exceeding Three Hundred Dollars (\$300.00), be confined for a period of time not longer than ninety (90) days in the Snyder County Prison, or both. All fines collected for such violations shall be paid over to the Borough.

## **PART 2 – VENDORS**

**§201. Purpose.** It is the purpose and intent of the Borough Council of the Borough of McClure by the enactment of this Ordinance to provide for the orderly hawking, peddling, vending or soliciting of any merchandise, articles or things, tangible or intangible, within the Borough of McClure, through the requirement of a license for any and all hawkers, peddlers, vendors or solicitors.

**§202. Application For License.** Application for such license shall be made to the Borough Secretary of the Borough of McClure and shall state thereon the occupation and number of vehicles, if any, and/or the name or names of person or persons intending to hawk, peddle, vend or solicit and the kind of merchandise to be hawked, peddled, vended or solicited, and the permanent address of the hawker, peddler, vendor or solicitor.

**§203. License Fee.** The fee for such license shall be Fifty (\$50.00) Dollars for a period of one (1) week or fraction thereof.

### **§204. Acts Prohibited.**

(a) No person, firm, corporation, or unincorporated association shall engage in the business of hawking, peddling, vending, or soliciting of any merchandise, tangible or intangible, without first securing a license thereof.

(b) No licensed hawker, peddler, vendor or solicitor shall engage in any fraud, deceit or misrepresentation, whether he himself or through an employee or agent while acting as a hawker, peddler, vendor or solicitor in the Borough of McClure.

(c) No hawker, peddler, vendor or solicitor shall ply his, her, or their business on any street, sidewalk, park, parkway, alley, or in any other public place, unless his license specifies that hawking, peddling, vending or soliciting in such public place is permitted hereunder.

(d) No licensed hawker, peddler, vendor or solicitor shall barter or sell any goods, merchandise or wares, tangible or intangible, other than those specified in the application for a license.

**§205. Fee Exemptions.** A license shall be issued without charge to the following:

- (a) Any discharged Soldier, sailor or marine of the military service of the United States who is a resident of the State of Pennsylvania and who is unable to procure employment or a livelihood by other means,
- (b) Any religious or charitable organization,
- (c) Any organization under the auspices of the Midd-West School District,
- (d) Any resident of the State of Pennsylvania who plants, cultivates, and grows vegetables, fruits, and/or produce and who sells said items for personal profit or gain, and
- (e) Any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products, excepting, however, that the term “milk or milk products” shall not include or apply to ice cream or other frozen desserts.

**§206. Penalty For Violation.** Any person, firm, corporation, or unincorporated association who shall violate any of the provisions of this ordinance upon conviction thereof before a District Magistrate shall be deemed guilty of a summary offense and shall be sentenced to commitment in the Snyder County Prison for a term of not less than five (5) days or more than ten (10) days and/or fined not more than Three Hundred (\$300.00) Dollars, for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

### **PART 3 – GARBAGE, RUBBISH, AND DUMPS**

**§301. Purpose.** It is the purpose and intention of this ordinance enacted under the police power of the Borough of McClure, to regulate and control the disposal of ashes, garbage, rubbish and other refuse materials in order to maintain, provide for and protect the health, safety and sanitation of the inhabitants of this Borough.

**§302. Definitions.** The following words, terms and phrases when used herein shall have the meaning hereinafter ascribed to them accept whenthe context clearly indicates a different meaning:

**Refuse** is a general term and shall mean all matter and materials discarded or rejected by the owners thereof as offensive or useless,or which by their presence or accumulation may injuriously affect the health, comfort and safety of the community; it shall include ashes, garbage, rubbish and other refuse materials, but exclude human body waste.

**Ashes** shall mean the residue from the burning of wood, coal, coke, or other combustible materials.

**Garbage** shall mean all table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.



**Rubbish** shall mean leaves, branches, trees, sawdust, chips, shavings, wood, woodenware, paper, printed matter, boxes, leather, rags, grass, straw, manure, and all solid combustible matter not included in this section under the term "garbage".

**Dump** shall mean any parcel of land where refuse, ashes, garbage, or rubbish are customarily stored, disposed of or permitted to accumulate.

**Person** shall mean every natural person, firm, corporation, partnership, association, and institution.

**§303. Prohibited Acts.** It shall be unlawful for any person to deposit, dump, spill, throw, place or bury or permit another to deposit, dump, spill, throw, place or bury in or upon any parcel of land, lot, street, highway, gutter, alley, water or stream, quarry or ditch within the Borough of McClure any ashes, garbage, rubbish or other refuse materials, except under the following circumstances:

(a) Refuse disposed of on premises owned or leased by the producer of the refuse, provided it is done in a safe, sanitary and nuisance free manner and in compliance with any applicable ordinance.

(b) Manure, fertilizer and refuse used as fertilizer for mulching, farming, or gardening.

(c) Dead household pets interred in places set apart for that purpose.

(d) Soil, earth, sand, clay, gravel, loam, ashes, slate, stones, bricks, plaster, cement leaves, branches, trees, sawdust, chips, shavings, wood, grass; straw and corn fodder when used as fill, provided it is done in a safe, sanitary and nuisance free manner.

(e) Refuse disposed of at a dump licensed pursuant to this ordinance.

**§304. Licensing.** Every person who now owns or operates or who here-after desires to own or operate a dump in the Borough of McClure shall apply to the Borough Secretary for a license for the same and shall pay with such application a license and inspection fee of \$100.00. Upon receipt of said application and fee the Borough Secretary shall inspect the site of the dump or proposed dump, and if the same is located more than 300 yards from all inhabited dwellings, streams and watercourses and is being operated or from all available evidence will be operated in a safe, sanitary and nuisance free manner, and will in no way menace the health of inhabitants of the Borough, he shall issue a license for such dump. Said license shall be effective for one year from the date of issuance and shall be renewable upon re-inspection of the site and payment of an annual inspection fee of \$25.00.

**§305. Penalty.** Any person or any officer of any firm or corporation violating any of the provisions of this ordinance, shall upon conviction thereof before a Justice of the Peace of the Borough be sentenced to pay a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with costs of prosecution or to undergo imprisonment in the Snyder County jail for a period of not more than thirty (30) days or both. Every violator of this ordinance shall be deemed guilty of a separate offense for each and every day such violations shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

**PART 4 – OUTDOOR FURNACES**

**§401. Purpose.** The purpose of this Ordinance is to protect the beauty, cleanliness, comfort, convenience, general welfare, health, morals, and safety of the Borough of McClure by regulating Outdoor Furnaces and the smoke they emit. On the one hand, the Borough recognizes that Outdoor Furnaces may be economical alternatives to conventional indoor heating systems; on the other hand, the Borough has found that the unregulated use of Outdoor Furnaces and the smoke they emit are highly likely to impair the values the Borough exists to protect. This Ordinance is intended to ensure that Outdoor Furnaces are used in a manner that does not impair those values, is consistent with the ethic of reciprocity, and does not create a nuisance.

**§402 Definitions.**

Unless the context clearly indicates otherwise, the following words and phrases when used in this Ordinance shall have the meanings given to them in this Section:

**Borough**-This means McClure Borough in Snyder County, Pennsylvania.

**Outdoor Furnace** - This means any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

**Untreated Lumber** - This means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue adhesive, stain, paint, or other substance.

**Firewood** - This means dried trunks and branches of trees and bushes, but it does not include green trunks and branches or leaves, needles, vines, or brush smaller than three inches in diameter.

**Person** - This means a natural person or any organization, including, but not limited to, an association, a company, a corporation, a firm, a partnership, or a trust.

**§403. Permits required For Outdoor Furnaces.** No person shall allow, cause, or maintain the use of an Outdoor Furnace within the Borough without having a permit from the Ordinance Enforcement Officer which is not suspended or revoked. Applications for a permit shall be made to the Ordinance Enforcement Officer on forms he provides.

**§404. Existing Outdoor Furnaces.** Any Outdoor Furnace in existence on the effective date of this Ordinance shall be permitted to remain if the owner applies for and receives a permit from the Ordinance Enforcement Officer within 1 year of such effective date. Whether an owner of an Outdoor Furnace thereafter receives a permit or not, upon the effective date of this Ordinance all its provisions shall immediately apply to existing Outdoor Furnaces. If the owner of an existing Outdoor Furnace does not receive a permit within 1 year of the effective date of this Ordinance, the Outdoor Furnace shall be removed. "Existing" or "in existence" means that the Outdoor Furnace is in place on the site.

**§405. Specific Requirements Respecting Outdoor Furnaces.** Every Outdoor Furnace in the Borough shall be made, installed, operated, and maintained in compliance with the following specifications.

**§405.1 Safety Standards.** Every Outdoor Furnace in the Borough shall be laboratory tested and listed to appropriate safety standards such as those of UL (Underwriters Laboratories), CAN/CSA (Canada National Standard/Canadian Standards Association), or ANSI (American National Standards Institute).

**§405.2 Manufacturer's Specifications.** Each Outdoor Furnace, and any electrical, plumbing, or other apparatus or device used in connection with it, shall be installed, operated, and maintained in conformity with the manufacturer's specifications.

**§405.3 Site Plan.** Every application for a permit for an Outdoor Furnace shall be accompanied by a site plan drawn to a fully informative scale and showing the location of the site in the Borough, the relevant lot lines, the proposed location of the Outdoor Furnace on the site with the height of its chimney or smoke stack, distances from relevant residences and lot lines, and the height of the highest roof ridge of each relevant residence.

**§405.4 Setbacks.** Outdoor Furnaces shall be set back at least 100 feet from every residence on adjacent land not served by an Outdoor Furnace. Land on the opposite side of a stream, street, or alley shall be deemed adjacent land. Where the setback of 100 feet does not apply, an Outdoor Furnace shall be set back at least 25 feet from every lot line.

**§405.5 Height of Chimney or Smoke Stack.** The chimney or smoke stack of every Outdoor Furnace shall be at least two feet higher than the top of the highest roof ridge of any building within 300 feet of the Outdoor Furnace. The chimney or smoke stack shall be stabilized to fully resist collapse and toppling.

**§405.6 Permitted Fuel.** Only Firewood and Untreated Lumber may be burned in any Outdoor Furnace. Burning of any and all other materials in an Outdoor Furnace is prohibited. Lighter fluids, gasoline, or chemicals shall not be used to start or encourage burning in any Outdoor Furnace.

**§405.7 Spark Arrestors.** All Outdoor Furnaces shall be equipped with properly functioning spark arrestors.

**§406 Suspension of Permits.** The Ordinance Enforcement Officer may suspend any permit issued pursuant to this Ordinance, to protect the beauty, cleanliness, comfort, convenience, general welfare, health, morals, or safety of the Borough or the person or property of any of its inhabitants, if any one of the following conditions occurs:

**§406.1 Smoke or Other Emissions.** Smoke or any other emission from the Outdoor Furnace exhibits greater than 20% opacity for any one continuous six- minute period in any one hour. A photograph of the smoke or emission with the testimony of one credible witness shall be sufficient evidence of the occurrence.

**§406.2 Malodorous Air Contaminants.** Malodorous air contaminants from the Outdoor Furnace are detectable beyond the land where the Outdoor Furnace is located. Testimony of one credible witness shall be sufficient evidence of the occurrence.

**§406.3 Interference with Enjoyment of Life or Property.** Smoke or any other emission from the Outdoor Furnace interferes with the reasonable enjoyment of life or property.

**§406.4 Harm to Vegetation or Property.** Smoke or any other emission from the Outdoor Furnace harms vegetation or property.

**§406.5 Impair the Health of Humans or Animals.** Smoke or any other emission from the Outdoor Furnace does or may impair the health of humans or animals.

A suspended permit may be reinstated once the condition that resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition that has previously resulted in suspension of a permit shall be considered a violation of this Ordinance subject to the penalties provided in Section 908.

**§407 Variances.** If the Borough's Council finds that it is more probable than not that extraordinary and unnecessary hardship will result from strict compliance with this Ordinance and if the beauty, cleanliness, comfort, convenience, general welfare, health, morals, and safety of the Borough will not be impaired by such variance, the Council may grant a variance from the provisions of this Ordinance so that substantial justice may be done and the public interest secured. In granting a variance, the Council may impose such conditions and requirements as it deems reasonable and prudent. The Council, in its discretion, may hold a public hearing as part of its inquiry. If the Council grants the variance, a permit shall be issued for the Outdoor Furnace. If the Council denies the variance, the Outdoor Furnace must either be brought into compliance with this Ordinance or removed. If the Council does not take any action with respect to the variance within 60 days from its receipt of an application for the variance, the variance shall be deemed denied.

**§408 Enforcement; Revocation of Permit.** Violation of or failure to comply with any of the provisions of this Ordinance shall be a summary offense the sentence for which shall depend upon whether the summary offense involves air pollution.

**§408.1. Air Pollution Offenses.** If the summary offense is one of the conditions described in Section 8, it shall be classified as an air pollution offense; and upon conviction of such offense, the offender shall be sentenced to pay a fine or penalty of \$1,000.00 plus the costs of the proceeding and in default of payment thereof to undergo imprisonment in the Snyder County Jail for 30 days.

**§408.2. Other Offenses.** Upon conviction of a summary offense that cannot be classified as one of air pollution, the offender shall be sentenced to pay a fine or penalty of \$600.00 plus the costs of the proceeding and in default of payment thereof to undergo imprisonment in the Snyder County Jail for 30 days.

