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**PART 1**  
**BUILDING CODE**

**§5-101. Adoption of Building Code.**

The Borough of Gettysburg 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 Basic Building Code, 1990 Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Code Enforcement Officer, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part 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 the corporate limits of the Borough of Gettysburg.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1113-91, 5/13/1991, §1)

**§5-102. Amendments Made in Building Code.**

The building code hereby adopted is amended as follows:

- A. The Borough of Gettysburg 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 Borough Solicitor.

- B. Section 105.4 shall be added as follows:

**105.4. Liability and Bond.** The issuance of a permit for demolition of a structure does not make the Borough liable for damages resulting from such demolition. The person demolishing any structure shall provide proof of adequate bond or insurance as required by the Code Enforcement Officer.

- C. Section 109.1 is hereby amended to read as follows:

**109.1. Building Official:** The office of building official is hereby created and the executive official in charge shall be known as the Code Enforcement Officer.

- D. Section 109.2 is hereby amended to read as follows:

**109.2. Appointment:** The Building Official shall be appointed by the Borough Council. His appointment shall continue during good behavior and sat-

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isfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

- E. Section 109.4 is hereby amended to read as follows:

**109.4. Deputy:** During temporary absence or disability of the Code Enforcement Officer, the Borough Manager shall serve as acting Code Enforcement Officer.

- F. Section 109.5 shall be amended to read as follows:

**109.5. Qualifications of Building Official:** Shall be established by the Borough Council.

- G. Section 114.3.1 shall be amended to read as follows:

**114.3.1. Fee Schedule.** A fee for each plan examination, building, moving or demolition permit and inspection shall be paid in accordance with a schedule of fees, fixed from time to time by resolution of Borough Council.

**114.3.1.1. Moving of Buildings:** The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of \$2 per \$1,000 of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. Minimum of \$5.

**114.3.1.2. Demolition:** The fee for a permit for the demolition of a building or structure shall be at the rate of \$2 for each \$1,000 of cost with a minimum fee of \$5.

- H. Section 117.4 shall be amended to read as follows:

**117.4. Violation Penalties:** Any person who shall violate any provision of this code or who shall fail to comply with any requirement thereof or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this code shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 and not more than \$1,000, and/or to imprisonment for not more than 90 days. Every day that a violation of this code continues shall constitute a separate offense.

- I. Section 118.2 is hereby amended to read as follows:

**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, except such work as that person is directed to perform to remove a violation

or unsafe conditions, shall be liable to a fine not exceeding \$300, and/or to imprisonment for a term not to exceed 90 days.

- J. Section 123.0 is hereby deleted in its entirety.
- K. Section 124.0: Change “board” throughout to “Board of Code Enforcement Appeals.”

Section 124.2: Change “Chief Appointing Authority” throughout to “Borough Council.”

Sections 124.2.1, 124.2.2 and 124.3 are hereby deleted in their entirety.

Section 124.5: Change “five” throughout to “three.”

- L. Section 501.2 is hereby amended to read as follows:

**501.2. Fire Limits:** The fire limits shall comprise the areas containing congested business, commercial, manufacturing and industrial uses or in which such uses are developing. The limits of such areas are described as bounded by the south curb line of High Street, by the west curb of Franklin Street, by the north curb line of Water Street, and by the east curb line of Liberty Street.

- M. [Repealed by Ord. 1113-91]
- N. [Repealed by Ord. 1113-91]
- O. Article 29 is hereby deleted in its entirety.
- P. Section 2800.0 is hereby deleted in its entirety.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1113-91, 5/13/1991, §§2-5; by Ord. 1172-95, 1/9/1995; and by Ord. 1236-99, 12/13/1999, §1)

### **§5-103. State Law 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 control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 1028-85, 8/12/1985)

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### **§5-104. Provisions to be Continuation of Existing Regulations.**

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

(Ord. 1028-85, 8/12/1985)

