

**ORDINANCE NO. 130**

**AN ORDINANCE OF THE TOWNSHIP OF MILFORD, BUCKS COUNTY, PENNSYLVANIA ADOPTING THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE (ACT 45 OF 1999, 35 P.S. §§7210.101 ET SEQ.) AND THE REGULATIONS PROMULGATED THEREUNDER (34 PA. CODE §401.1 ET SEQ.) AS THE MILFORD TOWNSHIP BUILDING CODE; ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, CONVERSION, USE AND MAINTENANCE OF ALL BUILDINGS, STRUCTURES AND PROPERTIES IN MILFORD TOWNSHIP; PRESERVING AND SAVING FROM REPEAL MILFORD TOWNSHIP ORDINANCES IN EFFECT ON OR BEFORE JULY 1, 1999 RELATING TO BUILDING CONSTRUCTION THAT EXCEED THE MINIMUM REQUIREMENTS OF THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE; PROVIDING FOR THE ISSUANCE OF PERMITS, EXEMPTIONS, COLLECTION OF FEES, MAKING OF INSPECTIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE BUILDING CODE; AND ELECTING TO ADMINISTER AND ENFORCE THE PROVISIONS OF THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE IN MILFORD TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA**

**B A C K G R O U N D:**

**A.** The Milford Township Board of Supervisors (“Board”) has, by Ordinance No. 86, effective on July 7, 1992, as amended, adopted by reference the 1990 BOCA National Building Code as the building code of Milford Township pursuant to its statutory authority, the Pennsylvania Second Class Township Code, as amended (53 P.S. §65101 et seq.);

**B.** Also effective on July 7, 1992, the Board has, by Ordinance No. 87, adopted by reference the 1990 BOCA National Plumbing Code; by Ordinance No. 88, adopted by reference the 1990 BOCA National Mechanical Code; and effective on October 4, 1994, by Ordinance No. 97, adopted by reference the 1993 BOCA National Fire Prevention Code as the respective codes for construction in Milford Township;

**C.** Also effective on July 7, 1992, the Board has, by Ordinance No. 89, amended by Ordinance No. 122 on August 6, 2002, adopted by reference the 1992 BOCA National Property Maintenance Code as the property maintenance code of Milford Township;

**D.** The standards referenced in paragraphs A, B and C above are collectively referred to in this Ordinance as the “Local Building Code.”

**E.** By Act 45 of 1999 (“Act 45”), the Pennsylvania General Assembly enacted the Pennsylvania Construction Code Act to provide uniform statewide construction standards; and to require that all municipalities in Pennsylvania timely adopt the uniform construction standards

once the standards were promulgated by the Pennsylvania Department of Labor and Industry (“L&I”);

**F.** L&I promulgated the uniform construction standards (the “Code”) on January 10, 2004, and Act 45 requires municipalities to adopt the Code by ordinance as the municipality’s building code no later than July 8, 2004; and to elect whether the municipality will enforce and/or administer the Code within the municipality;

**G.** Act 45 and the Code preempts and rescinds the Local Building Code, unless provisions of the Local Building Code exceeding the minimum requirements of the Code were in effect on or before July 1, 1999. Milford Township has **FIVE (5)** such “grandfathered” ordinances enacting provisions of the Local Building Code that were not repealed from the Local Building Code can possibly be preserved and continued. The possibly grandfathered and preserved provisions of the Local Building Code are as follows:

1. Milford Township Ordinance No. 86, effective July 7, 1992, adopting the 1992 BOCA National Building Code, as amended, as the Milford Township Building Code;
2. Milford Township Ordinance No. 87, effective July 7, 1992, adopting the 1990 BOCA National Plumbing Code, as amended, as the Milford Township Plumbing Code;
3. Milford Township Ordinance No. 88, effective July 7, 1992, adopting the 1990 BOCA National Mechanical Code, as amended, as the Milford Township Mechanical Code;
4. Milford Township Ordinance No. 89, effective July 7, 1992, amended by Ordinance No. 122, adopting the 1990 BOCA Property Maintenance Code, as amended, as the Milford Township Property Maintenance Code; and
5. Milford Township Ordinance No. 97, effective October 4, 1994,<sup>1</sup> adopting the 1993 BOCA National Fire Prevention Code, as amended, as the Milford Township Fire Prevention Code.

**H.** The purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of Milford Township and to conform to the requirements of Act 45 and the Code; and to reflect Milford Township’s election to enforce and administer the provisions of the Code and the Act within Milford Township; and

**I.** Act 45 and the Code require the enactment of this Ordinance by Milford Township electing to administer and enforce the building code provisions of the Code.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, and it is hereby **ENACTED AND ORDAINED** by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania, as follows:

**Section 01:** Administration and Enforcement of Code. Subject to the provisions of this Ordinance and applicable law, Milford Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time (the “Act”), and the regulations promulgated thereunder.

**Section 02:** Adoption of Building Code. Subject to the provisions of this Ordinance and applicable law, the Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time (the “Code”), is hereby adopted and incorporated herein by reference as the municipal building code of Milford Township.

