

## ORDINANCE NO. 91-2

AN ORDINANCE ESTABLISHING AN OFFICE OF BUILDING INSPECTOR; AUTHORIZING THE APPOINTMENT OF A BUILDING INSPECTOR AND DETERMINING THE DUTIES AND POWERS THEREOF; ESTABLISHING A CODE HEARING BOARD TO HEAR APPEALS; ADOPTING THE 1990 BOCA NATIONAL BUILDING CODE (11TH EDITION); ADOPTING THE CABO ONE AND TWO FAMILY DWELLING CODE, 1989 EDITION; ADOPTING THE 1990 BOCA NATIONAL PLUMBING CODE (8TH EDITION); ADOPTING THE 1990 BOCA NATIONAL FIRE PREVENTION CODE (8TH EDITION); ADOPTING THE 1990 NFIPA NATIONAL ELECTRIC CODE; ADOPTING THE 1990 BOCA NATIONAL MECHANICAL CODE (7TH EDITION); ADOPTING THE 1990 EDITION OF THE BOCA NATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR ISSUANCE OF PERMITS, COLLECTION OF FEES, INSPECTIONS, AND PRESCRIBING PENALTIES FOR VIOLATION OF THE FOREGOING CODES.

Preamble

Pursuant to 53 P.S. 65741, 65750, 65751, and 65732, the Hilltown Township Board of Supervisors hereby ordains as follows:

**ARTICLE I. ESTABLISHMENT OF OFFICE OF BUILDING INSPECTOR**

A. Creation of Office of the Building Inspector. There is hereby created by the Hilltown Township Board of Supervisors an office of the Township of Hilltown, to be known as the "Office of the Building Inspector." The official appointed thereto by the Board of Supervisors shall have the responsibility for administration and enforcement of the provisions of this Ordinance and other codes and/or ordinances of the Township of Hilltown herein referred to as the "applicable codes and ordinances," which designate Office of the Building Inspector as their official administrative and enforcement authority.

B. Enforcement Authority.

1. Appointment of Building Inspector. There shall be appointed, by the Board of Supervisors of Hilltown Township, a Building Inspector, who shall be in charge of the Office of the Building Inspector of the Township of Hilltown.

2. Approved Inspection Agencies. The Building Inspector shall make all the required inspections or may accept reports or inspections by authoritative and recognized inspection agencies or individuals, which satisfy requirements as to qualifications and reliability. All inspection reports shall be in writing and shall be certified by the approved authority or responsible officer of the agency or the individual when expert inspection services are accepted. The Building Inspector may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise subject to the approval of the Board of Supervisors. When required by the provisions of the code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication.

C. Duties and Powers of Building Inspector.

1. Enforcement of Codes. The Building Inspector shall enforce and administer all of the provisions of this Ordinance and of those other applicable codes and ordinances which establish the Office of the Building Inspector as their official administration and enforcement authority.

2. Duties. The duties of the Building Inspector shall include: the receipt of applications and issuance of permits for the erection, addition to, alteration, repair, removal, demolition, installation of service equipment (plumbing, electrical, mechanical), and structures; the issuance of all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with this Ordinance, and those other applicable codes and/or ordinances for the safety, health and general welfare of the public; the making of inspections to determine compliance with the applicable codes and ordinances; the undertaking of investigations, and other activities as may be required.

3. Official Records. The Building Inspector shall keep an official record of all business and activities and all such records shall be open to the public for inspection at all appropriate times, except that no individual, owner, owner/operator, occupant or other person shall be subject to unwarranted invasion of privacy, and except that all evidence or information shall not be disclosed except as may be necessary in the judgment of the Building Inspector for the proper and effective administration and enforcement of the provisions of this Ordinance.

4. Preliminary Inspections. Before issuing a permit, the Building Inspector may examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof.

5. Required Inspections. After issuing a permit, the Building Inspector or designated inspection agency shall conduct such required inspections from time to time during and upon completion of the work for which a permit has been issued. A record of all such examinations and inspections and of all violations of this code shall be maintained by the Building Inspector. Upon completion of the building or structure, and before the issuance of the Certificate of Use and Occupancy, a final inspection shall be made and all violations of the approved plans and permits shall be abated. No new building or portion of an existing building which is enlarged or altered shall be used or occupied in whole or in part, until such Certificate of Use and Occupancy shall have been issued by the Building Inspector. Required inspections shall be as follows:

a. Building

(1) Footing and Setback - To be made after trenches or basement areas are excavated and forms erected and any required reinforcement steel is in place and prior to placing concrete.

(2) Foundation Walls - To be made after parging and tamp proofing is in place and prior to back-filling.

(3) Framing - To be made after the roof, all framing, fire stopping and bracing are in place and prior to interior covering.

b. Electrical

(1) Service - Prior to power company connection.

(2) Rough Wire - Prior to covering.

(3) Final - Prior to occupancy.

The above inspections are to be made by listed electrical inspection agencies as approved by the Township under this Ordinance.

c. Plumbing

(1) Under Slab - Prior to pouring concrete.

(2) Rough In - Prior to covering.

(3) Final - Prior to occupancy.

d. Other Inspections

1. Accounting. The Building Inspector shall keep an accurate account of all fees collected; and such collected fees shall be deposited in the Township Treasury or otherwise disposed of as required by law.