**PART 2**

**ELECTRICAL CODE**

**§5-201. Adoption of Electrical Code.**

The Borough of Gettysburg 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, of which not less than three copies have been and now are filed in the office of the Code Enforcement Officer, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date by which this Part shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in buildings, structures, or outdoor electrical displays or signs within the corporate limits of the Borough of Gettysburg.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1137-92, 5/11/1992)

**§5-202. Enforcement.**

The “National Electrical Code” adopted in §5-201 hereof shall be enforced by the Building Official. The Building Official shall, upon the installation, removal, extension and reception of any electrical wiring and electric apparatus pursuant to this Part, 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 Part and other ordinances of the Borough and the statutes of the Commonwealth of Pennsylvania.

(Ord. 1028-85, 8/12/1985)

**§5-203. Prohibition Without Permit.**

No person, co-partnership, 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 Part.

- A. All such applications for a permit shall be made to the Code Enforcement Officer in writing on forms supplied by said Code Enforcement Officer.

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- B. Any person making false answers to any questions or items set forth in such application form shall forfeit and surrender any permit issued pursuant thereto.
- C. 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 Borough and statutes of the Commonwealth of Pennsylvania.
- D. Each such application form shall be accompanied by a fee prescribed by this Part.
- E. Each applicant for a permit shall furnish to the Code Enforcement Officer proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to the “Middle Department Association of Fire Underwriters” a non-profit corporation, hereinafter referred to as “Underwriters”, or a similar organization that specializes in such inspections, to determine that the electrical work conforms with the provisions of the “National Electrical Code” and this Part. The payment of all inspection fees and charges of the “Underwriters” or a similar organization shall be borne by the applicant.
- F. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Building Official and his agents and the representative or representatives of the “Underwriters” or similar organizations at all reasonable times.
- G. Upon the Code Enforcement Officer’s determination that the proposed electric wiring and electric apparatus comply with the “National Electric Code”, this and other ordinances of the Borough and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.
- H. All permits shall expire one year from the date of issuance by the Code Enforcement Officer.

(Ord. 1028-85, 8/12/1985)

### **§5-204. 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 Code Enforcement Officer and his agents and the representatives or representative of the “Underwriters” or similar organizations, 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 “Underwriters” or similar organizations shall be filed with the Code Enforcement Officer.

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 Code Enforcement Officer.
3. The Code Enforcement Officer 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 the “National Electrical Code”, this and other ordinances of the Borough and the statutes of the Commonwealth of Pennsylvania.
4. The Code Enforcement Officer may waive his inspection to determine compliance with the “National Electrical Code” and this Part of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the “Underwriters” or similar organizations. The Code Enforcement Officer shall give notice so that the approved work can be concealed.

(Ord. 1028-85, 8/12/1985)

#### **§5-205. 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 Borough the Code Enforcement Officer is hereby given the duty to inspect with his agents and the representative or representatives of the “Underwriters” or similar organizations when requested by proper authority, or when public interest so requires, any premise within the Borough at reasonable times to insure that the existing electric wiring system and apparatus is not defective and unsafe.

- A. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Code Enforcement Officer 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.
- B. Upon the Code Enforcement Officer’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 the provisions of the “National Electrical Code” in accordance with this Part.

(Ord. 1028-85, 8/12/1985)

#### **§5-206. Hearing.**

Every applicant and owner of the premise and other parties in interest shall have the right to demand in writing a hearing before the Code Enforcement Officer to contest any

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decision or order made by him. Such demand for a hearing shall be signed by the contesting party stating what portions of the Code Enforcement Officer's decision or orders are contested and his, or her, or their interest in the premises.

- A. The Code Enforcement Officer shall fix a time and place for the hearing not less than 10 days nor more than 30 days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, owner of the premises and other parties in interest.
- B. The contestant, owner of the premises and other parties in interest shall have the right to appear in person, or otherwise, and give testimony at the hearing. Rules of evidence prevailing in the courts shall not be controlling.
- C. The Code Enforcement Officer, within a reasonable time after such hearing, shall make his decision in writing with a finding of the facts and the reasons for his decision, and serve a copy of his decision personally or by regular mail on the contestant, owner of the premises and other parties in interest.
- D. An aggrieved party may file an appeal of this decision to the Board of Code Enforcement Appeals within 10 days of the final decision of the Code Enforcement Officer.