**Section 03:** Approved Means of Administrating and Enforcing the Code. Administration and enforcement of the Code within Milford Township shall be undertaken in any of the following ways as determined by the Milford Township Board of Supervisors from time to time by Resolution:

- a. By designating an employee of Milford Township to serve as the municipal code official to act on behalf of Milford Township;
- b. By retaining of one or more construction code officials or third party agencies to act on behalf of Milford Township;
- c. By agreeing with one or more municipalities for the joint administration and enforcement of the Act and the Code through an inter-municipal agreement; or
- d. By entering into a contract with another municipality for the administration and enforcement of the Act and the Code on behalf of Milford Township.

**Section 04:** Board of Appeals.

A. *Creation of Appeals Board.* A Building Code Board of Appeals (the “Board of Appeals”) is established in conformity with the requirements of the Act and the Code. The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time arising under the Code.

B. *Appointment of Members.* The Board of Appeals shall consist of no fewer than three (3) and no more than five (5) members appointed by the Board of Supervisors. The Board of Supervisors shall appoint the initial Board of Appeals members to terms of varying length to establish staggered terms. After the initial appointments, each new member shall serve for five (5) years or until a successor has been appointed.

C. *Qualifications of Members.* The members of the Board of Appeals shall, in the discretion of the Milford Township Board of Supervisors, be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, or training or experience as an inspector or plan reviewer. No member of the Board of Supervisors nor any code inspector employed by Milford Township may serve on the Board of Appeals. If the Board of Supervisors is unable to find a sufficient number of qualified individuals who reside within Milford Township, it may appoint a qualified person(s) who resides outside of Milford Township to fill a position.

D. *Alternate Members.* The Board of Supervisors may appoint up to two (2) alternate members who may be called by the Chair of the Board of Appeals to hear appeals in the event of the absence or disqualification of a member. Alternate members shall possess the qualifications required for membership, and shall be appointed for five (5) years or until a successor has been appointed.

E. *Intergovernmental Cooperation* If at any time enforcement and administration is undertaken jointly with one or more other municipalities, the Board of Supervisors is hereby authorized to enter into an intergovernmental cooperation agreement with one or more municipalities to create a Board of Appeals.

F. *Chairperson and Secretary.* The Board of Appeals shall annually select one of its members to serve as Chair and Secretary. The Secretary of the Board of Appeals shall file a detailed record of all proceedings with the Township.

G. *Disqualification of Member.* No member of the Board of Appeals may hear an appeal in which that member has any personal, professional or financial interest.

H. *Operation of Board of Appeals.* The procedure for conducting hearings and notices of hearings shall be established by resolution of the Board of Supervisors and shall be consistent with Act, the Code and all other applicable laws and regulations.

**Section 05:** Preservation of Existing Ordinances; Revisions to Code. Those portions of the Local Building Code, or portions of ordinances which were adopted by Milford Township on or before July 1, 1999, specified below and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time. In preserving and saving from repeal such ordinances or portions thereof, Milford Township makes the following revisions to the Code:

A. 2003 International Building Code.

1. Section 101.1: Insert "Milford Township."
2. Section 1612.3: Insert "Milford Township."
3. Section 1612.3: Insert "May 18, 1999."
4. Section 3410.2: Insert "May 18, 2004."

- B. 2003 International Energy Conservation Code.
1. Section 101.1: Insert “Milford Township.”
- C. 2003 International Existing Building Code.
1. Section 101.1: Insert “Milford Township.”
  2. Section 1201.2: Insert “May 18, 2004.”
- D. 2003 International Property Maintenance Code.
1. Section 101.1: Insert “Milford Township.”
  2. Section 103.5: Insert “As adopted from time-to-time by the Milford Township Board of Supervisors.”
  3. Section 302.4: Insert “eight (8) inches.”
  4. Section 304.14: Insert “April 1 to November 1.”
  5. Section 602.3: Insert “October 1 to May 15.”
  6. Section 602.4: Insert “October 1 to May 15.”
  7. Section 605: Insert “The installation of any new wiring and associated electrical equipment requires inspection. All electrical inspections are to be conducted by an approved Electrical Inspection Agency and proof of such inspection shall be provided to the Township.”
- E. 2003 International Urban-Wildland Interface Code.
1. Section 101.1: Insert “Milford Township.”
- F. 2003 International Mechanical Code.
1. Section 101.1: Insert “Milford Township.”
  2. Section 106.5.2: Insert “As adopted from time-to-time by the Milford Township Board of Supervisors.”
  3. Section 1.6.5.3: Revise “As approved by the Milford Township Board of Supervisors.”
  4. Section 108.4: Insert “Summary,” “\$1,000.”
  5. Section 108.5: Insert “\$1,000 and costs.”
  6. Section 903.4: Add section and the following, “Zero Clearance Fireplaces: Wood framing surrounding metal prefabricated fireplaces and metal chimneys shall be protected on the inside with 5/8-inch weather resistive fire rated sheet-rock taped and spackled.”
  7. Section 2202.4: Add Section and the following, “Oil Tank Openings and Connections: Tanks and tank enclosure openings for inspection and piping and vent connections shall only be through the top. Approved anti-siphon devices shall be installed at each piping connection to a tank where such

tank piping extends below the level of the top of such tank. Piping for tank fills shall have a minimum two (2) inch nominal inside diameter and piping shall be threaded wrought iron, steel or brass pipe.”