**§408.3. Separate Offenses.** Each day that a violation of or failure to comply with this Ordinance occurs or continues shall be a separate summary offense for which a separate fine, penalty, or imprisonment shall be imposed.

**§408.4. Additional Penalty.** Upon conviction of a second summary offense under this Ordinance, in addition to any fine, penalty, or imprisonment to which an offender is sentenced, the Borough shall revoke any permit issued to the offender pursuant to this Ordinance and the offender shall not be eligible for another permit.

**§408.5. Joint and Several Liability.** The owners of sites upon which prohibited acts occur shall be jointly and severally liable for violations of this Ordinance. Any fine imposed hereunder shall constitute a municipal lien upon the real property where the Outdoor Furnace is located until paid.

**§409 Effect of Other Regulations.** Nothing in this Ordinance shall authorize or allow anything with respect to Outdoor Furnaces that is prohibited by codes, laws, ordinances, rules, regulations, or statutes of the United States of America, its Environmental Protection Agency, the Commonwealth of Pennsylvania, its Departments of Environmental Protection and Environmental Resources, or any other federal, state, regional, or local agency. In case of a conflict between any provision of this Ordinance and any applicable federal, state, regional, or local codes, laws, ordinances, rules, regulations, or statutes, the more restrictive or stringent provision or requirement shall prevail.

## **CHAPTER 5 - PROHIBITED CONDUCT**

### **PART 1 – PUBLIC NUISANCE**

**§101. Purpose.** The purposes of this Ordinance are to define, prohibit, penalize, abate, and remove public nuisances.

**§102. Definitions.** Unless the context clearly indicates otherwise, the following words and phrases when used in this Ordinance shall have the meanings given to them in this Section:

**Borough** - refers to McClure Borough in Snyder County, Pennsylvania.

**Person** - means a natural person or any organization, including, but not limited to, an association, a company, a corporation, a firm, a partnership, or a trust.

**Public nuisance** - means an unreasonable interference with a right common to the general public.

**Unreasonable interference with a public right** - means (a) conduct that involves a significant interference with the public beauty, public cleanliness, public comfort, public convenience, public health, public morals, public peace, public safety, or general welfare of the Borough; or (b) conduct that is proscribed by statute, ordinance, or administrative regulation; or (c) conduct that is of a continuing nature or has produced a permanent or long-lasting effect, and, as the person knows or has reason to know, has a significant effect upon the public right; or conduct that is annoying or offensive to reasonable persons of normal sensitivities who are seeking to exercise or enjoy a public right.

**§103. Prohibition of Public Nuisances and Causing Public Nuisances.** A public nuisance is not permitted within the Borough. It is unlawful for any person to cause a public nuisance within the Borough.

Examples of conduct that may unreasonably interfere with a public right and, therefore, may be held to be a public nuisance include, but is not limited to the following:

Allowing the person's children to threaten and do physical violence to others, call others names, use profanity and vile language, be loud and boisterous, play loudly amplified music, have unruly crowds around the person's residence, throw rocks at others, spit and throw trash on property of others, and disturb others by knocking on doors and ringing doorbells.

Amplifying sound to a level that causes it to be audible beyond the boundaries of the land where it originates or the last amplification occurs.

Having a bookstore that is a site for indecent assaults, indecent exposure, involuntary deviate sexual intercourse, and open lewdness and that is unkept and unsanitary, has urine and semen stains on 20 booths with "glory holes," and has restroom facilities without doors.

Having a dilapidated building that seriously spoils the beauty of the Borough, is a collapse hazard, is a serious fire hazard, is a breeding area or haven for vermin, or is a hazard to children.

Having a junk yard or place for the collection, storage, and disposal of secondhand goods and materials that is a breeding area or haven for vermin or a hazard to children.

Having a place that emits smoke that is physically harmful to the membranes of the eyes, nose, and throat or whose odor is offensive.

Keeping 6 cats in a house with inadequate and untended litter boxes; litter, feces, and urine on the floors; and a noxious odor emanating down the block and around the corner.

Keeping 4 dogs in a yard where one or more of them bark repeatedly throughout the night, night after night, to the disturbance of neighbors and passersby.

Polluting the air, earth, and water by depositing excessive quantities of sewage sludge on the land.

**§104. Fines, Penalties, Costs, and Imprisonment.** Persons who are convicted of violating this Ordinance shall be subject to fines, penalties, costs, and imprisonment, as follows:

**§105. \$1,000.00 Fine or Penalty and Costs or Imprisonment.** Every person convicted of a summary offense of a violation of this Ordinance relating to building, housing, property maintenance, health, fire, public safety, or air, noise, or water pollution shall be sentenced to pay a fine or penalty of \$1,000.00 plus the costs of the proceeding and in default of payment thereof to undergo imprisonment in the Snyder County Jail for 30 days. Each day that a violation occurs or continues shall be a separate summary offense for which a separate fine, penalty, or imprisonment shall be imposed.

**§106. \$600.00 Fine or Penalty and Costs or Imprisonment.** Every person convicted of a summary offense of a violation of an ordinance other than one listed in §405 shall be sentenced to pay a fine or penalty of \$600.00 plus the costs of the proceeding and in default of payment thereof to undergo imprisonment in the Snyder County Jail for 30 days. Each day that a violation occurs or continues shall be a separate summary offense for which a separate fine, penalty, or imprisonment shall be imposed.

**§107. Abatement and Removal of Public Nuisances.** The Borough may order a person who is causing or maintaining a public nuisance to abate it and a person who has a dangerous structure on that person's land to remove it. If either person fails to comply with the order, the Borough either may (a) seek relief by an action in equity or (b) cause the public nuisance to be abated or removed and collect the cost of so doing, with a penalty of 10% of the cost, by a civil action or a municipal lien proceeding.

**PART 2 – DISORDERLY CONDUCT**

**§201. Purpose Of Ordinance.** This Ordinance is adopted to define disorderly conduct within the limits of the Borough and to provide for the imposition of penalties for such conduct notwithstanding any statutes of the Commonwealth of Pennsylvania upon disorderly conduct and the penalties therefor.

**§202. Definitions.**

The Borough - McClure Borough, Snyder County, Pennsylvania. The Council - The Borough Council of the Borough.

**§203. Prohibited Acts.** It shall be unlawful for any person to commit any of the following acts within the limits of the Borough with the intent to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof:

- (a) To engage in fighting or threatening or in violent or tumultuous behavior;
- (b) To make unreasonable noise, including, but not limited to, operating any motorized vehicle in such a manner that causes noise not necessary for the safe operation of said vehicle;
- (c) To use obscene language or make an obscene gesture;
- (d) To create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

**§204. Penalties.** Any person committing any of the acts described in Section 4 of this Ordinance shall be guilty of a summary offense and upon conviction thereof before a District Magistrate of Snyder County shall be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) or more than Three Hundred Dollars (\$300.00) together with the costs of prosecution, or to undergo imprisonment in the Snyder County Jail for a period of not more than thirty (30) days, or both.

**PART 3 – JUNK VEHICLES**

**§301. Purpose.** It is the purpose and intention of this ordinance, enacted under the police power of the Borough of McClure, to control the disposition of junked vehicles in order to maintain, provide for and protect, the health, safety and sanitation of the inhabitants of this Borough.

**§302. Definitions.** Unless the context clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) Junked vehicle shall mean any motor vehicle which is worn out, discarded or incapable of operation by virtue of deterioration of parts or destruction thereof or any motor vehicle which has stood unused in any of the roads, streets, alleys, curbs or gutters of the Borough of McClure for a period of ten (10) days or longer.
- (b) To store shall mean to park, keep, leave or allow a motor vehicle to rest or stand in one place.



(c) Person shall mean every natural person, firm, corporation, partnership, association, and institution.

**§303. Prohibited Acts.** It shall be unlawful for any person to store or to permit another to store any junked vehicle in any of the roads, streets, alleys, curbs or gutters within the Borough of McClure.

**§304. Penalty.** Any person or any officer of any firm or corporation violating any of the provisions of this ordinance, shall, upon conviction thereof before any magistrate or justice of the peace, be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) together with costs of prosecution or to undergo imprisonment in the Snyder County Jail for a period of not more than thirty (30) days or both. Every violator of this ordinance shall be deemed guilty of a separate offense for each and every day such violations shall continue and shall be subject to the penalties imposed by this section for each and every separate offense.

**§305. Removal.** The magistrate or justice of the peace shall, upon convicting any person of a violation of any of the provisions of this ordinance, order such violator to remove the offending junked vehicle from a road, street, alley, curb or gutter within the Borough, within thirty (30) days from the date of such conviction. In the event that a violator fails to comply with such an order, the offending junked vehicle may be removed by employees of the Borough of McClure at the expense of the violator.

#### **PART 4 – CURFEW**

**§401. Definitions.** Unless the context clearly indicates otherwise, the terms used in this Ordinance shall have the following meanings:

(a) Child shall mean any minor person under the age of eighteen (18) years

(b) Adult shall mean any person aged eighteen (18) years or more.

(c) School Event shall mean any sporting, forensic, musical or club activity taking place with the knowledge, permission, and official sanction of the administrators of the Midd-West School District.

(d) Emergency errand shall mean an errand necessary to preserve the life, health, or welfare of any person.

**§402. Prohibited Acts.** It shall be unlawful for any child or for any parent or guardian of any child to allow any child, to be or remain, in or upon the streets, alleys, sidewalks, roads or other public places in the Borough of McClure between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., except under one of the following circumstances:

(a) Such child is accompanied by an adult.

(b) Such child is going to or coming from his place of employment.

(c) Such child is going to or coming from a school event.

(d) Such child is on an emergency errand.

**§403. Penalty for Violation.** Any person who shall violate any of the provisions of this Ordinance, upon conviction thereof before any Justice of the Peace or District Magistrate, shall be sentenced to pay a

penalty of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) to the Treasurer of the Borough of McClure.

#### **PART 5 – NOISE CURFEW**

**§501. Title.** The title of this ordinance shall be known as the "Noise Curfew Ordinance."

**§502. Purpose.** The Purpose of this Ordinance is to protect the health, convenience, and peace of the Borough of McClure by prohibiting unreasonable noise from the hours of 10 pm to 6 am.

**§503. Definitions.**

(a) Unreasonable Noise shall mean any noise which, due to the volume of the noise, may be heard at a separate property and at such a volume to reasonably cause the disturbance of peace there.

**§504. Prohibition.** It shall be a violation of this ordinance for any person to cause or allow for unreasonable noise to be emitted from the hours of 10:00 pm-6:00 am.

**§505. Penalties.** Any person who shall violate any of the provisions of this Ordinance, upon conviction thereof before any Justice of the Peace or District Magistrate, shall be sentenced to pay a penalty of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred and Fifty Dollars (\$250.00) to the Treasurer of the Borough of McClure.

#### **PART 6 – LOITERING**

**§601. Definitions.** As used in this Ordinance, the following term or terms shall have the meaning herein ascribed to them, unless the context indicates otherwise:

**Loitering** shall mean remaining idle in either a lying, sitting, kneeling, standing, or walking position, in essentially one location without apparent purpose or for the apparent purpose of injury to the privacy, person or property of another. The term "loitering" shall be synonymous with the following words: lingering, staying, remaining, waiting, abiding, and tarrying.

**Public** shall mean any place to which the public or a substantial group has access; among the places included are highways, streets, side-walks, schools, apartment houses, places of business or amusement, any neighbor-hood, or any premises which are open to the public.

**§602. Certain Types of Loitering in Public Prohibited.** No person shall loiter in public in such a manner as to:

- (a) create or cause to be created a public inconvenience, annoyance or alarm,
- (b) obstruct the passage of pedestrian or vehicular traffic on alleys, parks, sidewalks, or streets,
- (c) obstruct the corridors, paths, doorways, stairways, or other means of ingress and egress of buildings so as to prevent or impede free access to and from said buildings, or

(d) interfere with the peaceful use of buildings, parks, sidewalks, or streets.

**§603. Penalty for Violation.** Any person who shall violate any of the provisions of this Ordinance upon conviction thereof before a District Magistrate shall be deemed to be guilty of a summary offense and shall be sentenced to pay a fine to the Borough of McClure in the amount of \$50.00, together with the costs of the prosecution

## CHAPTER 6 - HIGHWAYS AND TRAFFIC

### PART 1 – PARKING

**§101. Authority For Ordinance.** This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 46202(3), (17), (46), and (74) of the Pennsylvania Borough Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended, and Section 6109(a)(l) of the Vehicle Code as set forth in Title 75 thereof.

#### §102. Definitions.

**Alleys** - Both Kline Alley and Snook Alley.

**Borough** - McClure Borough, Snyder County, Pennsylvania.

**Council** - The Borough Council of the Borough.

**Department** - The Pennsylvania Department of Transportation.

**Engineering and traffic study** - An orderly examination or analysis of physical features and traffic conditions conducted in accordance with regulations of the Department conforming to generally accepted engineering standards and practices for the purpose of ascertaining the need or lack of need for a particular action by the Department or Township.

**Handicapped Person** - Any person to whom the Department has issued a special registration plate pursuant to Section 1338 or Section 1342(a) or (c) of the Vehicle Code (75 Pa.C.S.A. §1338, 1342(a), and 1342(c)).

**Kline Alley** - All that certain alley or street of the Borough, previously unnamed, which has its southeastern extremity beginning approximately 100 feet north of Ohio Street at the western right-of-way of Brown Street and its southwestern extremity beginning approximately 100 feet north of Ohio Street at the eastern right-of-way of Zellers Street and which runs in length from east to west between Brown Street and Zellers Street approximately 270 feet.

