

CHAPTER 5
CODE ENFORCEMENT

PART 1

PLUMBING CODE

- §5-101. Adoption of Plumbing Code
- §5-102. Amendments Made in the Plumbing Code
- §5-103. State Law and Regulations
- §5-104. Provisions to be Continuation of Existing Regulations

PART 2

ADOPTION OF BOCA BUILDING CODE

- §5-201. Adoption of Building Code
- §5-202. Amendments Made in Building Code
- §5-203. State Law and Regulations
- §5-204. Provisions to be Continuation of Existing Regulations

PART 3

ADOPTION OF BOCA FIRE PREVENTION CODE

- §5-301. Adoption of Fire Prevention Code
- §5-302. Amendments Made in Fire Prevention Code
- §5-303. State Laws and Regulations
- §5-304. Provisions to be Continuation of Existing Regulations

PART 4

ELECTRICAL CODE

- §5-401. Adoption of Electrical Code
- §5-402. Amendment Made in Electrical Code

PART 5

INTERNATIONAL PROPERTY MAINTENANCE CODE

- §5-501. Adoption of International Property Code

CODE ENFORCEMENT

- §5-502. Amendments and Revisions to Code**
- §5-503. No Impact on Pending Enforcement**
- §5-504. Publication**
- §5-505. When Effective**

PART 6

ADOPTION OF THE PENNSYLVANIA CONSTRUCTION CODE

- §5-601. Adoption of the Pennsylvania Construction Code**
- §5-602. Amendments and Modifications**

PART 7

CREATION OF THE BUILDING CODE APPEALS BOARD

- §5-701. Creation of the Building Code Appeals Board**

PART 1
PLUMBING CODE

§5-101. Adoption of Plumbing Code.

The Borough of Coplay hereby adopts, for the purpose of establishing rules and regulations for the design and installation of plumbing systems, including administration, plumbing permits and penalties, the plumbing code known as the "International Plumbing Code of 1995," save and except such portions as are hereinafter deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the Borough, replacing prior provisions.

(Ord. 677, 7/9/1996, §101)

§5-102. Amendments Made in the Plumbing Code.

The International Plumbing Code, 1995, is hereby adopted and amended as follows:

A. Borough of Coplay shall be inserted wherever the words "Name Jurisdiction" appear in brackets therein; wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough of Coplay Solicitor.

B. Section 106.5.2 is hereby amended to read as follows:

106.5.2. Fee Schedule. For approving plans and issuing a permit therefor, to include inspection of the work during its progress and for final inspection and supervision of the rest of the work to be made by the plumber on plumbing installations, the administrative authority shall be entitled to receive the fees established pursuant to a resolution of the Borough Council.

C. Section 108.4 is hereby amended to read as follows:

108.4. Penalties. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000. Each day that a violation of this code continues shall constitute a separate offense.

D. Section 306.6 is hereby amended to read as follows:

306.6. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than 3 feet below grade for water pip-

CODE ENFORCEMENT

ing and 3 feet for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

(Ord. 677, 7/9/1996, §102)

§5-103. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part, and this Part is not preempted.

(Ord. 677, 7/9/1996, §103)

§5-104. Provisions to be Continuation of Existing Regulations.

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

(Ord. 677, 7/9/1996, §104)

PART 2

ADOPTION OF BOCA BUILDING CODE

§5-201. Adoption of Building Code.

The Borough of Coplay hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection and safety of buildings and structures, including administration, building permits and penalties, the building code known as the "BOCA National Building Code, 1996, Thirteenth Edition," save and except such portions as are hereinafter deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures and in all other subjects therein contained, within the corporate limits of the Borough.

(Ord. 677, 7/9/1996, §201)

§5-202. Amendments Made in Building Code.

The building code hereby adopted is amended as follows:

A. Borough of Coplay shall be inserted wherever the words "Name of Jurisdiction" appear in brackets therein; whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough of Coplay Solicitor.

B. §116.4 shall be amended to read as follows:

§116.4. Violation Penalties. Any person who shall violate any provision of this code or who shall fail to comply with any requirement thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000. Every day that a violation of this code continues shall constitute a separate offense.

C. §117.2 shall be amended to read as follows:

§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 conditions, shall be liable to a fine not exceeding \$1,000.

(Ord. 677, 7/9/1996, §202)

CODE ENFORCEMENT

§5-203. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part, and this Part is not preempted.

(Ord. 677, 7/9/1996, §203)

§5-204. Provisions to be Continuation of Existing Regulations.