G. 2003 International Fire Code.

1. Section 101.1: Insert “Milford Township.”
2. Section 109.3: Insert “Summary,” “\$1,000.”
3. Section 111.4: Insert “\$1,000 and costs.”

H. 2003 International Electrical Code.

1. Section 101.1: Insert “Milford Township.”
2. Section 404.2: Insert “As adopted from time-to-time by the Milford Township Board of Supervisors.”

I. 2003 International Residential Code.

1. Section R101.1: Insert “Milford Township.”
2. Section 1004.5: Add section and the following, “Zero Clearance Fireplaces: Wood framing surrounding metal prefabricated fireplaces and metal chimneys shall be protected on the inside with 5/8-inch weather resistive fire rated sheet-rock taped and spackled.”
3. Section R2603.6.1: Section Deleted
4. Section R3103.1: Insert: “twelve (12) inches.”

J. International Plumbing Code.

1. Section 101.1: Insert “Milford Township.”
2. Section 106.6.2: Insert “As adopted from time-to-time by the Milford Township Board of Supervisors.”
3. Section 106.6.3: Revise “As approved by the Milford Township Board of Supervisors.”
4. Section 108.4: Insert “Summary,” “\$1,000.”
5. Section 108.5: Insert “\$1,000 and costs.”
6. Section 305.6.1: Section Deleted.
7. Section 904.1: Insert “twelve (12) inches.”
8. Insert Chapter 14: “Certification and Licensing.” Article 14, Certification and Licensing: Shall include the following:
  - a. Section 1400.1, Scope: The provisions of this Article shall control the examination, certification and licensing of Master and Journeyman Plumbers who engage in the business or practice of plumbing in Milford Township.
  - b. Section 1401.0, Examination, Certification and Licensing.

- c. Section 1401.1, When License Required, Transferability: It shall be unlawful for any person to engage in the practice or business of plumbing within Milford Township without first filling an application with the Code Official and obtaining the required license therefore. No license issued hereunder shall be transferable to any other person or entity.
- d. Section 1401.2, Examination and Certification: The Code Official shall establish standards and procedures for the qualification, examination, certification and licensing of all Master and Journeyman Plumbers who desire to engage in the practice or business of plumbing within Milford Township. The Code Official shall issue an appropriate license to each Master or Journeyman Plumber who meets the qualifications as established by the Code Official and successfully passes the examination given by the Code Official or its designee. The Code Official shall not administer an examination until all required fees are paid. The Code Official shall keep a record of all applications for licenses, all examinations, the results thereof and fees paid pursuant thereto.
- e. Section 1401.3, Re-Examination: Any person who fails to pass the examination, as given by the Code Official or its designee, may apply for re-examination after the expiration of thirty (30) days from the date the test was taken and after payment of the prescribed fee.
- f. Section 1401.4, Term of License: Every license issued hereunder shall expire on the 31<sup>st</sup> day of December of the year in which the same was so issued. Every licensee may renew said license by filing for re-registration between December 1 and December 31 of the year for which the license was issued. Re-examination will not be required for re-registration, unless the licensee fails to apply for re-registration during the time period specified herein.
- g. Section 1401.5, Reciprocity: Any person licensed as a Master Plumber or Journeyman Plumber in a city, township or borough, which has approved testing in place to issue such licenses, shall upon registration with Milford Township and payment of the appropriate fee, and without examination, be issued a license to engage in the practice or business of plumbing within Milford Township. Such license shall expire on the 31<sup>st</sup> day of December of the year in which the same was issued.
- h. Section 1401.6, Temporary License: The Code Official may issue a temporary license, pending examination, provided this applicant

holds a similar license issued pursuant to standards equivalent to those established by the Board of Appeals. The Code Official may recommend that the Board waive the examination requirements contained in this section for any individual by a majority vote of the members of the Board.

- i. Section 1401.7, Revocation: The Board of Appeals may revoke any license if obtained through non-disclosure, misstatement or misrepresentation of a material fact, or if a licensee has violated any of the provisions, rules or regulations of the Code or Ordinance. Before a license may be revoked, the licensee shall be notified, in writing, of the charges against him and shall be entitled to a hearing by the Board not sooner than five (5) days from receipt of notice. Notification shall be hand-delivered or sent via certified mail to the address of record on the license application. Evidence that such notice was sent to the address of record shall constitute proper notification, notwithstanding the relocation of the licensee, unless the licensee provided a forwarding address to Milford Township. The licensee shall be given an opportunity to present testimony, oral or written, and shall have the right to cross-examine any and all witnesses or evidence presented. All testimony shall be given under oath or affirmation. The decision of the Board shall be based on the evidence produced at the hearing and shall be made a part of the record. A person whose license has been revoked shall not be permitted to apply for recertification or be recertified within one (1) year from date of such revocation.
- j. Section 1401.8, Use of Licensee's name by another: No person who has obtained a license hereunder shall permit his name and or license to be used by another for the purpose of obtaining permits to engage in or practice plumbing within Milford Township.
- k. Section 1401.9, Change of name or address: Every Licensee shall notify the Code Official, in writing, of any change in the licensee's name or address within thirty (30) days of such change. Any such change shall be noted on the Licensee's license as well as the official records maintained by the Board of Appeals.