**Official traffic-control devices** - Signs, signals, markings, and devices placed or erected by authority of the Township for the purpose of regulating, warning, or guiding traffic.

**Person** - A natural person, firm, copartnership, association, or corporation, or any entity with legal rights and duties.

**Park or Parking** - When permitted or restricted - the temporary storing of a vehicle, whether occupied or not, off the roadway.

**When prohibited** - the halting of a vehicles, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

**Snook Alley** - All that certain alley or street of the Borough, previously unnamed, which runs in length from south to north between Ohio Street and Kline Alley approximately 100 feet.

**Vehicle** - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, street, or alley, except devices used exclusively upon rails or tracks.

**§103. Purpose Of Ordinance.** This Ordinance is adopted to give names to the Alleys and to prohibit and restrict the parking of vehicles on the Alleys to alleviate traffic hazards and impediments and to promote traffic safety.

**§104. Names Of Alleys.** The Council hereby gives the names of Kline Alley and Snook Alley to those respective alleys which are defined in and are the subject of this Ordinance.

**§105. Engineering and Traffic Study.** Pursuant to Sections 3353(d) and 6109 (e) of the Pennsylvania Vehicle Code, supra, the Borough conducted an engineering and traffic study of the Alleys and found that, because the distance between the centerline and the edge of the roadway for each of the Alleys was less than 18 feet, unrestricted parking on the Alleys constituted a safety hazard and unduly interfered with the free movement of traffic but that, in accordance with Section 21(b)(I) of Chapter 201 of Title 67 of the Pennsylvania Code, restricted parking, including parking reserved for handicapped persons, would alleviate these problems and promote traffic safety.

**§106. Prohibition of Parking.** Any and all vehicles are hereby prohibited from parking along the north and south side of Kline Alley, except as permitted by Section 6 of this Ordinance, and from parking along the west side of Snook Alley.

**§107. Permitted Parking.** Parking shall be permitted along the east side of Snook Alley. Parking along the south side of Kline Alley shall be restricted to parking only by handicapped persons for a distance of 40 feet beginning at a point 30 feet from the eastern right-of-way of Zellers Street.

**§108. Signs.** The Borough shall procure and erect official traffic-control devices on the Alleys in accordance with the rules and regulations of the Department regarding the size, type, and placement of such devices to give notice of the prohibitions of and restrictions on parking in those areas.

**§109. Penalties.** Any person who parks a vehicle or who owns a vehicle which is parked, or any person whose name appears upon the registration of a vehicle which is parked, in violation of this Ordinance shall be guilty of a summary offense and upon conviction shall be sentenced to pay a fine of Twenty-Five Dollars (\$25.00) for each violation, or such other amount as the Council may from time to time deem necessary, plus costs of prosecution. Each day any vehicle remains parked in violation of this Ordinance constitutes a separate violation.

## **PART 2 – SPEED LIMITS**

**§201. Definitions.** The following words and phrases when used in this Ordinance shall have, unless the content clearly indicates otherwise, the meanings given to them in this Section:

**Borough** - The Borough of McClure, Snyder County, Pennsylvania.

**Borough Streets** - Streets now or hereafter opened within the Borough.

**Council** - The Borough Council of the Borough.

**Department** - The Pennsylvania Department of Transportation.

**Driver** - A person who drives or is in actual physical control of a vehicle.

**Engineering and traffic study** - An orderly examination or analysis of physical features and traffic conditions conducted in accordance with regulations of the Department conforming to generally accepted engineering standards and practices for the purpose of ascertaining the need or lack of need for a particular action by the Department or Borough.

**Official traffic-control devices** - Signs, signals, markings, and devices placed or erected by authority of the Borough for the purpose of regulating, warning, or guiding traffic.

**Person** - A natural person, firm, copartnership, association, or corporation.

**Shall** - Indicates that an action is required or prohibited.

**Should** - Indicates that an action is advisable but not required.

**Vehicle** - Every device in, upon, or by which any person or property is or may be transported or drawn upon a road, except devices used exclusively upon rail or tracks.

**§202. Purpose.** It is the purpose and intent of the Council by the enactment of this Ordinance to establish a maximum speed limit of 25 miles per hour on all Borough Streets unless otherwise posted and to prohibit all vehicles from exceeding said maximum speed limit, to designate the junctures or intersections of certain Borough Streets as stop junctures or intersections where a stop sign is warranted at one or more of the entrances to said junctures or intersections and to require all vehicles to stop and yield the right-of-way at said entrances, to authorize the erection of official traffic-control devices to warn about and regulate the maximum speed limit on Borough Streets and the stopping at certain entrances to the junctures or intersections of certain Borough Streets, and to, thereby, promote traffic safety and alleviate traffic hazards.

**§203. Engineering and Traffic Study.** Pursuant to Sections 3363 and 6109 (e) of the Pennsylvania Vehicle Code, supra, the Borough conducted an engineering and traffic study of Borough Streets and found that 35 miles per hour was not a reasonable and safe maximum speed limit for certain of those Streets and, also, that stop signs were warranted at certain entrances to the junctures or intersections of certain Borough Streets where the application of the normal right-of-way rule has created unnecessary conflicts. The study found that 25 miles per hour is a reasonable safe and maximum speed limit which is needed for certain of the Borough Streets and that stop signs are warranted at certain entrances to the junctures or intersections of certain Borough Streets to promote traffic safety.

**§204. Maximum Speed Limit.** The Council hereby establishes a maximum speed limit of 25 miles per hour on all Borough Streets except U.S. Route 522. Henceforth, 25 miles per hour shall be the lawful maximum speed limit on all Borough Streets except U.S. Route 522.

**§205. Exceeding Maximum Speed Limit Prohibited.** Except when a special hazard exists that requires lower speed for compliance with Section 3361 of the Pennsylvania Vehicle Code (75 Pa. C.S.A. § 3361) (relating to driving vehicle at safe speed), no person shall drive a vehicle at a speed in

excess of the maximum speed limit of 25 miles per hour, which pertains to all Borough Streets except U.S. Route 522.

**§206. Signs.** The Borough shall procure and erect official traffic-control devices on those Borough Streets with a maximum speed limit of 25 miles per hour, on those Borough Streets with a maximum speed limit other than 25 miles per hour, and at the entrances of the juncture or intersections of those Borough Streets warranting stop signs, in accordance with the rules and regulations of the Department regarding the size, type, and placement of such devices.

**§207. Penalties.** Any person who drives or operates his or her vehicle on any Borough Street in excess of the maximum speed limits established by this Ordinance is guilty of a summary offense and shall, upon conviction, be sentenced to pay to the Borough a fine of \$35.00. Any person exceeding such maximum speed limits by more than 5 miles per hour shall pay an additional fine of \$2.00 per mile for each mile in excess of 5 miles per hour over the maximum speed limit.

### **PART 3 – SNOW AND ICE REMOVAL**

**§301. Purpose.** The Borough Council enacts this Ordinance to promote and protect the best interests, safety, and welfare of the residents of the Borough by requiring the removal of ice and snow from the sidewalks within a designated period of time during a snow and ice event.

**§302. Definitions.** The following definitions shall apply in the interpretation and enforcement of this Ordinance.

**Borough-** The Borough of McClure, Snyder County, Pennsylvania.

**Borough Council** -The Borough Council of the Borough of McClure, Snyder County, Pennsylvania.

**Roadway-**The portion of the street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**Sidewalk or Footway-** That area, paved or unpaved, between the curblines, or the lateral line of a street, highway or roadway, and the adjacent properties intended for the use of pedestrians.

**Street Or Highway-** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**§303. Removal Required.** Every person, partnership, corporation or other entity in charge or control of any building or lot of land within the Borough fronting or abutting on a sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed and cleared away snow and ice from so much of said sidewalk as is in front or abuts on said building or lot of land within twenty-four (24) hours after the cessation of any fall of snow, sleet, or freezing rain; provided, however, that in the event that the snow from any one (1) snowfall shall exceed twelve (12) inches, then the person or entity charged with its removal shall, within the twenty-four (24) hour period aforementioned, remove or clear away or cause to be cleared away a path of at least twenty-four (24) inches in width from said sidewalk and shall then

within forty-eight (48) hours after the cessation of said snowfall cause said sidewalks to be completely cleared of snow; provided further, however, that in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the twenty-four (24) hour period aforementioned, cause enough sand, salt or other suitable substance to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleared.

**§304. Deposit Of Snow And Ice Restricted.** No person, partnership, corporation, or other entity shall deposit any snow and ice into the Borough alleys and streets or on or against any fire hydrant or parking meter.

**§305. Work Done By Borough; Liability.**

A. In the event of the failure of any person, partnership, corporation or other entity to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, the Borough, as soon as practicable after such failure, may cause such work to be done.

B. Each person, partnership, corporation or other entity whose act or omission makes it necessary that the Borough cause such work to be done in accordance with this Section shall be liable to the Borough for the cost of such work plus a penalty of fifteen percent (15%).

C. The Borough shall ascertain and keep a record of the exact cost of all work done in accordance with this Section on account of each act or omission of such person, partnership, corporation or other entity, and it shall identify these persons or entities with particularity and bill them for the cost of the work and the penalty upon completion of said work.

D. In the event the Borough's bill for the removal and penalty is not paid within thirty (30) days of the date of the delivery of said bill, the Borough may prepare and file a municipal lien against the real property benefits by the Borough's removal of the ice and snow in the Office of the Prothonotary of Snyder County, Pennsylvania, which lien shall include cost of the work, the penalty, attorneys' fee of Thirty-Five Dollars (\$35.00), and court costs.

**§306. Violations And Penalties.** Any violation or failure to comply with the provisions of this Ordinance shall constitute a summary offense and prosecution for every offense shall be according to the practices of summary convictions before the District Magistrate. Any violator, upon conviction, shall be sentenced to pay all costs incurred by the Borough in the abatement of nuisance, if abated by the Borough, together with the cost of any legal proceeding based thereon and a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) for each offense and in default of payment thereof shall be sentenced to imprisonment in the Snyder County Jail for a period not to exceed thirty (30) days. Each continual day of violation shall be a separate offense under this Ordinance.



**PART 4 – ROAD SIGNS**

**§401. Purpose.** The Borough Council enacts this Ordinance to promote and protect the best interests, safety and welfare of the residents of the Borough by requiring vehicular traffic traveling specified directions to stop at the intersection of said streets with other named streets and authorizing the erection of traffic control devices at such intersection.

**§402. Definitions.** The following definitions shall apply in the interpretation and enforcement of this Ordinance.

**Borough** - The Borough of McClure, Snyder County, Pennsylvania.

**Borough Council** - The Borough Council of the Borough of McClure, Snyder County, Pennsylvania.

**Person** - Any and all natural person, partnership, corporation or other entity.

**Street Or Highway** - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**§403. Stop Required.** - All vehicular traffic traveling on the listed stop streets shall stop at the intersection of such streets with the named streets before proceeding through the same as follows:

<b>Stop Street</b>	<b>Intersection or Through Street</b>	<b>Direction of Travel</b>
Ohio Street	Forbes Street.	East
Forbes Street	Ohio Street	North
Forbes Street	Ohio Street	South
S.R. 522	Forbes Street	North
Sixth Avenue	Forbes Street	West
Forbes Street	High Street	South
High Street	Forbes Street	East
High Street	Forbes Street	West
High Street	Brown Street	East
High Street	Brown Street	West
High Street	Bishop Street	West
Elizabeth Street	Zeller Street	West

Elizabeth Street	Brown Street	East
Ohio Street	Brown Street	East
Ohio Street	Brown Street	West
Brown Street	Ohio Street	South
Brown Street	Ohio Street	North
Zeller Street	Ohio Street	North
Zeller Street	Ohio Street	South
Zeller Street	Walker Street	North
Walker Street	Brown Street	East
Walker Street	Brown Street	West
Walker Street	Schoch Street	West
Railroad Street	Schoch Street	West
Zeller Street	Railroad Street	South
Railroad Street	Brown Street	East
Railroad Street	Brown Street	West
Zeller Street	Specht Street	North
Zeller Street	Specht Street	South
Church Alley	Brown Street	East
Church Alley	Brown Street	West
Library Alley	Specht Street	North
Specht Street	Schoch Street	East
Schoch Street	Ohio Street	North

Specht Street	Schoch Street	West
Bubb Street	Stuck Street	West
Stuck Street	Specht Street	North
Stuck Street	Specht Street	South
Stuck Street	Railroad Street	North
Stuck Street	Railroad Street	South
Specht Street	Helfrick Street	West
Helfrick Street	West Church Street	South
Helfrick Street	West Church Street	North
West Street	Specht Street	West
Bubb Street	Schoch Street	West
Stuck Street	S.R. 522	North
Ulsh Gap Road	S.R. 522	South
Pine Crest Street	S.R. 522	South
Kline Hill Road	S.R. 522	South
Specht Street	S.R. 522	East
Hill Street	High Street	North
Library Lane	Church Alley	South
Library Lane	Church Alley	North
Church Alley	Library Lane	East
Church Alley	Library Lane	West

**§404. Erection Of Traffic Control Devices.** The Borough is hereby authorized to purchase and erect any and all traffic control devices that are necessary for the posting of the stop requirements set forth in this Ordinance. In erecting such devices the Borough shall comply with the regulations promulgated by the Pennsylvania Department of Transportation.