D. Applications for Permits.

1. When Permit is Required.

a. Construction Permit. This type of permit shall be issued for all new construction on vacant land or land where a building was demolished in preparation for construction or where construction adds to the livable area of a residence or additional floor area of a commercial building. Fees shall be fixed from time to time pursuant to a resolution of the Board of Supervisors.

b. Alteration Permit. This type of permit shall be issued when, in the opinion of the Building Inspector, the work involved does not increase the livable area of the residence or the floor area of a commercial building and is not considered to be normal maintenance or repairs. Any change in size, shape, height, type of materials, etc., necessitates an alteration permit. Fees shall be fixed from time to time by the Board of Supervisors pursuant to a resolution.

c. Garage Permit. This type of permit shall be issued for the construction of private car garages when either detached from the dwelling or connected by

a breezeway. The fee shall be fixed from time to time by the Board of Supervisors pursuant to a resolution.

d. Demolition Permits. This type of permit shall be issued for the wrecking of a building. The fee shall be fixed from time to time by the Board of Supervisors pursuant to a resolution. No fee shall be charged when removal of the building has been ordered by the Building Inspector.

e. Sign Permit. This type of permit shall be issued for the erection of advertising signs attached to a building or mounted on stands or poles separate from the building. The fee shall be fixed from time to time by the Board of Supervisors pursuant to a resolution.

2. Where work, for which a permit is required by the Code, is started or proceeded with prior to obtaining said permit, the fee shall be increased by twenty-five percent (25%), but payment of such increased fee shall not relieve any person from fully complying with the requirements of the Code and the execution of the work nor from any penalties prescribed by the Code.

3. Forms of Application. The application for a permit shall be submitted in such form as the Building Inspector may prescribe and shall be accompanied by the required fee pursuant to the Fee Schedule.

4. By Whom Application is Made. The responsibility for applying for and obtaining a required permit rests jointly with the owner or occupant and the person or persons doing the work. The full name and address of the owner, lessee, applicant and/or the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

5. Description of Work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the Building Inspector.

6. Plans and Specifications. The application for the permit shall be accompanied by one (1) copy of specifications and of plans, drawn to scale, with sufficient

clarity and detailed dimension to show the nature and character of the work performed. When quality of materials is essential for conformity to the codes, specific information shall be given to establish such quality; and the code shall not be cited, or the term "legal" or its equivalent be used as a substitute for specific information. The Building Inspector may waive the requirement for filing plans when the work involved is of a minor nature. If in the course of work, it is found necessary to make any changes 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.

7. Site Plan. There shall also be a site plan showing, to scale, the size and location of all the new construction and all existing structures and the site distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and the plan shall show the location of water service and sewer connections with respect to any building in which a plumbing system is to be installed. Vent stack terminations shall be shown with respect to building ventilation openings which could allow introduction of sewer gases into the building or any adjacent building.

8. Engineering Details. The Building Inspector may require adequate details of structural, mechanical, plumbing and electrical work to be filed, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for building more than two (2) stories in height shall indicate where penetrations will be made for electrical, mechanical, plumbing and communications conduits, pipes and systems and the materials and methods for maintaining the required structural integrity, fire resistance rating and fire-stopping.

9. Other Permits Required. At the time of filing an application for a permit, the applicant shall present to the Building Inspector, evidence that he has obtained all necessary permits, licenses, approvals and/or variances as may be required by the laws of the Township,

and the Commonwealth. Individuals, agencies, boards and commissions issuing aforesaid permits, licenses, approvals and/or variances shall include, but not be limited to the Zoning Officer or Zoning Hearing Board, County Planning Commission, Sewage Enforcement Officer, Fire Chief, State Police Fire Marshal, Pennsylvania Department of Labor and Industry and the Pennsylvania Department of Community Affairs.

10. Action on Application. The Building Inspector shall examine said applications to determine compliance with those other applicable codes and ordinances of the Township and shall, within thirty (30) days after filing, either approve or reject said application. If said application is rejected, the Building Inspector shall inform the applicant in writing, stating the reasons for such rejection. If the Building Inspector is satisfied that the proposed work conforms to the requirements of the applicable codes, the Building Inspector shall issue a permit therefor as soon as possible.

E. Conditions of Permits.

1. Compliance with Codes. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside the application. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

2. Signature on Permit. The Building Inspector's signature shall be attached to every permit; or the Building Inspector may authorize a subordinate to affix such signature thereto.

3. Payment of Fees. A permit to begin work shall not be issued until the permit prescribed by resolution adopted by the Board of Supervisors has been paid. Nor shall an amendment to a permit necessitating an additional fee because of additional work involved be issued until the additional fee shall have been paid.

4. Previous Approvals. This Ordinance or the applicable codes shall not require changes in the plans, the plumbing, electrical or mechanical system, or the construction or designated use of a building for which a lawful permit has been issued or otherwise lawfully

authorized and the construction of which has been actively prosecuted within ninety (90) days after the effective date of this Ordinance and is completed with dispatch.

5. Approvals in Part. The Building Inspector may issue permits for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided, adequate information and detailed statements have been filed complying with all the pertinent requirements of the codes. The holder of such permits shall proceed at the holder's own risk with the building operation and without assurance that permits for the entire structure will be granted.

6. Permit Expiration Dates.

a. New Construction - One (1) year, provided that an extension may be requested, in writing, and such extension may be granted by the Building Inspector for good reason; such extension not to exceed one (1) year.

b. Repairs, remodeling, alterations and additions - One (1) year.

c. Demolition - Three (3) months only, and if such demolition work is not completed within that time, any bond posted by the applicant shall be forfeited.

d. Abate Violations Cited. Same as deadline stated in violation notice.

