

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 146

AN ORDINANCE REQUIRING INSPECTION OF NON-RESIDENTIAL PROPERTY TO DETERMINE COMPLIANCE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PRIOR TO THE CHANGE OF OWNERSHIP/LEASEHOLD INTERESTS OF NON-RESIDENTIAL PROPERTY IN THE TOWNSHIP, AND REPEALING ORDINANCE 85 AND RESOLUTION 87-15 AND ALL ORDINANCES AND RESOLUTIONS INCONSISTENT HEREWITH.

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on May 25, 2004, Upper Saucon Township (hereinafter, "Township") adopted Ordinance 130 adopting the Pennsylvania Uniform Construction Code, electing to administer and enforce the Building Code Provisions of the Pennsylvania Construction Code Act, as required by the Pennsylvania Construction Act; and

WHEREAS, the Pennsylvania Uniform Construction Code does not include provisions requiring inspection for compliance with the standards for basic safety and maintenance as found in the International Property Maintenance Code; and

WHEREAS, the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania (hereinafter, "Supervisors") desire to protect and improve public health and safety by causing all non-residential properties to be inspected for compliance prior to change of ownership/leasehold interests with the standards for basic safety and maintenance as found in the 2009 International Property Maintenance Code (hereinafter "the Code") and successor versions, except as otherwise stated herein, in order to make sellers and buyers aware of property defects relating to the Code; and

WHEREAS, the Supervisors desire to cause all non-residential properties to be brought into compliance with the standards for basic safety and maintenance as found in the Code at the time of change of ownership/leasehold interests; and

WHEREAS, on January 26, 1988, the Supervisors enacted Ordinance 85 adopting a building code and providing for regulation and inspection of existing structures; and

WHEREAS, the provisions contained in Ordinance 85 are outmoded and were partially repealed by Ordinance 130; and

WHEREAS, on December 17, 1987, the Supervisors adopted Resolution 87-15 requiring plumbers working in the Township to acquire a license from the Township; and

WHEREAS, there is no licensing requirement or licensing standards for plumbers working in the Commonwealth of Pennsylvania to provide a basis for licensing by the Township.

NOW THEREFORE, the Upper Saucon Township Board of Supervisors does hereby enact and ordain as follows:

SECTION 2: ORDINANCE TEXT

A. **Definitions.**

1. Certificate of Occupancy - A certificate issued by the Township Building Code Official upon inspection of the Property and determination of compliance with the sections of the International Property Maintenance Code as referenced herein.
2. Change of Ownership/Leasehold Interests - A conveyance or other transfer of an interest in property, either in whole or in part, by way of a deed, lease, or other written instrument.
3. Conditional Certificate of Occupancy - A certificate issued pursuant to this Ordinance which requires the abatement of violations of the standards of the International Property Maintenance Code contained herein within a specified period of time as a condition of continued occupancy.
4. Non-Residential - That which is other than detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress which includes the accessory structures.
5. Person - An individual, partnership, corporation, limited liability company, limited liability partnership, firm, company, association, governmental entity, trustee, receiver, assignee, or similar representative.
6. Property - Any non-residential structure, building, or land or portions thereof.

- B. **Change of Ownership/Leasehold Interests.** It shall be unlawful for any Person to sell or otherwise change ownership or leasehold interests of any non-residential property to another Person unless a Certificate of Occupancy or Conditional Certificate of Occupancy has been issued prior to said change of ownership/leasehold interests and any use or occupancy of such non-residential property, provided, however, that the failure on the part of such seller or transferor to obtain the Certificate of Occupancy shall not excuse the purchaser or transferee of the property from the requirements of this Ordinance.

C. **Code Modifications.** The following sections of the 2009 International Property Maintenance Code are hereby amended:

1. Section 101.1, Title, is amended to read as follows:

“These regulations shall be known as the Property Maintenance Code Standards for Non-Residential Change of Ownership/Leasehold Interests Certificates of Occupancy of the Township of Upper Saucon, Lehigh County, Pennsylvania, hereinafter referred to as ‘this code’”.

