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CHAPTER 5

CODE ENFORCEMENT

Part 1

Building Code

§101. Adoption of Building Code.

(1) East Buffalo Township, Union County, Pennsylvania (hereinafter Township) does hereby elect to administer and enforce within the Township the provisions of the Pennsylvania Construction Code Act (hereinafter the Act), Act 45 of 1999, (53 P.S. Section 72 10.101 et seq) and the regulations adopted by the Department of Labor and Industry pursuant to the said Act, as the same may be amended from time to time.

(2) The Uniform Construction Code (hereinafter the Code), set forth in 34 Pa. Code, Chapters 401 to 405, as amended from time to time, is hereby adopted as the Township Building Code.

(3) Administration and enforcement of the Code within the Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township from time to time by resolution:

(a) By the designation of an employee of the Township to serve as the municipal code official to act on behalf of the Township.

(b) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.

(c) By agreement with one or more other municipalities for the joint administration and enforcement of the Act and Code through an intermunicipal agreement.

(d) By entering into a contract with another municipality for the administration and enforcement of the Act and Code on behalf of the Township.

(e) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(4) A Board of Appeals shall be established by resolution of the Board of Supervisors in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(5) All building code ordinances or portions of ordinances which were adopted by the Township on or before July 1, 1999, 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 and upon such occurrence the same shall be automatically repealed.

(6) All ordinances or portion of ordinances inconsistent herewith are hereby repealed.

(7) Fees assessable by the Township for administration and enforcement undertaken pursuant to this Chapter and the Code shall be established by the Board of Supervisors of the Township from time to time by resolution.

(8) If any section, subsection, sentence, or clause of this Chapter is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Chapter.

(9) Any person, firm, corporation, partnership, or entity who shall violate the provisions of this Chapter, the Act or the Code, shall, upon conviction thereof in an action brought before a District Judge in the same manner as provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure shall be sentenced to pay a fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or imprisonment to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation shall occur shall be a separate offense.

Notwithstanding anything herein to the contrary the provisions of this Chapter may be enforced through an action in equity brought before the Court of Common Pleas of Union County.

(Ordinance 96, December 11, 1986; Ordinance 99, December 31, 1987; Ordinance 102, August 24, 1989; Ordinance 123, November 4, 1988; Ordinance 132, February 27, 1989; Ordinance 151, May 7, 1990; Ordinance 265, Adopted June 28, 2004; Ordinance 289, December 14, 2006)

CHAPTER 5

CODE ENFORCEMENT

Part 2

Plumbing Code

§201. Adoption of Plumbing Code. That a certain document, a copy of which is on file in the office of the Secretary of East Buffalo Township, Union County, Pennsylvania, being marked and designated as "The BOCA National Plumbing Code, Seventh Edition, 1987", as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing Code of the Township of East Buffalo, Union County, Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions penalties, conditions and terms of said BOCA National Plumbing Code are hereby referred to, adopted and made a part hereof, as if fully set out in this Part 2, with the additions, insertions and charges, if any, prescribed in §202 of this Part 2. (Ordinance 103, August 24, 1987)

§202. Additions, Insertions and Changes. The following sections and subsections are hereby added to and inserted in the BOCA National Plumbing Code adopted herein as if they were established by the said Code, or existing provisions of the said Code are amended and revised in the following respects:

(1) Section P 100.1 - Title. These regulations shall be known as the Plumbing Code of the Township of East Buffalo, Union County, Pennsylvania, hereinafter referred to as "this Code".

(2) Section P 104.1 - Continuation. The legal use and occupancy of any structure existing on August 24, 1987, or for which it had been heretofore approved, shall be continued without change except as shall be specifically covered in this code.

(3) Section P 114.2 - Fee Schedule. The permit fee for all plumbing work shall be as indicated in the fee schedule adopted pursuant to the provisions of the East Buffalo Township Building Code and as amended from time to time by resolution.

(4) Section P 117.4 - Penalties. Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Chapter shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its dully designated agent the authority to commence or prosecute any action pursuant to this section. (Ordinance 198, June 10, 1996)

(5) Section P 118.2 - Unlawful Continuance. Any person who shall continue any plumbing work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be guilty of a summary offense, punishable by a fine of not less than one hundred (\$100.00) dollars nor more than six hundred (\$600.00) dollars plus costs of prosecution or imprisonment for a period not in excess of thirty (30) days or both. Each day that a violation continues shall be deemed a separate offense. (Ordinance 132, February 27, 1989)

(6) Section P 303.2 - Public System Available. A public water main or public sewer system shall be considered available to a building when the building is located within two hundred (200) feet of the public water main or sewer.