7. Revocation of Permits. The Building Inspector may revoke a permit or approval issued under the provisions of the codes in case of any mistake or false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

8. Posting of Permit. A true copy of the building permit and placard shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.

9. Notice of Inspection. At least twenty-four (24) hours notice in advance for required inspections indicated on the permit shall be given to the Building Inspector or certified inspection agency.



F. Notice and Order Procedure.

1. Notice to Responsible Owner, Operator, Occupant or Other Person in Charge. Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance or of the other applicable codes and ordinances, or whenever the Building Inspector orders a dangerous, unsafe or unfit for human habitation structure to be closed-up and secured, vacated, repaired and/or demolished, a notice shall be given to the responsible owner, operator, occupant or person in charge of the structure or premises in the manner prescribed below.

2. Form. Notice to the responsible owner, operator, occupant or person in charge shall include the following:

a. Be in writing, signed by the Building Inspector or his authorized representative.

b. Include a description of the real estate sufficient for identification.

c. Include a statement of the reasons why the notice is being issued, the sections of this code and/or ordinances which have been violated.

d. Include a correction order allowing a reasonable time not to exceed one hundred twenty (120) days, for the initiation and correction of the violation alleged or of the remedial actions required except where emergency conditions exist which require immediate correction action.

e. Include a statement indicating that the notice will become an order if no request and approval for an extension of time is made to the Building Inspector or if no petition for an appeal or hearing is requested by the owner to seek modification before the Code Hearing Board within ten (10) days from receipt of said notice.

3. Service. The notice shall be served personally on the responsible owner, occupant, operator, or other person in charge or served by certified mail with a return receipt requested, or where such responsible person in charge cannot be found, service may be made by posting a notice on or about the structure or premises and taking

a picture of said notice, or by publishing said notice in a newspaper of general circulation for a period of three (3) consecutive days or served by any other method for a period of three (3) consecutive days or served by any other method authorized under the laws of the Commonwealth of Pennsylvania.

G. Emergency Measures .

1. Vacation of Structures. When in the opinion of the Building Inspector, an emergency exists on any premises or in any structure or part thereof, or in any defective equipment (plumbing, electrical, mechanical) which requires immediate action to protect the public's health, safety or that of the occupants thereof, or if there is actual and immediate danger of failure or collapse of a building or structure or any part thereof or when any structure or part of a structure has fallen and life is endangered by the occupant of the building or structure, the Building Inspector may with proper notice and service, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the Building Inspector deems necessary to meet such emergency. Notwithstanding other provisions of this Ordinance, such order shall be effective immediately and the premises or equipment involved shall be placarded immediately upon service of the order. Any person to whom such order is directed shall comply immediately therewith and may thereafter upon petition directed to the Code Hearing Board be afforded a hearing as prescribed in this Ordinance.

2. Temporary Safeguards. When in the opinion of the Building Inspector there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the Building Inspector shall cause the necessary work to be done to render such building or structure or part thereof, temporarily safe, whether or not the legal procedure herein described has been instituted.

3. Closing Streets. When necessary for the public safety, the Building Inspector may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures and prohibit the same from being used. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same.

H. Repair/Demolition Order.

1. General. The Building Inspector shall make periodic inspections of any structure vacated as unfit for human habitation or any other vacant structure.

2. Option by Owner. If a structure is so old, deteriorated or has become so out of repair as to be unsanitary or unfit for human habitation, but can be made safe by repairs, the Building Inspector may issue a notice requiring the owner to make the necessary repairs to bring the structure into compliance with the Township codes and/or ordinances or to demolish and remove the structure at the owner's option. Such notice shall require the person thus notified to immediately disclose to the Building Inspector his acceptance or rejection of the terms of the order.

3. Unreasonable Repairs. Whenever an inspection of a structure reveals that the structure is old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair, in that the cost of such repairs would exceed one hundred percent (100%) of the current value of such structure, the structure shall be declared a public nuisance. The Building Inspector shall issue a notice to the responsible owner, ordering that the structure be removed or demolished without option on the part of the owner to repair. All the rubbish and refuse shall be removed from the premises and cellar/basement shall be filled in with clean fill, compacted and graded to adjacent ground level.

4. Service Connection. Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer, and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

5. Notice to Adjoining Owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facil-

ities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for removal of a building or structure.

6. Determination of Building Inspector. In the event that the owner or agent is unable to obtain the releases, the Building Inspector shall inspect the premises for which application has been made, to determine that the utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.

I. Stop Work Order.

1. Notice to the Owner. Whenever the Building Inspector determines that work on any building or structure is being prosecuted contrary to the provisions of the applicable codes and/or ordinances in an unsafe and dangerous manner, the responsible owner of the property involved or the owner's agent or the person doing the work shall be notified that such work be immediately stopped.

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 is directed to perform to remove a violation or unsafe conditions, shall be subject to the penalties provided by this Ordinance.

J. Violations and Penalties.

1. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, use or occupy any building or structure or plumbing, electrical, mechanical equipment and fire suppression system regulated by this Ordinance and/or the applicable codes and ordinances, or cause same to be done, in conflict with or in violation of any of the provisions of this Ordinance and/or the applicable codes and ordinances.

