

**WEST CORNWALL TOWNSHIP, LEBANON COUNTY, PA**

**ORDINANCE NO. 2023-07-10**

AN ORDINANCE ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, AND AMENDING, ADDING AND DELETING CERTAIN PROVISIONS THEREOF.

**WHEREAS**, The Second Class Township Code § 1704-A empowers the Board of Supervisors of West Cornwall Township to enact a property maintenance ordinance in West Cornwall Township; and

**WHEREAS**, the Board of Supervisors has determined that the health, safety, and welfare of West Cornwall Township will be furthered by establishing a property maintenance code.

**WHEREAS**, the Township has acquired the rights to edit, revise and use the International Property Maintenance Code, 2021 Edition (“IPMC”) as part of developing a Township specific property maintenance code.

**WHEREAS**, the Township Codified its ordinances as The Township of West Cornwall Code Ordinances (“Code”) (Ordinance 117, June 9, 2008). This Ordinance, 2023-07-10, shall be entered as Chapter 16, currently reserved, and renumbered pursuant to §1-109 to conform with the numbering scheme of the Code.

**NOW, THEREFORE**, be it, ENACTED AND ORDAINED by the Board of Supervisors of West Cornwall Township, Lebanon County, Pennsylvania, that the International Property Maintenance Code, 2021 Edition, as presently promulgated, is hereby adopted as the WEST CORNWALL TOWNSHIP PROPERTY MAINTENANCE CODE, with additions, insertions, deletions, and changes.

**BE IT ENACTED AND ORDAINED**, this 10<sup>th</sup> day of July 2023, by the Board of Supervisors of West Cornwall Township, Lebanon County, Pennsylvania.

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## WEST CORNWALL TOWNSHIP PROPERTY MAINTENANCE CODE

*Sections of the International Property Maintenance Code (IPMC) which have been removed by the West Cornwall Township Board of Supervisors have been designated as [REMOVED], for consistency however, the section numbers remain consistent with the IPMC.*

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### CHAPTER 1. SCOPE AND ADMINISTRATION

#### PART 1. SCOPE AND APPLICATION SECTION

##### 101. GENERAL

###### 101.1 Title.

These regulations shall be known as the *Property Maintenance Code of West Cornwall Township*, hereinafter referred to as “this code.”

###### 101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures, equipment and facilities* for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners, an owner’s authorized agent, operators and occupants*; the *occupancy* of existing *structures and premises*, and for administration, enforcement and penalties.

###### 101.3 Purpose.

The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued *occupancy* and maintenance of *structures and premises*. Existing *structures and premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health, safety and general welfare as required herein.

###### 101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

## **SECTION 102. APPLICABILITY**

### **102.1 General.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

### **102.2 Maintenance.**

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *owner's* authorized agent, *operator* or *occupant* shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

### **102.3 Application of other codes.**

Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Existing Building Code*, *International Energy Conservation Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Residential Code*, *International Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the current *Zoning Ordinance of West Cornwall Township*.

### **102.4 Existing remedies.**

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any *structure* that is dangerous, unsafe and insanitary.

### **102.5 Workmanship.**

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's instructions.

### **102.6 Structural analysis.**

Where structural analysis is used to determine if an unsafe structural condition exists, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the *structure* was constructed or in accordance with any subsequent requirement.

### **102.7 Historic buildings.**

The provisions of this Ordinance shall not be mandatory for existing buildings or *structures* designated as historic buildings where such buildings or *structures* are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.8 Referenced codes and standards.**

The codes and standards referenced in this Ordinance shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.8.1 Conflicts.**

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply. As noted in Section 102.3, nothing in this code shall be construed to cancel, modify or set aside any provision of the current *Zoning Ordinance of West Cornwall Township*.

**102.8.2 Provisions in referenced codes and standards.**

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**102.9 Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, *structure* or equipment, or for the public safety, health and general welfare, not specifically covered by this code, or applicable permit, or other applicable objective standard, shall be determined by the *code official*.

