

ORDINANCE NO. 93

AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 85, WHICH WAS ADOPTED ON JANUARY 3, 2000, TO PROVIDE FOR DELETIONS, MODIFICATIONS AND ADDITIONS TO THE BUILDING CODE OF HAYCOCK TOWNSHIP.

BACKGROUND

WHEREAS, Section 1517 of the Second Class Township Code provides that the corporate powers of the board of supervisors include the enactment and enforcement of ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land (53 P.S. Section 66517);

WHEREAS, Section 1518 of the Second Class Township Code provides that the corporate powers of the board of supervisors include the appointment of one or more building and housing inspectors to enforce the building and housing regulations of the township and for the inspection of the construction, alteration, repair and sanitation facilities of buildings and housing in the township (53 P.S. Section 66518);

WHEREAS, the Board of Supervisors of Haycock Township, a Second Class Township, Bucks County, Pennsylvania ("Board of Supervisors"), by Ordinance No. 85, enacted on January 3, 2000, has adopted the 1999 BOCA National Building Code, 14th Edition, ("BOCA Building Code") as the Building Code of Haycock Township to govern and regulate the construction, alteration, repair and occupancy of all buildings in the Township;

WHEREAS, Section 1601 of the Second Class Township Code provides that the board of supervisors may adopt ordinances in which general or specific powers of the township may be exercised, and, by the enactment of subsequent ordinances, the board of supervisors may amend, repeal or revise existing ordinances (53 P.S. Section 66601);

WHEREAS, the Board of Supervisors deems that it is in the best interests of the Township and of its citizens to amend Ordinance 85, to make certain deletions, modifications and additions, including but not limited to the appointment of a Code Enforcement Officer, to the Building Code of Haycock Township;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Haycock Township that Ordinance No. 85 is hereby amended as follows:

A. Paragraph 1 of Ordinance 85 is hereby amended to read as follows:

Adoption of code by reference; modifications.

A. The 1999 BOCA National Building Code in its entirety is hereby reaffirmed as the Haycock Township Building Code, as modified in this Ordinance and may be amended from time to time hereafter. Until a section marked "enacted unchanged" is updated, modified or amended, it is the intent of the Haycock Township Board of Supervisors that the corresponding chapter in the 1999 BOCA National Building Code is adopted in full and enacted unchanged.

B. The 1999 BOCA National Building Code, with enacted modifications and amendments, shall be on file in the office of the Haycock Township Secretary.

B. Paragraphs 2 through 6 of Ordinance 85 are deleted and the following is hereby added:

CHAPTER 1, ADMINISTRATION, of the 1999 BOCA National Building Code, is reaffirmed with the following changes:

Section 101.0 SCOPE

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

101.2 Scope through 101.4 Intent: enacted unchanged.

Section 102.0 APPLICABILITY

102.1 General through 102.3 Matters not provided for: enacted unchanged.

102.4 Referenced standards: The standards referenced in this code shall be the most recent. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

Section 103.0 VALIDITY: entire section enacted unchanged.

Section 104.0 DEPARTMENT OF BUILDING INSPECTION

104.1 Code official: The Department of Building Inspection is hereby created. The Haycock Township Board of Supervisors may appoint a building inspector or other code official who shall for purposes of this Ordinance be known as the "Code Enforcement Officer." The Department shall be responsible for the administration and enforcement of the building codes. Throughout this code, the Code Enforcement Officer is also referred to as the "Code Official."

104.2 Appointment: Any code Enforcement Officer appointed by the Haycock Township Board of Supervisors shall serve at the will of the Board of Supervisors.

104.3 Organization: The Code Official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the Haycock Township Board of Supervisors. The following are hereby appointed to assist the Code Official with the enforcement of this code: the Zoning Officer.

104.4 Deputy: The Code Official is authorized to designate an employee as deputy who shall exercise all the powers of the Code Official during the temporary absence or disability of the Code Official. The following are hereby authorized to act in the absence of the Code Official: the Zoning Officer.

104.5 Restriction of employees through 104.7 Official records: enacted unchanged.

Section 105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General: enacted unchanged.

105.2 Applications and permits: The Code Official shall receive applications and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code. The Code Official may authorize the Zoning Officer to receive applications.

105.3 Notices and orders: The Code official shall issue all necessary notices or orders to ensure compliance with this code. The Code Official may authorize the Zoning Officer to issue compliance notices or orders.