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

(Ord. 677, 7/9/1996, §204)

PART 3

ADOPTION OF BOCA FIRE PREVENTION CODE

§5-301. Adoption of Fire Prevention Code.

The Borough of Coplay hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the fire prevention code known as the "BOCA National Fire Prevention Code, 1996, Tenth Edition," save and except such portions as are hereinafter deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough.

(Ord. 677, 7/9/1996, §301)

§5-302. Amendments Made in Fire Prevention Code.

The fire prevention code hereby adopted is amended as follows:

- A. Borough of Coplay shall be inserted wherever the words "Name of Jurisdiction" appear in brackets therein.
- B. Wherever the term "legal office" or "legal representative" is used in this code, it shall be held to mean the Borough of Coplay Solicitor.
- C. F-112.3 is hereby amended to read as follows:

F-112.3. Penalty for Violations.

- (1) Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000. Each day a violation of this code continues shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 677, 7/9/1996, §302)

§5-303. State Laws and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the re-

CODE ENFORCEMENT

quirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part, and this Part is not preempted.

(Ord. 677, 7/9/1996, §303)

§5-304. Provisions to be Continuation of Existing Regulations.

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

(Ord. 677, 7/9/1996, §304)

PART 4

ELECTRICAL CODE

§5-401. Adoption of Electrical Code.

The National Electrical Code, 1996, being the model electrical regulations for the protection of public health, safety and welfare as promulgated by the National Fire Protection Association and recognized and recommended by the Building Officials and Code Administrators International, Inc., as amended from time to time, is hereby adopted and enacted as an ordinance of the Borough of Coplay, but with the following deletions, additions and/or changes (references are to sections of the 1993 National Electrical Code).

(Ord. 677, 7/9/1996, §401)

§5-402. Amendment Made in Electrical Code.

The code hereby adopted is amended as follows:

A. §90-0-1 is hereby amended to read as follows:

§90-0-1. Title. These regulations shall be known as the "Electrical Code of Coplay Borough" (hereinafter referred to as the "code").

B. §90-0-2 is hereby amended to read as follows:

§90-0-2. Validity.

- (1) **Partial Invalidity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which may or shall be determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions.
- (2) **Segregation of Invalid Provisions.** Any invalid part of this code shall be segregated from the remainder of the code by the court holding such part invalid, and the remainder shall remain effective.
- (3) **Existing Structures.** The invalidity of any provision in any section of this code as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

CODE ENFORCEMENT

C. §90-0-3 is hereby amended to read as follows:

§90-0-3. Repairs, Maintenance and Moved Structures.

- (1) **Maintenance.** All electrical systems and equipment, both existing and new, shall be maintained in a safe operating condition. All service equipment, devices and safeguards which are required by this code or which were required by a previous statute in a building or structure when erected, altered or repaired, shall be maintained in good working order.
- (2) **Moved Structures.** Buildings or structures moved into or with the Borough shall comply with the provisions of this code for new buildings and structures.
- (3) **Owner Responsibility.** The owner of any building or structure or his designated agent, or in the event the owner is a firm or legal corporate body, the Chief Executive Officer of said firm or corporate body, shall be responsible for the safety and maintenance of the electrical system and/or equipment of said building or structure at all times.

D. §90-0-4 is hereby amended to read as follows:

§90-0-4. Electrical Inspection Agency.

- (1) **General.** The department of electrical inspection is hereby created and the executive official in charge thereof shall be designated the electrical inspection agency for the purpose of this code.
- (2) **Appointment.** The electrical inspection agency shall be appointed by the Borough Council and shall serve at the pleasure of the Borough Council.

E. §90-0-5 is hereby amended to read as follows:

§90-0-5. Duties and Powers of the Electrical Inspector.

- (1) **General.** The electrical inspector shall enforce all the provisions of this code and shall act on any question relative to the mode or manner of construction and the materials to be used in the installation of electrical systems and equipment, except as may otherwise be specifically provided for by other requirements or as provided in the following subsections (E)(2) through (E)(7).
- (2) **Applications and Permits.** The electrical inspection agency, or its authorized representative, shall receive applications and issue permits for the installation of electrical systems and equipment and inspect

the premises for which such permits have been issued and enforce compliance with the provisions of this code.

- (3) Notice and Orders. The electrical inspector shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to insure compliance with all the code requirements for the safety, health and general welfare of the public.
- (4) Inspections. The electrical inspector shall make all the required inspections or, subject to the approval by the Borough, he may accept reports or inspections by authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or he may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the Borough.
- (5) Credentials. The electrical inspector or his authorized representative shall carry proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performing of his duties.
- (6) Department Records. The electrical inspection agency, or its authorized representative, shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the inspection agency office so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.
- (7) Annual Report. At least annually, the electrical inspection agency shall submit to the Borough a written statement of operations in form and content as shall be prescribed by the Borough.