**Section 06: Repeal of Certain Prior Ordinances.** Except as otherwise provided in this Ordinance, all building code ordinances or portions of ordinances, including without limitation ordinance nos. 30, 57, 86, 87, 88, 89, 97 and 122, which either (a) exceed the minimum requirements of the Code but were enacted after July 1, 1999; (b) are in effect as of the effective date of this Ordinance and whose requirements are less than the minimum requirements of the Code; or (c) are specifically repealed in this Ordinance, are hereby amended and/or repealed to conform to the comparable provisions of the Code and the Act.



**Section 07:** Changes to Amendable Sections of Code. In accordance with §403.102(l) of the Code, Milford Township, by virtue of its election to enforce and administer the provisions of the Code and the Act within Milford Township, hereby amends the provisions of the Code identified below as set forth in Schedule “A” attached hereto. The provisions of Schedule “A” attached to this Ordinance shall control over the corresponding provisions of the Code. Section 403.102(l) of the Code allows the following provisions of the Code to be amended:

- a. Section 403.42(b) and (c) (relating to permit requirements and exemptions);
- b. Section 403.42a(a)-(e) and (g)-(n) (relating to permit application);
- c. Section 403.43(b), (c), (g), (h) and (k) (relating to grant, denial and effect of permits);
- d. Section 403.44 (relating to alternative construction material and methods).
- e. Section 403.45 (relating to inspections);
- f. Section 403.46 (relating to certificate of occupancy);
- g. Section 403.47 (relating to public utility connections);
- h. Section 403.62(a)-(e) (relating to permit requirements and exemptions);
- i. Section 403.64 (relating to inspections);
- j. Section 403.65 (relating to certificates of occupancy);
- k. Section 403.66 (relating to public utility connections);
- l. Section 403.81(a) and (b) (relating to stop work order);
- m. Section 403.82 (relating to notice of violations);
- n. Section 403.83 (relating to order to show cause/ order to vacate);
- o. Section 403.84(a)-(e) (relating to unsafe building structure or equipment);  
and
- p. Section 403.85(a)-(c) (relating to release, retention and sharing of commercial construction records).

**Section 08:** Modifications to the Code. Milford Township may enact construction standards that exceed the minimum requirements of the Code in accordance with the provisions and procedures set forth in the Act and the Code.

**Section 09:** Fees. The Milford Township Board of Supervisors may by resolution adopted from time to time prescribe reasonable fees for the administration and enforcement of the Code undertaken pursuant to this Ordinance and the Code.

**Section 10:** The Milford Township Manager and Milford Township Building Code Official are hereby directed to forward a certified copy of this Ordinance along with the Municipal Election Form to the Pennsylvania Department of Labor and Industry properly completed within the time period provided by applicable law.

**Section 11:** In addition, all inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Milford Township not governed by this Ordinance, the Code or the Act shall remain in full force and effect.

**Section 12:** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Ordinance.

**Section 13:** This Ordinance shall be effective five (5) days after the date it is adopted at a public hearing by the Milford Township Board of Supervisors.

ADOPTED this 22 day of June, 2004.

**Attest:**

**BOARD OF SUPERVISORS  
MILFORD TOWNSHIP**

-S-  
Janya Awckland  
Township Secretary

-S-  
Charles Strunk, Chair

-S-  
Robert B. Mansfield, Vice Chair

Timothy Damiani, Member

**SCHEDULE "A"**

**UNIFORM CONSTRUCTION CODE – MODIFIABLE PROVISIONS**

**§402.42 Permit Requirements and Exemptions – Commercial Construction**

§402.42(b) Emergency repairs or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within seventy-two (2) hours of the discovery of the event or occurrence necessitating the emergency repairs and/or replacement.

§402.42(c) A permit is required for the exceptions listed in § 403.1(b) (relating to scope). A permit is not required for the following construction as long as the work does not violate a law or ordinance:

- (1) Building construction for the following:
  - (i) Fences that are not over four (4) feet high, provided, however, that a fence permit is required under other applicable Milford Township ordinances.
  - (ii) through (v) - DELETED**
  - (vi) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.

- (vii) Temporary motion picture, television, and theater stage sets and scenery.
- (viii) - DELETED**
- (ix) Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.
- (x) Swings and other playground equipment accessory to one- or two-family dwellings that do not require a footer.
- (xi) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 as applicable in the "International Building Code," and Group U occupancies.
- (xii) Movable cases and counters.
- (xiii) Window replacement without structural change; provided, however, that all other applicable permits required under Milford Township ordinances must be obtained.

(2) Electrical work for the following:

- (i) Minor repair and maintenance work that includes the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (ii) Interior electrical equipment used for radio and television transmissions. The provisions of the Uniform Construction Code apply to and a permit must be acquired for equipment and wiring for power supply and the installation of towers and antennas.
- (iii) The installation of a temporary system for the testing or servicing of electrical equipment or apparatus.

(3) The following gas work:

- (i) A portable heating appliance.
- (ii) Replacement of a minor part that does not alter approval of equipment or make the equipment unsafe.

(4) The following mechanical work or equipment:

- (i) A portable heating appliance.
- (ii) Portable ventilation equipment.
- (iii) A portable cooling unit.
- (iv) - DELETED**
- (v) Replacement of any part that does not alter its approval or make it unsafe.
- (vi) A portable evaporative cooler.
- (vii) A self-contained refrigeration system containing 10 pounds or less of refrigerant and placed into action by motors that are not more than 1 horsepower.

