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ARTICLE I

BUILDING CODE

Section 101. Election to Administer and Enforce Construction Code

Ontelaunee Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101-7210.1103, as amended from time to time, and its regulations.

Ord. 2004-5, 7/1/2004, §1.

Section 102. Adoption of Uniform Construction Code

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 Ontelaunee Township.

Ord. 2004-5, 7/1/2004, §2.

Section 103. Administration and Enforcement

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

- A. By the designation of an employee of Ontelaunee Township to serve as the municipal code official to act on behalf of Ontelaunee Township;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Ontelaunee Township;
- 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 Ontelaunee Township;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

Ord. 2004-5, 7/1/2004, §3.

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Section 104. Board of Appeals

- A. A Board of Appeals shall be established by resolution of the governing body of Ontelaunee Township 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.
- B. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

Ord. 2004-5, 7/1/2004, §4.

Section 105. Previous and Relevant Ordinances

- A. All building code ordinances or portions of ordinances which were adopted by Ontelaunee Township 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.
- B. 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.
- C. All relevant ordinances, regulations and policies of Ontelaunee Township not governed by the Code shall remain in full force and effect.

Ord. 2004-5, 7/1/2004, §5.

Section 106. Fees

Fees assessable by Ontelaunee Township 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. 2004-5, 7/1/2004, §6.

ARTICLE II

PLUMBING CODE

Section 201. Adoption of Plumbing Code

That a certain document, three (3) copies of which are on file in the office of the Township Secretary of the Township of Ontelaunee being marked and designated as “The BOCA National Plumbing Code, Eighth Edition, 1990”, to include any revisions or updates thereof, as published by The Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Plumbing Code of the Township of Ontelaunee, Berks County, Pennsylvania; for the control of buildings and structures as here-in provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Plumbing Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with additions, insertions, deletions and changes, if any, prescribed in Section 203 of this Ordinance.

Ord. 1992-10, 12/31/1992, §1.

Section 202. Inconsistent Ordinances Repealed

Any ordinance, ordinances or parts of any ordinance or ordinances conflicting with or inconsistent with the provisions of this Ordinance, with the exception of Township Ordinance 1992-6, adopted August 13, 1992*, are hereby repealed insofar as the same and inconsistent with this Ordinance.

Ord. 1992-10, 12/31/1992, §2.

*See Codification of Ord. 1992-6 at Chapter 4, Article II, §§205-209.

Section 203. Additions, Insertions and Changes

That the following sections of the BOCA National Plumbing Code/1990, Eighth Edition, to include any revisions or updates thereof, are hereby revised as follows:

Section P-100.1.	Now Reads: (name of jurisdiction) Change to Read: The Township of Ontelaunee, Berks County, Pennsylvania
Section P-104.1	Now Reads: (date of adoption of this Code) Change to Read: The effective date of this Ordinance [1/30/1993]
Section P-109.1	Now Reads:

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	<p>General: The department, etc.</p> <p>Change to Read: General: The Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania shall appoint a Plumbing Official who shall be a licensed Master Plumber. An Assistant Plumbing Official, who shall be a licensed Master Plumber, may be appointed by the Board of Supervisors.</p>
Section P-109.2	<p>Now Reads: Appointment: The code official, etc.</p> <p>Delete entire section.</p>
Section P-110.7	<p>Now Reads: Annual report: At least annually, etc.</p> <p>Change to Read: Monthly report: At least monthly, etc.</p>
Section P-114.2	<p>Now Reads: Fee Schedule: The permit fees, etc.</p> <p>Change to Read: Fee Schedule: The permit fees for all applications and plumbing work shall be as established from time to time by Resolution of the Board of Supervisors of the Township of Ontelaunee.</p>
Section P-117.4	<p>Now Reads: [designate offense], [designate amount], [designate time]</p> <p>Change to Read: Summary Offense, \$300.00, Thirty (30) Days</p>
Section P-118.2	<p>Now Reads: [designate amount], [designate amount]</p> <p>Change to Read: \$100.00, \$300.00</p>
Section P-122.2.1	<p>Now Reads: Qualifications: Each member, etc.</p> <p>Delete entire Section.</p>
Section P-122.2.2	<p>Now Reads: Alternate members: The chief, etc.</p> <p>Change to Read: Delete entire Section.</p>
Section P-123.0	<p>Add Section 123.0 as follows: License Required: No person other than a licensed mas-</p>

