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PART 1

BUILDING CODE

§5-101. Adoption of Building Code.

The Borough 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 “The BOCA National Building Code/1990,” or any subsequent amendments or revisions thereof, 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 Manager, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures, and in all other subjects therein contained, within the corporate limits of the Borough.

(*Ord. 561*, 11/10/1986; as revised by *Ord. 568*, 10/5/1987; and amended by *Ord. 578*, 11/12/1990, §1)

§5-102. Amendments Made in Building Code.

The building code hereby adopted is amended as follows:

- A. **Section 100.1.** Title. These regulations shall be known as the Building Code of the Borough of Collingdale, hereinafter referred to as “this Code.”
- B. **Section 100.5.** New section.

Whenever the term “Building Official” is used, the same shall be construed to mean “Administrative Officer” or his assistant. Whenever in the Building Code, the municipality is mentioned and no name is given therefor, the municipality shall be construed to mean the Borough of Collingdale.

Whenever the Building Code of a county is mentioned and no name is given therefor, the county shall be construed to mean the County of Delaware. Whenever, in the Building Code, a state is mentioned and no name is given therefor, the state shall be construed to mean the Commonwealth of Pennsylvania.

- C. **Section 100.6.** Conflict. Whenever there is any conflict between the Borough of Collingdale Building Code and any other ordinance of the Borough of Collingdale, or the County of Delaware, or the Commonwealth of Pennsylvania, the most restrictive shall apply. All buildings and structures shall comply with the requirements of the fire prevention rules and regulations of the Commonwealth of Pennsylvania and the NFPA.

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- D. **Section 109.1.** is hereby amended to read Administrative Officer. The office or position of Administrative Officer is hereby created and he shall have all duties of the “Building Inspector” and/or the “Department of Building Inspector” as referred to in this Code.
- E. **Section 109.2.** Appointment. The Administrative Officer shall be appointed by the Borough Council in accordance with the provisions of Chapter 1, §§131 to 137 of the Borough’s Code of Ordinances.
- F. **Section 109.3.** Deleted.
- G. **Section 109.5.** Deleted.
- H. **Section 110.6.** Add the following sentence: All such rules and/or regulations shall be approved by the Borough Council after proposal by the Administrative Officer.
- I. **Section 114.3.1. Fee schedule:** A fee for each plan examination and building permit shall be paid in accordance with the Borough’s fee schedule as established from time to time by Resolution of Council.
- J. **Section 117.3.** Prosecution of violations, is amended to read as follows: If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to 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 use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. In the alternative, the Administrative Officer may initiate summary proceedings by way of a complaint and/or citation.
- K. **Section 117.4.** Violation of Penalties, is amended to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any requirements thereof or 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 be guilty of a summary offense, punishable by a fine of not more than three hundred dollars for each such day of such violation, and/or imprisonment for a term not to exceed 90 days. Each day that a violation continues shall be deemed a separate offense.

Appropriate action to compel compliance shall be in addition to the appropriate fine which may be sued for and recovered in the manner that fines and penalties for breaches of ordinances are or shall be by law recoverable, said fines or penalties to be used for the said Borough.

Upon judgment against any person by summary conviction or by proceedings by summons, default of payment of any fine or penalty imposed by said judgment for the violation of any of the above mentioned provisions, together with costs, the defendant may be sentenced and committed to the

County jail for a period of not exceeding thirty (30) days. In the case the defendant has goods or property of any kind whatsoever, out of which said judgments and costs can be collected by execution, capias or other process, the plaintiff, the Borough, in the action, may elect to proceed the said judgment by such proceedings.

All proceedings for violation of the provisions of this Part and for the collection of fines and penalties imposed thereby may be commenced by warrant or by summons as the discretion of the District Justice of the Peace before whom the proceedings are begun, with like proceedings, as in cases of summary convictions. All fines or penalties shall be paid over to the Borough Treasurer of Collingdale, according to law.