**§405. Violations And Penalties.** Any violation or failure to comply with the provisions of this Ordinance shall constitute a summary offense and prosecution for every offense shall be according to the practices of summary convictions before the District Magistrate. Any violator, upon conviction, shall be sentenced to pay a fine of not less than Forty-Five Dollars (\$45.00) nor more than Three Hundred Dollars (\$300.00) for each offense.

#### **PART 5 – EMERGENCY PARKING**

**§501. Purpose.** The Borough Council enacts this Ordinance to promote and protect the best interest, safety, and welfare of the residents of the Borough by prohibiting parking of vehicles on certain specified portions of Borough streets herein later referenced.

**§502. Snow Emergency Parking Restrictions.**

- (a) During a snow emergency it shall be unlawful for anyone to park a motor vehicle within the public right of way along the following:
  - (i) The north side and south side of Specht Street from the intersection of West Street to the intersection of US 522.
  - (ii) The north side and south side of Railroad Street from the intersection of Schoch Street to the intersection of Brown Street.
  - (iii) The north side and south side of Walker Street from the intersection of Schoch Street to the intersection of Brown Street.
  - (iv) The east side and west side of Brown Street from the intersection of US 522 to the intersection of High Street
- (b) A Snow Emergency shall exist when:
  - (i) the President of the Borough Council, and/or the Road Foreman causes a declaration to be made pursuant to this section to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the Township, and they may cause such declaration to be further announced in newspapers or general circulation when feasible; or
  - (ii) snow falls as reported by local news broadcasts total four (4) inches or more in a twenty-four (24) hour period.
- (c) A snow emergency shall exist and continue:
  - (i) during and for forty-eight hours after the cessation of a snowfall which has accumulated at least four inches or more in a twenty-four-hour period;

**(ii) or until declared terminated by declaration of the President of the Borough Council or the Road Foreman after declaration of emergency by the President and/or Road Foreman.**

**(d) Any person who violates this section shall, upon conviction, be sentenced to pay a fine of not less than \$25.00, nor more than \$300, along with any and all costs provided under any law of the Commonwealth. In addition to the foregoing penalties, any vehicle found in violation of this section shall be subject to removal in accordance with Section 3352 of the Motor Vehicle Code, at the expense of the owner of such vehicle, and shall be liable for any and all costs of removal, including costs of storage.**

## CHAPTER 7 - SUBDIVISION AND LAND DEVELOPMENT

### PART 1 – GENERAL PROVISIONS

#### §101. Short Title

This Ordinance shall be known and may be cited as the “McClure Borough Subdivision and Land Development Ordinance.”

#### §102. Authority

Authority for this Ordinance can be found in the provisions of Sections 46202(74) of the Pennsylvania Borough Code as set forth in Title 53 of Purdon’s Pennsylvania Statutes Annotated and of Sections 10501 through 10515 of the Pennsylvania Municipalities Planning Code as set forth in Title 53 of Purdon’s Pennsylvania Statutes Annotated, all as currently amended. All subsequent references to sections of the Pennsylvania Municipalities Planning Code shall be set forth in Purdon’s Pennsylvania Statutes Annotated. The authority to regulate subdivision and land development in the Borough shall be the express authority of the Borough Council and hereby removes the authority from the County of Snyder and any ordinances now or after in effect from the County of Snyder.

#### §103. Intent and Purpose

The intent and purpose of this Ordinance is to promote and protect public health, morals, and safety and to provide for the general welfare by regulating subdivision and land development in the Borough of McClure, by the Borough Council of McClure.

#### §104. Definitions

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the following words, terms, or phrases shall, for the purpose of this Ordinance, have the meanings indicated below:

**Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including heirs, successors, and assigns.

**Application For Development:** Every application whether preliminary, tentative, or final required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

**As-Built Plan:** Any and all two-dimensional floor plans accurately depicting any and all walls, windows, doors, millwork, plumbing, electric and the like, drafted and designed after the completion of construction.

**Borough:** McClure Borough, Snyder County, Pennsylvania.

**Borough Council:** The Council of McClure Borough, Snyder County, Pennsylvania.

**Borough Secretary:** Secretary of McClure Borough, Snyder County, Pennsylvania,

**Building Setback:** A minimum distance outside of the standard lines where no building may be constructed.

**Cartway:** The portion of any road intended for vehicular travel.

**Clear Site Triangle:** An area of unobstructed vision at the intersection of roads defined by lines of sight between points at given distances from the intersection of the center lines of the roads.

**Cluster Development:** Concept of design and site planning in which several dwellings or multiple dwelling buildings are grouped together on a parcel of land. Each group is set off from others by open space often held for the common use or enjoyment of the residents or the public at large

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within a development and designed and intended for the common use or enjoyment of residents of the development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Community Sewage System:** A system, whether publicly or privately owned, for the collection and disposal of sewage or liquid industrial wastes, including various devices for the treatment of such sewage or wastes serving two (2) or more units or lots.

**Community Water System:** A system, whether publicly or privately owned, for the purpose of serving water, from one or more sources, to two (2) or more units or lots by one (1) system.

**Comprehensive Plan:** The McClure Borough Comprehensive Plan, when prepared and adopted, consisting of maps, charts, and textual matter, as well as any future revisions.

**Corner Lot:** A lot or parcel of land abutting upon two or more roads at their intersection, or upon two parts of the same road forming an interior angle of less than 135 degrees.

**County:** Snyder County, a political subdivision of Pennsylvania.

**Cross-Section:** A profile view of a right-of-way for the purpose of showing construction methods.

**Cul-de-sac:** A road with access at only one end to a public road system and terminated at the other end by a paved vehicular turn-around.

**DEP:** Pennsylvania Department of Environmental Protection.

**Dead-end Road:** A road having no turn-around area at its closed end.

**Density:** The number of dwelling units per developable acre.

**Developer:** Any landowner, agent of a landowner, or tenant by permission of a landowner who makes or causes to be made a subdivision of land or land development. See Applicant.

**Development:** The entire area encompassed by a land development or subdivision.

**Development Plan:** The plan for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use and density of development, streets, roads, ways and parking facilities, common open space, and public facilities and other improvements. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

**Driveway:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**Dwelling:** A building containing one (1) or two (2) dwelling units.

**Dwelling Unit:** One (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

**Easement:** A right-of-way or other right granted by a landowner for the use of a designated part of his land.

**Endorsement:** Words showing the final approval of a plan and the date of such approval signed by an authorized officer of the Borough Council.

**Engineer:** A professional engineer licensed as such in the Commonwealth of Pennsylvania.

**Erosion:** The removal of surface materials from land by the action of natural elements.

**Excavations:** Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, as well as the conditions resulting therefrom.

**Exempt or Exemptions:** Any allowable exemption to sub-division and/or land development permitted under any law, statute, and/or ordinance of this borough, the County, and/or Commonwealth of Pennsylvania, including those exemptions set forth in the Pennsylvania Municipalities Planning Code.

**Frontage:** The distance between the points of intersection of the side and front lot lines. On a corner lot, frontage is the distance between the corner of the property abutting the intersection of rights-of-way and the intersection of the side lot lines and the front property lines.

**Grade:** A slope of a road or parcel of land specified in percent (%) and shown on plans as specified herein.

**Height:** The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof;



provided, that chimneys, spires, towers, elevator penthouses, tanks, and similar projections shall not be included in calculating the height.

**Horizontal Curve:** A curve of the right-of-way being used to change direction on a level plain.

**Improvements:** Those physical additions and changes to the land that may be necessary to produce usable and desirable lots or sites.

**Individual Sewage System:** A single system of piping, tanks and other facilities to collect sewage on a single lot and to dispose of it on that lot.

**Key Map:** A map of an entire area for subdivision or land development when such area is too large to be put on one map sheet, indicating the location of each section of the area shown on a separate map sheet.

**Land Development:** (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features. (2) A subdivision of land.

**Landowner:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

**Lot:** A designated parcel, tract or area of land established by plan, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

**Lot Area:** The area contained within the property lines of an individual lot.

**Lot Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot Line, Front:** The front lot line shall be that boundary of a lot which is along an existing or proposed public road. A corner lot has two front lot lines.

**Lot Line, Side:** The side lot line shall be that boundary line of a lot which converges with the front lot line and which is along an existing or proposed continuous lot. A corner lot has only one side lot line while other lots have at least two side lot lines.

**Mobile Home:** A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobile Home Lot:** A parcel of land in a mobile home park improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**Mobile Home Pad:** A section of an individual mobile home lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Mobile Home Park:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**Mud Free Road Ordinance:** McClure Borough Ordinance No. 92-3 and all any subsequent amendments thereto, if any, incorporated herein by this reference.

**Multiple Dwelling Building:** A building having three (3) or more separate dwelling units, or a building having one (1) or more dwelling units and rooms devoted to other purposes.

**On-lot Sewage Permit:** A permit required to construct and use an individual or community on-lot sewage disposal system, including privies. Consult the Borough's SEO for full requirements.

**Open Space:** Land and/or water area with its surface open to the sky (undeveloped or predominantly undeveloped). See Common Open Space.

**Parking Space:** A space, surfaced to whatever extent necessary to permit use under all normal seasonal conditions of weather, available for the parking of one (1) motor vehicle.

**Penn DOT:** Pennsylvania Department of Transportation.

**Person:** Every natural person, association, corporation, partnership, trust, or any other legal entity. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

**Plan:** Graphic and written materials disclosing detailed intentions as to a subdivision or land development, including a preliminary plan and/or final plan.

**Public Grounds:** (1) Parks, playgrounds, and other public areas; (2) sites for schools, sewage treatments, refuse disposals, and other facilities owned or operated by the public; (3) publicly owned or operated scenic or historic sites.

**Road:** Road includes street, avenue, boulevard, highway, freeway, parkway, alley, lane, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**SEO:** Sewage Enforcement Officer.

**Security:** A deposit of cash, bond, certified check, binding letter of credit, escrow account, or negotiable securities and an agreement to the effect that the developer will install the required improvements or forfeit the deposit.

**Skirts:** Panels specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.

**Soil Survey:** A report published by the Soil Conservation Service, U.S. Department of Agriculture.

**Structure:** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Subdivider:** See Applicant, Developer.

**Subdivision:** The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. Provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new road or easement of access, shall be exempt.

**Substantially Completed:** Where, in the judgment of the Borough Council, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

**Surveyor:** A surveyor licensed by the Commonwealth of Pennsylvania.

**Travel Trailer:** A structure built on wheels designed for towing as a temporary dwelling for travel, recreation, vacation, and other short-term uses, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

**Water Courses:** A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

#### §105. Interpretation

A. The provisions of this Ordinance shall be construed so as to require no more than is reasonably necessary for the promotion and protection of health, morals, safety, and the general welfare, and in this regard, no notice shall be taken of very small or trifling matters or of matters having slight likelihood of significantly affecting public health, morals, safety, or the general welfare. (The “de Minimis” rule.)

B. Unless otherwise expressly stated each of the following terms shall, for the purposes of this Ordinance, be construed as follows:

C. Words in the singular include the plural and those in the plural include the singular.

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D. Words in the present tense include the future tense.

E. Words “should” and “may” are permissive while the words “shall” and “will” are mandatory and directive.

F. Words used in the masculine gender shall include the feminine and neuter.

G. Words and phrases in this Ordinance shall be construed according to the rules of grammar and according to their common and approved usage, but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or as are defined in this Ordinance shall be construed according to such peculiar and appropriate meaning or definition, unless the context clearly requires a different construction.

H. When the words of this Ordinance are clear and free from all ambiguity, the letter of them shall not be disregarded under the pretext of pursuing this spirit.

**§106. Application of Ordinance**

This Ordinance shall be applicable to every subdivision and land development unless specifically exempt. Every subdivision and land development within the Borough shall be done in accordance with the terms and provisions of this Ordinance. In every application of this Ordinance, the encouragement and promotion of flexibility, economy, and ingenuity in the use and development of land shall be among the foremost priorities.

**PART 2 – PLAN SUBMISSION PROCEDURE**

**§201. Sketch Plan Submission**

A. Every applicant is urged to submit a sketch plan to the Borough Council. Such plan should include at least those items listed in Section 3.01.

B. Submission of a sketch plan shall not constitute official submission of a plan to the Borough Council but shall be considered a request for informal and confidential advice from the Borough Council.

C. Based on the information shown on the sketch plan, the Borough Council will advise the applicant, and his surveyor or engineer, if one is involved, of the extent to which the proposed subdivision or development conforms to the applicable requirements of this Ordinance. The Borough Council will also suggest any modifications of the plan which are deemed advisable or necessary to secure approval.

**§202. Plan Submission**

A. The applicant shall submit a minimum of six (6) copies of his plan to the Borough Secretary. The Borough Secretary shall date and initial each copy of the plan on the date it is received from the applicant. The Borough Secretary shall immediately forward copies of the plan as follows:

A.1 Two (2) copies to the Snyder County Planning Commission together with applicant's fee for the County.

2.0212 Four (4) copies to the Borough Council.

A.2 Whenever copies of the submitted plan are to accompany DEP “Planning Module for Land Development”, two (2) additional copies shall be submitted.

A.3 Upon receipt of the plan, the Borough Secretary shall schedule the date, place, and time for review of the plan and shall notify the applicant and Borough Council of the same in writing.

