

WEST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 23-04

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WEST BRADFORD AT CHAPTER 150 CONSTRUCTION CODES, UNIFORM IN ORDER TO UPDATE THOSE PROVISIONS TO BE CONSISTENT WITH CURRENT CONSTRUCTION CODES AND BUILDING CODES, AND AT CHAPTER 315, PROPERTY MAINTENANCE IN ORDER TO UPDATE THOSE PROVISIONS TO BE CONSISTENT WITH A MORE RECENT VERSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND INCLUDING SEVERABILITY, REPEALER AND EFFECTIVE DATE PROVISIONS.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of West Bradford Township, that the West Bradford Township Code shall be amended as follows:

SECTION 1. CONSTRUCTION CODES, UNIFORM. Chapter 150 Construction Codes, Uniform of the Township Code shall be amended to entirely remove Article I through Article V and to replace those Articles with the following Article I titled, "Election to Administer Uniform Construction Code", which shall read as follows:

"ARTICLE I. ELECTION TO ADMINISTER UNIFORM CONSTRUCTION CODE.

§ 150-1. Township to administer and enforce.

West Bradford Township hereby elects to administer and enforce 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 its regulations (the "Code").

§ 150-2. UCC adopted by reference.

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 West Bradford Township.

§ 150-3. Administration and enforcement.

Administration and enforcement of the "Code" within West Bradford Township shall be undertaken in any of the following ways as determined by the governing body of West Bradford Township from time-to-time by resolution:

- A. By the designation of an employee of West Bradford Township to serve as the Municipal Code Official to act on behalf of West Bradford Township;

- B. By the retention of one or more Construction Code Officials or third-party agencies to act on behalf of West Bradford Township;
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through and intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of the Act on behalf of West Bradford Township;
- E. Entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of the Act in connection with structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§ 150-4. Board of Appeals establishment.

West Bradford Township has designated the Western Chester County UCC Regional Board of Appeals as the Board of Appeals for the Township who shall hear appeals from decisions of the Municipal Code Official which are filed pursuant the Township's Building Code. Such an appeal shall be filed within 20 days after the decision, notice or order was served. The appeal form, and all documents related to same, are readily available at Township offices, and may also be posted on the Township's website. Changes to the designated Board of Appeals may be made by resolution of the governing body of West Bradford 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.

§ 150-5. Saved Provisions.

- A. The following section of the One- and Two-Family Dwelling Code known as the "Council of American Building Officials One- and Two-Family Dwelling Code", 1995 Edition which was adopted in Ordinance No 1996-1 when the Township adopted the Pennsylvania Construction Code Act, Act 45 of 1999, shall remain in effect and provide as follows:

"309.2 Separation required. The garage shall be completely separated from the residence and its attic by means of a minimum one-hour fire-resistant assembly. Fire-resistant assemblies shall be tested and installed in accordance with American Society for Testing and Materials (ASTM) E 119 or GA-600 or the Underwriters Laboratory Fire Resistance Directory."

- B. All Building Code Ordinances or portions of ordinances which were in effect as of the date of adoption of Ordinance 1996-1 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 West Bradford Township not governed by the "Code" shall remain in full force and effect.

§ 150-6. Fees.

Fees assessable by West Bradford Township for the administration and enforcement undertaken pursuant to this chapter and the "Code" shall be established by the governing body by resolution from time-to-time."

SECTION 2. PROPERTY MAINTENANCE CODE. Chapter 315, Property Maintenance of the Township Code shall be amended at Section 315-1 through Section 315-5 to be replaced and to read as follows:

"§ 315-1. Adoption of standards.

A certain document, three copies of which are on file in the office of the Township Secretary of the Board of Supervisors of the Township of West Bradford, being marked and designated as the International Property Maintenance Code, 2021 Edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Township of West Bradford in the State of Pennsylvania, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said International Property Maintenance Code are hereby referred to, adopted and made part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 315-2 of this chapter.

§ 315-2. Additions, insertions, deletions and changes.

- (a) Section 101.1 "Title," second line, insert: "Township of West Bradford."
- (b) Section 104 "Fees." Change to read:

104. Fees. Permit fees shall be as set forth by resolution as adopted by the Board of Supervisors of the Township of West Bradford.

- (c) Section 108 "Board of Appeals" shall be deleted and replaced with the following:

"The Township designates the Western Chester County UCC Regional Board of Appeals as the Board of Appeals for the Township who shall hear appeals from decisions of the Code Enforcement Officer which are filed pursuant to the Code and also appeals from the Township's Building Code. Such an appeal shall be filed within 20 days after the decision, notice or order was served. The appeal form, and all documents related to same, are readily available at Township offices, and may also be posted on the Township's website."

- (d) Section 109.4 "Violation Penalties." Change to read:

109.4 Violation Penalties. Any person who violates or permits a violation of this code shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary

offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

(e) Section 302.4 "Weeds." Insert the following number in inches on line three: "10 inches."

(f) Section 302.4 "Weeds." Add the following exemptions:

Exception: Agricultural land, park land, environmentally sensitive lands and lands subject to a management plan that precludes cutting on a routine basis shall be exempt from routine cutting.

(g) Section 302.8 "Motor vehicles." Change to read:

302.8 Motor vehicles. Automotive vehicles or trailers of any kind or type without current license plate and/or current inspection stickers shall not be parked or stored on any residential property other than in completely enclosed buildings designed and approved for such purposes. No vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled other than in completely enclosed buildings designed and approved for such purposes.

(h) Section 304.14 Insert "April 1" and "October 1."

(i) Section 602.3 Insert "September 1" and "May 1."

(j) Section 602.4 Insert: "September 1" and "October 1."

§ 315-3. Construal of provisions.

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed as cited in this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 315-4. Conflicts with existing state regulations.

Wherever any provisions or requirements or the regulations of the Department of Labor and Industry of the Commonwealth of Pennsylvania is more stringent than a provision or requirement of this chapter, the applicable provision or requirement of the said Department of Labor and Industry shall supersede any such provision or requirement of this chapter.

§ 315-5. Fee schedule.

All fees shall be determined by the Board of Supervisors, and a schedule of such shall be made available to the public. The Board of Supervisors shall be empowered to reevaluate the fee schedule and make any necessary alterations to it. Such alterations shall not be considered an amendment to this chapter and may be adopted at any public meeting of the Board of Supervisors by resolution."

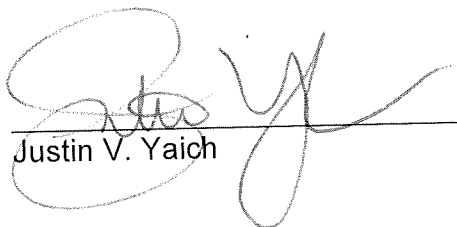
SECTION 3. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. REPEALER. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective as provided by law and shall remain in force and effect unless otherwise amended by the Township.

ENACTED AND ADOPTED by the Board of Supervisors this 19th day of May, 2023.

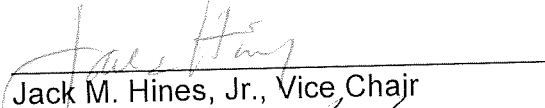
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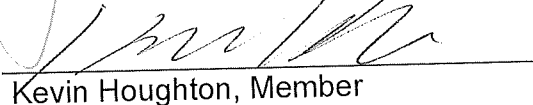

Justin V. Yaich

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS**

BY:


Laurie W. Abele, Chair


Jack M. Hines, Jr., Vice Chair


Kevin Houghton, Member