In addition to such fine or penalties, such person or persons failing to comply with the requirements of this Part may be compelled by resolution of Council to forthwith remove the structure or section, not in conformity therewith or pay the cost of such removal by the Council with twenty (20) percent of advance thereon to be recoverable in the manner that fines and penalties for breaches of ordinances are or shall be by law recoverable. Furthermore, the Borough of Collingdale may, at its option, if necessary, remove any violation, and recover as such costs may be removed by law, the cost of such removal plus a penalty of ten (10) percent.

- L. **Section 119.7.** Duty to Obtain Use and Occupancy Permit. When any property of any kind is conveyed, a Use and Occupancy Permit shall be obtained pursuant to the terms and conditions of this Part. It shall be the duty of the seller of such property to obtain such Use and Occupancy Permit and his or its failure to do so shall constitute a violation of this Part.

- M. **Section 119.8.** The issuance of a Use and Occupancy Permit by the Borough of Collingdale shall not constitute any warranty, guaranty, and/or representation by the Borough of Collingdale that the subject property conforms to any ordinance, statute, rule and/or regulation of the Borough of Collingdale, County of Delaware, or Commonwealth of Pennsylvania, its agencies and/or subdivisions. There shall be no liability on the part of the Borough in connection with the issuance of a Use and Occupancy Permit, or the matters covered therein or matters not covered therein.

- N. **Section 121.1.** Vacating structures is amended to read as follows:

When, in the opinion of the Administrative Officer, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, or property, he may cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not legal procedures herein described are instituted. All costs, fines and penalties relating to any violation set forth above may be collected as such costs, fines and penalties are allowed to be collected in the foregoing sections hereof, each remedy being cumulative.

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Furthermore, if notified that a building or structure or any part thereof must be vacated, the failure to do so shall result in a fine of three hundred dollars (\$300.00) for each day of the violation period. Said fines may be collected as set forth in the previous sections. Any costs or expenses incurred by the Borough in connection with any emergency work to be performed shall be and may be collected as provided by law from the persons responsible therefor.

All notices of vacation of any property shall be reviewed by the Borough Council in and for the Borough of Collingdale within seventy-two (72) hours, at which time parties aggrieved thereby may state their position. The Borough Council in and for the Borough of Collingdale may confirm the order of the Administrative Officer and/or make such modifications as it, in its discretion, deems appropriate. The responsibilities of the Borough Council in connection with this section may be acted upon by the Building Committee in and for the Borough of Collingdale or a majority thereof.

- O. **Section 121.5.** Costs of emergency repairs. Add: This section is amended to provide for a fifteen (15) percent charge on any sum collected as payment for attorneys' fees.
- P. **Section 123.0.** Board of Survey, is hereby deleted.
- Q. **Section 124.0.** Means of Appeal is amended to read as follows:

Any applicant for a building permit or any other permit whose application has been refused or any person who has been ordered by the Administrative Officer to incur any expense by reason of the provisions hereof, may appeal to the Borough Council by giving to the Administrative Officer and the Building Committee in and for the Borough of Collingdale Council notice in writing that he does so appeal specifying what orders and/or directives he appeals from, why he feels that said order and/or directive is inapplicable or inappropriate. If he feels it should be from an order refusing a permit, it should be taken within fifteen (15) days from the refusal of such permit and not thereafter. If the appeal is from an order to take down or remove a dangerous structure, or dangerous wall or walls, it should be taken within three (3) days within the issuance of such orders and not thereafter. All cases where appeals have been taken as above provided shall be referred to the Borough Council's Building Committee. The Building Committee shall, after hearing directive or permit be issued or not issued and with such conditions, if any, as they may require, or withhold the same or make such other and future orders concerning the premises as the committee shall deem appropriate.. The decision of the Administrative Officer, unappealed from, shall be final and conclusive and any subsequent proceedings in the matter in question, in court or otherwise.

2906.1. Filing Bond. No person shall erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved Bond shall have been filed in the sum of ten thousand dollars (\$10,000) is acquired, or until an insurance policy shall have been filed for public liability in the amount of fifty

thousand dollars (\$50,000) per accident and for property damage in the amount of ten thousand dollars (\$10,000) as herein required.

(Ord. 561, 11/10/1986; as revised by Ord. 568, 10/5/1987)

§5-103. 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. 561, 11/10/1986; as revised by Ord. 568, 10/5/1987)

PART 2

FIRE PREVENTION CODE

§5-201. Adoption of Fire Prevention Code.