F. §90-0-6 is hereby amended to read as follows:

§90-0-6. Application for Permit.

- (1) Permit Required. A permit shall be required for all new or altered services, new construction, additional, alterations, repairs and all other work as described in §90-0-2, Scope, Part (a). No permit shall be required where the estimated value of the proposed work is less than \$50. Electrical work requiring the issuance of a permit shall not be commenced until a permit for such work has been issued by the Borough.

CODE ENFORCEMENT

- (2) Form. Application for a permit for electrical work shall be made on forms prepared and provided by the inspection agency and shall be accompanied by an adequate description of the proposed electrical work.
- (3) By Whom Application is Made. Application for a permit shall be made by the person, or his agent, to install all or part of any electrical system. The applicant shall meet all qualifications established by rules promulgated with this code or by ordinances, resolution or statute. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- (4) Description of Work. The applicant shall provide, in writing, the location of the work, the use and occupancy of the building in which the work is proposed, the use and any additional information as may be required by the inspection agency.
- (5) Plans and Specifications. The electrical inspector may require the submission and approval of plans and specifications in duplicate showing the nature and extent of the proposed work before a permit is issued. If, in the course of the work, it is found necessary to make any change from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and, if approved, a supplementary permit shall be issued to cover the change after the same conditions required to secure the original permit have been satisfied.
- (6) Engineering Details. The electrical inspector may require adequate details of the proposed work, including computations and other technical data, to be filed.
- (7) Amendments. Subject to the limitations of subsection (F)(5), amendments to a plan, application or other records accompanying the same may be filed at any time before the completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.
- (8) Time Limit. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the electrical inspector may grant one or more extensions of time for additional periods not exceeding 90 days each.

G. §90-0-7 is hereby amended to read as follows:

§90-0-7. Permits.

- (1) Action on Application. The electrical inspector shall examine or cause to be examined all applications for permits and amendments thereto within 4 working days after filing. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application, in writing, stating the reasons therefore. If he is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, he shall issue a permit therefore as soon as practical. An electrical permit is not transferable.
- (2) Previous Approvals. A provision in this code shall not require changes in the electrical system of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized and the installation of which shall have been actively prosecuted within 90 days after the effective date of this code and completed with dispatch.
- (3) Signature to Permit. The electrical inspector shall attach his signature to every permit, or he may authorize a representative to affix such signature thereto.
- (4) Approved Plans. The electrical inspector shall stamp or endorse in writing all sets of corrected plans "APPROVED," and one set of such approved plans shall be retained by him and the other set shall be kept at the building site, open to inspection of the electrical inspector or his authorized representative at all reasonable times.
- (5) Approval in Part. The electrical inspector may issue a permit for the installation of part of an electrical system before the entire plans and specifications for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit shall proceed at his own risk with the work and without assurance that a permit for the entire system will be granted.
- (6) Revocation. The electrical inspector may revoke a permit or approval issued under the provisions of this code in the case of any false statement or misrepresentation of fact in the application or on the plans on which their permit or approval was based.
- (7) Suspension of Permit. Any permit issued shall become invalid if the authorized work is not commenced within 3 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of 3 months, after the time of commencing the work.

H. §90-0-8 is hereby amended to read as follows:

CODE ENFORCEMENT

§90-0-8. Conditions of Permit.

- (1) Payment of Fees. A permit shall not be issued until the fees prescribed in §90-0-9 have been paid.
- (2) Compliance with Code. The permit shall not be construed as a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.
- (3) Compliance with Permit. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

I. §90-0-9 is hereby amended to read as follows:

§90-0-9. Fees.

- (1) General. A permit for electrical work as required by this code shall not be issued until the permit fees prescribed have been paid, nor shall any amendment to a permit necessitating an additional fee because of the additional work involved be issued until the additional fees shall have been paid.
- (2) Fee Schedule. The permit fees for electrical work as described in this code shall be established by resolution, from time to time, by the Council of the Borough of Coplay.

J. §90-0-10 is hereby amended to read as follows:

§90-0-10. Inspection.