2. Section 101.2, Scope, is amended to read as follows:

“The provisions of this code shall apply to all non-residential structures and premises that are undergoing inspections for the purpose of issuance of a Non-Residential Change of Ownership/Leasehold Interests Certificate of Occupancy and shall constitute the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.”

3. Section 101.3, Intent, is amended to read as follows:

“This code shall be construed to secure its express intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises as specified in Section 101.2. Existing structures and premises subject to the scope of this code that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.”

4. Section 102.3, Application of other codes, is amended to read as follows:

“Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Pennsylvania Construction Code Act, International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Upper Saucon Township Zoning Ordinance, as amended.”

5. Section 103.1, General, is deleted.

6. Section 103.2, Appointment, is amended to read as follows:

“The code official shall be the Building Code Official or Construction Code Official appointed by the Board of Supervisors of Upper Saucon Township.”

7. Section 103.5, Fees, is amended to read as follows:

“The fees for activities and services performed by the code official in carrying out his responsibilities under this code shall be as indicated in the following schedule.

See Township of Upper Saucon, Lehigh County, Department of Community Development Building Code, Non-Residential Certificate of Occupancy, Zoning and On-Lot Sewage Disposal and Soil Testing Fee Schedule as enacted by the Board of Supervisors.”

8. Section 112.4, Failure to comply, is amended to read as follows:

“Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$1,000.00.

9. Section 201.3, Terms defined in other codes, is amended to read as follows:

“Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Upper Saucon Township Zoning Ordinance of 2009, as amended, International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.”

10. Section 302.4, Weeds, is amended to read as follows:

“All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee or representative of the Township of Upper Saucon shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.”

11. Section 304.14, Insect screens, is amended to read as follows:

“During the period from June 1st to October 31st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.”

12. Section 602.3, Heat supply, is amended to read as follows:

“Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 1st to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.”

13. Section 602.4, Occupiable work spaces, is amended to read as follows:

“Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to April 1st to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

SECTION 3: PROTANTO REPEAL

Ordinance 85 and Resolution 87-15 of Upper Saucon Township are hereby repealed in their entirety, and all ordinances and resolutions or parts thereof inconsistent with the provisions hereof are hereby repealed.

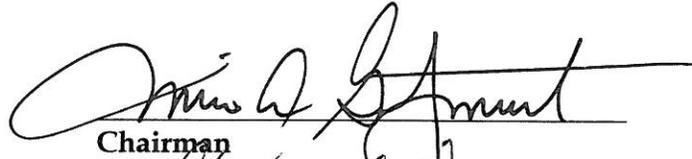
SECTION 4: EFFECTIVE DATE

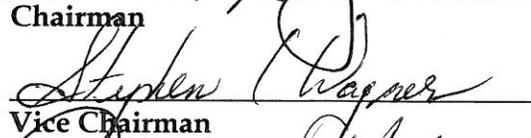
This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

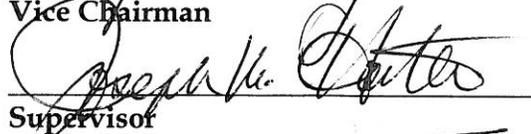
SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if same can be accomplished without the structure of the Ordinance having been destroyed by the elimination of that word, phrase, portion or provision found to be invalid or void.

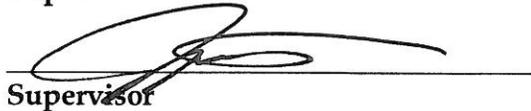
ENACTED this 25th day of APRIL, 2011, by the Board of Supervisors of Upper Saucon Township.

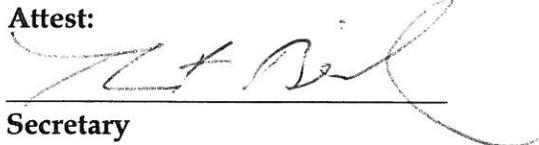

Chairman


Vice Chairman


Supervisor


Supervisor


Supervisor

Attest:

Secretary