**§203. Fee Schedule**

The fees for any and all costs, including but not limited to, permit fees, administration fees, professional consultant fees, and such other reasonable and necessary fees, that are set established and set forth by Resolution of the Board, and/or as may be amended, shall be paid to the Borough Secretary, at the time of submission of a plan, to cover the costs of review. Any applicant that submits a plan for review hereby consents to payment of any such costs and fees charged by the Borough. An applicant aggrieved by the action or actions of the Borough Council under this section may seek redress under the procedures set forth in Section 10510(g) of the Pennsylvania Municipalities Planning Code (53 P.S. § 10510(g)) which Section is incorporated herein by this reference.

**§204. Review and Action by the Borough Council**

A. Within ninety (90) calendar days after submission of a plan, the Borough Council shall review and act on the plan consistent with a manner prescribed herein; provided at least ninety (90) days have passed since the plan was submitted to the Snyder County Planning Commission.

B. If a plan is rejected by the Borough Council, all reasons for such rejection shall be explicitly stated in a letter of rejection sent to the applicant within fifteen (15) days of such action. The applicant whose plan is rejected may either submit a new plan or may appeal the action of the Borough Council under Article X of this Ordinance.

C. If, in the opinion of the Borough Council, a plan complies with most but not all of the provisions of this Ordinance, the Borough Council may grant preliminary approval of the plan. All reasons for granting only preliminary approval of a plan shall be explicitly stated in a letter sent to the applicant within fifteen (15) days of the Borough Council’s action. The applicant whose plan is granted preliminary approval may either comply with the conditions and requirements for obtaining final approval of his plan or may appeal the action of the Borough Council under Article X of this Ordinance.

D. If, in the opinion and sole discretion of the Borough Council, a plan substantially complies with the provisions of this Ordinance or is within the scope of Article VII of this Ordinance, the Borough Council may grant final approval of the plan and place their endorsement on it. Within fifteen (15) days after any final approval, the Borough Secretary shall give written notice thereof to the applicant and shall give the applicant a copy of the plan endorsed with final approval and direct him to record it in the Office of the Snyder County Recorder of Deeds within ninety (90) days.

E. No plan shall receive final approval by the Borough Council unless the applicant shall have installed all improvements required under Article V of this Ordinance or shall have filed security

with the Borough Council for installation of all such required improvements. To obtain final approval, the applicant must satisfy the Borough Council in amount, form, and substance of his security and comply with the requirements of Section 10509 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10509) which Section is incorporated herein by this reference. The modification of such security shall be governed by Section 10512.1 of the Pennsylvania Municipalities Planning Code (53 P.S. § 10512.1) which Section is incorporated herein by this reference.

**§205. Recording the Plan**

A. No plan shall be legally recorded unless and until it bears the endorsement of the Borough Council.

B. The plan to be recorded shall be a clear and legible blue-on-white or black-on-white print.

C. The applicant shall record the plan with the Snyder County Recorder of Deeds within ninety (90) days of the date of final approval. If the applicant fails to record the plan within such time period, the action of the Borough Council shall be null and void, unless an extension of time is granted in writing by the Borough Council upon written request of the applicant.

D. Recording of the approved plan shall have the effect of an irrevocable offer to dedicate all roads, easements, and public grounds shown thereon to public use, unless a notation is placed on the plan by the applicant stating that there is no offer of dedication of certain roads, easements or grounds. Recording of the plan, however, shall **not** impose any duty upon the Borough Council to accept any dedication. Acceptance of any dedication shall occur only at the discretion of and by separate legal action of the Borough Council. Recording of the approved plan also shall have the effect of an irrevocable offer to serve or transfer, for the use of future lot owners, all areas, easements, grounds and roads, as specified on the plan that may be of benefit and use to persons who acquire lots in the subdivision.

**§206. Release of Security for Improvements**

A. When the applicant has completed all of the improvements required under Article V of this Ordinance and for which security has been accepted by the Borough Council, the applicant shall notify the Borough Council in writing by certified or registered mail of the completion of such improvements and shall send a copy thereof to an engineer designated by the Borough Council. The Borough Council shall, within ten (10) days after the receipt of such notice, direct and authorize the designated engineer to inspect all of the improvements. The engineer shall, thereupon, file a report, in writing, with the Borough Council and shall promptly send a copy of the same to the applicant by certified or registered mail. The report shall be completed and mailed within (30) days after receipt by the engineer of the aforesaid authorization from the Borough Council. The report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part, and if the improvements, or any portion thereof, shall not be approved or shall be rejected by the engineer, the report shall contain a statement of reasons for such non-approval or rejection. The Borough Council shall notify the applicant, in writing by certified or registered mail, within fifteen (15) days of its action on the report. If the Borough Council does not approve or reject any or all of the improvements on the basis of the engineer's report, the applicant shall proceed to complete those improvements which were rejected or not approved, and upon completion, the applicant shall follow the same procedure

of notification stated above. Any and all costs, expenses and fees incurred by the Borough for the inspection or inspections of the improvements and preparation of the report by the engineer shall be paid by the applicant and the security for the improvements shall not be released until such payment is made by the applicant. An applicant aggrieved by the action or actions of the Borough Council under this section may seek redress under the procedures set forth in Section 10510(g) of the Pennsylvania Municipalities Planning Code (53 P.S. § 10510(g)) which Section is incorporated herein by this reference.

B. In the event that any improvements which are required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Borough Council shall enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds from such bond or other security are insufficient to pay the costs of installing or making repairs or corrections to all of the improvements covered by the bond or other security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such bond or other security, and not for any other municipal purpose. Any and all moneys remaining after the installation of the improvements shall be reimbursed to the applicant.

### **PART 3 – PLAN REQUIREMENTS**

#### **§301. Sketch Plan Requirements**

- A. If submitted, the sketch plan should include a map legibly drawn to an approximate scale, not necessarily showing precise dimensions, that contains the following data:
  - 1. Name of landowner, address and telephone number.
  - 2. Tract boundaries, accurately labeled.
  - 3. North indicator, scale, and date.
  - 4. A location map with sufficient information to enable the Borough Council to locate the land.
  - 5. Significant man-made and natural features (i.e. roads, structures, watercourses, woods, etc.)
  - 6. Identification of existing roads.
  - 7. Proposed location of roads and lot layout.
- B. A written description of the concept of development should be included as part of the sketch plan.
- C. The type of sewage disposal facilities proposed should be specified in the sketch plan.



**§302. Plan Requirements**

A. A plan shall include a map of the land drawn to a scale of one hundred (100) feet or less to the inch. The map shall consist of black-on-white or blue-on-white prints on sheets no smaller than eight and one-half (8.5) inches by eleven (11) inches, and no larger than thirty-six (36) inches by forty-two (42) inches. If the map is drawn in two (2) or more sections, a key map showing the locations of the sections shall be placed on each sheet.

B. The following information shall be shown on the map:

1. Title block, containing the name of the subdivision or development, name of landowner, tax map and parcel numbers, date, scale, and name of individual who prepared the plan.
2. North indicator.
3. Sufficient information to accurately locate the land by indicating its distance from the nearest public road intersection, and the distances to or from major references such as towns or villages. As an alternate means of location, reference may be made to Legislative Route number and distance to nearest station number.
4. The larger tract boundaries showing bearings to the nearest second and distances to the nearest one hundredth (.01) of a foot, with the names of record owners of adjoining lands. The portion to be divided from the larger tract shall be accurately located.
5. Existing significant natural or man-made features as follows:
  - a. Water courses, natural or otherwise, and wooded areas. A survey is not necessary for accuracy.
  - b. Bridges and roads: A centerline survey with bearings and distances is necessary. The rights-of-way widths can be noted along with the paved road widths. The bridge width and type may be by notation.
  - c. Transmission lines, whether electric, gas, sewer, telephone, television cable, or water, and whether underground or overhead, may be shown by indicating the locations of poles, manholes, curb shutoff valves, and other evidences of location of such lines.
  - d. On-lot sewage disposal systems and/or water supply systems shall be sized and located by survey to or from any convenient boundary intersection.
  - e. Boundaries of flood-prone areas.
  - f. Location of existing buildings and other significant man-made features.
6. Contours at intervals of five (5) feet and datum to which contour elevations refer, unless a greater level is necessary to show details, profiles, proposed grading, or other information to support any proposed feature shown on the plan.

7. Existing and proposed lot lines shall be surveyed and shown on the map with straight lines using distances to the nearest one hundredth (.01) of a foot, and bearings to the nearest second of a degree, or radii and arcs with distances to one hundredth (.01) of a foot and the central angle of arcs noted to the nearest second of a degree. All boundaries shall meet standards of closure allowing one (1) foot or less of error for each five thousand (5,000) feet of boundary. Lot number, on-lot sewage disposal permit number, and lot area shall be shown for all lots.

8. Facilities and grounds to be dedicated to or reserved for the public.

9. Common and recreation areas, if any, that will be reserved for the occupants of the subdivision or development and will not be dedicated to public use.

10. Existing or proposed roads and easements shall be shown with bearings and distances. The full right-of-way width shall be shown and dimensioned as required by Section 4.031, along with the building setback lines as required by Section 4.053.

11. Certification, with seal, by a registered professional engineer or surveyor to the effect that the survey and map are correct.

C. The following shall be submitted as part of the plan:

1. Detailed drawings and specifications for:

a. Each proposed road.

b. Each proposed bridge.

c. All proposed storm water facilities.

d. All proposed overhead and subsurface transmission lines.

D. A statement from McClure Municipal Authority that public sewage and water facilities are available if connections to such facilities are proposed.

E. Proposed deed restrictions, if any.

F. A soil erosion control plan consistent with County Conservation and DEP regulations.

G. Provisions for compliance with the Borough's flood plain ordinance, if applicable.

H. A subdivision or development improvements agreement, signed by the Borough Council and by the applicant, stating that all required improvements have been installed in accordance with the provisions of this Ordinance, or that satisfactory security therefor has been deposited with the Borough Secretary, if either is required.

I. A notice on the plan that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law (36 P.S. § 670-420), in any case where the subdivision or development will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation.

#### **PART 4 – DESIGN STANDARDS**

##### **§401. Application and General Standards**

A. The provisions of this Article IV are believed to be the minimum necessary to accomplish the purposes of this Ordinance in the maximum number of cases, and all plans shall conform to such provisions to the extent such provisions are applicable under the circumstances.

B. Full compliance with the provisions of this Article IV may be modified by the Borough Council, under Article VII, in any case, if, in the sole judgment of the Borough Council, the purposes of this Ordinance will not be frustrated.

C. Land subject to hazards which affect life, health, or property, such as may arise from fire, floods, hazardous wastes, unstable or impermeable soils, or other causes, shall **not** be planned for subdivision or development unless such hazards have been eliminated or unless the subdivision plan shows safeguards that are satisfactory to the Borough Council and every other appropriate regulatory agency.

D. Development plans shall be given due recognition to the Comprehensive Plan.

##### **§402. Roads: General Standards**

###### **A. General Standards:**

1. The location and width of all new roads shall be consistent with any and all Ordinances in effect, as well as comply with any and all State and Federal requirements.

2. The proposed road system shall extend existing or recorded roads at no less than the same right-of-way and cartway widths, but in no case at less than the required minimum widths.

3. Where it is desirable and practical to provide for road access to adjoining land, the Borough Council may require that road stubs be extended to the boundary line of such land.

4. Private roads and accesses shall be allowed, provided the following conditions be satisfied:

4a. A private access road to serve four (4) residences or less shall have a right-of-way width of at least twenty-five (25) feet. For the purposes of this section a residence shall be construed as a family dwelling unit.

4b. A private access road to serve more than four (4) residences shall have a right-of-way width of fifty (50) feet. For the purposes of this section a residence shall be construed as a family dwelling unit.

4c. Private roads shall be so indicated on the map. A notation on the map shall indicate that either: (1) the applicant is responsible, or (2) the applicant has provided a legal arrangement for the future maintenance and improvement of such roads that will prevent them from becoming a burden on the Borough, and such agreement shall be recorded with the plan.

4d. Private roads shall be constructed by the applicant to the standards specified in the Borough's Mud Free Road Ordinance then existing at the time of plan submission.

5. Public alleys shall not be planned in residential developments except where the applicant establishes the necessity for such alleys.

6. The Borough's Mud Free Road Ordinance establishes minimum design, engineering, and construction standards for roads, and the plan must show compliance with the provisions of that ordinance.

7. Road base designs with grades and cross-sections and designs for subsurface drainage facilities and transmission lines shall be included in the plan.

8. All roads shall be designed so as to provide for the discharge of surface water from their cartways.

9. A new partial road shall not be planned except where it is essential to a reasonable subdivision of a tract of land in compliance with other requirements and standards of this Ordinance and where, in addition, satisfactory security for the development of the remaining part of the road is given to the Borough Council.

10. Any and all road names shall be approved by the County GIS and Emergency Management Departments, with input from the Borough Council and the Applicant

#### **§403. Road: Engineering Standards**

##### **A. Road Widths**

1. Except as specifically provided otherwise, minimum road right-of-way and cartway widths shall be as follows:

1a. Roads:

Right-of-Way	50 feet
Cartway	36 feet*

**1b. Turn-Around or Cul-de-sac (diameter):**

<b>Right-of-Way</b>	<b>120 feet</b>
<b>Cartway</b>	<b>100 feet*</b>

(\*Note: Cartway width may be reduced if off-road parking areas are provided.)