There is hereby adopted by the Council for the Borough of Collingdale for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the National Fire Protection Association Fire Code, being particularly the most recent edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by any part of this Part, of which code not less than three copies have been and are now filed in the office of the Borough Manager 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 shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Collingdale.

(Ord. 511, 3/5/1980, §1)

§5-202. Enforcement.

The Fire Prevention Code shall be enforced in the same manner as set forth in Section 117 of the BOCA Basic Building Code, 1987 Edition.

(Added by Ord. 568, 10/5/1987)

PART 3
PLUMBING CODE

A. BOCA Plumbing Code

§5-301. Adoption of Plumbing Code.

The Borough of Collingdale 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 “The BOCA National Plumbing Code/1990,” or any subsequent amendments or revisions thereof, 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 Borough Manager, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the Borough of Collingdale.

(Ord. 568, 10/5/1987; as amended by Ord. 578, 11/12/1990, §1)

§5-302. Amendments Made in Plumbing Code.

The code hereby adopted is amended as follows:

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

(1) 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-100.4. Effective Date. This code shall take effect upon adoption of the Code of Ordinances.

- 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 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 114.2 is hereby amended to read as follows:

P-11A.2. Fee Schedule. For approving plans and issuing a permit therefor, to include inspection of the work during its progress and for final inspection

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and supervision of the rest of the work to be made by the plumber on plumbing installations, the administrative authority shall be entitled to receive the fees which shall be established from time to time by resolution of Borough Council.

- E. Section 117.2 through 117.5 is hereby deleted and replaced with 117.2 thru 117.4 as follows:

P-117.2. Removal of Nuisances; Serving of Notice; Filing of Claims.

The Manager shall serve written notice, either personally or by certified or first class mail, on any person violating the provisions of this Part to remove any nuisance or dangerous condition on public or private property. Upon the failure of said person to comply with such notice within fifteen (15) days after receipt thereof or to request a hearing within such time before the Borough Council pursuant to the Act of April 28, 1978, P.L. 202, No. 53, §5, 2 Pa. C.S.A. §551 *et seq.*, known as the "Local Agency Law," the Borough Council may remove or arrange for the removal of the nuisance or dangerous condition and collect the cost of such removal together with a penalty of ten percent (10%) of the cost of the removal from the person failing to comply with such notice, by summary proceedings, or in the manner provided for the collection of municipal claims, or by an action of assumpsit without the filing of a claim. The Borough Council may also institute proceedings in equity to enjoin violations of this Part.

P-117.3. Fines and Costs. All fines, costs and penalties shall be cumulative and payment of one shall not preclude the payment of any other fine, cost or penalty assessed.

P-117.4. Penalties. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to imprisonment for not more than ninety (90) days. Each day that a violation of this code continues shall constitute a separate offense.

- F. 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 three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days.

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

P-201.0. Administrative Authority: The person appointed by the Borough Council to the position of Borough Plumbing Officer with authority to administer and enforce the provisions of this code.

- H. Section P-303.2 is hereby deleted:

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

P-308.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than three (3) feet and no inches below grade for water piping and one and one-half (1 1/2) feet for sewers. Requests for exceptions shall be subject to approval of the Borough Plumbing Officer and the Borough Engineer. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

(*Ord. 568*, 10/5/1987; as amended by *Ord. 588*, 8/3/1992)

§5-303. 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 more limiting than 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. 568*, 10/5/1987)

§5-304. 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. 568*, 10/5/1987)

B. Water Conservation

§5-311. General Policy; Water Conservation.

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which construction, a permit is required to be obtained from the Borough of Collingdale (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless a new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §5-312. The provision of this Section shall apply to any such building or structure for which such a building permit is issued, or would otherwise be required to be issued but for such an exemption, or or after the enactment of this Section.

(Ord. 588, 8/3/1992, §400)

§5-312. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. **Water Closets and Associated Flushing Mechanisms.** The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.
2. **Urinals and Associated Flushing Mechanisms.** Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.
3. **Showerheads.** Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.
4. **Faucets.** Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(Ord. 588, 8/3/1992, §401)

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§5-313. Special Provisions.