2. Occupancy Without Use and Occupancy Certificate. Any new building hereafter erected for which a building permit was issued shall not be used or occupied in whole or in part until a Certificate of Use and Occupancy shall have been issued by the Building Inspector. Notice of this requirement shall be given to each recipient of a building permit and failure to secure a Use and Occu-

pancy Certificate before use or occupancy of a building is subject to immediate fine and costs as prescribed in this Ordinance. No further notification as required under this Ordinance shall be required. The building owner by signing the building permit agrees not to violate any provision of the Township codes and/or ordinances and is so notified. The Use and Occupancy Certificate is a "license" to occupy and use the building.

3. Failure to Comply. Whenever an order to vacate, secure, repair and/or demolish a structure which is a public nuisance because it is unsafe, dangerous or unfit for human habitation has not been complied with, the Building Inspector may, in accordance with the laws of the Commonwealth of Pennsylvania, proceed to cause the structure to be vacated, closed-up, and secured, repaired and/or demolished or take such other action as is necessary to abate the nuisance. Abatement under this subsection shall not commence until at least ten (10) days after the service of the order, except that the Building Inspector may determine that more immediate action is required because of the special emergency or dangerous conditions which exist.

4. Recovery of Expenses. The expenses incurred pursuant to subsection 3 of this Section and other applicable sections of this code and other codes and ordinances shall be paid by the responsible owner, operator or occupant or by the persons who caused or maintained such public nuisance. The Building Inspector shall file in his records an affidavit, stating with fairness and accuracy, the items and date of the expenses incurred. The Board of Supervisors may institute a suit to recover such expenses to be charged against the property as a lien or against the person or legal entity violating the code as a judgment.

5. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order upon whom a notice of violation has been served to sell transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Inspector and shall furnish to the Building Inspector a signed and notarized statement to the grantee, transferee, mortgagee

or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the correction or repairs required by such compliance order or notice of violation.

6. Penalties. Any person, firm or corporation who shall violate any provisions of this Ordinance or fails to correct a violation or institute a remedial action as ordered by the Building Inspector, or who shall erect, construct, install, alter or repair a building, structure or any plumbing, electrical and mechanical equipment or systems in violation of an approved plan or directive of the Building Inspector or of a permit or certificate issued under the provisions of the Township codes shall, upon conviction before any District Justice, be sentenced, for each such violation, to pay a fine not exceeding one thousand dollars (\$1,000) plus costs and, in default of payment thereof, to undergo imprisonment in the County Jail for a period not to exceed thirty (30) days. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense.

7. Prosecution. The imposition of the penalties herein prescribed shall not preclude the Solicitor representing the Township from initiating, and he is hereby ordered to initiate appropriate actions or proceedings at law or equity for the purpose of ordering that person:

a. To restrain, correct or remove the violation or refrain from any further execution of work.

b. To restrain or correct the erection, installation or alteration of such structure.

c. To require the removal of work in violation.

d. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

K. Code Hearing Board - Variances and Appeals.

1. Code Hearing Board. There is hereby established a Code Hearing Board consisting of the three (3) members of the Hilltown Township Board of Supervisors.

2. Powers of the Code Hearing Board. The Code Hearing Board shall have the following powers and duties:

a. Appeals. The Code Hearing Board shall hear all appeals made to it and, depending on its findings, shall decide whether relief sought in such appeals shall be granted.

b. Interpretation. The Code Hearing Board shall hear all appeals made to it and, depending on its findings, shall decide whether relief sought in such appeals shall be granted.

c. Variances. The Code Hearing Board may grant a variance from the strict application of this Article or subsequent Articles of this Ordinance. Such variances may be granted only in those cases which would result in practical difficulty or unnecessary hardship and where the public health and safety shall not be jeopardized.

d. Decision of the Board. A decision to affirm, modify or reverse the decisions of the Building Inspector shall be made by a majority of those present and sitting as the Code Hearing Board in any specific case. The Board shall also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the reason for the decision of the Code Hearing Board and the findings of fact on which the decision was based.

e. Enforcement of Decision. The Code Hearing Board shall make an order on its decision, and the Building Inspector shall take immediate action in accordance with the decision of the Board, to carry out said order.

3. Request for Appeals or Variances.

a. Appeals or Variances. Any person requesting a variance or aggrieved by a decision of the Building Inspector or by any other employee or official

charged with the administration and enforcement of this Ordinance may, upon petition, appeal to the Code Hearing Board. All appeals shall be made in writing, stating the grounds upon which the appeal is based and shall be filed with the Office of the Building Inspector. An Appeal must be taken within ten (10) days of action or of the receipt of written notice of any decision or ruling which is being appealed. Appeal fees shall be fixed from time to time by the Board of Supervisors pursuant to a Resolution.

b. Public Hearing. The Code Hearing Board shall meet and conduct a hearing within thirty (30) days of the receipt of a petition for an appeal or request for a variance. All hearings shall be public and all persons whose interest may be affected shall be given an opportunity to be heard. Hearings shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. 105, et seq.

c. Court Review. Any person or persons aggrieved by any final order or decision of the Code Hearing Board may appeal such order or decision within thirty (30) days to the Court of Common Pleas in accordance with, as far as practicable, the rules of civil procedure of the Supreme Court regarding appeals from administrative agencies.

## **ARTICLE II.      ADOPTION OF BUILDING CODE**

A. Adoption. Hilltown Township 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, Eleventh Edition, 1990" 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 forth at length herein. From the date on which this ordinance 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 Hilltown Township.

B. Amendments Made in Building Code. The building code hereby adopted is amended as follows:

1. Hilltown Township shall be inserted wherever the words "Name of Municipality" appear in brackets therein;



Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Hilltown Township Solicitor.