(Ord. 1028-85, 8/12/1985)

### **§5-207. 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 Part.

(Ord. 1028-85, 8/12/1985)

### **§5-208. Supplements.**

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

- A. Whenever a permit is required under the terms of this Part 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 construction, reconstruction, alteration or repair of buildings or 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.

(Ord. 1028-85, 8/12/1985)

**§5-209. Modification on Application.**

The Code Enforcement Officer shall have the power to modify any of the provisions of this Part, 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 Part, provided that the spirit of this Part shall be observed, public safety secured, and substantial justice done.

(Ord. 1028-85, 8/12/1985)

**§5-210. Records.**

All records of the Building Official pursuant to this Part shall be open to public inspection for good and sufficient reasons during office hours, but shall not be removed from the office of the Code Enforcement Officer without his written consent.

(Ord. 1028-85, 8/12/1985)

**§5-211. Exemption.**

No permit shall be required under this Part for the following electrical work;

- A. Minor repair work such as the replacement of lamps and fuses.
- B. The connection of portable electrical appliances to suitable permanently installed appliances.
- C. 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.
- D. 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.
- E. Equipment used in connection with commercial radio and television transmission.
- F. 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.

(Ord. 1028-85, 8/12/1985)

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### **§5-212. Penalties.**

Any person who shall violate any provision of this Part 2, or of the “National Electrical Code” hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall do or cause to be done electrical work in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Code Enforcement Officer within the time affixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of violating this Part, and upon conviction thereof, be sentenced to a fine of not more than \$1,000, and/or to imprisonment for not more than 90 days.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, by an action at law or in equity instituted by the Code Enforcement Officer on behalf of the Borough.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)

### **§5-213. State Law 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 control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 1028-85, 8/12/1985)

### **§5-214. Provisions to be Continuation of Existing Regulations.**

The provisions of this Part 2, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part 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 authority of any of the repealed ordinances.

(Ord. 1028-85, 8/12/1985)

**PART 3**

**FIRE PREVENTION CODE**

**§5-301. Adoption of Fire Prevention Code.**

The Borough of Gettysburg 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 Basic Fire Prevention Code, 1990 Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of the Code Enforcement Officer and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Gettysburg.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1114-91, 5/13/1991, §1)

**§5-302. Amendments Made in Fire Prevention Code.**

The fire prevention code hereby adopted is amended as follows:

- A. Borough of Gettysburg shall be inserted wherever the words “Name of Municipality” appear in brackets therein.
- B. Wherever the term “legal officer” or “legal representative” is used in this code, it shall be held to mean the Borough Solicitor.
- C. Section F-104.1 is hereby amended to read as follows:

“It shall be the duty and responsibility of the Fire Marshal and/or the Code Enforcement Officer to enforce the provisions of the fire prevention code as herein set forth. The designated Fire Marshal and/or the Code Enforcement Officer of this code is herein referred to as the fire official.”
- D. The following sentence is hereby added at the end of Section F-106.7: The designated fees shall be established from time to time by resolution of the Borough Council.
- E. Section 112.4: For the words “board” and “board of appeals” read “Board of Code Enforcement Appeals” throughout. Change “chief appointing authority” to “Borough Council” and change “in accordance with the terms of the appointment” to “for the terms of five years.”
- F. Section 111.1.1: The term “certified mail” shall be substituted for the term “ordinary mail.”

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G. Section F-111.3 is hereby amended to read as follows:

F-111.3. Penalty for Violations.