**2. Additional Road width (right-of-way, cartway, or both) may be required when determined to be necessary by the Borough Council in specific cases for:**

**2a. Parking in commercial and industrial areas and in areas of high-density development.**

**2b. Adequate vehicle parking where off-street parking is not otherwise provided.**

**B. Road Grades**

**1. The minimum centerline grades of roads shall be 0.75%.**

**2. The minimum centerline grades on vertical curves shall conform as much as possible to the local road design requirements of PennDOT.**

**3. Sight distance must be provided with respect to both horizontal and vertical alignment. Sight distance shall be measured along the center-line and shall conform to the criteria and requirements of PennDOT for the road classification and design speed.**

**C. Side Slopes along Roads**

**1. The slopes of banks along roads, measured perpendicular to the road centerline, shall be no steeper than the following:**

**1a. One (1) foot of vertical measurement for four (4) feet of horizontal measurement for fills.**

**1b. (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.**

**D. Intersections**

**1. Intersections involving the junction of more than two (2) roads are prohibited. Permitted intersections shall conform to the following:**

**1a. Roads shall intersect as nearly as possible at right angles. No road shall intersect another at an angle of less than seventy-five (75) degrees.**

**1b. Roads intersecting another road shall either intersect directly opposite each other or shall be separated by at least one hundred fifty (150) feet between centerlines, measured along the centerline of the road being intersected.**

1c. At the intersection of roads, the radii of the cartways shall be not less than twenty-five (25) feet. Right-of-way lines at corner properties also shall have radii of at least twenty-five (25) feet.

1d. Clear sight triangles shall be provided at all intersections. No buildings or obstructions shall be permitted in the clear sight area. Clear sight triangles shall be measured at a height of four (4) feet above the centerline from the point of intersection to a point of the roadway at the following distances:

(i) Intersection of two (2) roads: 100 feet.

(ii) Intersection of road with Borough Street: 200 feet.

1e. Where an intersection occurs between a proposed new road and a Pennsylvania Legislative Route, a Pennsylvania Route, or a United States Route, the plan shall include a permit from PennDOT for such intersection.

## **E. Curves**

1. Where connecting road lines deflect from each other at any one point by more than five (5) degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be one hundred (100) feet. Straight portions of the road must be tangent to the beginning or end of curves and there must be a tangent of at least fifty (50) feet between reverse curves.

## **F. Cul-de-sacs and Dead-End Roads**

1. Dead-end roads are prohibited unless designed with cul-de-sacs or designed for future access to adjoining land.

2. Any road dead-ended for future access to adjoining land, or because of authorized stage development, shall be provided with a temporary, all weather, turn-around within the development. The use of such turn-around shall be guaranteed to the public until such time as the road is extended.

3. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with additional width provided along the boundary line to permit extension of the road at full width.

4. Where it will preserve the natural setting of the land and improve the development design, a cul-de-sac may be designed as a "T". If so designed, it shall measure one hundred (100) feet long across the bar, its right-of-way shall be fifty (50) feet wide, and it shall be improved in a manner comparable to the road cartway.

5. Preferably, drainage of a cul-de-sac shall be toward the open end.

6. The method for determining street names shall be the same as set forth in Section 402: A:10.

**§404. Storm Water Facilities**

A. Storm sewers, culverts, and related facilities shall be planned, as necessary to:

- (1) Permit unimpeded flow of natural water courses.
- (2) Ensure adequate drainage of all low points along the lines of roads.
- (3) Intercept storm water runoff along roads at intervals related to the extent and grade of the area drained.
- (4) Provide positive drainage away from on-site sewage disposal facilities.
- (5) Take surface water from the bottom of vertical grades, lead water from springs, and avoid excessive use of cross gutters at road intersections and elsewhere.
- (6) Provide areas within the development for the detention of storm water runoff.
- (7) Provide areas within the development for retention of storm runoff and other waters to provide a supply of water for use for fire protection, when possible.

B. In the design of storm water facilities, special consideration should be given to avoidance of problems which may arise from the concentration and discharge of storm water runoff onto adjacent lands.

C. Storm water facilities should be designed to handle not only the anticipated peak discharge from the development, but also the anticipated increase in runoff that will occur when all the land at a higher elevation in the same watershed is fully developed.

D. Where a development is traversed by a channel, drainage way, or watercourse, a drainage easement, conforming substantially with the line of such channel, drainage way, or watercourse and of such width as will be adequate to preserve the unimpeded flow of the natural drainage, shall be planned. Approval by DEP of any change in an existing watercourse shall be included in the plan.

E. Storm water detention provisions are required for all subdivisions or developments. The plan shall show how the applicant intends to contain surface or run-off water on the site, in areas that are non-erosive, seeded and of such minimum slope as to allow some water to seep through the ground to the water table, without creating any hazards to persons or property.

F. Applicants shall plan to limit the rate of storm water runoff from their developments so that no greater rate or volume of runoff will occur than occurs from the site in its natural condition.

G. Land proposed for subdivision or land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or vegetative cover until approval of a plan with adequate provisions for minimizing erosion and sediment, or

until a determination has been made by the appropriate regulatory agencies that such provisions are not needed.

#### **§405. Lots**

##### **A. Layout of Lots**

1. Side lot lines should be substantially at right angles or radial to road lines.

##### **B. Dimensions and Area of Lots**

1. The dimensions and areas of lots shall conform to the following requirements:

1a. A one-unit dwelling lot not served by public water and public sanitary sewer shall be not less than one hundred seventy-five (175) feet wide measured at the front building setback line nor less than one (1) acre, or such lesser area as may be permitted by DEP regulations.

1b. A one-unit dwelling lot served by public water but not by community or public sanitary sewer shall not be less than one hundred (100) feet wide measured at the front building setback line, nor less in area than permitted by DEP regulations.

1c. A one unit dwelling lot served by public, or community sanitary sewer shall have a minimum area of eight thousand (8,000) square feet.

1d. A corner lot designed for a dwelling shall be at least ten percent (10%) wider than adjacent lots to permit appropriate building setback from, and orientation to, both roads.

##### **C. Building Setback Lines**

1. Building setback lines on the front of a lot shall be at least fifty (50) feet from the centerline of the road and on the side of a lot shall be at least ten (10) feet from the side lot lines.

2. Where an existing building line is established on at least fifty percent (50%) of the lots in a block in which the proposed subdivision is located or within two hundred (200) feet immediately adjacent to the proposed subdivision, the building set back distance may be increased or decreased by the Borough Council to conform to such established building line.

3. On a corner lot, the building setback line from each adjacent road shall be applicable or such other distance as the Borough Council determines is more appropriate under the circumstances.

#### **§406. Easements**

A. The minimum width of easements other than for roads shall be twenty (20) feet unless the applicant satisfies the Borough Council that a lesser width is appropriate.



**Public Facilities and Grounds**

A. In reviewing development plans, the Borough Council will consider the adequacy of existing and proposed public facilities and grounds to serve the additional population implied by the plan and may request the dedication or reservation of land for such facilities and grounds. An applicant's compliance or noncompliance with the request for such dedication or reservation shall not affect in any manner the action on the plan.

**§408. Common and Recreational Area Reservations**

A. For developments containing ten (10) or more lots, the Borough Council may recommend or require the reservation of land for common and recreational areas.

**§409 Sewage Disposal Facilities**

A. Every development plan shall have provisions for the disposal of sewage.

B. The requirements for the plan are as follows:

1. If connection to a public sewer without extending or providing any new mains is proposed, the map shall show the location of the existing main and the existing and required easements for connection. There must be a statement in the plan, signed by the McClure Municipal Authority, verifying the acceptance of the proposed connection.
2. If an extension of the public sewer system is proposed, the map shall be drawn to scale with lines, manholes, and cleanouts shown and their sizes noted. The line invert elevations at each manhole and cleanout, the proposed finished ground elevation, and the datum to which they refer shall be noted on the map. All easements required by this Ordinance or by others shall be clearly shown and dimensioned on the map. There must be a statement in the plan, signed by the McClure Municipal Authority, verifying the acceptance of the proposed extension.
3. If individual sewage systems are proposed, the Sewage Enforcement Officer shall conduct tests for the issuance of permits for every lot shown on the map. The location for the seepage area and septic tank for each lot shall be shown on the map with distances from any two (2) boundary line-intersections to any two (2) corners of the seepage area. The permit number for each lot shall be noted in the plan.
4. For a proposed lot with existing on-lot sewage disposal, the map shall show the location of the existing system by bearings and distances measured from a boundary intersection and any two (2) existing boundary lines. If known, the size and type of system, the permit number, and the year of installation shall be noted on the map. Location of any water well also shall be shown.
5. A plan with proposed community sewage system shall:
  - 5a. Provide evidence of a DEP permit for the system.
  - 5b. Show the location of the system by surveyed bearings and distances from any convenient surveyed boundary intersection.

5c. Indicate the type and size of the disposal system required.

5d. Show all subsurface collection lines and any other lines between components of the system. All subsurface lines shall be shown by surveyed bearings and distances from a fixed point previously established by the survey.

5e. Include an operation and maintenance agreement where owned in common, and shall be recorded with the plan.

5f. Include easements that allow for maintenance, if any, and the same shall be recorded with plan.

6. For a plan which proposes a land use that would not require sewage disposal:

(1) Such intended land use must be disclosed in the plan with a statement that no sewage disposal will be necessary and a restriction against all uses generating sewage.

(2) An application for any and all necessary waivers, including but not limited to, municipal and/or non-building DEP waivers, must accompany the plan.

C. Approval of a plan in which the use of an individual or a community sewage system is proposed shall not constitute or indicate approval of such a system by the Borough, and in no way creates a warranty by the Borough that such system will operate effectively or in a manner that will serve the needs of the applicant or any owner or user of the system.

#### **§410. Water Supply Facilities**

A. Whenever an existing public or approved community water system is geographically and economically accessible to a proposed development, an extension to that system, designed to furnish an adequate supply of water to each lot, with line sizes and fire hydrant locations adequate to meet the specifications of the Association of Fire Underwriter, shall be included in the plan, with a copy of the approval of such system by DEP and suitable agreements for the ownership, maintenance, operation, and use of the system. As the case may be, the applicant shall also provide the Borough Council with written evidence from a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility that the subdivision or land development will be supplied with water from that source. A copy of a Certificate of Public Convenience from the Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the are in question, whichever is appropriate, shall be acceptable evidence. A plan that includes construction, either of a new system or an extension of an existing system, shall show all sources of supply, distribution lines, shutoffs, service lines and fire hydrants. These shall be shown by survey with the sizes and depths noted on the map.

B. Where an existing public water system is accessible, the requirements for the plan in addition to those specified in Section 4.101 are as follows:

1. If connection to a public water main without extending or providing any new mains is proposed, the map shall show the location of the existing main and the existing and

required easements for connection. There must be a statement in the plan, signed by the McClure Municipal Authority, verifying the acceptance of the proposed connection.

2. If an extension of the public water system is proposed, the map shall be drawn to scale with lines, mains, and other facilities shown and their sizes noted. The line elevations and the proposed finished elevation, and the data to which they refer shall be noted on the plan. All easements required by this Ordinance or by others shall be clearly shown and dimensioned on the plan. There must be a statement in the plan, signed by McClure Municipal Authority, verifying the acceptance of the proposed extension.

C. Whenever an existing water system is not accessible, particularly where individual sewage systems are planned, a community water supply shall be planned, if feasible, in which case all the items specified in Section 4.101 shall be included in the plan.

D. Where individual on-site water supply systems are planned, each lot shall be of a size and shape to allow safe location of such a system, and no water well shall be planned within one hundred (100) feet of any part of a subsurface sewage disposal system.

#### **§411. Flood Plain Provisions**

A. A prospective applicant should consult with the Borough Council for a determination as to whether or not the proposed subdivision or development is located in a flood plain area.

B. If any part of the proposed subdivision or development is located in a flood plain area, the plan shall include provisions for compliance with the requirements of any Borough flood plain ordinance then in existence, in addition to any State and/or Federal law or regulation.

### **PART 5 – IMPROVEMENTS STANDARDS**

#### **§501. General**

A. The provisions of this Article V govern the construction and installation of all improvements included in a plan.

B. Improvements included in a plan are of two classes: “required improvements” and “recommended improvements.”

C. Submission or recording of a plan constitutes a representation by the applicant that, upon endorsement of his plan, he will construct or install, or that, after endorsement of his plan, he has constructed and installed, all required improvements included in his plan and all recommended improvements included in his plan, except those that are expressly designated for construction or installation by some other person, who, except for improvements on his own lot, shall not be a person who acquires a lot in the applicant’s proposed development.

D. As a condition to the endorsement of his plan, the applicant either shall construct and install all the required improvements included in his plan or shall agree in writing to construct and install them and shall provide a bond or other security as required by the Pennsylvania

Municipalities Planning Code which is satisfactory to the Borough Council for the performance of his agreement. Before the plan shall be endorsed, the Borough Council shall determine that the required improvements are satisfactorily constructed or installed or that the applicant has executed an appropriate agreement and has deposited sufficient and satisfactory security with the Borough Secretary for the construction and installation of the required improvements. See Sections 2.045, 2.061, & 2.062 of this Ordinance.

E. Construction or installation of recommended improvements included in a plan is a condition to endorsement of the plan and security, if determined necessary, shall be deposited with the Borough Secretary for the construction or installation of such improvements; An applicant may be liable to persons who acquire lots in his development for failure to construct or install recommended improvements.

F. All improvements constructed or installed by the applicant shall be constructed or installed in accordance with the provisions of his endorsed plan and the provisions of all applicable Borough ordinances, Penn DOT and DEP specifications and regulations.