- (1) Required. It shall be the duty of the electrical inspector to enforce the provisions of this code and to make such inspections and tests as may be required to assure compliance with this code.
- (2) Inspection Reports. All inspection reports shall be in writing and shall be certified by the approved authority, or responsible officer of the service or individual when expert inspection services are accepted. An identifying label or stamp permanently fixed to the product indicating that required inspection has been made shall be accepted in lieu of the aforesaid inspection report in writing if the intent or meaning of such identifying label or stamp is properly substantiated.
- (3) Rough Inspection. No installation or work for which a permit is required under the provisions of this code shall be covered, enclosed or

in any other way concealed until such work has been inspected, if required, tested and approved, in writing, by the electrical inspector.

- (4) Final Inspection. Upon the completion of the electrical work for which a permit has been issued, a final inspection shall be made by the electrical inspector to insure compliance with the provisions of this code.
- (5) Other Inspections. The electrical inspector shall, in addition to these required inspections, conduct additional inspections and/or tests as may be necessary to assure the compliance with the provisions of this code.
- (6) Inspection Request. Inspection requests shall be made by the permit holder or his authorized agent to the electrical inspector. Except for unusual or uncontrollable circumstances, the electrical inspector shall conduct personally or provide inspection in conformance with the provisions of this code within 3 working days for rough inspections and 4 working days for final inspection after an inspection request has been made. In no event, however, shall it be assumed that the work for which a permit has been issued has been inspected, tested or approved until written notice of said inspection, test or approval has been given by the electrical inspector, or his agent or agency approved by the Borough.

K. §90-0-11 is hereby amended to read as follows:

§90-0-11. Violations.

- (1) Unlawful Acts. It shall be unlawful to install, extend, alter, repair or maintain electrical systems and/or equipment in or adjacent to buildings or structures except in conformity with this code.
- (2) Notice. The electrical inspector shall serve notice of violation or order on the person responsible for the installation of electrical work in violation of the provisions of this code, or in violation of a detailed statement or plan approved thereunder or in violation of a permit or certificate issued under the provisions of this code, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation and set a reasonable time for said discontinuance or abatement.
- (3) Prosecution. If the notice of violation is not complied with promptly, the electrical inspector shall request the legal council of the Borough to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of any electrical system or part thereof in violation of the provisions of this code or of the order or direction made pursuant thereto.

CODE ENFORCEMENT

- (4) Penalties. Any person, firm or corporation, or the officers thereof, who violates any provision of this Part shall, upon conviction thereof, be subject to a fine of not less than \$50 or more than \$1000, together with costs of prosecution.
- (5) Abatement. The imposition of the penalties herein prescribed shall not preclude the legal offices of the Township from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

L. §90-0-12 is hereby amended to read as follows:

§90-0-12. Stop Work Order.

- (1) Notice. Upon notice from the electrical inspector that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or person doing the work; and shall state the conditions under which work may be resumed.
- (2) Unlawful Continuance. Any person who shall continue any electrical work in or about the structure after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be considered in violation of this code and shall be subject to the provisions as described in §90-0-11.

M. §90-0-13 is hereby amended to read as follows:

§90-0-13. Notice of Approval.

- (1) Approval. After the prescribed tests and/or inspection indicate the work or portion thereof complies in all respects with this code, a written notice of approval shall be issued by the electrical inspector.
- (2) Temporary Occupancy. Upon the request of the holder of a permit, the electrical inspector may issue a temporary authorization before the entire work covered by the permit shall have been completed, provided such portion or portions may be put into service safely prior to full completion of the building or structure without endangering health or public welfare.

N. §90-0-14 is hereby amended to read as follows:

§90-0-14. Unsafe Conditions.

- (1) General. All electrical installations, regardless of type, which are unsafe or which constitute a hazard to human life, health or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or removal.

O. §90-0-15 is hereby amended to read as follows:

§90-0-15. Emergency Measures.

- (1) Vacating Structures. When, in the opinion of the electrical inspector, there is actual and immediate danger or hazard which would endanger life, the electrical inspector is hereby authorized and empowered to order and require the occupants to vacate a structure forthwith. He shall cause to be posted at each entrance to such structure a notice reading as follows:

THIS STRUCTURE IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ELECTRICAL INSPECTOR, BOROUGH OF COPLAY, LEHIGH COUNTY, PENNSYLVANIA.

It shall be unlawful for any person to enter such structure, except for the purpose of making the required repairs or removal.

P. §90-0-16 is hereby amended to read as follows:

§90-0-16. Means of Appeal.

- (1) Application for Appeal. The owner of a building or structure or any other person may appeal to the Board of Appeals a decision of the electrical inspector refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the construction, alteration or repair of an electrical system or equipment. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction can be used.
- (2) Membership of the Board. The Board of Appeals shall consist of all the members of the Council of the Borough of Coplay.
- (3) Appeals Procedure. Appeals shall be heard at public hearings as prescribed in the following subsections (P)(3)(a) through (P)(3)(c).