- (1) Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine of a minimum of \$25 and not exceeding \$1,000, and/or to imprisonment for a term not to exceed 90 days. Each day a violation of this code continues shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

H. Section F-3001.2 is amended to add the following subsections:

- “1. It shall be unlawful for any person to erect, construct, install or maintain any tank or other container for the storage of flammable liquid in or under any street, sidewalk, curb, gutter or alley in the Borough. Provided: this paragraph shall not apply to the repair or replacement of tanks heretofore legally installed.
- “2. It shall be unlawful for any person to erect, construct, install or maintain any tank or other container for the storage of flammable liquid, or any pump connected therewith, within 50 feet of the building line of Lincoln Square or within 25 feet of the street line of any street or within 10 feet of the line of any ordained alley or any property line.
- “3. It shall be unlawful for any person to erect, construct, install or maintain any tank or other container for the storage of flammable liquid having a capacity of more than 10,000 gallons or to erect, construct, install or maintain more than three such tanks or containers or any one lot or parcel of land comprising a separate business or commercial unit except that not more than three additional such tanks or containers may be installed thereon provided none of the additional tanks is less than 30 feet from any one of the first three tanks installed.
- “4. No person shall erect, construct, or install any tank or other container for the storage of flammable liquid having a capacity in excess of 60 gallons in the Borough without a permit.”

I. Section F-2809.1.2 “Operation of Tank Vehicles, 1. Parking,” is hereby amended to add the following sentence at the end thereof:

“Parked tank vehicles shall have at least two of the drive wheels blocked with blocks at least four inches high.”

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1114-91, 5/13/1991, §§1-10; and by Ord. 1236-99, 12/13/1999, §1)

**PART 4**

**PROPERTY MAINTENANCE CODE**

**§5-401. Adoption of Property Maintenance Code.**

That a certain document, three copies of which are on file in the office of the Borough of Gettysburg, being marked and designated as the International Property Maintenance Code, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Gettysburg for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as hereby provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Gettysburg are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, set forth below.

(Ord. 1365-09, 9/14/2009, §1)

**§5-402. Amendments Made in Property Maintenance Code.**

The Property Maintenance Code hereby adopted is amended as follows:

- A. Whenever the term "name of Jurisdiction" or "jurisdiction" is used in this code, it shall be held to mean the Borough of Gettysburg.
- B. Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough of Gettysburg Solicitor.
- C. Whenever the term "board of appeals" or "appeals board" is used in this code, it shall be held to mean the Borough of Gettysburg Code Enforcement Appeals Board.
- D. The title of Section 103 is hereby amended to read as follows:

**SECTION 103  
DEPARTMENT OF CODE ENFORCEMENT**

- E. Section 103.1 is hereby amended to read as follows:

**103.1 General.** The Borough of Gettysburg Code Enforcement Officer shall oversee the enforcement of this code.

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- F. Section 103.2 is hereby amended to read as follows:

**103.2 Code official.** The Borough of Gettysburg Code Enforcement Officer shall be the code official charged with the enforcement of this code.

- G. Section 103.3 is hereby amended to read as follows:

**103.3 Deputies.** During temporary absence or disability of the code official, the Borough Manager of the Borough of Gettysburg, or his or her designated employee or agent, shall serve as acting code official.

- H. Section 103.5 is hereby amended to read as follows:

**103.5 Fees.** The fees for activities and services performed by the Borough of Gettysburg in carrying out its responsibilities under this code shall be paid in accordance with a schedule of fees, established from time to time by resolution of the Borough Council of the Borough of Gettysburg.<sup>1</sup>

- I. Section 106.4 is hereby amended to read as follows:

**106.4 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, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and the cost of prosecution, including reasonable attorney's fees and code enforcement costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- J. Section 111.2 is hereby amended to read as follows:

**111.2 Code Enforcement Appeals Board.** The Code Enforcement Appeals Board shall hear all appeals under this Property Maintenance Code. The membership of the Board shall be governed by ordinance to be enacted by the Borough Council of the Borough of Gettysburg which will create the Code Enforcement Appeals Board.

