

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Enactment of the Uniform Construction Code.**

This 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. 04-03, 6/2/2004, §1*)

§5-102. Municipal Administration.

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 this Borough.

(*Ord. 04-03, 6/2/2004, §2*)

§5-103. Jurisdiction.

By virtue of the submission by this Borough to the jurisdiction of the Allegheny County Health Department pursuant to the Local Health Administration Law, 16 P.S. §§12001 to 12028, the Allegheny County Health Department shall administer and enforce its Article XV, Rules and Regulations for Plumbing, which incorporates the International Plumbing Code and Plumbing, Chapters 25 through 32, of the International Residential Code. Article XV, shall take precedence over the International Plumbing Code and Plumbing, Chapters 25 through 32, of the International Residential Code where the requirements of Article XV exceed the requirements of the International Plumbing and Residential Codes.

(*Ord. 04-03, 6/2/2004, §3*)

§5-104. Administration and Enforcement.

Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the governing body of this Borough from time to time by resolution:

A. By the designation of an employee of the Borough 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 this 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. Provided, however, that the Allegheny County Health Department,

Plumbing Division, is hereby designated to administer and enforce its Article XV, which incorporates the International Plumbing Code and Chapters 25 through 32 of the International Residential Code, on behalf of the Borough.

(Ord. 04-03, 6/2/2004, §4)

§5-105. Establishment of a Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of this Borough 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. Provided, however, that any appeals filed with respect to Article XV of the Allegheny County Health Department Rules and Regulations, which incorporate the International Plumbing Code and Chapters 25 through 32 of the International Residential Code, shall be conducted by the Allegheny County Health Department in accordance with Article XI of the Allegheny County Health Department Rules and Regulations.

(Ord. 04-03, 6/2/2004, §5)

§5-106. Saving Clause.

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

(Ord. 04-03, 6/2/2004, §6)

§5-107. Fees.

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

(Ord. 04-03, 6/2/2004, §7)

Part 2**International Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

A certain document, three copies of which are on file in the office of the Borough Secretary of the Borough of Swissvale, being marked and designated as the "International Property Maintenance Code," 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Swissvale 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 the 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 therefor; 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 Secretary 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 §5-202.

(Ord. 05-02, 6/1/2005)

§5-202. Amendments to Property Maintenance Code.

The following sections are hereby revised:

A. *Section 101.1.* Insert: Borough of Swissvale.

B. *Section 103.5, "Fees,"* is hereby amended to provide:

§103.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in such amounts as established, from time to time, by resolution of Borough Council.

C. *Section 106.4, "Violation Penalties,"* is hereby amended to provide:

§106.4. Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this code continues or each section of this code which shall be found to have been violated shall constitute a separate offense.

D. *Section 304.14, "Insect Screens,"* is hereby amended, in pertinent part, to provide:

§304.14. Insect screens. During the period from May 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas.

E. *Section 602.3, "Heat Supply,"* shall be amended to provide, in pertinent part:

§602.3. Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 31 to maintain a temperature of not less than 68/F (20/C) in all habitable rooms, bathrooms, and toilet rooms.

F. *Section 602.4, "Occupiable Work Spaces,"* shall be amended to provide, in pertinent part:

§602.4. Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 31 to maintain a temperature of not less than 65/F (18/C) during the period the spaces are occupied.

(Ord. 05-02, 6/1/2005)

§5-203. Savings Clause.

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 of causes of action acquired or existing, under any act or ordinance hereby repealed as in §5-202 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 05-02, 6/1/2005)

Part 3**Demolition Permits****§5-301. Permit Required.**

Any individual, person, business, corporation or contractor must first secure a permit from the Borough Engineer before a house, building or structure is removed.

(*Ord. 70-5, 2/11/1970, §1*)

§5-302. Foundation to be Filled.

Any person, individual, business, corporation or contractor who removes a house, garage, building or commercial structure must fill the foundation of the aforesaid removed structure with noncombustible material from the building or other source and the rest of the foundation must be filled with earth to a depth of 2 feet to the natural grade of the ground.

(*Ord. 70-5, 2/11/1970, §2*)

§5-303. Utility and Sewer Lines to be Capped and Cut Off.

All water, gas and utility lines must be properly capped and cut off and all sewer lines or stormwater lines are to be cemented closed to a depth of 1 foot from the opening of said sewer lines. If any sewer lines or stormwater lines are broken, it is to be cemented closed so as to stop direct and other foreign material from entering sewer lines or stormwater lines.

(*Ord. 70-5, 2/11/1970, §3*)

§5-304. Inspection Prior to Filling.

Before the foundation's opening is covered to the natural grade of the ground, the person, individual, business, corporation or contractor shall request of Swissvale Borough Engineer that an inspection be made to see this Part is followed in that the water, gas and utility lines are properly cut of and capped and the sewer lines are properly cemented.

(*Ord. 70-5, 2/11/1970, §4*)

§5-305. Penalty.

Any person, firm or corporation who shall violate any provision of the ordinance, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this ordinance continues or each section of this ordinance which shall be found to have been violated shall constitute a separate offense.

(*Ord. 70-5, 2/11/1970, §5; as amended by Ord. 05-02, 6/1/2005*)