(7) Section P 308.3 - Freezing. Water service piping shall be installed below recorded frost penetration, but not less than three (3) feet below grade. In climates with freezing temperatures, plumbing piping in exterior building walls or areas subject to freezing temperatures shall be protected against freezing by insulation or heat or both.

(8) Section P 308.4 - Sewer Depth. Building sewers that connect to either private or public disposal systems shall [be installed]* at such depth below grade as shall be determined by the laws of the Commonwealth of Pennsylvania and the regulations of the Department of Environmental Resources.

(Ordinance 103, August 24, 1987; as amended by Ordinance 132, February 27, 1989)

§203. Saving Clause. Nothing in this Part 2 or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause(s) of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part 2. (Ordinance 103, August 24, 1987)

§204. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ordinance 103, August 24, 1987)

§205. Validity and Severability. If any section, paragraph, clause, provision, or requirement of this Part 2 or of the Existing Structures Code shall be judged invalid by a Court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, clause, provisions or requirement so adjudged, and the remainder of this Part 2 and/or the said Code shall be deemed valid and effective. (Ordinance 103, August 24, 1987)

*Editorial Note: These words were inserted to clarify intent of sentence.

CHAPTER 5

CODE ENFORCEMENT

Part 3

Fire Code

§301. Adoption of Fire Code. The International Fire Code, 2018 Edition, including all Appendices thereof, or such newer edition of the said Code then in existence, as published by the International Code Council, is hereby adopted as the Fire Code of East Buffalo Township, Union County, Pennsylvania, effective July 1, 2024, and hereafter referred to and designated as such, for the purpose of regulating and governing the safeguard of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of building and premises as therein provided.

§302. Incorporation by Reference. Each and all of the regulations, provisions, penalties, conditions and terms, including the issuance of permits and collection of fees therefor, of the 2018 International Fire Code are hereby incorporated herein by reference and made part hereof as if fully set forth in this Part; except as otherwise amended or revised as provided in this Part.

§303. Amendments; Revisions. The following Sections of the 2018 International Fire Code are hereby amended to read in their entirety as follows:

(1) **Section 101.1 Title.** These regulations shall be known as the *Fire Code of East Buffalo Township, Union County, Pennsylvania*, hereinafter referred to as "this code".

(2) **Section 110.4 Violation penalties.** Any person, firm, corporation, partnership, or entity who shall violate the provisions of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall, upon conviction thereof in an action brought before a District Judge in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure shall be sentenced to pay a fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or imprisonment to the extent allowed by law for the punishment of summary offenses. Each day or a portion thereof that a violation shall occur shall be a separate offense.

(3) **Section 112.4 Failure to comply.** Any person, firm, corporation, partnership, or entity 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 pay a fine not to exceed than One Thousand Dollars (\$1,000.00).

(4) **Section 1103.5.3 Group I-2, Condition 2.** In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an *approved automatic sprinkler*

system in accordance with Section 903.3.1.1. The *automatic sprinkler system* shall be installed prior to occupancy for newly constructed buildings.

(5) **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited. - DELETED**

(6) **Section 5706.2.4.4 Locations where above-ground tanks are prohibited. - DELETED**

(7) **Section 5806.2 Limitations. - DELETED**

(8) **Section 6104.2 Maximum capacity within established limits. - DELETED**

§304. Effect on New Construction; Conflicts with UCC.

(1) This Ordinance shall not apply to new construction that is otherwise regulated or under construction through permits issued under the Pennsylvania Uniform Construction Code and the International Codes which are mandatorily adopted by East Buffalo Township (collectively by the "UCC").

(2) To the extent of any conflict between the provisions of this Ordinance and the UCC (including, without limitation, the International Fire Code to the extent the International Fire Code is referenced by the International Building Code), the provisions of the UCC shall apply.

§305. Frequency of Inspections. The frequency for inspections of the Occupancy Classifications set forth in Section 202 of Chapter 2 of the 2018 International Fire Code shall be as follows:

(1) Tier 1 (High Risk Occupancy) - Annual Inspection:
H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3 and I-4.

(2) Tier 2 (Moderate Risk Occupancy) - Biennial Inspection:
R-1.

(3) Tier 3 (Low Risk Occupancy) - Triennial Inspection:
A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, M, R-2, R-3, R-4, S-1, S-2 and U.

Should a property owner have a fire inspection conducted by a state certified, third-party inspector for the year in which an inspection is due as herein provided, and satisfactory proof of the same is provided to the Fire Code Official, the results of said third-party inspection shall be acceptable in lieu of having the inspection conducted by the Fire Code Official.