(5) The following plumbing repairs:

- (i) Stopping leaks in a drain. The Uniform Construction Code applies if a concealed or visible trap, drainpipe, water, soil, waste or vent pipe becomes defective and is removed and replaced with new material.
- (ii) Clearing stoppages or repairing leaks in pipes, valves or fixtures, and the removal and installation of water closets, faucets and lavatories if the valves or pipes are not replaced or rearranged.

#### **§402.42a Permit Application**

§402.42a(a) Applications for a permit required under § 403.42 (relating to permit requirements and exemptions) shall be submitted to the building code official in accordance with this section.

§402.42a(b) A permit applicant shall submit an application to the building code official and attach construction documents, including plans and specifications, and information concerning special inspection and structural observation programs, Department of Transportation highway access permits and other data required by the building code official with the permit application. The applicant shall submit THREE (3) copies of all required documents and pay all required fees prior to or before the application will be considered complete and submitted by Milford Township. The applicant shall submit three sets of documents when the Department conducts the review.

§402.42a(c) A licensed architect or licensed professional engineer shall prepare the construction documents under the Architects Licensure Law (63 P. S. §§ 34.1--34.22), or the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148--158.2).

§402.42a(d) A building code official may require submission of additional construction documents in special circumstances.

§402.42a(e) The permit applicant shall submit construction documents in a format approved by the building code official. Construction documents shall be clear, indicate the location, nature and extent of the work proposed, and show in detail that the work will conform to the Uniform Construction Code.

§402.42a(g) Construction documents shall contain the following information related to the exterior wall envelope:

- (1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.
- (2) Flashing details.
- (3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.

§402.42a(h) Construction documents shall contain a site plan that is drawn to scale. The building code official may waive or modify the following site plan requirements if the permit application does not impact or touch upon these requirements. Site plan requirements include but are not limited to all of the following:

- (1) The size and location of new construction and existing structures on the site.
- (2) Accurate boundary lines.
- (3) Distances from lot lines.
- (4) The established street grades and the proposed finished grades.
- (5) If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot.
- (6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

§402.42a(i) A permit applicant shall submit certifications required in the “International Building Code” for construction in a flood hazard area to the building code official.

§402.42a(j) A permit applicant shall identify, on the application, the name and address of the licensed architect or engineer in responsible charge. The permit applicant shall notify the building code official in writing if another licensed architect or engineer assumes responsible charge.

§402.42a(k) The permit applicant shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if section 1704 or 1709 of the “International Building Code” requires special inspections or structural observations for the construction or if the building code official, in his or her discretion, believes such special inspections and/or structural observations for the construction are required. All such proposed programs must satisfy the building code official.

§402.42a(l) A building code official may waive or modify the submission of construction documents, that are not required to be prepared by a licensed architect or engineer, or other data if the nature of the work applied for does not require review of construction documents or other data to obtain compliance with the Uniform Construction Code. The building code official may not waive the submission of site plans that relate to accessibility requirements.

§402.42a(m) An applicant for an annual permit under § 403.42(f) shall complete an application and provide information regarding the system that may be altered and the date that approval was previously provided for the approved electrical, gas, mechanical or plumbing installation.

§402.42a(n) A permit applicant shall comply with the permit, certification or licensure requirements of the following laws applicable to the construction:

- (1) The Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1--1331.19).
- (2) The Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1--1329.19).
- (3) The Health Care Facilities Act.
- (4) The Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1--1511.22).

### **§403.43 Grant, Denial and Effect of Permits**

§403.43(b) A building code official shall examine the construction documents and shall determine whether the construction indicated and described is in accordance with the

Uniform Construction Code and other pertinent laws or ordinances as part of the application process.

§403.43(c) A building code official shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The building code official shall clearly mark any required nondesign changes on the construction documents. The building code official shall return a set of the construction documents with this notation and any required changes to the applicant. The permit holder shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.

§403.43(g) A permit issued under the Uniform Construction Code becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request along with the required fee of 10% of the original permit fee to the building code official for an extension of time to commence or to suspend construction for just cause for up to an additional twelve (12) months. The building code official may grant extensions of time to commence or suspend construction in writing. A permit is valid for no more than 1 year from its issue date, and all construction must be completed within twelve (12) months from issue, unless extended as set forth in this section.

§403.43(h) The permit shall be kept on the work site until a final inspection is completed by the building code official and all work passes such final inspection.

§403.43(k) A building code official may allow deferred submittals of portions of the design of the building and structure from the time of the application until a specified time set by the building code official. All of the following apply to deferred submittals:

- (1) The building code official shall provide prior approval of the deferral of any submittal items.
- (2) A licensed architect or professional engineer in responsible charge shall list the deferred submittals on the construction documents for review by the building code official.
- (3) A licensed architect or professional engineer shall first review submittal documents for deferred submittal items and place a notation on the documents that the architect or engineer reviewed the documents and that the documents are in general conformance with the design of the building or structure.
- (4) Deferred submittal items may not be installed until the building code official approves the design and submittal documents for the deferred submittal items.

