

TOWNSHIP OF WEST HEMPFIELD

Lancaster County, Pennsylvania

---

ORDINANCE NO. 1-18

---

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WEST HEMPFIELD, CHAPTER 51, BUILDING REGULATIONS, TO REVISE AND RESTATE ARTICLE 1, UNIFORM CONSTRUCTION CODE.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of West Hempfield, Chapter 51, Building Regulations, Article I, Uniform Construction Code, shall be deleted in its entirety and a new Article I, Uniform Construction Code, shall be inserted which shall provide as follows:

**Article I**

**Uniform Construction Code**

**§51-1. Short Title.**

This Chapter shall be known and may be cited as the "West Hempfield Township Construction Code Ordinance."

**§51-2. Legislative Intent.**

By Ordinance No. 6-04, the Board of Supervisors adopted the Pennsylvania Uniform Construction Code and indicated its desire to administer the Uniform Construction Code within its municipal boundaries. The Board of Supervisors desires to revise and restate its administrative and enforcement regulations for the Uniform Construction Code.

It is the further intent of the Board of Supervisors that all construction within the Township shall comply with the provisions of the Americans with Disabilities Act and all applicable regulations to implement the Americans with Disabilities Act promulgated by Federal and State regulatory agencies and with the Code Requirements for Housing Accessibility, and this Code shall be interpreted in a manner which fulfills this intent. It is also the further intent of the Board of

Supervisors to comply with the requirements of the Pennsylvania Construction Code Act and the Regulations.

**§51-3. Adoption of Uniform Construction Code.**

The Township hereby adopts the codes and standards that the Pennsylvania Department of Labor and Industry has adopted as the Pennsylvania Uniform Construction Code identified in Chapter 403 of the Regulations of the Pennsylvania Department of Labor and Industry, as such standards and codes adopted by the Regulations may be amended from time to time as the West Hempfield Township Construction Code together with such administrative and enforcement provisions set forth in this Chapter.

**§51-4. Definitions.**

In this Chapter the following terms shall have the definitions set forth herein:

ACT – The Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101 et seq., as amended.

BOARD OF SUPERVISORS – The governing body of the Township.

BUILDING CODE OFFICIAL or BCO – A Township official certified by L & I under Section 103 of the Act. The term includes an individual certified in a category established under Chapter 401 of the Regulations to manage building code enforcement activities, supervise building inspectors or plans examiners, issue building or construction permits, occupancy permits, notice of violations and orders to vacate, and initiate prosecutions.

CONSTRUCTION CODE OFFICIAL – A third party agency registered with the Township certified by L & I under Section 103 of the Act in an appropriate category established under Section 701(b) of the Act to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in that category under the Act or related statutes. Any third party agency desiring to register as a construction code official shall meet the following requirements:

- (1) The third party agency shall provide evidence of certification by L & I under Section 103 of the Act identifying all categories in which the third party agency has obtained such certification.
- (2) The third party agency shall present evidence that PPL Utilities has approved the third party agency to perform electrical inspections within the Township.
- (3) The third party agency shall submit to the Township annually, at the time of registration, a certificate of insurance indicating that the third party agency has obtained insurance in the amounts required by the Regulations.
- (4) The third party agency shall pay an annual registration fee to the Township in the amount established by ordinance or resolution of the Board of Supervisors in order

to review plans and/or perform inspections under the UCC within the Township. If one or more individuals are employees or partners of a third party agency, payment of the registration fee by the firm in the name of the firm shall satisfy the requirement.

- (5) Each third party agency desiring to be registered to serve as a construction code official within the Township must register annually. Registration shall be valid from January 1 to December 31 of each calendar year.

DEP – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

INTERMUNICIPAL AGREEMENT – The agreement among East Petersburg Borough, Manor Township, Millersville Borough, Mountville Borough, Pequea Township, West Hempfield Township and West Lampeter Township concerning the formation of the Central Lancaster County Uniform Construction Code Board of Appeals.

L & I – The Department of Labor and Industries of the Commonwealth of Pennsylvania.

REGULATIONS – All regulations adopted by L & I to implement the Act.

THIRD PARTY AGENCY – A person, firm or corporation certified by L & I as a construction code official and which may be contracted to perform plan review of construction documents, inspect construction or administer and enforce codes under the Act.

TOWNSHIP – The Township of West Hempfield, Lancaster County, Pennsylvania.

UNIFORM CONSTRUCTION CODE of UCC – The construction code adopted pursuant to the Act and the Regulations.

#### **§51-5. Scope.**

This Chapter shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed structures except as such matters are otherwise provided for in other ordinances or statutes, including but not limited to the Township Zoning Ordinance, Subdivision and Land Development Ordinance, and Storm Water Management. Whenever there is a conflict between the provisions of this Chapter and any other Township Ordinance, including but not limited to the Zoning Ordinance, it is the intent of the Board of Supervisors that the more stringent requirement shall apply. All construction which the Act or the Regulations exempt from compliance with the UCC are exempt from the provisions of this Chapter. Items exempted from compliance with the UCC by Sections 403.1(b) and 403.1(e) of the Regulations do not have to comply with this Chapter but shall comply with all other applicable Township Ordinances.