**102.10 Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.11 Other laws.**

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**PART 2. ADMINISTRATION AND ENFORCEMENT**

**SECTION 103. APPOINTMENT OF CODE OFFICIAL**

**103.1 [REMOVED]**

**103.2 Appointment.** The *code official* shall be appointed by the Board of Supervisors of West Cornwall Township.

**103.3 [REMOVED]**

**SECTION 104. FEES**

**104.1 Fees.**

The fees for activities and services performed by the department in carrying out its responsibilities

under this code shall be as indicated in the current West Cornwall Township Fee Resolution.

#### **104.2 [REMOVED]**

### **SECTION 105. DUTIES AND POWERS OF THE CODE OFFICIAL**

#### **105.1 General.**

The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

#### **105.2 Inspections.**

The *code official* shall make all the required inspections or shall accept reports of inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

#### **105.3 No right of entry.**

Except as otherwise permitted by the existing laws of the Commonwealth of Pennsylvania, Lebanon County, and West Cornwall Township, pertaining to the right to secure entry for *unsafe structures* or other violations of the code, the *code official* shall have no right to enter a *structure* or *premises* unless he is granted permission by the *owner*, *owner's agent* or other person having charge or control of the structure or premises.

#### **105.4 Identification.**

The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

#### **105.5 Notices and orders.**

The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

#### **105.6 Department records.**

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

#### **105.7 Liability.**

If the *code official* is acting outside the scope of the discharge of their duties required by this code, they may be subject to civil and/or criminal liability personally and for any damage accruing to persons or property as a result of an act outside of the excepted and reasonable discharge of their duties as outlined in this code.

##### **105.7.1 Legal defense.**

Any suit or criminal complaint instituted against any officer or employee because of an act

performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

## **SECTION 106. APPROVAL**

### **106.1 Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* authorized agent, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

### **106.2 Alternative materials, methods, and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety. Where the alternative material, design or method of construction is not *approved*, the *code official* shall respond in writing, stating the reasons the alternative was not *approved*.

### **106.3 Required testing.**

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

#### **106.3.1 Test Methods.**

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

#### **106.3.2 Test Reports.**

Reports of tests shall be retained by the *code official* for the period required for retention of public records.

### **106.4 Used material and equipment.**

The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and *approved* by the *code official*.

**106.5 Approved materials and equipment.**

Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

**106.6 Research reports.**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

**SECTION 107. MEANS OF APPEAL**

**107.1 General.**

In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by The Board of Supervisors of West Cornwall Township and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.

**107.2 Limitations of authority.**

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

**107.3 Qualifications.**

The board of appeals shall consist of members who are qualified by experience and training and are not employees of West Cornwall Township.

**107.4 Administration.**

The *code official* shall take immediate action in accordance with the decision of the board.

**SECTION 108. BOARD OF APPEALS**

**108.1 Membership of board.**

The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of West Cornwall Township. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by The Board of Supervisors of West Cornwall Township, and shall serve staggered and overlapping terms.

**SECTION 109. VIOLATIONS**

**109.1 Unlawful acts.**

It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the

provisions of this code.

**109.2 Notice of violation.**

The *code official* shall serve a notice of violation or order in accordance with Section 111.4.

**109.3 Prosecution of violation.**

Any person failing to comply with a notice of violation or order served in accordance with Section 111.4 shall be deemed guilty of a summary offense or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

**109.4 Violation penalties.**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Penalties for violations of this code shall be set forth from time to time by resolution passed by the West Cornwall Township Board of Supervisors.

Each day that a violation continues after due notice has been served shall be deemed a separate offense punishable by a separate fine as set forth herein.

**109.5 Abatement of violation.**

The imposition of the penalties herein prescribed shall not preclude the *code official* of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure*, or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure*, or *premises*.

**SECTION 110. STOP WORK ORDER**

**110.1 Authority.**

Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**110.2 Issuance.**

A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**110.3 Emergencies.**

Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.



#### **110.4 Failure to comply.**

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 dollars or more than \$1,000.00 dollars.

