

Chapter 5

Code Enforcement

Part 1

Uniform Construction Code

- §5-101. Pennsylvania Construction Code Act
- §5-102. Municipal Administration
- §5-103. Administration and Enforcement
- §5-104. Board of Appeals
- §5-105. Saving Clause
- §5-106. Fees

Part 2

Zoning/Use Permit

- §5-201. Title
- §5-202. Definitions
- §5-203. Amendment to Building Permit Application Process
- §5-204. Zoning/Use Permits, When Required
- §5-205. Rates for Zoning/Use Permit Applications
- §5-206. Expiration

Part 3

Property Maintenance Code

- §5-301. Adoption of the Property Maintenance Code
- §5-302. Amendments to the Property Maintenance Code
- §5-303. Savings Clause

Part 1**Uniform Construction Code****§5-101. Pennsylvania Construction Code Act.**

The Borough of Lewisberry Borough Council (the “Borough”) 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, and its regulations.

(*Ord. 2004-1, 7/5/2004, §1*)

§5-102. Municipal Administration.

1. The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Lewisberry.

2. The “International Property Maintenance Code” as amended from time to time, is hereby adopted and incorporated herein by reference as the “Property Maintenance Code of the Borough of Lewisberry.” [*Ord. 2011-1*]

(*Ord. 2004-1, 7/5/2004, §2; as amended by Ord. 2011-1, 4/4/2011, §I*)

§5-103. Administration and Enforcement.

Administration and enforcement of the code within the Borough shall be undertaken in any of the following ways as determined by the Borough from time to time, by resolution:

A. By the designation of an employee of the municipality to serve as the municipal code official to act on behalf of the Borough.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this act through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this act on behalf of the Borough.

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.

(*Ord. 2004-1, 7/5/2004, §3*)

§5-104. Board of Appeals.

The Borough shall enter into an intergovernmental cooperation agreement creating a County board of appeals with the County of York for purposes of complying with the code requirement that a five-member board of appeals be appointed to hear appeals from decisions of the municipal code administrator.

(*Ord. 2004-1, 7/5/2004, §4*)

§5-105. Saving Clause.

1. All building code ordinances or portions of ordinances which were adopted by the Borough 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.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.

3. All relevant ordinances, regulations and policies of the Borough not governed by the code shall remain in full force and effect.

(*Ord. 2004-1, 7/5/2004, §5*)

§5-106. Fees.

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the Borough by resolution from time to time.

(*Ord. 2004-1, 7/5/2004, §6*)

Part 2**Zoning/Use Permit****§5-201. Title.**

This Part shall be known and may be cited as “Zoning/Use Permit Ordinance.”
(*Ord. 2004-2, 10/4/2004, §1*)

§5-202. Definitions.

The following words and terms when used in this Part shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

Zoning/use permit - a written authorization, issued by the Borough Zoning Officer, as required by the Uniform Construction Code; this Part; *Ord. 1984-1*, as amended; or the Lewisberry Borough Zoning Ordinance [Chapter 27], which must be obtained and paid for according to the fees established in this Part or hereafter by resolution by the Council, prior to beginning any project under the UCC; this Part; *Ord. 1984-1* as amended; or the Lewisberry Zoning Ordinance [Chapter 27].

(*Ord. 2004-2, 10/4/2004, §2*)

§5-203. Amendment to Building Permit Application Process.

All projects that previously required an application for a “building permit” shall instead now require an application for a “zoning/use permit.”

(*Ord. 2004-2, 10/4/2004, §3*)

§5-204. Zoning/Use Permits, When Required.

A zoning/use permit shall be required under the UCC; this Part; *Ord. 1984-1*; and the Lewisberry Borough Zoning Ordinance [Chapter 27] prior to any construction, grading, enlarging, building, improving, alteration, or the razing of any building, or changing the use of any building, residential unit, structure, accessory building or lot, if applicable.

(*Ord. 2004-2, 10/4/2004, §4*)

§5-205. Rates for Zoning/Use Permit Applications.

The rate for a zoning/use permit application shall be in such amount as established from time to time by resolution of Borough Council payable to the Borough of Lewisberry through its Zoning Officer.

(*Ord. 2004-2, 10/4/2004, §5; as amended by Ord. 2007-2, 12/17/2007*)

§5-206. Expiration.

1. A zoning/use permit issued by the Zoning Officer shall expire after a period of 12 months from the date of issue, unless construction is commenced on the project that was the subject of the zoning/use permit.

2. A zoning/use permit may be extended for good cause shown; provided, that the

issuance of a zoning/use permit at the time of the extension would be valid under existing law.

(Ord. 2004-2, 10/4/2004, §6)

Part 3**Property Maintenance Code****§5-301. Adoption of the Property Maintenance Code.**

A certain document, one copy of which is on file in the Office of the Borough Manager of Lewisberry Borough, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Lewisberry in the Commonwealth of Pennsylvania for 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 collections 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 the Borough Manager, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-302 of this Part.

(*Ord. 2010-2, 10/4/2010, §1*)

§5-302. Amendments to the Property Maintenance Code.

1. Section 101.1 is Borough of Lewisberry.
2. Section 103.5 will be by a fee schedule, adopted from time to time by resolution by Borough Council.

2A. Section 106.4, Violation Penalties, of the International Property Maintenance Code 2009, is amended to read as follows:

Any person who shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof, shall be prosecuted by the magisterial district justice and shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 days. Each day the violation of this code continues or a section of this code shall be found to have been violated shall constitute a separate offense.

[*Ord. 2011-1*]

3. Section 304.14—the dates are from April 15th through September 15th of each calendar year.
4. Section 602.3—the dates are from October 15th through April 15th of each calendar year.
5. Section 602.4—the dates are from October 15th through April 15th of each calendar year.

(*Ord. 2010-2, 10/4/2010, §2; as amended by Ord. 2011-1, 4/4/2011, §II*)

§5-303. Savings Clause.

The provisions of this Part, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any such suit or prosecution pending, or, to be instituted to enforce any right or penalty, or, to punish any offense under the authority of any ordinance repealed by this Part.

(Ord. 2010-2, 10/4/2010, §3)