

CHAPTER 4

BUILDINGS

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[added by Ord. No. 071408, 7/14/08]

Part 1

Building Numbers

§101. Definition. The word “building”, as used in this Part, shall mean any structure used or intended to be used as a dwelling or place of business or industry, or any other use requiring a location identity, but shall not include any accessory building located upon a lot where there is also a principal building. The word “person”, as used in this Part, shall mean any individual, partnership, company, association, society, corporation or other group or entity. [Ord. 01-82685, 08/26/1985, §1]

§102. Map. The map known as the Clay Township Street Number Plan, bearing the same date as this Part, is hereby incorporated into this Part by reference thereto. The said map shall be maintained current by the Township Secretary by the addition of new buildings as constructed or erected. [Ord. 01-82685, 08/26/1985, §2]

§103. Requirements for Building Numbers. It shall be the duty of the Township to notify present owners of properties of the new number which has been assigned to said properties which will require a number, and it shall be the duty of such owner so notified to comply with the further provisions of this Part within sixty (60) days. [Ord. 01-82685, 08/26/1985, §3]

§104. Placement and Maintenance of Building Numbers. Numbers, as assigned to each building in the Township according to the provisions of this Part, shall be affixed to or painted upon or carved upon such building or upon a permanent standard, base or support between such building and street. Each number shall be at least three (3) inches high, shall be of such color and material as to be visible from the street and shall be constantly maintained in complete and legible form. The property owner shall reaffix or renew all numbers that shall not continue to conform to the requirements of this section. Provided, however, that in the case of buildings occupied by other than by the owner thereof, the occupant, rather than the owner, shall be primarily responsible for the maintaining numbers upon such buildings as herein required. [Ord. 01-82685, 08/26/1985, §4]

§105. New Building Numbers. Whenever a building shall hereafter be constructed or erected in the Township, the owner thereof shall forthwith apply to the Township Secretary for the official number therefor. The number shall be assigned by the Township Secretary in conformity with the requirements set forth in this Part pertaining to numbers for existing buildings. Within thirty (30) days after being assigned to such building, the number shall be affixed by the owner thereof and thereafter maintained in the manner required by this Part in the case of existing buildings. [Ord. 01-82685, 08/26/1985, §5]

§106. Violation and Penalties. Any person who shall violate the provisions of this Part shall, upon conviction by summary proceeding brought in the name of the Township of Clay before a justice of the peace or a district justice, be sentenced to pay a fine of not more than Twenty-five Dollars (\$25.00) and the costs of prosecution.. [Ord. 01-82685, 08/26/1985, §6]

§107. Equitable Relief. In addition to the remedies provided in Section 106 above, any continued violations of this Part may be abated by proceeding against the violator in a court of equity for relief. [Ord. 01-82685, 08/26/1985, §7]

§108. Validity. In the event any provision, section, sentence, clause or part of this Part shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Part, it being the intent of the Township of Clay that such remainder portions shall survive such determination. [Ord. 01-82685, 08/26/1985, §8]

§109. Health and Safety. It is declared that the enactment of this Part is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of this Township. [Ord. 01-82685, 08/26/1985, §9]

Part 2

Municipal Building Code

§ 201. Legislation. 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 currently in effect or as they may be hereafter adopted.

§ 202. Pennsylvania Code. 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 Clay Township.

(a) Guidelines Exceeding Uniform Construction Code Standards

Clay Township, pursuant to the authority granted to the Township by UCC Section 503, specifically adopts the following standards knowing them to be in excess of the minimum Standards established by the UCC. The Board of Supervisors of Clay Township takes this action in the interest of the health and safety of the residents of Clay Township.¹

~~1. **Utility and Miscellaneous Use Structures.** This term, as it relates to enforcement of UCC provisions within Clay Township, shall be defined as follows: Buildings or Structures of an accessory character and miscellaneous structures not classified by the International Code Council (ICC) and/or Building Officials and Code Administrators (BOCA) in any specific use group. The term includes carports, detached private garages, greenhouses and sheds having an area less than Five Hundred (500) square feet.~~

~~2. The following provisions which exclude certain structures from UCC compliance, are specifically not adopted by Clay Township.~~

~~1. “UCC Section 104(B) Exclusions. This Act shall not apply to:~~

~~(6) Alterations to residential buildings which do not make structural changes or changes to means of egress, except as might be required by Ordinances in effect pursuant to section 303 (B)(1) or adopted pursuant to section 503. For purposes of this paragraph a structural change does not include a minor framing needed to replace existing windows or doors;~~

~~(7) repairs to residential buildings, except as might be required by Ordinance in effect pursuant to section 303(B)(1) or adopted pursuant to Section 503.”~~

¹Editors note– Struck out Sections 1., 2., 3. and 4. of Section 202(a) herein were declared null & void by the Secretary of the Pennsylvania Department of Labor & Industry following a Challenge brought by that Department at Docket No. 008-UCC-04, which Clay Township chose not to contest.”

