

CHAPTER 5

CODE ENFORCEMENT

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¹ Editor's Note: Former Part 1, Building Code, was repealed 5/10/2010 by Ord. 1377-10, which ordinance also provided for the numbering of former Part 6 as Part 1.

PART 1

UNIFORM CONSTRUCTION CODE

§5-101. Election to Administer and Enforce.

The Borough of Gettysburg hereby elects to administer and enforce the Uniform Construction Code and the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 through 7210.1103, as amended from time to time, and the regulations promulgated by the Pennsylvania Department of Labor and Industry pursuant to the Act.

(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

§5-102. When Administration and Enforcement Effective.

On July 12, 2010, or on such earlier date if authorized to do so by the Pennsylvania Department of Labor and Industry, the Borough of Gettysburg shall assume responsibility in the Borough of Gettysburg, Adams County, Pennsylvania, for all administration and enforcement of the provisions of the Code.

(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

§5-103. Methods of Administration and Enforcement.

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 the Act through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of the 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.

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(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

§5-104. Board of Appeals.

The Borough of Gettysburg is a party to a joint Board of Appeals with other municipalities in Adams County, Pennsylvania, pursuant to an Intermunicipal Agreement Creating a Shared Adams County UCC Board of Appeals authorized by the Borough Council of the Borough of Gettysburg in Ordinance No. 1307-05, enacted on July 11, 2005.¹

(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

§5-105. Applicability.

All relevant ordinances, regulations and policies of the Borough of Gettysburg not governed by the Code shall remain in full force and effect.

(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

§5-106. Fees.

Fees assessable by the Borough of Gettysburg for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by resolution adopted from time to time by the Borough Council of the Borough of Gettysburg.

(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

§5-107. Prior Ordinance Repealed.

The election of the Borough of Gettysburg to cease all administration and enforcement responsibilities of the Code pursuant to Ordinance 1332-07, enacted on February 12, 2007, is hereby repealed.

(Ord. 1375, 4/12/2010; as amended by Ord. 1377-10, 5/10/2010, §6)

¹ Editor's Note: Ordinance 1307-05 is on file in the office of the Borough Secretary.

PART 2

PROPERTY MAINTENANCE CODE¹

§5-201. 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; as amended by Ord. 1377-10, 5/10/2010, §5)

§5-202. 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:

¹ Editor's Note: Former Part 2, Electrical Code; Part 3, Fire Prevention Code; and Part 5, Plumbing Code, were repealed 5/10/2010 by Ord. 1377-10, which ordinance also provided for the numbering of former Part 4 as this Part 2.

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

- 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.¹

- 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:

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

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 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 conspicuously placed in a position to be plainly legible and visible from the opposite side of the public street or way of vehicular access fronting the property. In addition, if the rear of a property adjoins a public alley or a way of vehicular access, a building address number shall also be conspicuously placed in a position to be plainly legible and visible from the opposite side of the adjoining public alley or way of vehicular access at the rear of the property. The color of a building address number is to be in contrast to its immediate background. A building address number shall be comprised of Arabic numerals or alphabet letters which shall be a minimum of three inches in height.

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,

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manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

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 m²) and every bedroom shall contain at least 70 square feet (6.5 m²) 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

Space	1-2 Occupants	3-5 Occupants	6 or More Occu- pants
Living room ^(a, b)	120	120	150
Dining room ^(a, b)	No requirements	80	100
Kitchen ^(b)	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, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

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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 at a minimum a fire extinguisher of the 2A 10BC type. Fire extinguishers shall be placed in the kitchen area of the dwelling at a location removed from the stove or other heat source. The fire extinguisher shall be fully charged. The fire extinguisher shall have either a current inspection tag or, in the alternative, the owner of the dwelling unit may provide satisfactory proof to the Borough's inspector that the fire extinguisher servicing the dwelling unit was purchased within the twelve-month period preceding the Borough's inspection.

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 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 m²).

Exception: Grade floor openings shall have a minimum net clear opening of five square feet (0.465 m²).

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 m²) 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; as amended by Ord. 1377-10, 5/10/2010, §5; and by Ord. 1379-10, 8/9/2010, §§2, 3)

§5-203. 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; as amended by Ord. 1377-10, 5/10/2010, §5)

§5-204. 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; as amended by Ord. 1377-10, 5/10/2010, §5)