#### **§51-6. Administration.**

- A. Appointment. The Board of Supervisors shall appoint a person to serve as a BCO.

- B. Powers and duties of BCO and construction code official. The BCO shall have all powers set forth in the Regulations and this Chapter. A construction code official shall have the powers set forth in the Regulations and this Chapter.
- (1) The BCO shall serve at the pleasure of the Board of Supervisors. The BCO shall provide supervision of the construction code official, receive uniform construction code permit applications, address citizen inquiries, concerns and complaints, issuing building permits, occupancy permits, and manage code enforcement activities, including but not limited to issuing notice of violations and orders to vacate, and initiation of prosecutions.
  - (2) The third party agencies who have registered with the Township may serve as a construction code official. A construction code official shall perform plan review of construction documents. A construction code official may also inspect construction, provide the building code official with reports of inspections and recommendations upon issuance or denials of certificates of occupancy, and if requested by the BCO, assist in administration and enforcement of this Construction Code. A third party agency which serves as a construction code official to perform plan review of construction documents shall not be permitted to serve as the construction code official for inspection of construction proposed by such construction documents.
- C. Liability. The Township and the BCO shall have all immunities and rights granted by the Pennsylvania Judicial Code, including but not limited to Chapter 85.
- D. Time of payment of fees. Applicants for permits under this Chapter shall pay to the Township at the time of application all administrative fees. Applicants shall pay directly to the construction code official costs incurred for the review of an application and construction documents prior to the issuance of a permit. Applicants shall pay to the construction code official (which shall be a different third party agency) costs incurred for all inspections required during the costs of construction prior to the issuance of a certificate of use and occupancy for the structure for which the permit has been issued.

#### **§51-7. Board of Appeals.**

- A. Board of Appeals. The Township hereby appoints the Central Lancaster County Uniform Construction Code Board of Appeals as the board of appeals under the West Hempfield Township Construction Code. Members of the Central Lancaster County Uniform Construction Code Board of Appeals shall be selected in accordance with the Intermunicipal Agreement.
- B. Authority of Board of Appeals. The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application or appeal shall be based upon, and the Board of Appeals in making its decisions shall consider, those factors set forth in the Regulations.

- C. Membership of Board of Appeals. A member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Members of the governing body may not serve on the Board of Appeals. A Board of Appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.
- D. Operation. The Board of Appeals may establish policies and procedures necessary to carry out its duties in accordance with the Intermunicipal Agreement. The Board shall annually select one of its members to serve as chairperson and one of its members to serve as vice chairperson. The Board of Appeals shall keep minutes of its meetings and file a written decision on all applications and appeals. The Board of Appeals shall provide notice of and conduct its meetings in accordance with the Sunshine Act, 65 Pa. C.S. §701 et seq.
- E. Procedures for applications and appeals. Any person desiring to file an application or appeal to the Board of Appeals may file such appeal with the Township Manager. All applications and appeals to the Board of Appeals shall be in writing and shall specify the section of this Chapter or the UCC from which relief is sought or the action of the building official which is the subject of the appeal. The written application or appeal shall state all of the grounds for the application or appeal and shall include any necessary plans or specification to provide the Board of Appeals with information to evaluate the application or appeal and shall include the fee. No application appeal will be considered complete without the necessary appeal fee. Any appeal from a determination of the BCO shall be filed within twenty (20) calendar days of the determination.
  - (1) Hearings. An applicant or appellant who desires to present testimony to the Board of Appeals shall request a hearing in the application or appeal. If the applicant or appellant does not request a hearing, it will be assumed that the Board of Appeals may render its determination based on the written information submitted with the application or appeal and any additional information available to members of the Board of Appeals.
  - (2) Parties. The Township shall be considered a party to all appeals or applications filed with the Board of Appeals. Other persons affected by the appeal or application who have made timely appearances of record may also be recognized as parties to the appeal or application.
  - (3) Decision. The Board of Appeals shall render its decision in writing within any time periods imposed in state laws or Regulations. The Board of Appeals shall provide the applicant or appellant, the BCO and the Township with copies of the appeal.

**§51-8. Additions to UCC and Regulations.**

- A. Additions to Regulations:

- (1) Regulations Sections 403.42(a) and 403.62(a) shall be amended by inserting the following at the end of the existing sections:

It shall be the joint responsibility of the owner, lessee, if any, and the contractor to determine that a Construction Code permit (and all other required permits and approvals) has been obtained before performing any work. It shall be unlawful for any contractor or subcontractor to perform any work for which a Construction Code permit is required unless the owner and contractor obtain and post a Construction Code permit as required by this Chapter.