**§ 403.44. Alternative construction materials and methods.**

§403.44(a) Materials, products and methods of construction that were evaluated as meeting codes enumerated in § 403.21 (relating to Uniform Construction Code) by the ICC Evaluation Service, Inc. or an evaluation service accredited under the “General Requirements for Bodies Operating Product Certification Systems” issued by the ISO (ISO Guide 65) are approved for use. The use shall conform with the evaluation.

§403.44(b) Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Service, Inc. or another agency accredited under the “Calibration and Testing Laboratory Accreditation Systems-General Requirements for Operation and Recognition” issued by ISO (ISO Guide 58) are approved for use if:

- (1) The testing laboratory or quality assurance agency deemed the material as meeting Uniform Construction Code-required standards.
- (2) The scope of accreditation is applicable to Uniform Construction Code-required standards.

§403.44(c) A new building or remodeling, alteration, addition or change of use and occupancy of an existing building which complies with the International Performance Code shall also be in compliance with the Uniform Construction Code.

#### **§403.45 Inspections.**

§403.45(a) A construction code official shall perform inspections to insure that the construction complies with the approved permit and the Uniform Construction Code. Required inspections are those set forth in Section 403.64(d).

§403.45(b) Before issuing a permit, a building code official may examine, or cause to be examined, buildings, structures, facilities or sites related to the permit application.

§403.45(c) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection. The work shall remain accessible and exposed for inspection. A construction code official may inspect the construction and equipment only during normal hours at the construction site unless the permit holder or agent requests or agrees to another time. Inspections may be conducted under § 403.86 (relating to right of entry to inspect). The failure of a permit holder to request timely inspections and provide access for the inspections constitutes a violation of the Uniform Construction Code and this Ordinance.

§403.45(d) A construction code official shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

§403.45(e) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the

following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under § 401.7(6) (relating to certification category specification for building inspector).
- (2) Electrical under § 401.7(7).
- (3) Plumbing under § 401.7(9).
- (4) Accessibility under § 401.7(11).
- (5) Fire protection under § 401.7(13).
- (6) Mechanical under § 401.7(8).
- (7) Energy conservation under § 401.7(10).

#### **§403.46 Certificate of Occupancy**

§403.46(a) A building, structure or facility, or any portion thereof, may not be used or occupied without a certificate of occupancy issued by a building code official certifying compliance with all requirements of the Uniform Construction Code and this Ordinance.

§403.46(b) A building code official shall issue a final certificate of occupancy within fifteen (15) business days after receipt of a final inspection report that indicates compliance with the Uniform Construction Code and that there are no outstanding fees, fines and/or violations against the permit holder or the building, structure or facility at issue. The final certificate of occupancy shall contain the following information:

- (1) The permit number and address of the building, structure or facility.
- (2) The permit holder's name and mailing address.
- (3) A description of the portion of the building, structure or facility covered by the occupancy permit.
- (4) The name of the building code official who issued the occupancy permit.
- (5) The applicable construction code edition applicable to the occupancy permit.
- (6) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.
- (7) The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.
- (8) Special stipulations and conditions relating to the permit and board of appeals' decisions and variances for accessibility requirements granted by the Secretary.
- (9) The date of the final inspection.

§403.46(c) A building code official may issue a temporary or partial final certificate of occupancy for a portion of a building, structure or facility if the portion independently meets the Uniform Construction Code. A temporary or partial final certificate of occupancy issued for an entire building, structure or facility shall be valid for a period not to exceed sixty (60) days.



§403.46(d) A building code official may suspend or revoke a temporary, partial final or final certificate of occupancy when the certificate was issued in error, on the basis of incorrect or incomplete information supplied by the permit applicant or their agent or in violation of the Uniform Construction Code or this Ordinance; and may revoke a temporary certificate of occupancy where a final certificate of occupancy is not timely obtained. Before a final certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals under § 403.122 (relating to appeals, variances and extensions of time) and this Ordinance.

#### **§403.47 Public Utility Connections**

§403.47(a) A building code official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

§403.47(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this chapter.

#### **§403.62 Permits and Exemptions – Residential Construction**

§403.62(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a residential building or erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit under § 403.62a (relating to permit application).

§403.62(b) An emergency repair or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within seventy-two (2) hours of the discovery of the event or occurrence necessitating the emergency repairs and/or replacement.

§403.62(c) A permit not required for the exceptions listed in § 403.1(b) (relating to scope). A permit is not required for the following construction if the work does not violate a law or ordinance:

- (1) The following building construction, replacement or repairs:
  - (i) Fences that are no more than four (4) feet high; provided, however, that a fence permit is required under other applicable Milford Township ordinances.
  - (ii) through (iv) - DELETED**
  - (v) Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, counter tops and similar finishing work.
  - (vi) - DELETED**
  - (vii) Swings and other playground equipment accessory to a one- or two-family dwelling that do not require a footer.

- (viii) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- (ix) Replacement of glass in any window or door. The replacement glass shall comply with the minimum requirements of the International Residential Code.
- (x) Installation and replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions or framing of the original opening are not altered. The installation of means of egress and emergency escape windows may be made in the same opening, without altering the dimensions or framing of the original opening if the required height, width or net clear opening of the previous window or door assembly is not reduced. All other applicable permits and approvals required under Milford Township ordinances must be obtained.
- (xi) Replacement of existing roof material that does not exceed 25% of the total roof area performed within any 12-month period, provided the required change does not involve any structural elements.