1. **Special Purpose Equipment.** The performance standards of §5-312 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.
2. **Exemptions.** Any person(s) may apply to the Borough of Collingdale for exemption to the terms of this Subpart 3B, which may be granted by the Borough Council, upon proof that some other device, system or procedure will save as much more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

(Ord. 588, 8/3/1992, §402)

§5-314. Official Review and Modification.

Collingdale Borough Council may from time to time, modify, add to, or remove from the standards and restrictions herein.

(Ord. 588, 8/3/1992, §403)

§5-315. Penalties.

1. It shall be a misdemeanor for any person to use or apply water within the Borough of Collingdale contrary to or in violation of the restrictions herein, and upon conviction thereof, such persons shall be punished by being imprisoned in the county jail for not more than 90 days or by fine of not more than \$300 or by both such fine and imprisonment.
2. All provisions of any other ordinance which are inconsistent with the provisions of this Subpart 3B are hereby repealed.

(Ord. 588, 8/3/1992, §404)

PART 4

ELECTRICAL CODE

§5-401. Adoption of Electrical Code.

The Borough of Collingdale 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 "The BOCA National Electrical Code/1990," or any subsequent amendments or revisions thereof, 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 Borough Manager, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date by which this ordinance 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 Collingdale.

(Ord. 568, 10/5/1987; as amended by Ord. 578, 11/12/1990, §1)

§5-402. Enforcement.

The "National Electrical Code" adopted in §5-401 hereof shall be enforced by the Administrative Officer. The Administrative Officer 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 of Collingdale and the statutes of the Commonwealth of Pennsylvania.

(Ord. 568, 10/5/1987)

§5-403. 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 Administrative Officer in writing on forms supplied by said Administrative 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 Administrative 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 nonprofit 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 Administrative Officer and his agents and the representative or representatives of the “Underwriters” or similar organizations at all reasonable times.
- G. Upon the Administrative 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 1 year from the date of issuance by the Administrative Officer.

(Ord. 568, 10/5/1987)

§5-404. 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 Administrative 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 Administrative 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 Administrative Officer.
3. The Administrative 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 of Collingdale and the statutes of the Commonwealth of Pennsylvania.
4. The Administrative 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 Administrative Officer shall give notice so that the approved work can be concealed.

(Ord. 568, 10/5/1987)

§5-405. Inspection of Existing Electrical Wiring and Apparatus.

1. 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 Administrative Officer is hereby given the discretion 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.
2. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Administrative 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.
3. Upon the failure of said person to comply with such notice within 15 days after receipt thereof or to request a hearing within such time before the Borough Council pursuant to the Act of April 28, 1978, P.L. 202, No. 53, §5, 2 Pa.C.S.A. §551 *et seq.*, known as the “Local Agency Law,” the Borough Council may remove or arrange for the removal of the nuisance or dangerous condition and collect the cost of such removal together with a penalty of 10% of the cost of the removal from the person failing to comply with such notice, by summary proceedings, or in the manner provided for the collection of municipal claims, or by an action of assumpsit, without the filing of a claim. The Borough Council may also institute proceedings in equity to enjoin violations of this Part.
4. **Fines and Costs** - All fines, costs and penalties shall be cumulative and payment of one shall not preclude the payment of any other fine, cost or penalty assessed.

(Ord. 568, 10/5/1987)

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§5-406. 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 Administrative Officer to contest any decision or order made by him. Such demand for a hearing shall be signed by the contesting party stating what portions of the Administrative Officer's decision or orders are contested and his, or her, or their interest in the premises.

- A. The Administrative 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 Administrative 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 Borough Council in accordance with the Local Agency Law.

(Ord. 568, 10/5/1987)

§5-407. 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. 568, 10/5/1987)

§5-408. 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. 568, 10/5/1987)

§5-409. Modification on Application.

The Administrative 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. 568, 10/5/1987)

§5-410. Records.

All records of the Administrative Officer 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 Administrative Officer without his written consent.

(Ord. 568, 10/5/1987)

§5-411. 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. 568, 10/5/1987)

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§5-412. Fee.