### **SECTION 111. UNSAFE STRUCTURES AND EQUIPMENT**

#### **111.1 Unsafe conditions.**

When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human *occupancy*, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

##### **111.1.1 Unsafe structures.**

An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

##### **111.1.2 Unsafe equipment.**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

##### **111.1.3 Structure unfit for human occupancy.**

A *structure* is unfit for human *occupancy* whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

##### **111.1.4 Unlawful structure.**

An unlawful *structure* is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied contrary to law.

##### **111.1.5 Dangerous structure or premises.**

For the purpose of this code, any *structure* or *premises* that has any or all the conditions or defects described as follows shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration, neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal, or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.

6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or *structure* for committing a nuisance or an unlawful act.

8. Any building or *structure* has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance- rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

12. Any *premises* which because of physical condition, use or *occupancy* is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, excavations, and unsafe fences or *structures*.

13. Any premises which because of *neglect* or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

14. Any property which is vacant, but not tax delinquent, and which identified defects have not been eliminated within one year of the receipt of notice to rehabilitate from the Department of Code Compliance.

15. Any abandoned *structure* or *premises*. Abandoned shall be defined as:

(a) A vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any *structure* located on the property remains unpaid for a period of six months;

(b) A vacant property or vacant or unimproved lot or parcel of ground on which the total sum of municipal liens on the property for taxes or any other type of municipal claim exceed 150% of the fair market value of the property as established by anybody with legal authority to determine the taxable value of the property;

(c) A property declared abandoned by the *owner*, including an estate that is in possession of the property;

(d) A property which has defective or unusual conditions of title or no known *owners*, rendering title unmarketable; or

(e) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety, and welfare of the community.

### **111.2 Closing of vacant *structures*.**

If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the *structure* closed so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

#### **111.2.1 Authority to disconnect service utilities.**

The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure*, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the *owner*, *owner's* authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

### **111.3 Record.**

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the

*occupancy* of the *structure* and the nature of the unsafe condition.

#### **111.4 Notice.**

Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 111.4.1 and 111.4.2 to the owner or the owner's authorized agent for the violation as specified in this code. Notices for condemnation procedures shall comply with this section.

##### **111.4.1 Form.**

Such notice shall be in accordance with all the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.
5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 109.3.

##### **111.4.2 Method of service.**

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with one of the following methods:

1. A copy is delivered personally.
2. A copy is sent by certified, return receipt requested and first-class mail – with an acceptance of service to be returned, addressed to the *owner's* last known address. Notice shall be considered proper if:
  - a. the certified mail receipt is signed by the addressee; or
  - b. the acceptance of service is signed by the addressee and returned; or
  - c. the certified mail is refused, and the first-class mail is not returned as undeliverable then the combination shall also act as proper service.
3. A copy is delivered in any other manner as prescribed local law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the *structure* affected by such notice.

Service of notice in any of the foregoing manners upon the *owner's agent* or upon the person responsible for the *structure* shall constitute service of notice upon the owner.

### **111.5 Unauthorized tampering.**

Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed, or tampered with, or removed without authorization from the *code official*.

### **111.6 Transfer of ownership.**

It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from 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 corrections or repairs required by such compliance order or notice of violation.

### **111.7 Placarding.**

Upon failure of the *owner*, *owner's* authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment, or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

#### **111.7.1 Placard removal.**

The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

### **111.8 Prohibited occupancy.**

Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, *owner's* authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

### **111.9 Restoration or abatement.**

The *structure* or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other *approved* corrective action. The *owner*, *operator* or *occupant* of a building, *premises* or equipment shall notify the *code official* when the corrective action has been completed. The *code official* shall then inspect the building, *premises*, or equipment and shall notify the *owner*, *operator*, or *occupant* that the corrective action either does or does not comply with this code. If not, the *code official* may take such other action as is provided by this code.