105.4 Inspections: The Building Inspector shall make all of the required inspections, or the Code Official 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 Department of Building Inspection is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the prior approval of the Haycock Township Board of Supervisors.

105.5 Identification: enacted unchanged.

105.6 Rule-making authority: The Code Official shall have the authority to recommend, as necessary in the interest of public health, safety and general welfare, rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. No such rule or regulation shall be in force until

adopted by the Haycock Township Board of Supervisors. No such rule or regulation shall have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

105.7 Department records: enacted unchanged.

105.8 Annual report: On or before the second Tuesday of each February, the Code Official shall submit to the Chair of the Haycock Township Board of Supervisors a written statement of operations in the form and content as shall be prescribed by the Haycock Township Board of Supervisors.

Section 106.0 APPROVAL: entire section enacted unchanged.

Section 107.0 APPLICATION FOR PERMIT

107.01 General: Applications for building and use permits shall be submitted with all other permits required by state or county agencies, such as but not limited to the Board of Health, Department of Environmental Resources and the Department of Transportation, if required by the use.

107.1 Permit application: An application shall be submitted to the Department of Building Inspection for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 108.0:

1. Construct or alter a structure.
2. Construct an addition.
3. Construct an accessory structure with a proposed building area of 288 square feet or more.
4. Demolish or move a structure.
5. Make a change of occupancy.
6. Install or alter any equipment which is regulated by this code.
7. Move a lot line which affects an existing structure.

It shall be unlawful to construct, enlarge, alter or demolish a structure, or change the occupancy of a building or structure requiring greater strength, exit or sanitary provisions, or change to a new use not lawfully in existence, or to install or alter any equipment for which provision is made or the installation of which is regulated by this code without first filing an application for a land use permit with the Zoning Officer or Code Official. Upon receipt of a valid land use permit, the applicant may then file applications for the required building permit; provided, however, that repairs

as defined in this code and which do not involve any violation of the code shall be exempt from this provision.

107.1.1 Repairs through 107.4 Description of work: enacted unchanged.

107.5 Construction documents: The application for a permit shall be accompanied by not less than three sets of construction documents. The Code Official is permitted to waive the requirements for filing construction documents when the scope of the work is of a minor nature. When the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information. Permits for all building groups, with the exception of Groups R-3 and R-4, are subject to the building regulations for protections from Fire and Panic by the Department of Labor and Industry of the Commonwealth of Pennsylvania. No permit will be issued until the applicant has furnished proof that the plans have been reviewed by the Department of Labor and Industry, if required. Approval of the plans by Labor and Industry shall not constitute a waiver of any applicable plan reviews and architectural review by the Building Inspector and Zoning Officer prior to approval and the issuance of building permits, at the cost as determined by the adopted fee schedule.

107.6 Survey plot plan: As a requirement for all new construction (except for construction of an accessory structure having a building area less than 288 square feet and for temporary structures on residential lots) prior to issuance of a building permit, and as part of the application for a land use permit, a survey plot plan, prepared by a Pennsylvania licensed surveyor, registered architect or licensed engineer shall be submitted to the Code Official, unless waived. Such survey shall bear the name and seal of the preparer, shall conform to all applicable state law (i.e., Pennsylvania Uniform Condominium Act, Pennsylvania Uniformed Planned Community Act, etc.), and shall conform to the following requirements:

1. A boundary line survey of the proposed building lot, to a scale of not less than one inch equals 20 feet, showing all metes and bounds of the property.
2. The size and location of all new construction. This shall include the proposed principal structure and all accessory structures, including garages, porches, decks, driveways, pools and sidewalks.
3. A building envelope established by the Zoning Ordinance requirements for that district of the approved subdivision plan shall be shown on the survey plan.
4. Lot area shall be defined in square feet, and the ratio of impervious lot coverage (including all improvements) shall be expressed as a percentage of the total lot area.
5. All easements, restrictions, utility structures, land features to be removed for construction and surrounding properties shall be identified on the plot plan.

6. Topographical site information at a contour interval of no less than two feet shall be provided. In lieu of this requirement for swimming pools, application for permanent pools shall be installed a minimum of eight inches above the ground, and a plan shall be submitted showing compliance with this requirement.