	<p>ter plumber or firm or corporation having a licensed master plumber in responsible charge of work shall be allowed to carry on or engage in the business of plumbing in the Township of Ontelaunee.</p> <p>Any person, firm or corporation having a current master plumber's license granted by any municipality of the Commonwealth of Pennsylvania shall be considered a licensed plumber in the Township of Ontelaunee.</p>
Section P-303.2	<p>Now Reads: Public systems available: A public water main or public sewer system shall be considered available to a building when the building is located within [number] feet of the public water main or sewer.</p> <p>Change to Read: Public systems available: A public water main or public sewer system shall be considered available to a building when the building is located within a specified number of feet, as determined by the Township's water and sewer authority, of the public water main or sewer line.</p>
Section P-308.3	<p>Now Reads: [number] feet [number] inches</p> <p>Change to Read: three (3) feet zero (0) inches</p>
Section P-308.4	<p>Now Reads: [number] inches, [number] inches</p> <p>Change to Read: thirty six (36) inches, forty eight (48) inches</p>
Section P-1200.1	<p>Add to end of Section: In addition to the regulations and standards of this Ordinance all plumbing fixtures and fittings to be installed shall also be in compliance with the regulations of the Comprehensive Plan and Water Code of the Delaware River Basin Commission as they pertain to water conservation performance standards for all water using plumbing fixtures and fittings contained in Ordinance 1992-6 of the Township of Ontelaunee. If any of the requirements and standards contained in Ordinance 1992-6 of the Township conflict with the same as contained herein the more restrictive requirements or standard shall be the rule. [Editor's Note: See Ord. 1992-6 codified in Chapter 4, Article II, §§205-209.]</p>
Section P-1600.1	<p>Add at end of Section: except that in the case of any conflicts, the Construction</p>

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	Standards of Individual Water Supplies of the Pennsylvania Department of Environmental Resources shall be controlling.
Section P-1601.	Add at end of Section: Determination of availability shall be made by the Township.

Ord. 1992-10, 12/31/1992, §3.

Section 204. Saving Clause

That nothing in this Ordinance or in the Plumbing 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 or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 202 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Ord. 1992-10, 12/31/1992, §4.

Section 205. Water Conservation General Policy

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which a construction or building permit is required to be obtained from the Township of Ontelaunee (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of Section 206 of this Ordinance.

Ord. 1992-6, 8/13/1992, §1.

Section 206. Water Conservation Performance Standards for Plumbing Fixtures and Fittings

A. Water Closets and Associated Flushing Mechanisms

The water consumption of water closets shall not exceed an average of 1.6 gallons per flush over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.

B. Urinals and Associated Flushing Mechanisms

Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.

C. Showerheads

Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

D. Faucets

Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

Ord. 1992-6, 8/13/1992, §2.

Section 207. Water Conservation Special Provisions

A. Special Purpose Equipment

The performance standards of Section 206 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.

B. Exemptions

Any person(s) may apply to the Township of Ontelaunee for an exemption of the terms of this Ordinance, which may be granted by the Board of Supervisors, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

Ord. 1992-6, 8/13/1992, §3.

Section 208. Water Conservation Official Review and Modification

The Board of Supervisors may, from time to time, modify, add to, or remove from the standards and restrictions herein.

Ord. 1992-6, 8/13/1992, §4.

Section 209. Water Conservation Penalties

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See Chapter 4, Article IV entitled “Civil/Criminal Enforcement Procedure”.

Ord. 1992-6, 8/13/1992, §5; superseded by Ord. 2001-2, 7/12/2001.

ARTICLE III

PROPERTY MAINTENANCE

Section 301. Adoption of International Property Maintenance Code

That a certain document, three (3) copies of which are on file in the following locations;

- A. the office of the Township Secretary,
- B. the office of the Township Code Enforcement Officer,
- C. the office of the Township Solicitor,

the same being marked and designated as the *International Property Maintenance Code Council, 2009 edition* as published and amended from time to time by the International Code Council, be and is hereby adopted as the PROPERTY AND MAINTENANCE CODE of the Township of Ontelaunee, Berks 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 the condemnation of building and structure 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 thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of Ontelaunee Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 302 of this Ordinance.