## SECTION 112. EMERGENCY MEASURES

### 112.1 Imminent danger.

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

### 112.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

### 112.3 Closing streets.

When necessary for public safety, the *code official* shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways*, and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

### 112.4 Emergency repairs.

For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

### 112.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by West Cornwall Township. The legal counsel of West Cornwall Township shall institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

### 112.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## SECTION 113. DEMOLITION

### 113.1 General.

The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is

located any *structure*, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or *occupancy*, and such that it is unreasonable to repair the *structure*, to demolish and remove such *structure*; or if such *structure* is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any *structure* for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such *structure*, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

### **113.2 Notices and orders.**

Notices and orders shall comply with Section 111.4.

### **113.3 Failure to comply.**

If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the *structure* to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

### **113.4 Salvage materials.**

Where any *structure* has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **CHAPTER 2. DEFINITIONS**

### **SECTION 201. GENERAL**

#### **201.1 Scope.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

#### **201.2 Interchangeability.**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

#### **201.3 Terms defined in other codes.**

Where terms are not defined in this code and are defined in the *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code*, *International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

**Exception:** When used within this code, the terms unsafe and dangerous shall have only the meanings ascribed to them in this code and shall not have the meanings ascribed to them by the International Existing Building Code.

**201.4 Terms not defined.**

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.**

Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

**SECTION 202. GENERAL DEFINITIONS**

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** According to applicable law.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**CLEAN AND SANITARY.** A surface that is free of visible soil and free from elements such as filth or bacteria that endanger health. Also, the reduction of pathogenic organisms on a clean surface to a safe level.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for *occupancy*.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.



**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

**HISTORIC BUILDING.** Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a *structure* or *premises* of insects, rodents, vermin, or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials, or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise, or *structure* pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**MEANS OF EGRESS.** A continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or *structure* to a *public way*. A means of egress consists of three separate and distinct parts; the exit access, the exit and the exit discharge.

**NEGLECT.** The lack of proper maintenance for a building or *structure*.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building or having possession of a space within a building.

**OPERATOR.** Any person who has charge, care or control of a *structure* or *premises* which is let or offered for *occupancy*.

**OWNER.** Any person, agent, *operator*, firm, or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership, or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved* pest elimination methods.

**PREMISES.** A lot, plot or parcel of land, *easement*, or *public way*, including any *structures* thereon.

**PUBLIC WAY.** Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public

for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership, or group occupying a building or portion thereof as a unit that has been *Let for Occupancy*.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**TOWNHOUSE.** A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**UNSAFE STRUCURAL CONDITION.** Is a condition which would cause a component or element to fail of its it's essential purpose.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a *structure*.

## CHAPTER 3. GENERAL REQUIREMENTS SECTION

### 301. GENERAL

#### 301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of *structures*, equipment and *exterior property*.

#### 301.2 Responsibility.

The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

#### 301.3 Vacant *structures* and land.

Vacant *structures* and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## SECTION 302. EXTERIOR PROPERTY AREAS

#### 302.1 Sanitation.

*Exterior property* and *premises* shall be maintained in a clean, safe, and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

#### 302.2 Grading and drainage.

*Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon.

**Exception:** *Approved* retention areas and reservoirs.

#### 302.3 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

#### 302.4 Weeds.

*Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of 12 inches in height. 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 109.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation,

any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction 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.

### **302.5 Rodent harborage.**

*Structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

### **302.6 Exhaust vents.**

Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

### **302.7 Accessory structures.**

Accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

### **302.8 Motor vehicles.**

Except as provided for in other regulations, inoperative or unlicensed motor vehicle shall not be parked, kept, or stored on any *premises*, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a *structure* or similarly enclosed area designed and *approved* for such purposes.