- (2) Regulations Sections 403.42a(b) and 403.62a(b) shall be amended by inserting the following at the end of the existing Sections:

At the time of filing an application for a Construction Code permit, the applicant shall present to the BCO one complete copy of the application. The applicant shall provide the construction code officials with the required number of copies for plan review and inspection. The applicant shall also provide the BCO with adequate evidence that the applicant has obtained from all governmental authorities having jurisdiction, all permits, licenses, approvals and/or variances required in connection with the proposed use, occupancy, construction, enlargement, alteration or demolition. Such agencies shall include but not be limited to the Zoning Officer, Zoning Hearing Board, Lancaster County Conservation District, State Police Fire Marshal, DEP, L & I, and the Pennsylvania Departments of Community and Economic Development and Transportation. No application for a Construction Code permit is complete without a copy of any required zoning permit and proof of any required subdivision and/or land development approval, storm water management plan approval.

- (3) Regulations Sections 403.43(h) and 403.63(h) shall be amended by inserting the following at the end of the existing Sections:

The applicant shall post a copy of the Construction Code permit at a location on the property clearly visible to members of the public.

- B. Table R301.2(1) of the International Residential Code adopted as part of the Uniform Construction Code is hereby completed by inserting the following information:

Ground snow load: 30 pounds per square foot.

Wind speed (mph): 80 mph.

Seismic design category: A.

Weathering: severe.

Frost line depth: 36 inches.

Termite: moderate to heavy.

Decay: slight to moderate.

Winter design temperature: 10

Ice shield underlayment required: Yes  
Flood hazard: (a) July 1, 1974; (b) September 22, 1999.  
Air freezing index: 750.  
Mean annual temperature: 50.

**§51-9. Enforcement and Penalties.**

- A. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy, or to permit the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of, any building or structure or equipment regulated by this Chapter, or cause same to be done, in conflict with or in violation of this Chapter. It shall also be unlawful for any person to place inaccurate or misleading information on an application or plan or to omit relevant information from an application or a plan submitted to the Township.
- B. Notice of Violation. The BCO may serve a notice of violation on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use, permission to use, occupancy, or permission for occupancy of a building or structure or equipment in violation of the provisions of this Chapter, or in violation of a detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Chapter. Such notice shall order discontinuance of the illegal action or condition and the abatement of the violation. Notwithstanding the foregoing, it shall not be a defense to an enforcement action that the BCO did not serve or that the defendant did not receive a written notice of violation prior to the institution of the enforcement action.
- (1) If an inspection reveals a violation of this Chapter, the construction code official shall discuss the inspection results with the permit holder at the completion of the inspection.
  - (2) If an inspection reveals a violation of this Chapter, the construction code official shall discuss the inspection results with the permit holder at the completion of the inspection.
- C. Prosecution of Violation. If the BCO has served a notice of violation and the notice of violation is not complied with within the time specified by the BCO, or if the BCO determines that there is insufficient time to serve a notice of violation or that such notice of violation will have no practical or beneficial effect, the BCO shall notify the Board of Supervisors of the violation and shall request the Board of Supervisors to authorize institution of enforcement proceedings against the violator and/or authorize the Township Solicitor to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Chapter or of the order or direction made pursuant thereto.

- D. Violation Penalties. Any person who shall violate a provision of this Chapter or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, extend, repair, remove, demolish, use or occupy, or permit the use or occupancy of, any building or structure or equipment regulated by this Chapter in violation of the provisions of this Chapter or of an approved plan or of a directive of the BCO or of a permit or certificate issued under the provisions of this Chapter or who shall permit the use, occupancy, erection, construction, alteration, extension, removal, demolition or repair of the building or structure or equipment in violation thereof, shall, upon being found guilty in an enforcement proceeding commenced by the Township, pay a penalty of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars for each violation plus all costs of prosecution, which fines and penalties may be collected as provided by law. Each day that a violation continues shall be deemed a separate offense, and each Section of this Chapter which is violated shall be deemed a separate offense.
- E. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Township Solicitor or the BCO from instituting appropriate action to prevent the 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 on or about any premises.
- F. 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 condition, shall commit a violation of this Chapter and shall be subject to penalties or fines as provided in §51-9.D and remedies as provided in Section §51-9.E.

Section 2. It is expressly intended that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under Chapter 51, Building Regulations, Article I, Uniform Construction Code in effect prior to the effective date of this Ordinance, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior regulations, and the provisions and penalties provided in Chapter 51, Building Regulations, Article I, Uniform Construction Code prior to the effective date of this Ordinance shall remain effective as to said violation.

Section 3. All other sections, parts and provisions of the Code of Ordinances of the Township of West Hempfield shall remain in full force and effect as previously enacted and amended.

Section 4. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.



Section 5. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Hempfield as provided by law.

DULY ORDAINED AND ENACTED this 2nd day of January, 2018, by the Board of Supervisors of the Township of West Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST HEMPFIELD  
Lancaster County, Pennsylvania

Attest: Aden St  
(Assistant) Secretary

By: David M. Sumey  
(Vice) Chairman  
Board of Supervisors

[TOWNSHIP SEAL]