- K. Section 111.3 is hereby amended to read as follows:

**111.3 Notice of hearing.** The Board shall conduct a hearing upon notice from the Chairman within 45 days of the filing of an appeal.

- L. Section 302.4 is hereby amended to read as follows:

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants

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<sup>1</sup> Editors' Note: The current fee resolution is on file in the office of the Borough Secretary.

and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner, occupant or agent having charge of a property to cut and destroy weeds after service of a notice of violation, such person shall be subject to prosecution in accordance with Section 106.4. Upon failure to comply with the notice of violation, the code official, or any authorized employee or agent of the Borough of Gettysburg, 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, occupant or agent responsible for the property.

M. Section 302.7 is hereby amended to read as follows:

**302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. All accessory structures designed for door attachments shall have doors attached and maintained in a properly working condition.

N. Section 302.8 is hereby amended to read as follows:

**302.8 Motor vehicles.** Refer to Chapter 10, Part 1B, of the Code of Ordinances of the Borough of Gettysburg, which provides for the regulation of storage of motor vehicle nuisances.

O. Section 304.3 is hereby amended to read as follows:

**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. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Numbers shall be placed in a conspicuous place on or over each front door, on the front transom glass or front show window, or over or on either side of the entrance.

P. Section 304.14 is hereby amended to read as follows:

**304.14 Insect screens.** During the period from May 1 to October 31, 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.

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

Q. Section 308.1 is hereby amended to read as follows:

**308.1 Accumulation of rubbish or garbage.** It shall be unlawful for any person to accumulate or cause or permit the accumulation of garbage, refuse or rubbish on any property or premises within the Borough of Gettysburg, to include such accumulation within the interior of any structure or improvement which is located on any such property or premises.

R. Section 309.4 is hereby amended to read as follows:

**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 extermination of any insect and rodent infestation in the public or shared areas of the structure and exterior property. If the insect and rodent infestation is caused by a failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. Whenever insect and rodent infestation exists in two or more of the dwelling units in any dwelling, extermination shall be the responsibility of the owner.

S. Section 310 shall be added as follows:

### SECTION 310 CARBON MONOXIDE DETECTORS

**310 Carbon Monoxide Detectors.** A carbon monoxide detector shall be required in each dwelling unit where the dwelling structure contains fuel-fire appliances or attached garages.

T. Section 404.4.1 is hereby amended to read as follows:

**404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every bedroom shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

U. Section 404.5 is hereby amended to read as follows:

**404.5 Overcrowding.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**Table 404.5  
Minimum Area Requirements**

**MINIMUM AREA IN SQUARE FEET**

<b>Space</b>	<b>1-2 Occupants</b>	<b>3-5 Occupants</b>	<b>6 or More Occupants</b>
Living room <sup>(a, b)</sup>	120	120	150
Dining room <sup>(a, b)</sup>	No requirements	80	100
Kitchen <sup>(b)</sup>	50	50	60
Bedrooms	Shall comply with Section 404.4	Shall comply with Section 404.4	Shall comply with Section 404.4

(a) See Section 404.5.2 for combined living room/dining room spaces.

(b) See Section 404.5.1 for limitations on determining minimum occupancy area for sleeping purposes.

V. Sections 404.5.1 and 404.5.2 are hereby added as follows:

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes.

**404.5.2 Combined space.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

W. Section 404.8 is hereby added as follows:

**404.8 Unrelated persons.** There shall not be more than four unrelated persons living together as a single housekeeping unit. A related person is a person or persons who are closely related by blood, marriage, adoption or any member of a housekeeping unit pursuant to a formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great grandparent, grandchild, great grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. Persons who are second, third or fourth cousins shall be considered as unrelated for purposes of application of this provision.

X. Section 505.1 is hereby amended to read as follows:

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the public water system. All kitchen sinks, lavatories, laundry facilities, bath-

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tubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

Y. Section 506.1 is hereby amended to read as follows:

**506.1 General.** All plumbing fixtures shall be properly connected to a public sewer system.

Z. Section 602.3 is hereby amended to read as follows:

**602.3 Heat supply.** 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 November 1 to March 31 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.