### **302.9 Defacement of property.**

A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any *structure* or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

### **302.10 Visibility at Intersections.**

In accordance with the West Cornwall Township Zoning Ordinance §27-1908, on a corner lot a structure, fence, wall, planting, or vehicle shall not be erected, placed, parked, planted, or allowed to grow in such a way as to impede vision of pedestrian and vehicular traffic within clear-sight triangles on all corners between a height of 30 inches and 7 feet above the center-line grades of intersecting streets. The clear-sight triangle is formed by the intersecting center lines of the streets and a third side closing the triangle such that it touches the corner lot. Mailboxes are exempt from this regulation. Pennsylvania Department of Transportation regulations relating to clear sight distances for truck traffic shall be applicable to all commercial or industrial subdivisions and land development

applications in the Township.

### **302.11 Fences, Wall and Hedges.**

Unless otherwise regulated, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; however, any fence, wall, or hedge located along the sides or front edge of any front yard shall not be over 48 inches in height and shall not obstruct visibility. Furthermore, notwithstanding other provisions of this Chapter, fences, walls, and hedges in residential districts shall not exceed 6 feet in height unless that portion above 6 feet shall remain 50 percent open.

## **SECTION 303. SWIMMING POOLS, SPAS AND HOT TUBS**

### **303.1 Swimming pools.**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

### **303.2 Enclosures.**

Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

## **SECTION 304. EXTERIOR STRUCTURE**

### **304.1 General.**

The exterior of a *structure* shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

#### **304.1.1 Unsafe conditions.**

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings and adopted by the Commonwealth of Pennsylvania:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks, and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**304.2 [REMOVED]**

### **304.3 Premises identification.**

Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

### **304.4 – 304.19 [REMOVED]**

### **SECTION 305. [REMOVED]**

## **SECTION 306. COMPONENT SERVICEABILITY**

### **305.1 General.**

The components of a *structure* and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition, as required by PA Code.

#### **305.1.1 Unsafe conditions.**

Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1 Collapse of footing or foundation system.
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
  - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
  - 1.4. Inadequate soil as determined by a geotechnical investigation.
  - 1.5. Where the allowable bearing capacity of the soil is in doubt.
  - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. Deterioration.
  - 2.2. Ultimate deformation.
  - 2.3. Fractures.
  - 2.4. Fissures.
  - 2.5. Spalling.
  - 2.6. Exposed reinforcement.
  - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. Deterioration.
  - 3.2. Corrosion.
  - 3.3. Elastic deformation.
  - 3.4. Ultimate deformation.
  - 3.5. Stress or strain cracks.
  - 3.6. Joint fatigue.



- 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
  - 4.1. Deterioration.
  - 4.2. Ultimate deformation.
  - 4.3. Fractures in masonry or mortar joints.
  - 4.4. Fissures in masonry or mortar joints.
  - 4.5. Spalling.
  - 4.6. Exposed reinforcement.
  - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
  - 5.1. Deterioration.
  - 5.2. Elastic deformation.
  - 5.3. Ultimate deformation.
  - 5.4. Metal fatigue.
  - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
  - 6.1. Ultimate deformation.
  - 6.2. Deterioration.
  - 6.3. Damage from insects, rodents and other vermin.
  - 6.4. Fire damage beyond charring.
  - 6.5. Significant splits and checks.
  - 6.6. Horizontal shear cracks.
  - 6.7. Vertical shear cracks.
  - 6.8. Inadequate support.
  - 6.9. *Detached*, dislodged or failing connections.
  - 6.10. Excessive cutting and notching.

**Exceptions:**

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**SECTION 307. [REMOVED]**

**SECTION 308. RUBBISH AND GARBAGE**

**308.1 Accumulation of rubbish or garbage.**

*Exterior property and premises*, and the interior of every *structure*, shall be free from any accumulation of *rubbish* or garbage.

**308.2 Disposal of rubbish.**

Every *occupant* of a *structure* shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.**

The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

### **308.2.2 Refrigerators.**

Refrigerators and similar equipment not in operation shall not be discarded, abandoned, or stored on *premises* without first removing the doors.

### **308.3 Disposal of garbage.**

Every *occupant* of a *structure* shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

#### **308.3.1 [REMOVED]**

#### **308.3.2 Containers.**

The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal **and in accordance with the existing applicable codes of West Cornwall Township.**

## **SECTION 309. PEST ELIMINATION FOR COMMERCIAL AND MULTIPLE OCCUPANCY STRUCTURES ONLY**

### **309.1 Infestation.**

*Structures* shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

### **309.2 Owner.**

The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*.