CODE ENFORCEMENT

- (a) Notice of Meetings. The Board shall meet upon notice of the Chairman within 10 days of the filing of an appeal, or at stated periodic meetings if warranted by the volume of work.
 - (b) Public Hearing. All hearings shall be public, and the appellant, his representative, the electrical inspector and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.
 - (c) Adjourned Meeting. When three qualified members are not present to consider a specific appeal, either the appellant, the electrical inspector or their representative may request a postponement of the hearing.
- (4) Action of the Board. The Board shall affirm, modify or reverse the decision of the electrical inspector by a concurring vote of a simply majority of the board members present to hear the appeal.
 - (5) Resolution of the Board. Every action of the Board shall be by resolution and certified copies shall be furnished to the appellant and to the electrical inspector.
 - (6) Determining Vote. Failure to secure a simply majority of concurring votes or a tie vote by those board members hearing the appeal shall be deemed a confirmation of the decision of the electrical inspector.
 - (7) Enforcement of Decision. The electrical inspector shall take immediate action in accordance with the decision of the Board.
 - (8) Court Review. Any person aggrieved by the decision of the Board of Appeals, whether or not a previous party of the decision, or any official board of the jurisdiction may apply to the appropriate court to correct errors of law in such decisions. Application for review shall be made after the filing of the Board's decision in the office of the electrical inspector.
- Q. §230-71 is hereby amended to read as follows:

§230-71 Maximum Number of Disconnects. Add the following subsection:

- (1) (c) Each new or replacement metered service rated 600 volts or less or 400 amperes or less, shall be provided with a main disconnect.

R. §250-81 is hereby amended to read as follows:

- (1) **§250-81. Grounding Electrode System.** Change the first paragraph to read as follows: If available on the premises at each building or

structure served, item (a) below shall be bonded together to form the grounding electrode system. The bonding number size shall be determined in accordance with §250-94 and shall be connected in the manner specified in §250-115. The unspliced grounding electrode shall be run to the street side of the main water shutoff valve.

(2) Change subpart (a) as follows:

(a) **Metal Underground Water Pipe.** A metal underground water pipe may be supplemented by an additional electrode of a type specified in §250-81 or in §250-83.

S. §250-91 is hereby amended to read as follows:

§250-91. Material. Change the first paragraph to read as follows: The material for grounding conductors shall be of copper. Aluminum or copperclad aluminum grounding conductors shall not be permitted.

T. Add the following sections:

- (1) **900.1. Floor Receptacles.** All floor receptacles shall be moved to the wall or baseboard in new or replacement service, unless it is an approved raised type and installed in an approved manner.
- (2) **900.2. Basement Wiring.** Basement wiring shall be updated to conform to minimum standards as prescribed by this code if, in the opinion of the electrical inspector, an unsafe condition exists. This includes removing "knob and tube" wiring located in the basement through or below the joists, if tapped or spliced. All other wiring shall be corrected to meet wiring specification contained in this code.
- (3) **900.3. Ground Fault Circuit Interceptor (GFCI).** Protection shall be required on all residential, commercial, industrial, institutional occupancies and swimming pools, fountains and similar installations as specified under Article 2108 and Article 680 of the National Electrical Code.
- (4) **900.4. General Residential Wiring.** Upon the update or substantial repair of an electrical service (exceeding \$400) the following conditions must be met: at least two 20 ampere rated bench circuits for kitchen countertop receptacles, at least two receptacles per room and one switchable light or receptacle. The installation of GFCI protected receptacles in the bathroom, one basement receptacle and one outside receptacle. A 20 ampere rate circuit for a laundry, garage, attached or unattached, shall be GFCI protected as per current edition of the National Electrical Code.

(Ord. 677, 7/9/1996, §402)

PART 5

INTERNATIONAL PROPERTY MAINTENANCE CODE

§5-501. Adoption of International Property Code.

A certain document, a copy of which is on file in the office of the Coplay Borough Municipal Building, being marked and designated as the "International Property Maintenance Code, 2006 Edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Coplay, Lehigh County, 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 for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefor. 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 of the Borough of Coplay are hereby referred to, adopted, and made a part hereof as if fully set out in this Part 5, with the additions, insertions, deletions and changes, if any, prescribed in §5-502 of this Part.

(Ord. 771, 5/13/2008)

§5-502. Amendments and Revisions to Code.