2. Section 109.1 is hereby amended to read as follows:

109.1 Building Inspector. The office of Building Inspector is hereby created and the executive official in charge shall be known as the Building Inspector.

3. Section 109.2 is hereby amended to read as follows:

109.2 Appointment. The Building Inspector shall be appointed by the Board of Supervisors of Hilltown Township. His appointment shall continue during good behavior and satisfactory service.

4. Section 109.4 is hereby amended to read as follows:

109.4 Deputy. During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.

5. Section 111.6 is amended to add Sections 111.6.2, 111.6.3 and 111.6.4 as follows:

111.6.2 Erosion and Sedimentation Control Plan:

An Erosion and sedimentation control plan shall be submitted with all applications wherein excavation, placement of fill, and/or grading activities are proposed. The plan shall include a construction staging narrative indicating the sequence of earth-moving activities, and proposed erosion and sedimentation control procedures. Measures used to control erosion and reduce sedimentation during construction activities shall conform to the standards and specifications of the Bucks County Conservation District. At a minimum, the following measures shall be included where applicable:

a. Stripping of vegetation, regrading, or other activities shall be done in a way that will minimize erosion and resulting sedimentation.

b. Cut and fill operations shall be kept to a minimum. Wherever feasible, natural vegetation shall be retained, protected and supplemented.

c. All erosion and sedimentation control measures shall be installed per the approved plan prior to any earth-moving activities.

d. The disturbed earthen area and the duration of exposure shall be kept to a practical minimum, but shall not exceed twenty (20) days. All disturbed soils and topsoil stockpile areas shall be stabilized as quickly as possible and, if necessary, seeded with temporary vegetation and mulched. If stockpile areas are located on sloping ground or near waters of the Commonwealth, same shall be enclosed with silt fencing.

e. Permanent vegetation shall be installed as soon as practical on all sites.

f. All run-off from project areas shall be collected and diverted to facilities for removal of sediment.

g. Run-off from a project area shall not be discharged into the waters of the Commonwealth without means to prevent sedimentation.

h. Sedimentation in the run-off water shall be trapped and filtered until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

i. Sediment barriers shall be properly installed with silt fencing trenched and haybales staked.

j. Tire cleaning areas constructed of PennDOT #4 stone and at least fifty (50) feet in length shall be provided at each point of access to the lot.

k. During construction activities, necessary measures for dust control must be exercised.

l. It shall be the responsibility of each person, corporation or other entity performing grading and/or building activities to install and maintain erosion and sedimentation controls until the site is

stabilized. In the event any mud and/or debris is transported from the site onto a public roadway, the debris shall be removed and the roadway swept and/or washed as deemed necessary by the Township at the owner's expense.

#### 111.6.3 Grading Plans:

Applications for building permits wherein excavation, placement of fill and/or grading activities are proposed on any residential lot less than 50,000 square feet in area; all non-residential applications; and all applications for any residential lot where, in the opinion of the Building Inspector, lot features such as slope, soils, or other natural features require special consideration of on-lot grading; shall be accompanied by a site plan providing the following information:

a. A plot plan prepared by an engineer or surveyor licensed in the Commonwealth of Pennsylvania showing the proposed and existing topography of the site; all existing improvements to the site; dimensions, first floor elevations, and setbacks from property lines for all existing and proposed buildings; and location of all existing and proposed wells, water lines, utility lines, septic systems, sewer lines, storm sewers, sump pump drains, easements, trees to be removed, trees to remain, etc. The plan shall bear the imprint of the responsible licensed engineer or surveyor.

b. Plot plans shall include sufficient off-site topographic information to determine the impact of any off-site run-off draining onto or through the property.

c. A statement signing and sealed by a licensed engineer indicating that, to the best of his/her knowledge and belief, the proposed grading activities shall not significantly increase run-off to, and/or otherwise adversely impact, downstream properties except as may be part of an approved stormwater run-off collection and management plan.

#### 111.6.4 Site Plan Review:

The site plan shall be reviewed by the Building Inspector and shall conform in every respect to the approved subdivision and/or land development plan for

the site. If, in the opinion of the Building Inspector, the proposed grading activities do not conform to previously approved plans, the application shall be referred to the Township Engineer for review.

In the event the Township Engineer determines that the proposed grading activities do not conform to previously approved drawings, issuance of the building permit shall not occur unless and until the revised grading plan is reviewed and approved by the Board of Supervisors.

6. Section 113.0 Conditions of Permit is hereby amended to add the following subsections:

113.6 First Floor Certification:

Prior to approval to commence with construction of any new dwelling or non-residential building; the owner/builder shall submit certification that the first floor elevation of the proposed structure conforms to the site plan. The certification shall be submitted to the Township Building Inspector on a form approved by the Township.

113.7 General Grading Requirements:

All building construction wherein excavation, placement of fill, and/or grading activities are performed shall conform to the following general requirements:

a. No excavation or fill shall be made with a face steeper than three (3) horizontal to one (1) vertical, except under one or both of the following conditions:

(1) The material is sufficiently stable to sustain a steeper slope. A written statement to that effect from a civil engineer licensed in the Commonwealth of Pennsylvania and experienced in erosion control shall be submitted to the Building Inspector. The statement shall affirm that the site has been inspected and the deviation from the slope restriction shall not result in injury to persons or damage to property. A detail of the treatment of the slope (proposed grade, seeding, erosion protection, etc.) shall be submitted with the application.

