

CHAPTER 5

CODE ENFORCEMENT

Part 1

Building Code

- §101. Election to Administer Pennsylvania Construction Code Act
- §102. Adoption of Uniform Construction Code
- §103. Administration and Enforcement
- §104. Board of Appeals
- §105. Savings Clause
- §106. Fees

Part 2

[RESERVED]

Part 3

[RESERVED]

Part 4

[RESERVED]

Part 5

[RESERVED]

Part 6

International Property Maintenance Code

- §601. Adoption of the International Property Maintenance Code
- §602. Amendments

Part 7

Violations and Penalties

- §701. Violations and Penalties

Part 1
Building Code

§101. Election to Administer Pennsylvania Construction Code Act. The Borough of Emmaus 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. 981, 5/17/2004, §1)

§102. Adoption of Uniform Construction Code. The Uniform Construction Code, contained in 35 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 Emmaus. (Ord. 981, 5/17/2004, §2)

§103. Administration and Enforcement. Administration and enforcement of the Code within the Borough of Emmaus shall be undertaken in any of the following ways as determined by the Emmaus Borough Council from time to time by resolution:

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

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

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 the Act on behalf of the Borough of Emmaus.

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. 981, 5/17/2004, §3)

§104. Board of Appeals. A Board of Appeals shall be established by resolution of the Emmaus Borough Council 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. (Ord. 981, 5/17/2004, §4)

§105. Savings Clause.

1. All building code ordinances or portions of ordinances which were adopted by the Borough of Emmaus 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 of Emmaus not governed by the Code shall remain in full force and effect.

(Ord. 981, 5/17/2004, §5)

§106. Fees. Fees assessable by the Borough of Emmaus for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the governing body by resolution from time to time. (Ord. 981, 5/17/2004, §6)

Part 2

[Reserved]

Part 3

[Reserved]

Part 4

[Reserved]

Part 5

[Reserved]

Part 6

International Property Maintenance Code

§601. Adoption of the International Property Maintenance Code. The regulations, provisions, conditions and terms of the International Property Maintenance Code, 2000 Edition, and those provisions of Chapter 9 attached hereto and made a part hereof governing inspections and certificates of occupancy are both hereby ordained and adopted and made a part of the Codified Ordinances for the Borough of Emmaus and, additionally, that all future amendments, revisions and updates to said Code subsequently made by the International Code Council be adopted and made a part of the Codified Ordinances as same become adopted and published by the International Code Council. (Ord. 948, 8/5/2002)

§602. Amendments. The following Chapter shall be added to the Code:

Chapter 9

Inspections and Certificates of Occupancy-Existing Structures

PM-901. General. Prior to any change in ownership or tenancy of any dwelling unit or structure used for rent or lease as a single family attached, detached, semi-detached or multi-family residential dwelling unit or structure, or of any non-residential structure, including individual lease areas thereof, (collectively referred to hereinafter as the "premises"), the Borough of Emmaus shall inspect the premises for compliance with safety and fire hazard provisions of the applicable Borough building, plumbing, property maintenance and fire inspection codes, (hereafter referred to collectively as the "Borough Codes").

PM-901.1 The inspections required hereby shall be conducted after a request therefor has been submitted in writing, on forms provided, to the Borough of Emmaus Zoning Department.

PM-901.2 Inspections shall be conducted under the direction of the Borough of Emmaus Code Enforcement Officer, a representative of the Fire Department or those designated by Borough Council.

PM-901.3 The cost of conducting the inspection shall be paid in advance and shall be the sole responsibility of the current owner or landlord. The inspection charges shall be consistent with the fee schedule as set forth in the Fee Schedule of the Borough of Emmaus as amended from time to time.

PM-902. Points of Inspection.