Fees for permits or renewals thereof required by this Part shall be as established from time to time by resolution of Council.

(Ord. 568, 10/5/1987)

§5-413. Penalties.

1. Any person who shall violate any provision of this Part, 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 Administrative 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 \$300, and/or to imprisonment for not more than 90 days.
2. 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.
3. 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 Administrative Officer on behalf of the Borough.

(Ord. 568, 10/5/1987)

§5-414. 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. 568, 10/5/1987)

§5-415. 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 authority of any of the repealed ordinances.

(Ord. 568, 10/5/1987)

PART 5

PROPERTY MAINTENANCE CODE

§5-501. Adoption of Property Maintenance Code.

The Borough of Collingdale hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the “The BOCA National Property Maintenance Code/1990,” or any subsequent amendments or revisions thereof, 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 Borough Manager, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the Borough of Collingdale.

(*Ord. 568*, 10/5/1987; as amended by *Ord. 578*, 11/12/1990, §1)

§5-502. Amendments Made in the BOCA National Property Maintenance Code/1990.

The BOCA National Property Maintenance Code/1990 hereby adopted is amended as follows:

- A. “The Borough of Collingdale” shall be inserted wherever the words “Name of Municipality” appear in brackets therein.
 - (1) Whenever the term “legal officer” or “legal representative” is used in this code, it shall be held to mean the Borough Solicitor.
- B. PM-105.1 shall be amended to read as follows:

PM-105.1 General: Where a structure or part thereof is found by the Administrative Officer to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, it may be condemned pursuant to the provisions of this code and may be placarded and vacated.

The structure shall not be reoccupied without the approval of Borough Council. Unsafe equipment shall be placarded and placed out of service.

[*Ord. 587*]

- C. PM-109.2 is hereby amended to read as follows:

PM-109.2 Penalty: Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine not more than three hundred dollars (\$300.00) and/or to imprisonment for not

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more than ninety (90) days. Every day that a violation of this code continues shall constitute a separate offense.

- D. PM-109 is hereby amended by the addition of the following subsection:

PM-109.5 Fines and Costs: All fines, costs and penalties shall be cumulative and payment of one (1) shall not preclude the payment of any other fine, cost or penalty assessed.

[*Ord. 587*]

- E. Sections PM-111.0 to PM-111.3 are hereby deleted. [*Ord. 587*]

- F. PM-111 is hereby amended by the addition of the following subsection:

PM-111.4 Restraining Actions: Anyone affected by any such order shall within fifteen (15) days after service of such order apply to a court of record for an order restraining the Administrative Officer from razing and removing such structure or parts thereof. The Court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

- G. PM-301.8 is hereby amended to read as follows:

Motor vehicles: Except as provided in other regulations, no currently unregistered and/or uninspected motor vehicle shall be parked, kept or stored on any property and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. In no event shall any currently unregistered and/or uninspected motor vehicle be parked, kept or stored on any public street.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, providing such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. In no case shall any service or repair of any kind to any motor vehicle be performed on any public street.

(*Ord. 568*, 10/5/1987; as amended by *Ord. 578*, 11/12/1990; and by *Ord. 587*, 7/6/1992, §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. 568, 10/5/1987)

§5-504. 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 punish any offense under the authority of any of the repealed ordinances.

(Ord. 568, 10/5/1987)

PART 6
MECHANICAL CODE

§5-601. Adoption of Mechanical Code.

The Borough of Collingdale hereby adopts, for the purpose of establishing rules and regulations for the safe installation and maintenance of all mechanical equipment and systems including administration, enforcement and penalties, the mechanical known as the “BOCA Basic/National Mechanical Code/1990,” or any such subsequent amendment or revision thereof, 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 Borough Manager, 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 installation and maintenance of all mechanical equipment and systems and in all other subjects therein contained, within the corporate limits of the Borough of Collingdale.

(Ord. 578, 11/12/1990, §1)

§5-602. Amendments Made in the BOCA National Mechanical Code.