G. When constructing or installing improvements the applicant shall repair any damage to public roads, storm water facilities, and other public improvements arising out of his activities, with such repairs being made to return any damaged portion thereof back to its original condition prior to said damage.

H. Reasonable times for completion of required improvements and repairs to public improvements may be set by the Borough Council with the advice of the applicant, with such time periods consistent with Municipal Planning Code.

#### **§502. Required Improvements**

A. The term “required improvements” as used in this Ordinance includes the following:

1. All roads included in a plan, except existing public roads.
2. All storm water facilities included in a plan, except existing storm water facilities.
3. At least three (3) steel, concrete or stone monuments, four (4) inches square of four (4) inches in diameter, set into the ground thirty (30) inches, that are sufficient reference points for locating on the land all tract, road right-of-way, easement, and lot lines in the development plan, unless sufficient natural or artificial monuments exist on the development boundaries.

#### **§503. Recommended Improvements**

A. The term “recommended improvements” as used in this Ordinance includes the following:

1. All sewage disposal facilities included in the plan. However, the applicant should perform any connection or extension agreement entered into with the McClure Municipal Authority.

2. All water supply facilities included in the plan. However, the applicant should perform any connection or extension agreement entered into with the McClure Municipal Authority.

3. All monuments and line and corner markers included in the plan, except those designated as required improvements in Section 502

**§504. As-Built Drawings**

A. Upon completion of construction and installation of the improvements in his development, the applicant shall furnish the Borough Council with one (1) set of as-built drawings showing details of the roads and storm water facilities, as well as any public or community sewage disposal and water supply facilities, constructed or installed in the development.

**PART 6 – SPECIALIZED DEVELOPMENTS**

**§601. General**

A. The provisions of this Article VI apply to plans for the specialized developments mentioned herein. Plans for such developments shall conform to such provisions as well as all other applicable provisions of this Ordinance not in conflict therewith.

**§602. Innovative Design**

A. Innovative designs that will provide for all foreseeable problems and that will enhance the character of the Borough will be permitted. The Borough Council will encourage ingenuity and innovation in the design of specialized developments so that economy of effort, enhancement of quality of life, and stimulation of growth can be achieved through the Borough.

**§603. Cluster Housing Developments**

A. The following standards allow the clustering's of dwellings or multiple dwelling buildings on reduced sized lots and the grouping of open spaces. This type of development should be designed to achieve:

1. A characteristic of design and site planning in which buildings are clustered together on a tract of land and each cluster of buildings serves as a module which is set off from others like it by intervening open space that helps give visual definition to each individual cluster.

2. The preservation and utilization of unusual and important physical features and open space to be held for the common enjoyment of the occupants of the development or the public at large.

3. More efficient use of the land and of public facilities required to serve new residential development.

**Site Standards**

1. A plan for a proposed cluster housing development shall include a tract of land of at least three (3) acres.
2. The site shall be served by an approved public or community sewage disposal system and, if feasible, an approved public or community water supply system.
3. The site shall have existing road frontage sufficient to construct the necessary roads to service such development.

**C. Density**

1. The maximum number of dwelling units permitted shall be determined by multiplying total acreage of the tract of land by six (6), if one (1) unit dwellings are proposed, or by seven (7), if two (2) unit dwellings are proposed, or by eight (8), if multiple dwelling buildings are proposed.

**D. Open Space**

1. The Borough Council recommends that a minimum of twenty percent (20%) of the tract to be developed should be provided as open space on the plans submitted. Consideration should be given to the location of the open space so as to be within easy access and view of the dwelling units. All areas set aside for open space should be suitable for the designated purpose, and should not include road right-of-way, yard, or off-road parking areas, or an area subject to a utility easement that would restrict other use of the enjoyment of the open space.

**E. Roads**

1. All roads shall meet the standards established by the Borough Mud Free Road Ordinance. See: Appendix A hereto.

**F. Setback Distances**

1. No main building shall be located within twenty (20) feet of any other main building.
2. No building shall be located within fifty (50) feet of the centerline of any road.

**G. Off-Road Parking**

1. A minimum of two (2) off-road parking spaces per dwelling unit shall be located within two hundred (200) feet of each dwelling unit. For off-road parking in commercial or industrial development, parking spaces shall be no less than ten (10) feet wide.

**§604. Multiple Dwelling Building Developments**

**A. Multiple dwelling building development plans shall conform to the standards set forth hereinafter, as well as all other applicable provisions of this Ordinance not in conflict therewith.**

**B. Public sewer and water supply systems, or a private community sewage disposal system and, if feasible, an approved community water supply system shall be included in this plan.**

C. There shall exist a minimum of five hundred (500) square feet of usable open space, exclusive of roads, parking areas, structures and service areas, should be planned for each dwelling unit within the development.

D. Setback Distances:

1. The minimum space between buildings shall not be less than the height of the tallest buildings or twenty (20) feet, whichever is greater.
2. Minimum building setbacks from road centerlines shall be fifty (50) feet. Minimum setback distances from all development boundaries shall be thirty (30) feet.

E. A minimum of two (2) off-road parking spaces per dwelling unit shall be located within two hundred (200) feet of each dwelling unit.

**§605. Mobile Home Park Developments**

A. General Standards

1. Mobile home park development plans shall comply with the standards set forth hereinafter, as well as all other applicable provisions of this Ordinance not in conflict therewith.
2. Mobile home pad: A pad, properly graded, placed, and constructed so as to be durable and adequate for support of the maximum anticipated loads during all seasons shall be planned for each mobile home.
3. Anchoring: Provision shall be made for every mobile home to be anchored to the mobile home pad where it is located prior to the unit being occupied or used in any way. The anchoring system shall be designed to meet any and all local building code requirements.
4. Skirts: Provision shall be made for every mobile home, prior to occupancy or other use, to have skirts installed which are designed to complement the appearance of the mobile home.
5. Access for a mobile home hauler shall be provided.

B. Site Standards

1. The minimum tract area for mobile home parks shall be five (5) acres.
2. There shall be no more than six (6) dwelling units per gross acre.
3. A minimum of twenty percent (20%) of the tract, excluding roads and parking areas, for open space.
4. A minimum frontage of fifty (50) feet along a public road is required for the tract.
5. Public or community sewage disposal systems shall be required in accordance with the provisions of this Ordinance.

6. Public or community water systems shall be required in accordance with the provisions of this Ordinance.

7. All roads shall meet the standards of this Ordinance and the Borough's Mud Free Road Ordinance. See: Appendix A hereto.

8. A minimum of two (2) parking spaces at a minimum of two hundred (200) square feet each shall be provided for each mobile home lot.

9. All utilities shall be placed underground.

10. For mobile home parks between seven (7) and ten (10) acres in area, a minimum of two (2) access points to a public road is required, and, if over ten (10) acres, three (3) access points are required. Nothing herein shall be construed to limit the Borough's ability to require additional access points above and beyond those set forth herein.

11. All lots within the park shall be provided with a minimum of fifty (50) feet in lot frontage and/or lot width.

11a. Mobile home and building setback and spacing requirements:

11b. Fifty (50) feet from the centerline of roads.

11c. A minimum of seventy-five (75) feet from railroads and transmission lines.

11d. A minimum of twenty-five (25) feet must be provided between any two (2) mobile homes or buildings on two (2) separate lots.

#### **§606. Commercial Developments**

##### **A. General Standards**

1. Commercial development plans, including but not limited to those for shopping centers, shall comply with the standards set forth hereinafter, as well as all other applicable provisions of this Ordinance not in conflict therewith.

##### **B. Site Standards**

1. The site when developed shall be served by an approved public or community sewage disposal system and, when feasible, an approved public or community water supply system.

2. Appropriate storm water facilities shall be provided.

##### **C. General Design**

1. The layout within commercial development areas shall be designed in accordance with applicable laws, ordinances, and regulations, and with consideration to site conditions to ensure:

1a. Desirable land utilization.

1b. Convenient traffic circulation and parking.



1c. Adequate service, delivery, and pickup.

1d. Design coordination with adjacent lands.

**D. Circulation**

1. Access to public roads shall be limited to well-defined entrances and exit lanes. Exit lanes shall be separated from entrance lanes by dividers or planting islands.

2. Painted lines, arrows, and dividers shall be provided to control parking and circulation of traffic.

3. Where possible, customer parking and circulation shall be separated from delivery service drives and unloading areas.

**E. Parking Area Requirements**

1. Five and one-half (5 ½) parking spaces at least ten (10) feet wide each per one thousand (1,000) square feet of gross leasable or saleable area of each building shall be provided.

2. Parking areas shall be set back a minimum of fifteen (15) feet from the road right-of-way lines and tract boundaries.

3. All parking areas, service drives, and exit and entrance lanes shall be graded and paved according to the specifications of the Borough's Mud Free Road Ordinance. See: Appendix A hereto.

**F. Landscaping**

1. Screen plantings shall be provided where the Borough Council deems necessary due to conditions surrounding the site.

**§607. Industrial Developments**

A. Industrial development plans shall comply with the standards set forth hereinafter, as well as all other applicable provisions of this Ordinance not in conflict therewith.

B. The layout of the industrial development shall conform to any applicable zoning or other ordinance that may exist at the time, if any, and shall provide:

1. The most efficient arrangement for present use and future expansion.

2. Adequate and safe space for employee and visitor access and parking.

3. Adequate screening from adjacent residential or other incompatible use areas. All storage, service, or other unsightly areas within industrial developments shall be fully screened from adjacent developments and streets.

C. All plans for proposed industrial developments shall conform to Pennsylvania DEP rules and regulations. Provision shall also be made for control of noise and solid wastes. Industrial

developments shall connect to existing public water and sewer systems unless a report, prepared by a professional engineer, indicates that such connections are not feasible.

E. Off-street parking shall be provided for all employees plus extra spaces for visitors. At least one (1) parking space for one and two-tenths (1.2) employees on the major work shift shall be provided.

#### **§608. Seasonal Developments**

A. Seasonal development plans shall comply with the standards set forth hereinafter and all other applicable provisions of this Ordinance not in conflict therewith.

B. All lots shall have access to public roads by either private or public roads. Proposed new roads shall meet the public road requirements of this Ordinance with the following exceptions:

1. Access to five (5) or less may be provided by a private road not less than thirty (30) feet in width with building setback of fifty (50) feet from the centerline of the road. The road shall be designed in accordance with the Borough's Mud Free Road Ordinance. See: Appendix A hereto.
2. Access to more than five (5) lots shall be by a road forty (40) feet in width with building setback of fifty (50) feet from the centerline of the road. The road shall be designed in accordance with the Borough Mud Free Road Ordinance. See: Appendix A hereto.
3. Lots shall be as specified in Section 4.05 of this Ordinance.
4. Sewage disposal facilities shall be planned as specified in Section 409 of this Ordinance.

#### **§609. Travel Trailer Park and Campground Developments**

A. Travel trailer park and campground development plans shall conform to DEP regulations and to all standards set forth in this Ordinance for mobile home parks with the following exceptions:

1. Lot or space requirements:

Gross density: The maximum of lots or camping spaces within each park or campground shall be no more than fifteen (15) per gross acre.

Minimum lot sizes: The minimum lot or camping space shall be thirty (30) feet wide by fifty (50) feet deep.

Lot access: Each lot and camping space shall abut and have thirty (30) feet of frontage along the park or campground road system.

2. Road system: Road improvements and widths: A system of private roads shall be provided and constructed in accordance with the Borough's Mud Free Road Ordinance. See: Appendix A hereto. On-road parking shall be prohibited on any road with a right-of-way width of thirty (30) feet or less. Cartways of twenty (20) feet will be acceptable.

3. Parking: A minimum of one and one-half (1 ½) vehicle parking spaces shall be provided for each lot or camping space within the park or campground.

## **PART 7 – EXEMPTIONS AND WAIVER**

### **§701. General**

The Borough Council is to determine that plans for certain types of subdivisions and developments should be exempt from full compliance with the specifications, standards, and requirements of this Ordinance. If his sketch plan indicates that an applicant's plan should be exempt, the Borough Council shall notify the applicant in writing of such exemption.

### **§702. Specific Exemptions**

Plans for subdivisions are deemed to be exempt from full compliance with this Ordinance if they are those which are specifically set forth as exempt by this Ordinance, more specifically set forth in the definitions section.

### **§703. Procedure for Exemption**

A. An applicant whose plan may be exempt from this Ordinance shall comply with the requirements of Section 3.01 of Article III in regard to the contents of his sketch plan.

B. The applicant shall submit the sketch plan along with a request for exemption in the same manner as a non-exempt plan under Article II of this Ordinance. The plan shall proceed through the review processes specified in Article II. The applicant shall have the right to appeal should he be aggrieved by the action on his request for an exemption.

### **§704. Waiver**

A. The Borough Council is hereby empowered with the right to waive compliance with any or all terms, provisions, standards, and requirements of this Ordinance when acting on a plan. The Borough Council will only grant a waiver when the purposes of this Ordinance will not be frustrated thereby.

B. The Borough Council shall only exercise its right to grant a waiver of the requirements of this Ordinance by majority vote after notice and a hearing on the request for a waiver.

C. The granting of a waiver as to any provision of this Ordinance shall not constitute, and shall not be deemed to constitute, a release or general waiver as to compliance with the remainder of this Ordinance.

### **§705. Procedure for Waiver**

A. An applicant who seeks a waiver shall comply with the provisions of Section 3.02 of Article III in regard to the contents of his sketch plan.

