

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Legislation.**

Akron 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 currently in effect or as they may be hereafter adopted by the Commonwealth.

(*Ord. 00021, 5/10/2004, §1*)

§5-102. 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 Akron Borough.

(*Ord. 00021, 5/10/2004, §2*)

§5-103. Administration/Enforcement.

Administration and enforcement of the code may be undertaken in any of the following ways as determined by Akron Borough Council, from time to time, by resolution:

A. By the designation of an employee of Akron Borough to serve as the municipal code official to act on behalf of Akron Borough.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Akron Borough.

C. By agreement with one or more other municipalities for the joint administration and enforcement of the code through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of the code on behalf of Akron Borough.

(*Ord. 00021, 5/10/2004, §3*)

§5-104. Board of Appeals.

A Board of Appeals shall be established by resolution of the Akron Borough Council 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 individuals and two alternates. A minimum of three individuals shall be required to constitute a quorum. A majority vote of members present shall be sufficient to make a valid ruling.

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.

(*Ord. 00021, 5/10/2004, §4*)

§5-105. Existing Ordinances.

1. To the extent an ordinance or an existing provision of an ordinance of Akron Borough is inconsistent with the Code, it is hereby repealed, effective the effective date of this Part. Ordinances previously adopted by Akron Borough are preserved to the extent necessary to complete any projects exempt pursuant to 34 Pa.Code 403.1(b) and (c). Ordinances and provisions repealed pursuant to this Section include, but are not limited, to the following:

- A. *Ord. 137.*
- B. *Ord. 210.*
- C. *Ord. 219.*
- D. *Ord. 291.*
- E. §3 and §4 of *Ord. 294.*
- F. §3 and §4 of *Ord. 295.*

2. All other relevant ordinances, regulations and policies of Akron Borough not governed by the code shall remain in full force and effect.

3. To the extent an ordinance or an existing provision of an ordinance of Akron Borough is consistent with the code or contains provisions in excess of those required by the code, it is hereby preserved.

(*Ord. 00021, 5/10/2004, §5*)

§5-106. Fees.

Fees assessable by Akron Borough for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the Akron Borough Council by resolution from time to time.

(*Ord. 00021, 5/10/2004, §6*)

§5-107. 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 and costs. Each day that a violation of the code continues shall be considered a separate violation.

(*Ord. 00021, 5/10/2004, §7*)

§5-108. International Property Maintenance Code (2012 Edition).

1. *Maintenance Code.* A certain document, one copy of which is attached hereto¹ and designated as the “International Property Maintenance Code, 2012 edition,” as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Akron, 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

¹Editor’s Note: A copy of the “International Property Maintenance Code, 2012 edition” is on file in the Borough office.

to ensure the 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 herein 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 are hereby referred to, adopted, and made a part hereof, with the additions, insertions, deletions and changes prescribed in the following paragraphs of this Section.

2. *Revisions.* The following sections are hereby revised in the attached 2012 Code²:

A. Section 101.1. Borough of Akron.

B. Section 103.5. Fees will be set, from time to time, by resolution of Borough Council.

C. Section 106.4. Delete said paragraph and substitute the following therefor: “Any violation of this Section shall constitute a summary offense and shall incur a fine not to exceed \$1,000 for each separate violation. Each day shall be a separate violation. In addition, the court may assess reasonable court costs and reasonable attorneys’ fees incurred by the Borough in enforcement proceedings.”

D. Section 112.4. Fines shall be not less than \$50 for each violation and no more than \$1,000 for each violation.

E. Section 302.4. Eight inches.

F. Section 304.14. From April 1st through October 31st.

G. Section 602.3. From November 1st to May 1st.

H. Section 602.4. From November 1st to May 1st.

3. *Appeals.* All appeals from the decision of the officials administrating and enforcing this Section shall be to the Board of Appeals, established pursuant to the Uniform Construction Code, which Board of Appeals shall retain jurisdiction as provided for herein, and shall follow the same administrative guidelines and procedures.

(*Ord. 00021*, 5/10/2004; as amended by *Ord. 00037*, 10/8/2007; and by *Ord. 00073*, 1/13/2014)

²Editor’s Note: A copy of the “International Property Maintenance Code, 2012 edition” is on file in the Borough office.

Part 2**Permit for Erecting, Altering or Razing Any Building****§5-201. Definitions.**

Alteration - any enlargement of any building or any work of repair, rearrangement, removal or replacement of any exterior or interior wall or roof, floor or support, or any part thereof of any building; addition of full or half baths; increasing of impervious surface; creating new window/door openings or enlarging existing openings; addition of central air conditioning; installation of swimming pool, hot tub, fence, retaining wall or shed; attached and detached construction of decks; conversion of unfinished space in basement, attic, etc. to finished space; sidewalk and curb installation or replacement; and all signage.

Building(s) - any structure constructed or used for a residence, business or industry, or other public or private purposes or accessory thereto.

Person (owner) - any natural person or persons, unincorporated association, limited liability company, limited partnership, limited liability partnership, firm, corporation, or other legal entity.

(Ord. 00008, 11/12/2001, §1)

§5-202. Permit Required.