Ord. 2010-5, 5/6/2010, §1.

Section 302. Amendments to International Property Maintenance Code

The following sections of the said *International Property Maintenance Code Council, 2009 edition as amended* are hereby revised as follows:

Section 101.1	Insert "Ontelaunee Township;"
Section 103.5	Delete the text in this Section and replace with the following: "The fees for activities and services performed by the Department in carrying out its responsibilities under this Code shall be in accordance with a fee schedule adopted by the Township, by resolution, from time to time."
Section 111.2	Delete the text in this Section and replace with the following: The Board of Appeals shall consist of the Board of Supervisors.
Section 111.2.1	Delete this Section in its entirety.

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Section 111.2.2	Delete the text in this Section and replace with the following: The Chairman of the Board of Appeals shall be the Chairman of the Board of Supervisors.
Section 111.2.4	Delete this Section in its entirety.
Section 111.3	Replace “20” days with “30” days for the Board of Appeals to meet after an appeal is filed.
Section 302.4	Insert: “ten inches (10)”
Section 304.14	Insert: April 1 st and September 30 th
Section 304.18	Add at the of this Section: “304.18.1 On any building or structure constructed after the implementation of this Code, an emergency access system shall be installed. This system shall include a key box on the exterior of the structure which contains a key or set of keys that would allow rapid non-destructive entry into the structure in the event of an emergency. This rapid entry system shall be of a type approved by the local emergency services organization having jurisdiction. Exception: This system shall not be required of buildings or structures intended for use as single-family dwelling or accessory buildings thereto. 304.18.2 On any building or structure that undergoes a change of use that requires a permit issued by the Township, a rapid entry system as described in Section 304.18.1 shall be required. Exception: This system shall not be required of building or structures intended for use as single-family dwellings or accessory buildings thereto.”
Section 602.3	Insert: September 1 st and May 1 st .
Section 602.4	Insert: September 1 st and May 1 st .

Ord. 2010-5, 5/6/2010, §2.

Section 303. Related Rights

That nothing in this Ordinance or in the Property Maintenance Code hereby shall be construed to affect any suit or proceeding impending 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 Section 302 and Section 303 of this Ordinance; nor shall any just or legal right or remedy of an character be lost, impaired or affected by this Ordinance.

Ord. 2010-5, 5/6/2010, §3.

Section 304. Enforcement

This Ordinance shall be enforced by the Township Code Enforcement Officer.

Ord. 2010-5, 5/6/2010, §4.

Section 305. Penalties

- A. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00). Each day the violation shall constitute a separate violation and therefore a separate fine.
- B. Nothing contained herein shall prevent the Township from enforcing this Ordinance by equitable injunction or legal remedies.

Ord. 2010-5, 5/6/2010, §5.

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ARTICLE IV

CIVIL/CRIMINAL ENFORCEMENT PROCEDURE

Section 401. Title

This Ordinance shall be known as the “Civil/Criminal enforcement Procedure Ordinance of Ontelaunee Township” and shall govern the imposition of fines and penalties for violation of the Ordinances of the Township.

Ord. 2001-2, 7/12/2001, §1.

Section 402. Criminal Enforcement Procedure

A. Effective upon the passage of this Ordinance, any Township Ordinance regulating buildings, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution, shall be enforced through a Summary Offense procedure initiated before a District Justice in the same manner provided for the enforcement of Summary Offenses under the Pennsylvania Rules of Civil Procedure, pursuant and authorized by Section 1601 (c.1)(2) of Act 172 of 1996.

B. The Board of Supervisors hereby adopts the following schedule for fines for violations of Township Ordinances referred to in Section 402.A above:

1 st violation of a particular ordinance	\$500.00
2 nd violation of a particular ordinance	\$750.00
3 rd and all subsequent violations of a particular ordinance	\$1,000.00

Ord. 2001-2, 7/12/2001, §2.

Section 403. Civil Enforcement Procedure

Effective upon the passage of this Ordinance, any ordinance other than those ordinances referred to by subject matter contained in Section 402.A above, shall be enforced through a civil enforcement proceeding to be conducted by the Township as follows:

A. When it has been determined that a Township Ordinance has been violated, the Supervisors shall impose a penalty for the violation of said Ordinance pursuant to Section 403.F below.