**[NO SECTION (xii) in REGULATIONS]**

**(xiii) – DELETED**

- (xiv) Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.
- (xv) Installation of additional roll or batt insulation to the extent permitted by this Ordinance and the Uniform Construction Code.
- (xvi) Replacement of exterior rain water gutters and leaders.

(2) Minor electrical work for the following:

- (i) Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles
- (ii) Replacement of a receptacle, switch or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. This does not include replacement of receptacles in locations where ground-fault circuit interrupter protection is required.
- (iii) Replacement of installed electrically operated equipment such as doorbells, communication systems and any motor operated device.
- (iv) Installation, alteration or rearrangement of communications wiring.
- (v) Replacement of dishwashers; provided, however, that all plumbing work requires a permit.
- (vi) Replacement of kitchen range hoods.
- (vii) Installation of battery-powered smoke detectors.

(3) The following gas work:

- (i) Portable heating, cooking or clothes drying appliances.
- (ii) Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.

- (iii) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(4) The following mechanical work or equipment:

- (i) A portable heating appliance.
- (ii) Portable ventilation appliances.
- (iii) A portable cooling unit.
- (iv) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.
- (v) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
- (vi) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors 1 horsepower.
- (vii) Portable evaporative cooler.
- (viii) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(5) The following plumbing work:

- (i) Replacement of bib valves if the replacement hose bib valves are provided with an approved atmospheric vacuum breaker.
- (ii) Refinishing of existing fixtures.
- (iii) Replacement of ball cocks.
- (iv) Repair of leaks.
- (v) Clearance of stoppages.
- (vi) Replacement of faucets or working parts of faucets.
- (vii) Replacement of valves other than shower or combination shower/bath valves.
- (viii) Replacement of traps.
- (ix) Replacement of a water closet, lavatory or kitchen sink.
- (x) Replacement of domestic clothes washers and dishwashers; provided, however, that all plumbing work requires a permit.

(6) The following heating, ventilation and air conditioning work:

- (i) Replacement of motors, pumps and fans of the same capacity.
- (ii) Repair and replacement of heating, supply and return piping and radiation elements which do not require rearrangement of the piping system.
- (iii) Repair and replacement of duct work.
- (iv) Repair and replacement of portable (not central) air conditioning equipment and systems.
- (v) Repair and replacement of control devices for heating and air conditioning equipment.
- (vii) Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.
- (viii) Replacement of stoves and ovens if there is no change in fuel type, location or electrical characteristics.

§403.62(d) An ordinary repair does not require a permit. The following are not ordinary repairs:

- (1) Cutting away a wall, partition or portion of a wall.
- (2) The removal or cutting of any structural beam or load-bearing support.
- (3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
- (4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

§403.62(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as the term “public utility” is defined in 66 Pa.C.S. § 102 (relating to the definitions).

#### **§403.64 Inspections.**

§403.64(a) A construction code official shall inspect all construction for which a permit was issued. The permit holder shall insure that the construction is accessible for inspection. An inspection does not bar prosecution or other legal action for violation of the Uniform Construction Code.

§403.64(b) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection. The failure of a permit holder to request timely inspections and provide access for the inspections constitutes a violation of the Uniform Construction Code and this Ordinance.

§403.64(c) The construction code official shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

§403.64(d) A construction code official shall make the following inspections and file inspection reports relating to Uniform Construction Code compliance in all of the following areas:

- (1) Foundation and/or footer inspection.
- (2) Plumbing, mechanical and electrical rough and final inspections.
- (3) Frame and masonry inspection.
- (4) Wallboard inspection.
- (5) Wall Form inspection.
- (6) Backfill inspection.
- (7) Slab and/or Deck inspection.
- (8) Insulation inspection.
- (9) Fire Suppression rough and final inspections.

§403.64(e) The construction code official may conduct other inspections to ascertain compliance with the Uniform Construction Code or municipal ordinances.

§403.64(f) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report that indicates compliance with the Uniform Construction Code.

#### **§403.65 Certificate of Occupancy.**

§403.65(a) Prior to it first being used, a single family residential building may not be used or occupied without a certificate of occupancy issued by a building code official. A certificate of occupancy is not required upon re-sale or other transfer of such dwelling unit. Residential units in a multi-family or other group assembly use groups require a certificate of occupancy upon every change of occupancy.

§403.65(b) A building code official shall issue a certificate of occupancy after receipt of a final inspection report that indicates compliance with the Uniform Construction Code within fifteen (15) business days. The certificate of occupancy shall contain all of the following information:

- (1) The permit number and address of the residential building.
- (2) The name and mailing address of the owner of the residential building.
- (3) A description of the portion of the residential building covered by the occupancy permit.
- (4) A statement that the described portion of the residential building was inspected for compliance with the Uniform Construction Code.
- (5) The name of the building code official who issued the occupancy permit.
- (6) The construction code edition applicable to the occupancy permit.
- (7) If an automatic sprinkler system is provided.
- (8) Any special stipulations and conditions relating to the building permit.

§403.65(c) A building code official may issue a certificate of occupancy for a portion of a residential building if the portion independently meets the Uniform Construction Code.