PM-902.1 Single Family Residences. The following items, in addition to the provisions of the applicable Borough Codes, will be checked when inspecting an existing single family residential structure offered for rent or lease:

a. Smoke detectors must exist on every floor level, including basement, one in each bedroom, and must be operational. Where required, detectors must be interconnected and battery backup, if constructed after 1993.

b. Stair railings must exist on all stairways; this includes both sides if a stairway is an open stairway.

c. Visible structural damage of any type on chimneys, windows or any other areas must be corrected.

d. Proper firewalls must exist on attached units between the units, these one (1) hour rated fire walls must extend from the ground to the roof, and all through penetrations must be sealed.

e. If the garage is attached to the house, both the wall and the ceiling next to living areas must be a minimum one-half (½) inch thick gypsum wall board; also the door leading from the garage to the living area must be a minimum one and three-eighths (1-3/8) inch solid core or steel, including the doors from the garage to a basement area.

f. There must be a minimum of two wall outlets per room, preferably located on opposite walls. Floor receptacles are not permitted.

g. The bathroom must have one receptacle which is not part of a fixture. If a receptacle exists and is not part of a fixture, it does not have to be made into a G.F.I. receptacle. However, if a new receptacle is required, it must be G.F.I.

h. Visible electrical violations will be noted in codes adopted by the Borough of Emmaus and must be corrected, such as missing wall cover plates, open junction boxes and open splices. The status of the service line to the meter will be checked and must be in acceptable condition.

i. Outside electrical service must not have worn or damaged service cable. Inside electrical panel will be checked for proper grounding, visible electrical violations, and have all circuits labeled, which must be corrected.

j. Dryer venting must be to the exterior of the unit or structure or by some other approved method.

k. Any visible structural damage or suspected structural damage will result in the recommendation to consult with a structural engineer for professional review.

l. Outhouse/cistern - in good condition and sealed.

m. Closet lights which are less than twelve (12) inches from an overhead shelf must either be disconnected or replaced with a surface mounted or recessed incandescent fixture with a completely enclosed lamp, or a fluorescent fixture or bulb.

n. An oil burner shut-off switch will be required at the top of the basement steps or, on single level dwellings, outside the room containing the oil burner unit.

o. A minimum sixty (60) amp electrical service will be required.

p. Chimney venting must be provided for high efficiency heaters in unlined chimneys.

q. Street address must be properly displayed, and legible, on exterior of house and be visible from the street, with a minimum of four (4) inch high letters.

r. Windows in sleeping areas must be operational.

PM-902.2 Multi-Family Units.

PM-902.2.1 The following items, in addition to the provisions of the applicable Borough Codes, will be checked when inspecting an existing multi-family unit for lease:

a. Smoke detectors will be required on all levels and one in each bedroom. All smoke detectors will be checked for operation, and where required, must be interconnected and battery backup if built after 1993.

b. Stair railings must exist on all stairways; this includes both sides if stairway is an open stairway.

c. Visible structural damage on chimneys, windows, or any other areas must be corrected; this includes replacement of broken or cracked windows.

d. Proper firewalls must exist on attached units between the units, extending from the ground to the roof. All through penetrations must be sealed.

e. There must be a minimum of two wall outlets per room, preferably located on opposite walls. Floor receptacles are not permitted.

f. Any bathroom receptacles that are part of a fixture must be disconnected, and at least one GFI receptacle must be provided.

g. Visible electrical violations will be required to be corrected, such as missing wall cover plates, open junction boxes, open splices, open breaker slots, and open splices.

h. There must be tenant access to the electrical panel box. All boxes must be labeled.

i. Dryer venting must be to the exterior of the structure or other approved method.

j. Windows in sleeping areas must be operational.

k. A minimum 60-watt incandescent light bulb must be provided in hallways and stairs for each two hundred square feet of floor area in the egress portion of the structure.

l. Street address or unit address must be properly displayed and legible, on exterior of unit with a minimum four (4) inch high numerals or letters.

m. Bathrooms must have an operational window and/or a mechanical exhaust fan that is vented to the outside of the structure.

n. Hallways and stairs must be free of all obstructions.

o. All emergency lights and exits must be operable.

p. All fire rated doors and assemblies must be maintained as per Borough Codes. This includes the doorframes, door locks, self-closing devices, and panic hardware.

q. Fire extinguishers must be charged and accessible.

r. If the garage is attached to the structure, both the wall and the ceiling next to living areas must be a minimum of one-half (½) inch thick gypsum wallboard; also the door leading from the garage to the living area must be a minimum one and three-eighth (1-3/8) inch solid core or steel, including the doors from the garage to a basement area.