(2) A concrete, masonry, or other approved retaining wall constructed in accordance with approved standards is provided to support the face of the excavation or fill.

b. Edges of slopes shall be a minimum of five (5) feet from property lines or right-of-way lines of streets in order to permit the normal rounding of the edge without encroachment on abutting property.

c. Adequate provision shall be made to prevent surface water from damaging the cut face of excavation and the sloping surfaces of fills.

d. No person, corporation, or other such entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing or perform any work that will affect the normal or flood flow in any stream or water course without having obtained prior approval from the Township and/or Department of Environmental Resources, whichever is applicable.

e. All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings and dispose of it without ponding, except where ponding (detention basins, swales, etc.) is part of the stormwater management plan for the site.

f. Concentration of surface water run-off shall be permitted only in swales, watercourses, or detention basins.

g. All plans wherein a sump pump, or basement drain is proposed to be installed, shall provide for discharge of the sump pump/drain to a natural watercourse, drainage swale, stormwater easement, or storm sewer system.

h. Each person, corporation, or other entity which makes any surface changes shall be required to:

(1) Collect on-site surface run-off and control it to a point of discharge into the natural water course of the drainage area, stormwater easement, or storm sewer system.

(2) Control existing off-site run-off draining through the property by designing it to discharge to the natural water course of the drainage area, stormwater easement, or storm sewer system.

i. In no case shall grading be done in such a manner as to divert water onto the property of another land owner unless part of a stormwater management plan.

j. During grading operations, necessary measures for dust control must be exercised.

k. No grading equipment shall be permitted to be loaded and/or unloaded on a public street, and no grading equipment shall be permitted to travel on or across a public street unless licensed for operation on public thoroughfares.

l. Grading equipment shall not be permitted to cross live streams. Temporary crossings shall only be permitted where application is made, and approval received, from DER (where applicable) and Hilltown Township.

7. Section 113.8 is hereby added as follows:

113.8 As-Built Drawings:

For all applications required to prepare a site plan in accordance with Section 111.6.3, "as-built" plans indicating compliance with the site plan shall be prepared by a licensed surveyor or engineer and submitted to the Township prior to issuance of a Use and Occupancy Permit. In the event the site grading does not conform to the approved site plan; the applicant shall either regrade the site to conform to the plan, or submit the as-built plan to the Township Supervisors for review and approval. No Use and Occupancy of the structure constructed pursuant to the building permit shall be permitted until the final grading is approved by the Township.

8. Section 114.3.1 shall be amended to read as follows:

114.3.1 Fee Schedule. The fees charged by Hilltown Township for building-related activities in the issuance of permits shall be as established by Hilltown Township from time to time by separate resolution.

9. Section 117.4 shall be amended to read as follows:

117.4 Violation Penalties. Any person, copartnership or corporation violating any of the provisions of this ordinance or of the Building Code hereby adopted shall, upon summary proceedings brought in the name of the Township before any Justice of the Peace, be fined upon conviction in an amount not exceeding One Thousand Dollars (\$1,000.00) Dollars, or in default thereof, be sentenced and committed to the county jail for a period not exceeding thirty (30) days.

10. Section 118.2 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order pursuant to this code or to any other ordinance of Hilltown Township, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not exceeding One Thousand Dollars (\$1,000.00) Dollars, or in default thereof be sentenced and committed to the county jail for a period not exceeding thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

11. Section 123.0 is hereby deleted.

12. Section 2906.1 is hereby amended to read as follows:

2906.1 Filing Bond. No person shall erect, install, remove, or rehang any sign for which a permit is required under the provisions of the Basic Code until an approved bond shall have been filed in the sum to be determined by Resolution.

C. Exclusions. Exempted from the provisions of the code shall be accessory prefabricated buildings or structures which do not house people or animals and which are erected on site or delivered erected to the site and installed without masonry or pole type foundation below ground surface and not exceeding one hundred (100) square feet.

D. Penalties. Any person who shall violate any provision of the Building Code shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

### ARTICLE III. ADOPTION OF CABO

A. Adoption of Dwelling Code. The Township of Hilltown hereby adopts for the purpose of establishing rules and regulations for the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of detached one (1) and two (2) family dwellings, their appurtenances and accessory structures, the one (1) and two (2) family dwelling code known as the CABO "One and Two Family Dwelling Code, 1989 Edition", of which three (3) copies have been and now are filed in the office of the Township Secretary, and the same are adopted and incorporated as if fully set out at length herein. From the date by which this Ordinance shall take effect, the provisions thereof shall be controlled in the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of detached one (1) and two (2) family dwellings, their appurtenances and accessory structures within the corporate limits of the Township of Hilltown.

B. Amendment Made in Dwelling Code. The dwelling code hereby adopted is amended as follows:

Section R-106, last paragraph now reads:

Any person who shall violate any provision of this Code shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs of prosecution, or in default of payment to imprisonment for a term not to exceed thirty (30) days. Each day a violation of this Code continues shall constitute a separate offense.



**ARTICLE IV.      ADOPTION OF BOCA MECHANICAL CODE**

A. Adoption of Mechanical Code. The Township of Hilltown hereby adopts, for the purpose of prescribing regulations governing the safe installation and maintenance of all mechanical equipment, the mechanical code known as the "BOCA National Mechanical Code, 1990, Seventh 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 hereinafter stated this ordinance shall take effect, the provisions thereof shall be controlling within the boundaries of Hilltown Township.