7. The following grade elevations shall be indicated on the survey site plan: top of curb depression, basement, garage, first floor and spot elevations generally consistent with the approved grading plan.

8. In addition to the above, the following detail shall also be provided: dimensions for all building and structure setbacks, the slope of the driveway as expressed as a gradient percentage, dimensions to the nearest off-lot principal structures (except on the street or open space of the lot), a legend indicating all zoning plan approval data (if different than the Zoning Ordinance standard) and locations of on-lot survey markers.

9. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site. With historical structures, the required waiting period shall be observed.

107.6.1 Private sewage disposal system through 107.9 Time limitation for application: enacted unchanged.

Section 108.0 PERMITS

108.1 Action on application: The Code Official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws, the Code Official shall reject such application in writing, stating the reasons therefor. The Code Official may withhold the issuance of any permit until all applicable state, county and federal permits have been received.

108.2 Suspension of permit through 108.9 Notice of start: enacted unchanged.

Section 109.0 TEMPORARY STRUCTURES: entire section enacted unchanged.

Section 110.0 DEMOLITION OF STRUCTURES: entire section enacted unchanged.

Section 111.0 CONDITIONS OF PERMIT

111.1 Payment of fees through 111.3 Compliance with permit: enacted unchanged.

111.4 Compliance with survey plan: All new work shall be located strictly in accordance with the approved survey plan.

111.5 Access: The permit holder shall be responsible for providing acceptable and stable access to all authorized emergency personnel and inspectors.

Section 112.0 FEES

112.1 General through 112.2 Special Fees: enacted unchanged.

112.3 New construction and alterations: The fees for plan examination, building permit, inspection and reinspection shall be as prescribed in Section 112.3.1 and the Code Official is authorized to establish with Board of Supervisors approval, a schedule of unit rates for buildings and structures of all use groups and types of construction.

112.3.1 Fee schedule: A fee for each plan examination, building permit, inspection and reinspection shall be paid in accordance with the fee adopted by resolution of the Haycock Township Board of Supervisors.

112.4 Accounting through 112.5 Refunds: enacted unchanged.

Section 113.0 INSPECTION: entire section enacted unchanged.

Section 114.0 PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES: entire section enacted unchanged.

Section 115.0 WORKMANSHIP

115.1 General: enacted unchanged.

Section 116.0 VIOLATIONS

116.1 Unlawful acts: enacted unchanged.

116.2 Notice of violation: The Code Official, or when authorized by the Code Official, the Zoning Officer, shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition or occupancy of a building or structure in violation of the provisions of this code or in violation of a detail statement or a plan approved thereunder or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The violation notice shall be based on direct and personal observation of the condition.

116.3 Prosecution of violation: enacted unchanged.

116.4 Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of this code shall be guilty of an offense punishable by a fine of not more than \$1,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

116.5 Abatement of violation: enacted unchanged.

Section 117.0 STOP WORK ORDER

117.1 Notice to owner: enacted unchanged.

117.2 Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than \$100.00 nor more than \$1,000.

Section 118.0 CERTIFICATE OF OCCUPANCY

118.1 General through 118.2 Temporary occupancy: enacted unchanged.

118.3 Issuance of certificate: Upon written request from the owner of an existing structure, the Code Official shall issue a certificate of occupancy, provided that there are no violations of law or orders of the Code Official pending and it is established after inspection and investigation that the alleged occupancy of the structures has heretofore existed. This code shall not require the removal, alteration or abandonment of or prevent the continuance of the occupancy of a lawfully existing structure unless such use is deemed to endanger public safety or welfare. Prior to the issuance of a certificate of occupancy (except for decks, additions and accessory buildings on residential lots), an "as-built" survey, with all the detail and requirements established in Section 107.6 hereof, shall be filed with the Department of Building Inspection containing the approval of the Haycock Township Engineer or his designated official.

118.4 Contents of certificate: enacted unchanged.

118.5 Weather delay: In the event of weather-related problems, a certificate of occupancy may be issued, provided that the builder or permit applicant has posted escrow moneys in sufficient amount as determined by the Haycock Township Engineer or his appointed official to cover the cost of the incomplete items.

Section 119.0 UNSAFE STRUCTURES AND EQUIPMENT: entire section enacted unchanged.

Section 120.0 EMERGENCY MEASURES: entire section enacted unchanged.