PM-902.2 In addition to those items listed in PM-902.2.1, the following items, in addition to the provisions of the applicable Borough Codes, will be required to be corrected when a multi-family structure is offered for sale.

a. Proper firewalls must extend from the ground to the roof, including attic areas.

b. Exterior of building must be free of rubbish, and there may be no obstruction of exterior stairs.

c. Door locks must be per codes, and operational.

d. All doors must swing in the direction of egress when serving an occupant load of more than 50 persons. Doors must open easily and may not be wedged opened.

e. Doors must have proper hardware, and passageways must be free of obstructions.

f. All emergency lights and exits must be operable. All Fire alarm devices and associated equipment must be operable.

g. All sprinkler systems must be up to date on the required inspections for fire suppression systems.

h. Where required by code, doors must have operational self-closures, and there may not be any openings in ceilings and walls.

i. Elevator doors must be tight and operational and must have a Pennsylvania certificate of operation on file.

j. All storage areas must be neat, and any storage area of flammable liquid must be per code.

k. All boiler, heating and mechanical rooms must be clean with proper fire separation and adequate ventilation.

l. Fire extinguishers must be properly inspected, there must be the proper amount, size and number of extinguishers. They must be accessible.

PM-902.3 Commercial and/or Industrial Space. For all commercial and/or industrial establishments offered for sale or lease, an inspection is required by the Building and/or Fire Inspector, or Fire Chief. This inspection will require modifications if there are code violations or particular items that need to be addressed pertaining to the specific use proposed for the structure. No such structure or space may be used or occupied for business unless and until a certificate of occupancy has been issued.

PM-903. Abatement of Violations.

1. In the event that violations of the Borough Code exist in or upon the premises, such violations shall be addressed by either:

a. The current owner or landowner abating the violations prior to the transfer of ownership of the premises or prior to the tenant occupying the premises; or

b. The new owner or new tenant executing, and notarizing, a statement to the effect that (1) the extent of the violations have been made known to such new owner or tenant; and (2) that such new owner or tenant shall begin to abate the violations within thirty (30) days of taking possession.

2. The form of statement shall be prescribed by the Borough of Emmaus and shall have attached thereto the violations noted during the Borough's inspection.

PM-904. Certificate of Occupancy. Prior to the new owner or tenant occupying the premises, or contemporaneously therewith, such new owner or tenant shall secure from the Borough a certificate of use and occupancy. A certificate of use and occupancy shall not be issued unless the inspection required by this section has been completed and all violations are abated pursuant to the provision of §PM-903. A temporary certificate of use and occupancy may be issued in the discretion of the Code Enforcement Officer, Fire Department representative, or the Borough Council's designee, when a tenant or new owner takes possession of the premises; so long as corrections or modifications are commenced and pursued with reasonable diligence and within the time limits specified on the face of the temporary certificate of use and occupancy.

PM-905. No Warranty. By conducting the inspection pursuant to this Section, the Borough of Emmaus does not warrant or guarantee the complete safety or suitability of the dwelling, unit or structure, purchased or leased. In no event shall the Borough be liable for any damages, either direct, indirect, incidental or consequential as a result of any inspection or failure to inspect or other matter related to the implementation or enforcement of this Code or any part thereof. The Borough of Emmaus specifically makes no guarantees or warranties of any kind, express or implied, including the warranty of habitability or suitability for a particular purpose.

(Ord. 948, 8/5/2002)

Part 7

Violations and Penalties

§701. Violations and Penalties. Any person who shall violate any of the provisions of this Chapter or who fails to comply with any of the requirements of any of the codes adopted under this Part, or who shall erect, construct, alter, or repair a building or structure in violation of the approved plan or directive of the Code Enforcement Officer or of a permit or certificate issued under the provisions of this Chapter shall, upon conviction thereof, be liable to pay a fine of not more than one thousand dollars (\$1,000.00) or suffer imprisonment of not more than ninety (90) days, or both. Each day that violation continues shall be deemed a separate offense. (Ord. 980, 4/5/2004)