- B. In the event the penalty imposed by the Board of Supervisors is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Justice.
- C. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure.
- D. In addition to or in lieu of civil actions before a District Justice, the Township may at its option enforce any ordinance violation in a court of equity.
- E. In any case where a penalty for a violation of a Township Ordinance has not been timely paid and person(s) and/or entity upon whom the penalty imposed is found to have been liable therefore in a civil proceeding, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney’s fees incurred by the Township in the enforcement proceedings.
- F. The Board of Supervisors hereby adopts the following schedule of fines for violations of Township Ordinances referred to Section 403 above:

1 st violation of a particular ordinance	\$200.00
2 nd violation of a particular ordinance	\$400.00
3 rd and all subsequent violations of a particular ordinance	\$600.00

Ord. 2001-2, 7/12/2001, §3.

Section 404. Enforcement Officer(s)

The Board of Supervisors shall, from time to time by resolution, appoint Township Enforcement Officer(s) for the enforcement of the Township’s Ordinances. Such Enforcement Officer(s) are authorized and directed to institute civil proceedings or criminal proceedings as appropriate as required to achieve compliance with the Ordinances of the Township.

Ord. 2001-2, 7/12/2001, §4.

Section 405. Notice of Violation

After the Township Enforcement Officer has made an initial determination of an Ordinance violation, he shall promptly serve notice of said violation to the person(s) and/or entity causing the violation and further establish the fine for said violation pursuant to the schedule of fines for violations, as more fully set forth in Section 402.B and Section 403.F above. Where a penalty for a violation of a Township Ordinance is not paid with-

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in thirty (30) days from the date of notice, the Township Enforcement Officer shall initiate the appropriate enforcement proceeding.

Ord. 2001-2, 7/12/2001, §5.

Section 406. Court Costs and Attorney's Fees

In each action the Enforcement Officer shall, pursuant to the provisions of Section 1601(c.1)(1) of the Act (53 P.S. Section 66601(c)), include a demand for all Court costs and reasonable attorney's fees incurred by the Township.

Ord. 2001-2, 7/12/2001, §6.

Section 407. Fines

The amount of fines as set forth in the complaint filed with the District Justice shall be determinative upon the trier of facts, including the District Justice and the Court of Common Pleas (on appeal).

Ord. 2001-2, 7/12/2001, §7.

Section 408. Separate Offenses

For any person(s) and/or entity who is not in compliance with any Township Ordinance(s), each continuing day of violation or of non-compliance shall be a separate offense for which the Enforcement Officer may seek separate fines and costs in the same or separate proceedings.

Ord. 2001-2, 7/12/2001, §8.

Section 409. Judgment

No judgment may be imposed pursuant to this Ordinance until a determination has been made by the appropriate District Justice, or if the District Justice decision is appealed, the Court of Common Pleas.

Ord. 2001-2, 7/12/2001, §9.

Section 410. Failure to Pay Judgment

If the person(s) and/or entity fails to pay a final judgment, Ontelaunee Township may enforce the judgment obtained pursuant to the Pennsylvania Rules of Civil Procedure.

Ord. 2001-2, 7/12/2001, §10.

Section 411. Authorization of Township Solicitor

Upon the direction of the Board of Supervisors, the Township Solicitor shall assist the Township Enforcement Officer in the enforcement proceedings and in obtaining a judgment before the District Justice or the Court of Common Pleas, or appellate courts, and in the filing of the judgment or in execution upon the judgment.

Ord. 2001-2, 7/12/2001, §11.

Section 412. Existing Ordinances

- A. With regard to Ordinances enacted prior to July 12, 2001, those regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution, shall be deemed automatically amended so that they shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses in accordance with Section 402.
- B. All other Ordinances enacted prior to July 12, 2001, shall be deemed automatically amended so that they shall be enforced through a civil enforcement proceeding in accordance with Section 403.

Ord. 2001-2, 7/12/2001, §12.

Section 413. Collection of Fines and Penalties

All fines and penalties collected for the violation of any Township Ordinance shall be paid to the Township Treasurer.

Ord. 2001-2, 7/12/2001, §13.