The BOCA National Mechanical Code hereby adopted is amended as follows:

- A. “The Borough of Collingdale” shall be inserted wherever the words “Name of Municipality” appear in brackets therein.
- B. M-117-4 shall be amended to read as follows:

M-117.4 Penalty: Any person, firm or corporation, who shall violate any provisions of this code shall, upon conviction thereof, be subject to a fine of not more than three hundred dollars (\$300.00), and/or to imprisonment for not more than ninety (90) days. Every day that a violation of this code continues shall constitute a separate offense.

(Ord. 578, 11/12/1990, §1)

§5-603. 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. 578, 11/12/1990, §1)

PART 7

RADIO ANTENNAS AND ELECTRICAL DISTURBANCES

§7-101. Electrical Disturbances.

1. In the absence of adequate enforcement by the Federal Communications Commission, the Borough will take all necessary and appropriate steps to protect its residents from all electrical disturbances caused by ham or CB radio operators.
2. No person or business shall conduct or permit any use to be conducted which causes electrical disturbances, except from domestic household appliances, to adversely affect any equipment outside of the property from which the disturbance is being caused.
3. The Borough of Collingdale may require an in-line filter on all ham or CB radio equipment and further require that the radio operator or homeowner, having the radio therein, shall provide the Borough of Collingdale with a certification that the radio and all equipment thereof comply with all applicable Federal Communications Commission regulations, that there are no spurious signal output detected, and that the radio has an in-line TVI filter installed.

(Ord. 615, 1/12/1996, §1)

§7-102. Ham or CB Radio Antenna Regulations.

No ham or CB radio antenna shall be erected, constructed, maintained or operated except in conformance with the following regulations.

- A. In a residence district, business district or industrial district zone subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot. The antenna shall be located within 5 feet from the principal building.
- B. The height of an antenna shall be restricted by the type and/or class of license obtained by the resident of the subject property. Such height restrictions are regulated by the Federal Communications Commission.
- C. While the overall height of the antenna during the operation of the radio system is regulated by the Federal Communications Commission Preemption Order, the Borough will require that the antenna be retracted to a height not to exceed 10 feet above the highest point of the principal building.
- D. To construct an antenna of any height, the resident or business operator must provide proof of his or her license from the Federal Communications Commission. Additional published documentation from the Federal Communications Commission shall be provided to verify the operator's license class and therefore his or her antenna height request.

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- E. All antenna and the construction and installation thereof shall conform to the manufacturer's installation instructions, the BOCA National Building Code and obtain certification from Underwriters Laboratories.
- F. All antenna shall meet all manufacturer's specifications, shall be of noncombustible and corrosive-resistant material and shall be erected in a secure, wind resistant manner.
- G. Every antenna must be adequately grounded for protection against a direct strike of lightning.
- H. The right to install a ham or CB radio antenna shall run with the licensed operator. Once the licensee no longer resides at the subject property, any antenna shall be removed.
- I. The Borough of Collingdale may require an in-line filter on all ham or CB radio equipment and further require that the radio operator or homeowner, having the radio therein, shall provide the Borough of Collingdale with a certification that the radio and all equipment thereof comply with all applicable Federal Communications Commission regulations, that there are no spuroious signal output detected, and that the radio has an in-line TVI filter installed.

(Ord. 615, 1/12/1996, §1)

§7-103. Violations and Penalties.

Any person or business violating any provision of this Part shall, upon conviction thereof, pay a fine not less than \$50 nor more than \$1,000. Each day during which this Part is violated shall be considered a separate offense.

(Ord. 615, 1/12/1996, §1)

PART 8

UNIFORM CONSTRUCTION CODE

§5-801. Adoption of Uniform Construction Code.

1. This Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Borough.
3. Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the Borough Council of this Borough, from time to time, by resolution:
 - A. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough;
 - B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Borough;
 - 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 this Borough;
 - 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 this Borough 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, said Board of Appeals shall be established by joint action of the participating municipalities.
5. **Prior Ordinances.**
 - A. All building code ordinances or portions of ordinances which were adopted by this Borough 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.

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- 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 this Borough not governed by the Code shall remain in full force and effect.
6. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution, from time to time.
 7. This Part shall be effective 5 days after the date of passage of this Part.
 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. 639A, 4/5/2004)