AA. Section 602.4 is hereby amended to read as follows:

**602.4 Occupiable work space.** Indoor occupiable work spaces shall be supplied with heat during the period from November 1 to March 31 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.

BB. Section 604.2 is hereby amended to read as follows:

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance

with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service. Ungrounded service conductors shall have an ampere capacity of not less than the load served. For one-family dwellings, the ampere capacity of the ungrounded conductors shall be not less than 100 amperes, 3 wire. For multifamily dwellings, the ampere capacity of the ungrounded conductors shall be not less than 50 amperes for each dwelling unit.

CC. Section 704.2 is hereby amended to read as follows:

**704.2 Smoke alarms.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3 and R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the lower level, provided that the lower level is less than one full story below the upper level.
4. At the upper level of every common open stairway.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

DD. Section 704.5 is hereby added as follows:

**704.5 Fire extinguishers.** All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Each dwelling unit shall have a fire extinguisher of a ten-pound minimum size, of the ABC type, with current inspection tag attached.

EE. Section 705 is hereby added as follows:

**SECTION 705  
EMERGENCY ESCAPE AND RESCUE OPENINGS  
FOR BASEMENTS**

**705.1 Emergency escape and rescue required.** Basement sleeping rooms shall have at least one operable emergency and rescue opening. Such

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opening shall open directly onto a public street, public alley, yard or court. Where basements contain more than one sleeping room, emergency escape and rescue openings shall be required in each sleeping room. Emergency escape and rescue openings shall have a sill height of not more than 44 inches (1,118 mm) above the floor. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section 705.2. Such emergency escape and rescue openings shall open directly onto a public way or to a yard or court that opens onto a public way.

**705.1.1 Minimum open area.** All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m<sup>2</sup>).

**Exception:** Grade floor openings shall have a minimum net clear opening of five square feet (0.465 m<sup>2</sup>).

**705.1.2 Minimum opening height.** The minimum net clear opening height shall be 24 inches (610 mm).

**705.1.3 Minimum opening width.** The minimum net clear opening width shall be 20 inches (508 mm).

**705.1.4 Operates constraints.** Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

**705.2 Window wells.** The minimum horizontal area of the window well shall be nine square feet (0.9 m<sup>2</sup>) with a minimum horizontal projection and width of 36 inches (914 mm). The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

**Exception:** The ladder or steps required by Section 705.2.1 shall be permitted to encroach a maximum of six inches (152 mm) into the required dimensions of the window well.

**705.2.1 Ladder and steps.** Window wells with a vertical depth greater than 44 inches (1,118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least three inches (76 mm) from the wall and shall be spaced not more than 18 inches (457 mm) on center vertically for the full height of the window well.

**705.3 Bars, grilles, covers and screens.** Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures or window wells that serve such openings,

provided the minimum net clear opening size complies with Sections 705.1.1 through 705.1.3 and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening,

**705.4 Emergency escape windows under decks and porches.** Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches (914 mm) in height to a yard or court.

(Ord. 1365-09, 9/14/2009, §2)

**§5-403. State Law 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 of Pennsylvania promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The code shall control in all cases where the state requirements are not as strict as those contained in this Part.

(Ord. 1365-09, 9/14/2009, §3)

**§5-404. Provisions to be Continuation of Existing Regulations.**

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

(Ord. 1365-09, 9/14/2009, §4)



**PART 5**

**PLUMBING CODE**

**§5-501. Adoption of Plumbing Code.**

The Borough of Gettysburg 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 Basic Plumbing Code, 1990 Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Code Enforcement Officer, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part 5 shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the Borough.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1139-92, 5/11/1992, §1)

**§5-502. Amendments Made in Plumbing Code.**

The code hereby adopted is amended as follows:

- A. Borough of Gettysburg shall be inserted wherever the words “Name of Municipality” appear in brackets therein;

Wherever the term “legal officer” or “legal representative” is used in this code, it shall be held to mean the Borough Solicitor.