B. Amendments Made in Mechanical Code. The Mechanical Code hereby adopted is amended as follows:

1. Hilltown Township shall be inserted wherever the words "Name of Municipality" appear in brackets therein.

2. Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Hilltown Township Solicitor.

3. Sections M-114.2, and Section M-114.3 are hereby amended to reflect that the Fee Schedule containing the appropriate filing fees for applications filed hereunder shall be prescribed by Hilltown Township by separate fee resolution.

4. Section M-117.4 is hereby amended to read as follows:

M-117.4 Penalties for Violations. Any person who shall violate any provision of the Mechanical Code shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

5. Section M-118.2 shall be deleted.

**ARTICLE V.            ADOPTION OF BOCA PLUMBING CODE**

A. Adoption of Plumbing Code. Hilltown Township 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 "BOCA National Plumbing Code, 1990, Eighth 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, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within Hilltown Township.

B. Amendments Made in Plumbing Code. The plumbing code hereby adopted is amended as follows:

1. Hilltown Township shall be inserted wherever the words "Name of Municipality" appear in brackets therein;

Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Hilltown Township Solicitor.

2. Section P-100.4 is hereby added as follows:

P-100.4. Effective Date. This code shall take effect on March 30, 1991.

3. Section P-104.1 is hereby amended to read as follows:

P-104.1 Continuation. The legal use and occupancy of any structure existing on March 30, 1991, or for which it had been heretofore approved, may be continued without change except as may be specifically covered in this code or deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public.

4. Section 114.2 is hereby amended to read as follows:

P-114.2 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 filing fees and permit fees as shall be established from time to time by Hilltown Township by separate Fee Resolution.

5. Section 117.4 is hereby amended to read as follows:

P-117.4 Violation Penalties. Any person, copartnership or corporation violating any of the provisions of this ordinance hereby adopted shall, upon summary proceedings brought in the name of the Township before any District Justice, be fined upon conviction in an amount not exceeding One Thousand (\$1,000.00) Dollars, or in default thereof, be sentenced and committed to the county jail for a period not exceeding thirty (30) days.

6. Section 118.2 is hereby amended to read as follows:

P-118.2 Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order pursuant to this code or to any other ordinance of Hilltown Township, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not exceeding One Thousand (\$1,000.00) Dollars, or in default thereof be sentenced and committed to the county jail for a period not exceeding thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

7. Section P-201.0 is hereby amended to read as follows:

P-201.0 Administrative Authority. The person appointed by the Township of Hilltown to the position of Building Inspector with authority to administer and enforce the provisions of this code.

8. Section P-303.2 is hereby amended to read as follows:

P-303.2 Public Systems Available. A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within one hundred fifty (150) feet, measured along a street, alley or easement, of the public water supply or sewer system, and a connection conforming with the standards set forth in this code may be made thereto. This provision however is and shall be superseded by any separate ordinance of Hilltown Township concerning public water supply systems or public sewer systems, and more particularly Ordinance Numbers 87.2 and 87.3.

9. Section P-308.3 is hereby amended to read as follows:

P-308.3 Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than three (3) feet below grade for water piping and three (3) feet below grade for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

#### **ARTICLE VI.      ADOPTION OF ELECTRICAL CODE**

A. Adoption of Electrical Code. Hilltown Township hereby adopts, for the purpose of establishing rules and regulations for the installation, renewal, extension, and reception of electric wiring and electric apparatus in existing buildings, structures, or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, the electrical code known as the "National Electrical Code, 1990 Edition", as recommended by the National Fire Protection Association, and the same is hereby adopted and incorporated as fully as if set out in length herein.

B. Enforcement. The "National Electrical Code" adopted in Section A. hereof shall be enforced by the Building Inspector or his or her designate (hereinafter jointly referred to as "Building Inspector"). The Building Inspector shall, upon the installation, removal, extension and reception of any electrical wiring and electric apparatus pursuant to this ordinance, cause an inspection or inspections to be made by himself or his duly authorized

agents, to determine that the electrical work conforms with the "National Electrical Code", this ordinance and other ordinances of Hilltown Township and the statutes of the Commonwealth of Pennsylvania.

C. Prohibition Without Permit. No person, copartnership, firm, association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electric current for electric light, heat or power purposes in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to this ordinance.

1. All such applications for a permit shall be made to the Building Inspector in writing on forms supplied by said Building Inspector.

2. Any person making false answers to any questions or items set forth in such application forms shall forfeit and surrender any permit issued pursuant thereto.

3. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric apparatus comply with the "National Electrical Code", any other ordinances of the Hilltown Township and statutes of the Commonwealth of Pennsylvania.

4. Each such application form shall be accompanied by a fee prescribed by the Hilltown Township Fee Schedule Resolution in effect at the time of filing.

5. Each applicant for a permit shall furnish to the Building Inspector proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to a local area inspection agency that specializes in such inspections, to determine that the electrical work conforms with the provisions of the "National Electrical Code" and this ordinance. The payment of all inspection fees and charges of the local area inspection agency shall be borne by the applicant.

6. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Building Inspector and his agents and the representative or representatives of the local area inspection agency at all reasonable times.

7. Upon the Building Inspector's determination that the proposed electric wiring and electric apparatus comply with the "National Electric Code", this and other ordinances of the Hilltown Township and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.