§306. Appeals from Permit Disapproval. Whenever the Fire Code official, as defined in the 2018 International Fire Code, shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the said Fire Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Board of Supervisors within thirty (30) days from, the date of said decision.

§307. Inspections. The Fire Code official is hereby authorized to conduct inspections in accordance with the Fire Code of East Buffalo

Township, Union County, Pennsylvania and this Part and to charge fees for the same. Said fees shall be based upon the square footage of the property to be inspected. Said fees may be changed, from time to time, by the Board of Supervisors of East Buffalo Township by Resolution.

§308. Copies Available for Inspection. One copy of the 2018 International Fire Code, or such newer edition of the said Code then in existence, shall be on file in the offices of the Township and the Fire Code Official and be available for public inspection in the said offices.

§309. Severability. If any section, paragraph, subsection, clause or provision of this Part shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudges, and the remainder of this Ordinance shall be deemed valid and effective.

(Ordinance 416, February 12, 2024)

CHAPTER 5

CODE ENFORCEMENT

Part 4

National Electrical Code

§401. Adoption of Electrical Code. That a certain document, a copy of which is in file in the office or the Secretary of the Township of East Buffalo, being marked and known as the "BOCA National Electrical Code, 1987 Edition" as published by the Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Electrical Code of the Township of East Buffalo and hereafter designated as such. Each of all of the regulations, provision, penalties, conditions and terms of said BOCA National Electrical Code are hereby referred to, adopted and made a part hereof, as if fully set forth in this Part 4. (Ordinance 105, August 24, 1987)

§402. Penalties. Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this chapter shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this ordinance shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its dully designated agent the authority to commence or prosecute any action pursuant to this section. (Ordinance 198, June 10, 1996)

§403. Saving Clause. Nothing in this Part 4 or in the National Electrical Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part 4. (Ordinance 105, August 24, 1987)

§404. Validity and Severability. If any section, paragraph, clause, provision or requirement of this Part 4 or if the National Electrical Code shall be judged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, clause, provision or requirement so adjudged to the remainder of this Part 4 and/or the said Electrical Code shall be deemed valid and effective. (Ordinance 105, August 24, 1987)

CHAPTER 5

CODE ENFORCEMENT

Part 5

National Existing Structures Code

§501. Adoption and Purposes. The 2012 Edition of the International Property Maintenance Code, as published by the International Code Council, or subsequent versions as it may be amended, is hereby adopted as the Property Maintenance Code of East Buffalo Township, Union County, Pennsylvania, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations; provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of East Buffalo Township, Union County, Pennsylvania are hereby referred to, adopted, and made a part hereof, as if fully sets out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in §502 of this Part 5. (Ordinance 106, August 24, 1987) (as amended by Ordinance 365, August 12, 2013)

§502. Insertions and Revisions. The following sections of the International Property Maintenance Code of 2012, as amended are revised as follows:

- | | |
|----------------|---|
| Section 101.1 | East Buffalo Township, Union County, Pennsylvania |
| Section 103.5 | East Buffalo Township, Union County, Pennsylvania, shall adopt and maintain a fee schedule which shall be available at the Township's office, as the same is amended from time to time. |
| Section 302.4 | Maximum height 6 inches. |
| Section 304.14 | April 1 st to October 1 st |
| Section 602.3 | September 15 th to April 30 th |
| Section 602.4 | September 15 th to April 30 th |

(Ordinance 106, August 24, 1987; as amended by Ordinance 124, December 14, 1988; Ordinance 132, February 27, 1989; Ordinance 152, May 7, 1990) (as amended by Ordinance 365, August 12, 2013)

§503. Severability. That if any section, subsection, clause, or phrase of this ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. East Buffalo Township, Union County, Pennsylvania, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ordinance 106, August 24, 1987) (as amended by Ordinance 365, August 12, 2013)

§504. Applicability. That nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in §506 of this ordinance nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part. (Ordinance 106, August 24, 1987) (as amended by Ordinance 365, August 12, 2013)

§505. Penalties. Any person violating any of the provisions of this ordinance shall be prosecuted for the same in the same manner as provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction of a violation of any of the provisions of this ordinance shall be sentenced to pay a fine not exceeding \$1,000.00, cost of prosecution costs incurred by Township in providing maintenance services required or permitted by the Property Maintenance Code, and/or imprisonment to the extent allowed by law for the punishment of a summary offense. Each day shall be a separate violation. The Township Solicitor may assume charge for the prosecution without the consent of the District Attorney as required by Pennsylvania Rules of Criminal Procedure. (Ordinance 365, August 12, 2013)

§506. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ordinance 365, August 12, 2013)