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

P-100.5. Effective Date. This code shall take effect immediately.

- C. 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 the effective date of this Part 5, 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.

- D. Section P-109.1: Change the words “Code Official” to “Code Enforcement Officer”.

- E. Section P-109.2: Change the words “chief appointing authority” to “Borough Council”.

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- F. Section P-111.0 is hereby deleted in its entirety.
- G. Section P-112.0 is hereby deleted in its entirety.
- H. Section P-113.0 is hereby deleted in its entirety.
- I. Section P-114.1 is hereby deleted in its entirety.
- J. Section 114.2 is hereby amended to read as follows:  
  
P-114.2. Fee Schedule. Such fee shall be \$20 for each \$100 of construction.
- K. Section 117.4 is hereby amended to read as follows:  
  
**P-117.4. Penalties.** Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a minimum fine of \$25 and not more than \$1,000; and/or to imprisonment for not more than 90 days. Each day that a violation of this code continues, shall constitute a separate offense.
- L. Section 118.2 is hereby amended to read as follows:  
  
**P-118.2. Unlawful Continuance.** Any person who shall continue any plumbing work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine not exceeding \$1,000, and/or to imprisonment for a term not to exceed 90 days.
- M. Section P-122.1: Change “board” to “Board of Code Enforcement Appeals.”
- N. Section P-122.2: Change “chief appointing authority” to “Borough Council”.
- O. Section P-122.2.1 is hereby deleted in its entirety.
- P. Section P-201.0 is hereby amended to have the definition of Administrative Authority to read as follows:  
  
Administrative Authority: The person appointed by the Borough Council to the position of the Code Enforcement Officer with authority to administer and enforce the provisions of this code.
- Q. 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 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.

R. 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. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

(Ord. 1028-85, 8/12/1985; as amended by Ord. 1139-92, 5/11/1992, §§2-6; and by Ord. 1236-99, 12/13/1999, §1)

**§5-503. State Law 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 control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 1028-85, 8/12/1985)



**PART 6**

**UNIFORM CONSTRUCTION CODE**

**§5-601. Adoption of the Uniform Construction Code.**

1. [Reserved]<sup>1</sup>
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Gettysburg.
3. Administration and enforcement of the Code within the Borough of Gettysburg shall be undertaken in any of the following ways as determined by the Borough Council of the Borough of Gettysburg from time to time by resolution:
  - A. By the designation of an employee of the Borough of Gettysburg to serve as the Borough code official to act on behalf of the Borough of Gettysburg;
  - B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Gettysburg;
  - C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
  - D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Borough of Gettysburg;
  - E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.
4. A Board of Appeals shall be established by resolution of the Borough Council of the Borough of Gettysburg in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.
5. Other Ordinances.

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<sup>1</sup> Editor's Note: Former Subsection 1, which provided for the Borough to administer and enforce the provisions of the Pennsylvania Construction Code Act, was repealed by Ord. 1332-07, 2/12/2007. That ordinance also provided that the Borough would cease administration and enforcement of the Uniform Construction Code effective April 2, 2007, and that the Pennsylvania Department of Labor and Industry would assume responsibility for administration and enforcement of the code in the Borough effective that same date.

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- A. All building code ordinances or portions of ordinances which were adopted by the Borough Council of the Borough of Gettysburg on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time;
  - B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code;
  - C. All relevant ordinances, regulations and policies of the Borough of Gettysburg not governed by the Code shall remain in full force and effect.
- 6. Fees assessable by the Borough of Gettysburg for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council of the Borough of Gettysburg by resolution from time to time.
  - 7. This Part shall be effective on September 1, 2004.
  - 8. If any Section, subsection, sentence or clause of this Part is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Part.

(Ord. 1292-04, 6/14/2004; as amended by Ord. 1332-07, 2/12/2007)