~~As authorized by UCC Section 503, Clay Township will continue to require the structures outlined above to comply with all applicable provisions of the UCC.~~

~~3. The introduction of electrical, plumbing or mechanical systems to any detached structure of any size shall require the owner to obtain a permit for inspection of the same.~~

~~4. The installation of passive radon systems shall be required in all new dwellings. These systems shall comply with the guidelines set forth in Appendix F of the 2003 International Residential Code titled "Radon Control Methods".~~

~~[Added by Ord. No. 011-08-04, 11/08/04, §1]~~

§203. Administration/Enforcement. Administration and enforcement of the Code may be undertaken in any of the following ways as determined by the Board of Supervisors of Clay Township, from time to time, by Resolution:

- a. By the designation of an employee of Clay Township to serve as the Municipal Code Official to act on behalf of Clay Township;
- b. By the retention of one or more Construction Code Officials or Third-Party Agencies to act on behalf of Clay Township;
- c. By agreement with one or more other municipalities for the joint administration and enforcement of the Code through an intermunicipal agreement; and/or
- d. By entering into a contract with another municipality for the administration and enforcement of the Code on behalf of Clay Township.

§204. Board of Appeals. A Board of Appeals shall be established by Resolution of the Board of Supervisors of Clay Township 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.

- a. The Board of Appeals shall consist of three (3) individuals.
- b. 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 and shall consist of the number of individuals determined by said agreement.

§205. Fees. Fees assessable by Clay Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Board of Supervisors of Clay Township by Resolution from time to time. _____

§206. Penalty. Any person who fails to comply with provisions of the Code shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.00 and costs. Each day that a violation of the Code continues shall be considered a separate violation.

§207. Existing Provisions.

a. To the extent a provision of the Code of Ordinances of the Township of Clay is inconsistent with the Code, it is hereby repealed, the effective date of the enactment of the Municipal Building Code. Provisions previously adopted by Clay Township are preserved to the extent necessary to complete any projects exempt pursuant to 34 Pa. Code 403.1(b) and(c).

b. All other relevant ordinances, regulations and policies of Clay Township not governed by the Code shall remain in full force and effect.

c. To the extent a provision of the Code of Ordinances of the Township of Clay is consistent with the Code or contains provisions in excess of those required by the Code, it is hereby preserved. Ordinances and provisions preserved pursuant to this section include but are not limited to the following:

i. Chapter 4, Part 1 - Building Numbers

ii. Chapter 4, Part 4 - Property Maintenance Code

§208. Validity. If any section, subsection, sentence, or clause of this ordinance or the Code is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance or the Code.

[Amended - former Part 2 repealed in its entirety by Ord. No. 051004 1.a.; New Part 2 added by Ord. No. 051004 1.b., 5/10/04]

[former Part 3 repealed in its entirety by Ord. No. 051004 1.a., 5/10/04]

PART 3

Property Maintenance Code

§301. Adoption of Property Maintenance Code. . The International Property Code, as currently published by the International Code Council, and as may be amended, is hereby adopted as the Code for the Township of Clay for regulating conditions and maintenance of all property, buildings and structures 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 human occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures. All regulations, provisions, conditions, and terms, not specifically excluded by this Part, are hereby referred to, adopted and made a part hereof as if fully set forth in this Part. *[Ord. 10-11-93, 10/11/1993, §4 as amended by Ord. 02-20-01A, 02/20/2001, §1]; [as amended by Ord. 051004, 1.c.i., 5/10/04]; [as amended by Ord. 101308, 10/13/08]*

§302. Penalties. The penalties for violation of the Maintenance Code shall be the same as the Code. *[Replaced per Ord. No. 051004, 1.c.iii., 5/10/04]; [as amended by Ord. 101308;10/13/08]*

§303. Fees. Fees assessable by Clay Township for the administration and enforcement undertaken pursuant to this Ordinance and the Maintenance Code shall be established by the Clay Township Board of Supervisors by Resolution from time to time. *[Amended by Ord. No. 051004, 1.c.iv., 5/10/04]; [as amended by Ord. 101308;10/13/08]*

§304. Board of Appeals. The Maintenance Code shall be administered and enforced pursuant to the terms outlined in the Code. Individuals or groups responsible for the administration of the Code shall also be responsible for administration of the Maintenance Code. *[Amended by Ord. No. 051004, 1.c.v., 5/10/04]; [as amended by Ord. 101308;10/13/08]*

§305. Validity. If any part or parts of this Part are determined by any Court of competent jurisdiction to be illegal in any respect, such determination shall not affect the remaining portions of the Part which shall survive such determination. *[Ord. 02-20-01A, 02/20/2001, §6]*

Part 4

Nonsmoking Policy

§401. See Chapter 10, Part 3 of this Code of Ordinances, which sets forth provisions prohibiting smoking in all Clay Township Municipal Buildings.
[added by Ord. No. 071408, 7/14/08]