1. The following sections are hereby revised:
 - A. **Section PM-101.1.** Insert: "Borough of Coplay."
 - B. **Section PM-103.5.** Insert: "Fee Schedule as may be adopted from time to time by the Borough Council."
 - C. **Section PM-106.4,** titled "**Violation penalties,**" is amended to read as follows:

Any person who shall violate a provision of this Part 5 or shall fail to comply with any of the requirements thereof or shall be in violation of an approved plan or directive of the Inspector or of a permit issued under the provisions of this Part 5 shall, upon conviction thereof before the District Magistrate of the Borough of Coplay, be liable to pay the following penalties:

- a) First Violation: a fine of \$100 or 30 days' imprisonment, or both.
- b) Second Violation: a fine of \$250 or 60 days imprisonment, or both.

CODE ENFORCEMENT

- c) Third and each subsequent violation: a fine of \$500, or 90 days' imprisonment, or both.

Each day that a violation continues shall be deemed a separate offense.

- D. **Section PM 302.4.** Insert "six inches."
- E. **Section PM-302.7, titled "Accessory structures,"** is amended to read as follows: "All accessory structures, including detached garages, sheds and fences, shall be maintained structurally sound and in good repair."
- F. **Section PM-302.8, titled "Motor Vehicles,"** is amended to add the following:

302.8(A) Abandoned Motor Vehicles; Storage on Private Property.

- (A) No person shall abandon and/or store any unregistered vehicle on private property within the Borough of Coplay. For the purpose of this Part 5, an "abandoned vehicle" shall be defined as follows:

- (1) A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
 - (i) The vehicle is physically inoperable and is left unattended on private property for more than 48 hours.
 - (ii) The vehicle has remained illegally on private property for more than 48 hours.
 - (iii) The vehicle is left unattended on private property for more than 48 hours and does not bear the following:
 - (a) A valid registration plate.
 - (b) A current certificate of inspection.
 - (c) An ascertainable vehicle identification number.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. All wrecked car parts and similar unused components of a junk vehicle must not be stored on any private property in clear view of the public right-of-way.

- (B) A vehicle shall be deemed to be abandoned when it remains on private property for more than 48 hours and any of the following conditions apply:
- (1) The vehicle is physically inoperable.
 - (2) The vehicle is left unattended.
 - (3) The vehicle does not have a valid registration plate.
 - (4) The vehicle does not have a current certificate of inspection.
 - (5) The vehicle identification number (VIN) is not ascertainable.
 - (6) The vehicle remains without the consent of the owner or person in charge of the property.
- (C) If the owner of an abandoned and/or junked motor vehicle cannot be located or does not remove the vehicle, the Code Official shall contact the Coplay Borough Police Department, which is authorized to remove said vehicle under Transportation, 67 Pa. Code, Chapter 253, titled "Salvors and Vehicles;" Title 75, Chapter 73, of the Abandoned Vehicles and Cargos Code of the Commonwealth of Pennsylvania as well as Coplay Borough Ordinance No. 745, enacted November 8, 2005, as amended by Ordinance No. 761 of February 13, 2007.¹ Said police removal may also be initiated by a request of the property owner to have a vehicle removed from his or her private property.

G. **Section PM-901. General.** Prior to any change in ownership of a residential structure, or three-year inspections or change in tenancy of any dwelling unit or structure used for rent or lease as a single-family attached, detached, semidetached or multifamily residential dwelling unit or structure, or annual inspections of any nonresidential structure, including individual lease areas thereof (collectively referred to hereinafter as the "premises"), the Borough of Coplay shall inspect the premises for general 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"). Upon successful completion of the inspection of the premises, a certificate of use and occupancy shall be issued, which is necessary for occupancy of the structure. It is hereby declared to be illegal, and a violation of this Part, to change occupancy of a structure without first having an inspection as detailed herein and obtaining a certificate of use and occupancy or a temporary certificate of use and occupancy from the Borough.

¹ Editor's Note: See Ch. 15, Part 8.

CODE ENFORCEMENT

- H. **Section PM-901.3.** All costs of conducting the inspection, including but not limited to inspection or reinspection, shall be paid in advance of the issuance of a final or temporary certificate of occupancy permit and shall be the sole responsibility of the current owner or landlord. An in-county owner, landlord/manager or contact person must be available for contact of any dwelling unit, structure, or nonresidential structure for rent or lease. A current business privilege license must be on file with the Tax Collector prior to any initial or renewal inspection.

- I. **Section PM-902.1,** Single-Family Residences, is amended to read as follows:
 - 15) A minimum one-hundred-amp electrical service shall be required.