No person shall cause or permit any building or structure to be constructed, enlarged, altered, moved or demolished. upon any property owned by such person or upon any property rented by him, in the case of a rental agreement without first having obtained applicable permits therefor. Work that would require permits includes, but is not limited to, all new building construction; additions to buildings or accessory structures; increase of impervious surface (covering areas with buildings, concrete, macadam, etc), conversion of unfinished space, (i.e., attic, garage, basement) into living space; addition of full or half baths; build or install prefabricated yard sheds; create new window/door openings or enlarge existing openings; move or remove or add walls; install roofing when all old roofing is removed and joist/rafters are replaced or the roofline is changed; addition of central air conditioning; swimming pools; fences and retaining walls; all signage; sidewalk and curb installation or replacement along Borough streets or alleyways; attached and detached construction of decks and patios; new driveway construction or expansion; and all Borough street openings.

(Ord. 00008, 11/12/2001, §2)

§5-203. Work Not Requiring Permit.

Work not requiring a permit shall be limited to: installing or replacing siding, down spouts and gutters; painting; replacing or repairing roofing material, where there is no replacement of rafters; replacing doors/windows where existing openings are not enlarged; driveway replacement, overlay or sealing; and installing insulation in existing homes.

(Ord. 00008, 11/12/2001, §3)

§5-204. Issuance of Building Permits.

A building permit shall be issued by the Akron Borough Permit Officer upon the filing with the Borough of an application, including the following:

A. A description of the construction involved or, in lieu thereof, a submission of plans and specifications.

B. A plot plan, identifying property lines and location(s), dimensions and distances from property lines of the proposed improvements for new construction or placing of accessory structures.

C. A copy of the building contractor's proposal, agreement or contract.

D. Contractors insurance certificates (at a minimum workers' compensation).

E. Evidence that all permits required by other agencies such as but not limited to PennDOT, DEP, Labor and Industry, and Soil Conservation, have been obtained.

F. Evidence of intended compliance with any requirement of law or other ordinance of the Borough which may affect the building construction and use.

(Ord. 00008, 11/12/2001, §4)

§5-205. Fees.

1. Fees for permits required by this Part shall be fixed, from time to time, by resolution of Borough Council.

2. A copy of the current fees shall be maintained at the Borough offices and available to the public upon request.

(Ord. 00008, 11/12/2001, §5)

§5-206. Passable Rights-of-Way.

PennDOT regulations such as current Regulation 408, or any amendment thereto, shall apply throughout the construction process.

(Ord. 00008, 11/12/2001, §6)

§5-207. Inspection.

1. The Borough Permit Officer may, at any time during the course of the work for which the permit was granted, inspect the site to ensure that all applicable laws and regulations are followed and the construction is accurate with the permit issued.

2. The Borough Permit Officer shall report all findings of noncompliance to the property owner.

3. Upon receipt of notice of noncompliance, the property owner shall take immediate action to secure compliance.

4. If the construction is not brought into compliance, the Borough Permit Officer may revoke the permit and may also refer the matter to the Akron Borough Council for enforcement action under applicable law.

(Ord. 00008, 11/12/2001, §7)

§5-208. Report Required upon Completion.

Upon completion of the permitted work the owner shall report the completion to the Borough permit officer so that a final inspection may be arranged. The completion of work shall be noted upon the original application or, when required, upon the issuance of a certificate of use and occupancy.

(Ord. 00008, 11/12/2001, §8)

§5-209. Time Requirements.

1. Work authorized by a permit issued under this Part must be completed within 6 months after the issue date.

2. A single extension of an additional 6 months may be issued at no additional cost to the owner if requested before the expiration of the original permit.

3. Should the original permit expire, the Borough Permit Officer shall request the return of the expired permit:

A. No portion of the permit fee will be reimbursed to the owner due to expiration of the permit before completion of work.

B. If the owner applies for a permit for the same project at a later date, the application will be considered for all purposes (including fees) as a new application.

(Ord. 00008, 11/12/2001, §9)

§5-210. Violation and Penalties.

1. Any project requiring a permit that is begun without a permit, or changed beyond the permit, shall comply with all application requirements in §5-204 above and shall pay twice the standard applicable permit fee.

2. In the event of a violation of permit regulations, the Borough Permit Officer shall issue a notice of violation.

3. If a notice of violation is not complied with within a period of 5 days (or such other date as set forth therein), the Borough Permit Officer may, at Council's direction, institute, in the name of the Borough, any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign and/or land in violation of the provisions of the building permit regulations. Borough Council may, additionally, direct the Borough Permit Officer or Borough Solicitor to institute a civil enforcement proceeding pursuant to the Borough Code, 53 P.S. §45101 *et seq.*

4. Any person who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefore, in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 for each day of violation, plus all court costs, including reasonable attorneys fees, incurred by the Borough as a result therefore. No judgment shall commence or be imposed, levied or be payable until the date of the determination of violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. All judgments, costs and reasonable attorneys fees collected for the violation of this Part shall be paid over to the Borough for the general use of the Borough. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

[*Ord. 00037*]

(*Ord. 00008*, 11/12/2001, §10; as amended by *Ord. 00037*, 10/8/2007)