§403.65(d) A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant, or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals in accordance with § 403.122 (relating to appeals, variances and extensions of time).

#### **§403.66 Public Utility Connections**

§403.66(a) A building code official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

§403.66(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this chapter.

#### **§403.81 Stop Work Order**

§403.81(a) A building code official may issue a written stop work order when the official determines that construction violates the Uniform Construction Code or is being performed in a dangerous or unsafe manner. The stop work order is to contain the reasons for the order and list the required conditions for construction to resume.

§403.81(b) The building code official shall serve the stop work order on the permit owner or the owner's agent by certified mail, regular mail and by posting at the property. Personal service shall be attempted where possible.

#### **§403.82 Notice of Violations**

A building code official shall follow the following procedures if an inspection reveals a violation of the Uniform Construction Code:

(1) A construction code official shall discuss the inspection results with the permit holder at the completion of the inspection.

(2) The building code official may issue a written notice of violations to the permit holder. The notice is to contain a description of the violations and an order requiring correction of the violations within a reasonable period determined by the building code official. When a violation relates to an unsafe building, structure or equipment, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

(3) After the compliance date contained in the order, the building code official shall inspect the building, structure or equipment to determine whether the violation was corrected. The building code official shall close the order if the violation was corrected. The building code official may issue an order to show cause under § 403.83 (relating to order to show cause/order to vacate) to the owner for a violation that was not corrected.

#### **§403.83 Order to Show Cause/Order to Vacate**

§403.83(a) A building code official may initiate action to vacate or close a building, structure or equipment for violations of the Uniform Construction Code by issuing an order to show cause to the owner or owner's agent of a building or structure.

§403.83(b) The order to show cause shall contain a statement of the grounds for the action, the alleged violations of the Uniform Construction Code and notification that the building, structure or equipment may be closed or vacated. The order to show cause shall contain notification that the owner or owner's agent shall submit a written answer

within twenty (20) days. The building code official shall serve the order to show cause upon the owner or owner's agent by certified mail, regular mail and by posting at the property. Personal service shall be attempted where possible.

§403.83(c) The owner or owner's agent may file a written answer to the order to show cause with the building code official within twenty (20) days following service of the order to show cause. The answer shall contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or Uniform Construction Code interpretation relied upon by the owner. The answer may contain a request for a variance or an extension of time for compliance. The building code official shall forward all requests for variances, extensions of time or appeals regarding interpretations of the Uniform Construction Code to the board of appeals within ten (10) business days. The building code official shall send a request for variance, extension of time or appeals regarding interpretation of the Uniform Construction Code's accessibility requirements to the Department within ten (10) business days.

§403.83(d) If the owner or owner's agent files an appeal, the board of appeals or Department will assume jurisdiction and consolidate the answer with any pending request for variance, extension of time or appeal filed by the owner with the board of appeals. The Board of Appeals shall thereafter schedule a hearing in accordance with the provisions of the Uniform Construction Code and this Ordinance.

§403.83(e) The building code official shall consider the pending request for variance or extension of time or appeal as a stay to an enforcement action.

§403.83(f) After receipt of the answer, the building code official may take the following actions if the owner or owner's agent did not previously file an appeal or request for variance or extension of time:

- (1) Issue a stop work order.
- (2) Vacate or close the building or structure or place equipment out of operation.
- (3) Abate or modify the alleged violation.
- (4) Order other action to protect persons or property.

§403.83(g) A construction code official shall inspect the construction at the expiration of an extension of time or other time period granted for compliance under this section. If the building, structure or equipment violates the Uniform Construction Code following inspection, the building code official may issue an order vacating or closing the building or structure or placing equipment out of operation. The building code official shall serve this order upon the owner or owner's agent by certified mail or personal service.

§403.83(h) Where an unsafe condition exists, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

#### **§403.84 Unsafe Building, Structure or Equipment**

§403.84(a) A building code official may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance or for any other applicable reason under the Uniform Construction Code that threatens the health, safety or welfare of the building, any adjoining or nearby building or property, or any individual. A vacant building or structure that is not secured against entry is unsafe under this section.

§403.84(b) When a building code official determines the existence of an unsafe condition, the building code official shall order the vacating of the building or structure.

§403.84(c) A building code official shall serve a written notice on the owner or owner's agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail and regular mail to the owner or to the owner's agent's last known address or on the owner, agent or person in control of the building, structure or equipment. A building code official shall post the written notice at the entrance of the structure or on the equipment. Personal service shall also be attempted.

§403.84(d) When a building or structure is ordered vacated under this section, the building code official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

§403.84(e) A building code official may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

#### **§403.85 Release, retention and sharing of commercial construction records.**

§403.85(a) A building code official shall and Milford Township may keep records of all applications received, permits issued, reviewed building plans and specifications, certificates issued, fees collected, reports of inspections, notices and orders issued for all commercial buildings and structures under the Uniform Construction Code. These records shall be retained as long as the related building, structure or equipment remains in existence.

§403.85(b) A building code official may reproduce records kept in an electronic format to a hard-copy format upon request. A building code official or Milford Township, but not both, may charge for the reproduction costs.

§40.85(c) A municipality that discontinues enforcing the Uniform Construction Code shall keep records of previous Uniform Construction Code enforcement. A municipality shall make these records available to the Department.