- J. **Section PM-902.2,** Multifamily Units, is amended to read as follows:
 - s) All apartment units/complexes must upgrade to a minimum one-hundred-amp service per unit upon change of ownership of the property.

(Ord. 771, 5/13/2008; as amended by Ord. 780, 10/13/2009)

§5-503. No Impact on Pending Enforcement.

Nothing in this Part 5 or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding 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 as cited in §5-502 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 771, 5/13/2008)

§5-504. Publication.

The Borough Secretary of the Borough of Coplay is hereby ordered and directed to cause this Part 5 to be made known publicly as the Property Maintenance Code of the Borough of Coplay.

(Ord. 771, 5/13/2008)

§5-505. When Effective.

This Part 5 and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force immediately.

(Ord. 771, 5/13/2008)

- (b) Section PM-901.2. Inspections shall be conducted under the direction of the Borough of Coplay Code Enforcement Officer, a representative of the Fire Department or those alternates as may be designated by Borough Council.
 - (c) Section 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 Coplay, as amended from time to time.
- (2) Section PM-902. Points of Inspection.
- (a) Section 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 sale, rent, or lease and must be approved prior to the issuance of a Certificate of Occupancy:
 - 1) 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.
 - 2) Stair railings must exist on all stairways; this includes both sides if a stairway is an open stairway.
 - 3) Visible structural damage of any type on chimneys, windows, floors or supporting walls or any other areas must be corrected.
 - 4) Proper firewalls must exist on attached units between the units. These one-hour-rated fire walls must extend from the ground to the roof, including the attic, and all through penetrations must be sealed.
 - 5) If the garage is attached to the house, both the wall and the ceiling next to living areas must be a minimum one-half-inch-thick gypsum wallboard; also the door leading from the garage to the living area must be a minimum 1 3/8 inches solid core or steel, including the doors from the garage to a basement area.
 - 6) There must be a minimum of two wall outlets per room, preferably located on opposite walls. Floor receptacles are not permitted unless mounted vertically on an appropriate approved fixture.

CODE ENFORCEMENT

- 7) The bathroom must have at least one receptacle which is not part of a fixture. If a receptacle exists which is not part of a fixture, it does not have to be made into a GFI receptacle. However, if a new receptacle is required, it must be GFI.
- 8) Visible electrical violations which are noted to be in violation of the codes adopted by the Borough of Coplay 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.
- 9) Outside electrical service must not have worn or damaged service cable. Inside electrical panel will be checked for proper grounding, visible electrical violations, and must have all circuits labeled. If circuits are not labeled, this must be corrected.
- 10) Dryer venting must be to the exterior of the unit or structure or by some other method approved by the Codes.
- 11) Any visible structural damage or suspected structural damage will result in the recommendation to consult with a structural engineer for professional review.
- 12) Sewer pipes and connections must be in good condition and sealed to prevent sewer gas leakage.
- 13) Closet lights which are less than 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.
- 14) 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.
- 15) A minimum 60 amp electrical service will be required.
- 16) Chimney venting must be provided for high efficiency heaters in unlined chimneys.
- 17) Street address must be properly displayed and legible, on exterior of house and be visible from the street, with a minimum of four-inch-high letters.

- 18) Windows in sleeping areas must be operational.
- (b) Section PM-902.2. Multifamily Units.
- 1) Section PM-902.2.1. The following items, in addition to the provisions of the other applicable Borough Codes, will be checked when inspecting an existing multifamily unit being offered for sale, rent, or occupied on a lease basis, and must be approved prior to occupancy.
- 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, or open breaker slots.
 - h) There must be tenant access to the electrical panel box. All boxes and circuits must be labeled.

CODE ENFORCEMENT

- 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 and common hallway portions of the structure.
 - l) Street address or unit address must be properly displayed and legible, on exterior of unit with a minimum four-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.
 - 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, serviced, 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-inch-thick gypsum wall-board; also the door leading from the garage to the living area must be a minimum 1 ¾ inch solid core or steel, including the doors from the garage to a basement area.
- 2) Section PM-902.2.2. Multifamily Structures. In addition to those items listed in Section PM-902.2.1 and the other applicable Borough Codes, the following items will be required to be corrected when a multifamily structure is offered for sale.
- a) Proper firewalls must extend from the ground to the roof, including attic areas.