B. The applicant shall submit his sketch plan, with a request for waiver in the same manner as a plan under Article II of this Ordinance. The specific reasons for the request for waiver shall be set forth. The sketch plan and request for a waiver shall proceed through the review processes specified in Article II above. The applicant shall have the right to appeal should he be aggrieved by the action on his request for a waiver.

## **PART 8 – AMENDMENT AND SEVERABILITY**

### **§801. Authority to Amend**

Pursuant to Section 10505 of the Pennsylvania Municipalities Planning Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated and Section 46006(3) of the Pennsylvania Borough Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, both as amended, the Borough Council may from time to time amend this Ordinance.

### **§802. Procedure to Amend**

The Borough Council shall fully comply with the requirements of the Pennsylvania Municipalities Planning Code and the Pennsylvania Borough Code for the amendment of this Ordinance. Amendments shall become effective only after a public hearing held pursuant to public notice.

### **§803. Severability**

If any article, term, condition, clause, provision, or requirement of this Ordinance, or amendment thereto, shall be determined or declared to be void or invalid in law or otherwise, then only that article, term, condition, clause, provision, or requirement shall be stricken from this Ordinance, and in all other respects this Ordinance shall be valid and continue in full force, effect and operation.

## **PART 9 – ENFORCEMENT AND PENALTIES**

### **§901. Enforcement**

The Borough Council is responsible for the enforcement of this Ordinance.

### **§902. Penalties**

Any person, partnership, or corporation who or which has violated any provision of this Ordinance shall, upon being liable therefor in a civil enforcement proceeding, pay a judgment of not more than Five hundred Dollars (\$500.00) plus all court costs, including reasonable attorney's fees incurred by the Borough Council as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by a District magistrate. If the defendant neither pays nor timely appeals the judgment the Borough Council may enforce the judgment pursuant to the Pennsylvania Rules of Civil

Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation. The Snyder County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained herein shall be construed or interpreted to grant any person or entity other than the Borough Council the right to commence any action for enforcement pursuant to this Section.

#### **§903. Injunction**

A. In addition to the penalties set forth in Section 902 above, the Borough Council may also institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The Borough Council may file an action inequity in the Snyder County Court of Common Pleas against any person who has violated this Ordinance or who has breached his agreement as to required improvements.

B. Any plan for a subdivision or land development which is in violation of this Ordinance shall be null and void and shall not be recorded. The Borough Council may request the Snyder County Court of Common Pleas to order any plan which is in violation of this Ordinance and which is recorded to be stricken from such records and to decree any transfers or conveyances made pursuant to such plan to be null and void and of no legal effect.

#### **§904. Preventative Remedy**

A. In addition to the penalties set forth in Section 9.02 above and the injunctive relief set forth in Section 903 above, the Borough Council may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny a permit or approval shall apply to any of the following applicants:

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

4. The vendee or lessee of the current owner of record who acquired the real property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

B. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development of any such real property, the Borough Council may require compliance with the conditions that would have been applicable to the real property at the time the applicant acquired an interest in such real property.

## **PART 10 – APPEALS**

### **§1001. Appeals**

The decision of the Borough Council with respect to the approval, conditional approval, or disapproval of any plan, or the granting or rejection of any request for an exemption or waiver, may be appealed by any party in interest to the Snyder County Court of Common Pleas as provided in the Pennsylvania Municipalities Planning Code and the Pennsylvania Administrative Agency Law. The filing of such an appeal shall not act as a stay or supersede of the action of the Borough Council unless specifically so ordered by the Snyder County Court of Common Pleas. Any appeal must be filed within thirty (30) days after the date when the Borough Council renders its decision.

## CHAPTER 8 - TAXATION AND AUDITORS

**§801. Purpose.** The Borough Council enacts this Ordinance to promote and protect the best interests, safety and welfare of the residents of the Borough by appointing an independent auditor to audit, adjust, and settle the accounts of the Borough as provided in the Pennsylvania Borough Code. The Borough has been unable to find and elect three (3) auditors from the residents of the Borough so it decided to appoint an independent auditor to perform the tasks of the elected auditors.

**§802. Appointment.** The Borough hereby appoints an independent auditor who shall be a certified public accountant registered in Pennsylvania, a firm of certified public accountants so certified or a competent public accountant or a competent firm of public accountants. Such independent auditor shall be appointed annually, by resolution before the close of a fiscal year, to make an independent examination of the accounting records of the Borough for the fiscal year and the independent auditor shall also perform the other duties and exercise the powers conferred upon the independent auditor under the Pennsylvania Borough Code.

**§803. Abolishment Of Elected Auditors.** By operation of law, when an independent auditor is appointed, the office of elected auditors is abolished although the elected Borough auditors then in office shall continue to hold their office during the term for which elected and the Borough auditors shall not audit, settle or adjust the accounts audited by the independent auditor but shall perform the other duties of their office.

**§804. Definitions.** The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

**BOROUGH** - The area within the corporate limits of the Borough of McClure, Snyder County, Pennsylvania

**COLLECTOR** - The person, public employee or private agency designated by the Borough to collect and administer the tax herein imposed.

**DCED** - The Department of Community and Economic Development of the Commonwealth of Pennsylvania

**EARNED INCOME** - Compensation as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257, § 13, as amended, 53 P.S. § 6913, as amended.

**EMPLOYER** - An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

**HE, HIS or HIM** - Indicates the singular and plural number, as well as male, female and neuter genders.

**INDIVIDUAL** - Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Borough.

**NET PROFITS** -The net income from the operation of a business, profession; or other activity, as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1251, § 13, as amended, 53 P.S. § 6913, as amended.

**OCCUPATION**- Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the Borough for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

**TAX**- The local services tax at the rate fixed in Section 2 hereof.

**TAX YEAR** - The period from January 1 until December 31 in any year; a calendar year.

**§805. Levy of tax.** For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2016, upon the privilege of engaging in an occupation with a primary place of employment within the Borough of McClure during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of Fifty-Two Dollars and No Cents (\$52.00) assessed on a pro rata basis, in accordance with the provisions of this Ordinance. This tax may be used solely for the following purposes as the same may be allocated by the Borough Council from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The Borough shall use no less than twenty-five percent (25%) of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Borough. The tax shall be no more than Fifty-Two Dollars and No Cents \$52.00 on each person for each calendar year, irrespective of the number of Boroughs within which a person may be employed.

**§806. Exemption and refunds.**

A. Exemption. Any person whose total earned income and net profits from all sources within the Borough is less than Twelve Thousand Dollars (\$12,000) for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

1. Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.

2. Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force



Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

**B. Procedure to Claim Exemption.**

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the Borough and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Borough of less than Twelve Thousand Dollars (\$12,000) in the calendar year for which the exemption certificate is filed. In the event the Borough utilizes a tax collection officer, it shall provide a copy of the exemption certificate to that officer. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the Borough for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the Borough or except as required by clause (2) below, the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the Borough.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the Borough that the person has received earned income and net profits from all sources within the Borough equal to or in excess of Twelve Thousand Dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of Twelve Thousand Dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the Borough may pursue collection under this Ordinance.

(4) Except as provided in clause (2) it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds. The Borough Secretary, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within seventy-five (75) days of a refund request or seventy-five (75) days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed One Dollar (\$1.00): The Borough Council, or the Collector shall determine eligibility for exemption and provide refunds to exempt persons.

§807. Duty of employers to collect.

A. Each employer within the Borough, as well as those employers situated outside the Borough but who engage in business within the Borough, is hereby charged with the collecting of the tax from each of his employees engaged by him or performing for him within the Borough and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the Borough.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section, for purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

C. No person shall be subject to the payment of the local services tax by more than one Borough during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be no more than Fifty-Two Dollars (\$52) on each person for each calendar year, irrespective of the number of Boroughs within which a person maybe employed. The Borough shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Borough if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of the Ordinance and remits the amount so withheld in accordance with this Ordinance.

G. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

**§808. Returns.** Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this Ordinance, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

**§809. Dates for Determining tax liability and payment.** In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

**§810. Self-employed individuals.** Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the Borough shall be required to comply with this Ordinance and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter.

**§811. Individuals engaged in more than one occupation or employed in more than one Borough.**

A. The situs for the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one Borough during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

- (1) First, the Borough in which a person maintains his or her principal office or is principally employed;
- (2) Second, the Borough in which the person resides and works if the tax is levied by that Borough;
- (3) Third, the Borough in which a person is employed and which imposes the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other Boroughs.

**§812. Nonresidents subject to tax.** All employers and self-employed individuals residing or having their places of business outside of the Borough but who perform services of any type or kind or engage in any occupation or profession within the Borough do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this Ordinance with the same force and effect as though they were residents of the Borough. Further, any individual engaged in an occupation within the Borough and an employee of a nonresidential employer may, for the purpose of this Ordinance, be considered a self-employed person, and in the event his or her tax is not paid, the Borough shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

**§813. Administration of tax.**

(A) The Collector shall be appointed by resolution of the Borough. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer of self-employed person, together with the date the tax was received.

(B) The Collector is hereby charged with the administration and enforcement of this Ordinance and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Ordinance, including provisions for the examination of payroll records of any employer subject to this Ordinance, the examination and correction of any return made in compliance with this Ordinance and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998 (municipalities may detail their appeal processes).

(C) The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

**§814. Suits for collection.**

(A) In the event that any tax under this Ordinance remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this Ordinance, together with interest and penalty.

(B) If for any reason the tax is not paid when due, interest at the rate of Six percent (6%) on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate of such tax for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection.

**§815. Violations and penalties.** Whoever makes any false or untrue statement on any return required by this Ordinance, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this Ordinance shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than Six hundred Dollars (\$600) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this Ordinance.

**§816. Interpretation.**

A. Nothing contained in this Ordinance shall be construed to empower the Borough to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Borough under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed under the provisions of this Ordinance shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

## CHAPTER 9 - CONSTITUTIONAL RIGHTS NOT INFRINGED

**§901. Findings.** The people of the Borough of McClure, County of Snyder, Commonwealth of Pennsylvania, find and declare:

A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs;

B. The Second Amendment to the Constitution of the United States of America states, "A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed";

C. The right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America;

D. The Supreme Court of the United States of America in *District of Columbia v. Heller* recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America Justice Antonin Scalia's prevailing opinion in that case stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home;

E. Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws";

F. The Supreme Court of the United States recognized in *McDonald v. City of Chicago* that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States;

G. Justice Thomas M. Cooley in the *People v. Hurlbut*, 24 Mich. 44, page 108 (1871), states: "The State may mould local institutions according to its views of policy or expediency: but local government is a matter of absolute right; and the state cannot take it away";

H. The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in *Printz v. United States*. The Court held: "The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program" The anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in *Federalist #46* advised "a refusal to cooperate with officers of the Union" in response to either unconstitutional federal measures or constitutional but unpopular federal measures;

I. Therefore, the right to keep and bear arms is a fundamental individual right that shall not be infringed; and all local, state, and federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the Second Amendment;

J. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties;

K. Therefore, through the enactment of this document, the Borough of McClure, County of Snyder, Commonwealth of Pennsylvania, is hereby a Second Amendment Sanctuary

**§902. Prohibitions.** Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of the Borough of McClure, a political subdivision of the Commonwealth of Pennsylvania, while acting in their official capacity, shall:

A. Knowingly and willingly, participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.

B. Utilize any assets, Borough of McClure funds, or funds allocated by any entity to the Borough of McClure, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act in connection with personal firearms, firearm accessories, or ammunition.

**§903. Penalties.**

A. An "Unlawful Act" shall consist of any federal or state act, law, order, rule, or regulation, which restricts an individual's constitutional right to keep and bear arms, including any federal or state act, law, order, rule, or regulation which bans or effectively bans, registers or effectively registers, or limits the lawful use of firearms, firearm accessories or ammunition (other than a fully automatic firearm which is made unlawful by federal law). Any such "Unlawful Act" is invalid in the Borough of McClure, and shall not be recognized by the Borough of McClure, is specifically rejected by the voters of the Borough of McClure, and shall be considered null, void and of no effect in the Borough of McClure, County of Snyder, Commonwealth of Pennsylvania, and this includes, but shall not be limited to the following:

1. Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;
2. Any registration or tracking of firearms, firearm accessories, or ammunition;
3. Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;
4. Any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen and over, other than pursuant to federal law background check requirements for transfers or purchases through FFL dealers;

5. Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;
6. Any prohibition, regulation, and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms; and
7. Any prohibition, regulation, and/or use restriction limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, bump stocks, suppressors, or types of ammunition available for sale, possession or use by citizens.

B. With respect to any person convicted of a violation of this Ordinance: Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof on an action brought before a magisterial district judge or other tribunal with the appropriate jurisdiction, in the manner provided for the enforcement of summary offenses under the Pa. Rules of Criminal Procedure, shall be sentenced to pay a fine of no less than \$100 but not more than \$1,000 plus court costs to the Borough and for the expenses, including but not limited to food and medical expenses, related to handling the Animal, and in default of payment of said fine costs and expenses to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part, which shall be found to have been violated shall constitute a separate offense.

C. Neither sovereign nor official or qualified immunity shall be an affirmative defense in cases pursuant to this section.

D. Any peace officer may enforce this ordinance.

## **CHAPTER 10 - ZONING (RESERVED)**

## **CHAPTER 11 - PARK AND RECREATIONAL BOARD (RESERVED)**

## **CHAPTER 12 - REPEALER (RESERVED)**