### **309.3 [REMOVED]**

### **309.4 Multiple occupancy.**

The *owner* of a *structure* containing two or more *dwelling units*, a *multiple occupancy*, a *rooming house* or a nonresidential *structure* shall be responsible for *pest elimination* in the public or shared areas of the *structure* and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.

### **309.5 Occupant.**

The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*.

**Exception:** Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for *pest elimination*.

**CHAPTER 4. [REMOVED]**

**CHAPTER 5. [REMOVED]**

**CHAPTER 6. [REMOVED]**

**CHAPTER 7. [REMOVED]**

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## CHAPTER 8. REFERENCED STANDARDS

**About this chapter:** This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard.

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.8.

<b>ASME</b>		American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990
Standard reference number	Title	Referenced in code section number
ASME A17.1 2019/CSA B44—19	Safety Code for Elevators and Escalators	606.1
<b>ASTM</b>		ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959
Standard reference Number	Title	Referenced in code section number
F 1346—91 (2018)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
<b>ICC</b>		International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001
Standard reference number	Title	Referenced in code section number
IBC—21	International Building Code	102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1, 604.3.2.1, 702.3, 704.4.2

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IEBC—21	International Existing Building Code	102.3, 201.3, 304.1.1, 305.1.1, 306.1.1
IECC - 21	International Energy Conservation Code	102.3
IFC—21	International Fire Code	102.3, 201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1
IFGC—21	International Fuel Gas Code	102.3, 201.3
IMC—21	International Mechanical Code	102.3, 201.3
IPC—21	International Plumbing Code	102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3
IRC—21	International Residential Code	102.3, 201.3
IZC- 21	International Zoning Code	102.3, 201.3

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**NFPA** National Fire Protection Association 1  
 Batterymarch Park  
 Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
10-21	Standard for Portable Fire Extinguishers	704.2
12-18	Standard on Carbon Dioxide Extinguishing Systems	704.2
12A-18	Standard on Halon 1301 Fire Extinguishing Systems	704.2
17-20	Standard for Dry Chemical Extinguishing Systems	704.2
17A-20	Standard for Wet Chemical Extinguishing Systems	704.2

25-20	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.2
70-20	National Electrical Code	102.3, 201.3, 604.2
72-19	National Fire Alarm and Signaling Code	704.2
80-19	Standard for Fire Doors and Other Opening Protectives	703.3.3, 703.4
105-19	Standard for Smoke Door Assemblies and Other Opening Protectives	703.3.2
204-18	Standard for Smoke and Heat Venting	704.2
720-15	Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment	705.2
750-19	Standard on Water Mist Fire Protection Systems	704.2
2001-18	Standard on Clean Agent Fire Extinguishing Systems	704.2
<b>UL</b>	Underwriters Laboratories, LLC 333 Pfingsten Road Northbrook, IL 60062	
Standard reference number	Title	Referenced in code section number
268-2016	Smoke Detectors for Fire Alarm Systems—with revisions through July 2016	704.6.4

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**SECTION 801. VALIDITY.**

Should any paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid for any reason, the remainder of the Ordinance shall remain in full force and effect, and the same shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 802. REPEALER**

All ordinances, resolutions or parts thereof which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 803. EFFECTIVE DATE**

This Ordinance shall become effective on July 10, 2023.

**BE IT ENACTED AND ORDAINED**, this 10<sup>th</sup> day of July 2023, by the Board of Supervisors of West Cornwall Township, Lebanon County, Pennsylvania.

***WEST CORNWALL TOWNSHIP  
BOARD OF SUPERVISORS***  
Lebanon County, Pennsylvania

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Russell L. Gibble

**ATTEST:**

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David B. Lloyd

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Lisa J. Geist, Secretary

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Dennis J. Tulli

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