Section 121.0 MEANS OF APPEAL

121.1 Application for appeal: enacted unchanged.

121.2 Membership of board: The Board of Appeals shall consist of the Haycock Township Board of Supervisors.

121.3 Appellate review: Any person who is aggrieved by a decision of the Department of Building Inspection may appeal to the Board of Appeals by filing a written Notice of Appeal and the payment of the appropriate filing fee with the Haycock Township Secretary within 15 days of the decision of the Department. The Board of Appeals will thereafter hold a hearing on the appeal within 30 days, or longer if mutually agreed by the appellant. The hearing may be continued from time to time as is necessary. Any person who demonstrates to the Board of Appeals' satisfaction a direct, immediate, pecuniary and substantial interest in the subject matter may request to be a party to the appeal. The Board of Appeals shall decide all requests for party status.

121.3.1 Conduct of hearing: At the cost of the appellant, all hearings before the Board of Appeals shall be open to the public and shall be stenographically recorded. The appellant and the appellant's representatives shall be given an opportunity to be heard and present any evidence in support of their position. The Building Inspector and/or Zoning Officer shall present any evidence in support of their position. The Board may receive the testimony of the Haycock Township Engineer and any other witnesses it requires to decide the appeal. Compliance with the strict rules of evidence is not required, but only relevant information shall be received by the Board of Appeals.

121.3.2 Postponed hearing: When a quorum of the Board of Appeals is not present to hear an appeal, either the appellant or the applicant's representative shall have the right to request a postponement of the hearing.

121.4 Decision of board: The Board of Appeals shall announce a determination within five days of the final hearing, and shall render a written decision within 15 days of the final hearing. The decision shall uphold, modify or reverse the action of the Department of Building Inspection. The decision shall contain finds of fact and conclusions of law and cite the applicable sections of this code in support thereof.

121.5 Court review: Any person who is aggrieved by the decision of the Board of Appeals and was a party to the appeal before the Board of Appeals shall have the right to appeal an adverse decision of the Board of Appeals to the Bucks County Court of Common Pleas in the manner and time provided by law.

121.6 Stay of proceedings: No permit will be issued and no affected work may begin or continue while any appeal is pending before the Board of Appeals. The

appeal of any decision of the Board of Appeals, which would otherwise permit work to begin or continue or allow a permit to be issued, by any party to the appeal will not stay the issuance of any permit or the commencement or continuation of any affected work except upon an order of court.

CHAPTER 2, DEFINITIONS, of the 1999 BOCA National Building Code, is reaffirmed unchanged, with the following additions:

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Zoning Officer: As used in this chapter, the officer or designated authority appointed by the Haycock Township Board of Supervisors charged with the administration of the Haycock Township Zoning Ordinance, and authorized to assist the building inspector in the administration and enforcement of this code.

CHAPTER 3, USE OR OCCUPANCY through CHAPTER 35, REFERENCED STANDARDS, of the 1999 BOCA National Building Code, are enacted in the entirety, unchanged.

C. Savings clause. Nothing in this chapter or in the building code, as amended and adopted hereby, shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any cause(s) of action acquired or existing under any ordinance repealed hereby; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this enactment.

D. Inconsistent provisions. In addition, all inconsistent provisions of all other Ordinances and Resolutions on the Township of Haycock, Bucks County, Pennsylvania are hereby repealed to the extent of the inconsistency. All other provisions of the

Ordinances and Resolutions of the Township of Haycock, Bucks County, Pennsylvania shall remain in full force and effect.

E. Severability. The provisions of this Ordinance are declared to be severable. If any sentence, clause, section or part of this Ordinance is for any reason determined to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of this authority that such remainder shall be and shall remain in full force and effect.

F. Jurisdiction. In the event any portion of this Ordinance is determined by a court of competent jurisdiction to be unconstitutional or unenforceable, it shall not affect any of the other provision of this Ordinance. All other provisions of this Ordinance shall remain in full force and effect.

G. Effective Date. All provisions of this Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED and ENACTED by the Board of Supervisors of Haycock Township this 3rd day of March 2003.

ATTEST:

**HAYCOCK TOWNSHIP
BOARD OF SUPERVISORS**

Nancy M. Yodis
Nancy M. Yodis,
Township Secretary

Kathleen M. Babb, Chair

Michael Lennard
Michael Lennard, Vice Chair

Henry Depue
Henry Depue