8. All permits shall expire one year from the date of issuance by the Building Inspector.

D. Inspection of Work Under Permit.

1. All inspections shall be made to insure that the proposed electrical work complies with the "National Electrical Code". No electric wiring shall be concealed unless inspected and approved by the Building Inspector and his agents and the representatives or representative of the local area inspection agency, but such inspection or reinspection shall be made within a reasonable time after notice of completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the local area inspection agency shall be filed with the Building Inspector.

2. All decisions made to determine whether or not the proposed electrical work complies with the provisions of the "National Electrical Code" shall be made by the Building Inspector.

3. The Building Inspector shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with with "National Electrical Code", this and other ordinances of the Hilltown Township and the statutes of the Commonwealth of Pennsylvania.

4. The Building Inspector may waive his inspection to determine compliance with the "National Electrical Code" and this ordinance of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the local area inspection agency. The Building Inspector shall give notice so that the approved work can be concealed.

E. Inspection of Existing Electrical Wiring and Apparatus. In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the Hilltown Township the Building Inspector is hereby given the power and authority to inspect with his agents and the representative or representatives of the local area inspection agency, when requested by proper authority, or when public interest so requires, any premise within the Hilltown Township at reasonable times to insure that the existing electric wiring system and apparatus is not defective and unsafe.

1. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Building Inspector in writing on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address shown on the latest tax records, with reasons for his decision.

2. Upon the Building Inspector's decision that the existing electric wiring system is defective and unsafe as aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with provisions of the "National Electrical Code" in accordance with this ordinance.

F. Approved Materials. Only the materials, fittings and devices enumerated in the "List of Inspected Appliances" of Underwriters Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the "National Electrical Code" and this ordinance.

G. Supplements. The "National Electrical Code" herein adopted is supplemented by adding thereto the following which is made a part hereof:

1. Whenever a permit is required under the terms of this ordinance for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the structures, there shall be installed an emergency shut off switch with a red plate thereon marked "oil burner" or gas burner" as the case may be, at the entrance to the basement or heating room.

H. Modification on Application. The Building Inspector shall have the power to modify any of the provisions of this ordinance, upon application in writing

by the owner of a premise or his agent, when there are practical difficulties in the way of carrying out the strict letter of this ordinance, provided that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.

I. Exemption. No permit shall be required under this ordinance for the following electrical work:

1. Minor repair work such as the replacement of lamps and fuses.

2. The connection of portable electrical appliances to suitable permanently installed appliances.

3. Equipment installed or work performed by or for a public utility operating under authority granted by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania.

4. Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right-of-way.

5. Equipment used in connection with commercial radio and television transmission.

6. Repair manufacturing and maintenance work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

J. Penalties. Any person who shall violate any provision of the Electrical Code shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.



**ARTICLE VII.     ADOPTION OF BOCA FIRE PREVENTION CODE**

A. Adoption of Fire Prevention Code. The Hilltown Township 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, 1990, Eighth 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 hereinafter stated this ordinance shall take effect, the provisions thereof shall be controlling within the boundaries of Hilltown Township.

B. Amendments Made in Fire Prevention Code. The Fire Prevention Code hereby adopted is amended as follows:

1. Hilltown Township shall be inserted wherever the words "Name of Municipality" appear in brackets therein.

2. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Hilltown Township Solicitor.

3. Penalties. Any person who shall violate any provision of the Fire Prevention Code shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and cost of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Township of Hilltown.

**ARTICLE VIII.     ADOPTION OF NATIONAL PROPERTY MAINTENANCE CODE**

A. Adoption of Property Maintenance Code. Hilltown Township hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the "BOCA National Property Maintenance Code, 1990 Edition," save and except

such portions as are hereinafter deleted, modified or amended, of which three (3) copies have been and are now filed in the office of the Township Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Ordinance shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the Township of Hilltown.

B. Amendments Made in Property Maintenance Code.  
The Property Maintenance Code hereby adopted is amended as follows:

1. Hilltown Township shall be inserted wherever the words "Name of Municipality" appears in brackets therein;

2. Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Hilltown Township Solicitor.

3. Section ES-110.2 is hereby amended to read as follows:

ES-110.2 Penalty: Any person, firm or corporation, who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not more than One Thousand (\$1,000.00) Dollars, and in default of payment to imprisonment for not more than thirty (30) days. Every day that a violation of this Code continues shall constitute a separate offense.

4. Section ES-111.4 is hereby amended to read as follows:

ES-111.4 Restraining Actions: Anyone affected by any such order shall, within ten (10) days after service of such order, apply to the Code Hearing Board for an order restraining the Building Inspector from raising and removing such structure or parts thereof. The Code Hearing Board shall determine whether the order of the Building Inspector is reasonable, and if found reasonable, the Code Hearing Board shall dissolve the restraining order, and if found not reasonable, the Code Hearing Board shall continue the restraining order or modify it as the circumstances may require.

**ARTICLE IX.      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 be controlled where the requirements thereof are the same as or more limiting than the provisions of this Ordinance. The foregoing codes shall control in all cases where the State requirements are not as strict as those contained in this Ordinance.

**ARTICLE X.      PROVISIONS TO BE CONTINUATION OF EXISTING REGULATIONS**

The provisions of this Ordinance, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Ordinance 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 repealed ordinances.

**ARTICLE XI.      SEVERABILITY**

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**ARTICLE XII.      REPEALER**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

ARTICLE XIII. EFFECTIVE DATE

This Ordinance shall become effective on March 30, 1991.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

Wm H Bennett  
Betty J. Kelly  
Kenneth B. Bennett