- b) The form of statement of any violations noted shall be prescribed by the Borough of Coplay and shall have attached thereto a list of the violations noted during the Borough's inspection.
- (3) Section PM-903. Certificate of Occupancy.
 - (a) 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 Chapter has been completed and all violations are abated. A Temporary Certificate of Use and Occupancy may be issued in the discretion of the Code Enforcement Officer or the Borough Council's designee, when a tenant or new owner takes possession of the premises, so long as corrections or modifications are not life-threatening and corrections are commenced and pursued with reasonable diligence and within the time limits specified on the face of the Temporary Certificate of Use and Occupancy.
 - (b) A Certificate of Occupancy may be rescinded in the event that a violation of the Property Maintenance Code is present on the premises and is not corrected in a timely manner after notice by the Building Inspector. Appeals may be heard by the Zoning Hearing Board.
- (4) Section PM-904. No Representation of Warranty by Borough. By conducting the inspection pursuant to this section, the Borough of Coplay 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 Part or any part thereof. The Borough of Coplay specifically makes no guarantees or warranties of any kind, express or implied, including the warranty of habitability or suitability for a particular purpose.
- (5) Section PM-905. Severability. If any provision of this Code or this Part or the application thereof is held invalid or unenforceable, such holding shall not affect any other provision or applications of this Code or this Part, and the remaining provisions shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

CODE ENFORCEMENT

- (6) Section PM-906. Provisions for Continuation of Existing Regulations. The provisions of this Part and of the Codes adopted by the Borough, insofar as they are the same as those ordinance and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinance and codes and not as new enactments. Any code or ordinance or part of any code or ordinance in conflict with this code and this Part is hereby repealed. The provisions of this Part and of the Code hereby adopted shall not be construed to affect any suit or proceeding 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 Code or Part.

(Ord. 693, 2/9/1999, §503; as amended by Ord. 742, 3/8/2005; as amended by Ord. 760, 5/8/2007, §2)

§5-503. No Impact on Pending Enforcement.

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding 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 as cited in §5-502 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 760, 5/8/2007, §3)

PART 6

ADOPTION OF THE PENNSYLVANIA CONSTRUCTION CODE

§5-601. Adoption of the Pennsylvania Construction Code.

1. This Municipality 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.
2. 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 Coplay.
3. Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality 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 Municipality.
 - B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality.
 - 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 Municipality.
 - 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 Coplay 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.
5. Prior and Present Ordinances.
 - A. All building code ordinances or portions of ordinances which were adopted by this Municipality 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

CODE ENFORCEMENT

as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

- B. 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.
 - C. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.
- 6. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution from time to time.
 - 7. If any Section, Subsection, sentence, or clause of this Part is held, for any reason, to be invalid, such provision or provisions shall not affect the validity of the remaining portions of this Part.

(Ord. 734-2004, 5/11/2004)

§5-602. Amendments and Modifications.

- 1. Amendment of Section 105, Permits: Section 105.2, "Work Exempt from Permit," shall be amended to state:

Building:

- 1. One-story detached accessory structures used as tool and storage sheds, garages, playhouses and similar uses provided the floor area does not exceed 200 square feet.

(Ord. 766, 11/13/2007)

PART 7

CREATION OF THE BUILDING CODE APPEALS BOARD

§5-701. Creation of the Building Code Appeals Board.

1. Coplay Borough Council hereby establishes a Building Code Board of Appeals to hear and determine cases or controversies arising under the Building Code as required by Chapter 1 of the 2003 International Building Code (IBC) and subsequent revisions thereof.
2. Members of the Building Code Board of Appeals shall be appointed in the first year of the Board to terms as follows: One for 5 years, one for 4 years, one for 3 years, one for 2 years, and one for 1 year. Thereafter, each new member shall serve for 5 years, or until a successor has been appointed.
3. Said Appeals Board shall comply with the requirements of the Pennsylvania Sunshine Law and Open Records Act, and shall conduct meetings and hearings in accordance with the requirements of Chapter 1 of the 2003 International Building Code and the procedural requirements of the Pennsylvania Local Government Administrative Procedures Act.
4. Said Appeals Board members shall not be compensated monetarily for service on the Board, but may be reimbursed for actual expenses incurred as authorized by the Borough Council.
5. Said Appeals Board Members shall be subject to removal for cause as determined after a due process hearing and notice as required for staggered overlap term quasi-judicial bodies in Pennsylvania.
6. Said Appeals Board shall at all times adhere to the requirements 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, and shall issue its decisions in the form of a resolution.
7. If any Section, Subsection, sentence or clause of this Part is held, for any reason, to be invalid, such provision or provisions shall not affect the validity of the remaining portions of this Part.

(Ord. 733, 5/11/2004)

