

**ORDINANCE 201**  
**ORDINANCE REGULATING BUILDING/BUILDING CODE**

**201.1           DEFINITIONS**

Definitions of words in this Ordinance are listed alphabetically in the Definitions Dictionary located at the beginning of the combined Ordinances of Delaware Township. These definitions are an integral part of the Ordinances of Delaware Township, which are incomplete without them.

**201.2           ADOPTION OF PENNSYLVANIA CONSTRUCTION ACT, ACT 45 OF 1999, 35 P.S. 7210.101-7210.1103, KNOWN ALSO AS THE UNIFORM CONSTRUCTION CODE AS PER LABOR AND INDUSTRY**

**WHEREAS**, the purpose of this ordinance is to promote the general health, safety, and welfare of the citizens of Delaware Township, Pike County and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

**WHEREAS**, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

**NOW, THEREFORE**, it is hereby enacted and ordained as follows:

1. Delaware Township 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 Delaware Township.
3. Administration and enforcement of the Code within Delaware Township shall be undertaken in any of the following ways as determined by the Delaware Township Board of Supervisors from time to time by resolution:
  - a. By the designation of an employee of Delaware Township to serve as the municipal code official to act on behalf of Delaware Township;
  - b. By the retention of one or more construction code officials or third-party agencies to act on behalf of Delaware Township;

- 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 Delaware Township;
- e. By entering into an agreement with 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 Board of Supervisors 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.
  - a. All building code ordinances or portions of ordinances, which were adopted by these Municipalities on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effects until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.
  - b. All building code ordinance or portions of ordinances which are in effect as of the effective date of this ordinance 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 Municipality not governed by the Code shall remain in full force and effect.

6. The Board of Supervisors shall establish fees assessable by Delaware Township for the administration and enforcement undertaken pursuant to this ordinance and the Code by resolution from time to time.

7. This ordinance shall be effective five days after the date of passage of this ordinance.

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

DULY ENACTED AND ORDAINED this 12TH day of May 2004  
2004, by the Delaware Township Board of Supervisors in public session duly assembled  
to be effective July 1, 2004.

**NEW CONSTRUCTION**

GENERAL. Every building standard shall apply only to construction, which occurs subsequent to its adoption, and only to the areas constructed.

APPLICATION. Building standards shall apply only to construction which:

1. occurs subsequent to the adoption of that standard and
2. to areas which are constructed subsequent to the adoption of that standard.

INTENT. The purpose of this section is to clarify that construction shall be dictated by the building standard that is in place at the time of construction and that standards subsequently enacted shall not be retroactively applied to areas and structures already constructed.

C. A minimum of three (3) copies of IBC and any amendments thereto shall be kept on file at the Township Building for review by any person.

### 201.3 COMPLIANCE WITH OTHER ORDINANCES

Any person engaged in building shall comply with all other applicable Ordinances of the Township, including without limitation Ordinance 102 (Flood plain development), Ordinance 105 (Encroachment), Ordinance 106 (Roads and draining facilities), Ordinance 107 (Subdivision), Ordinance 110 (Zoning), and Ordinance 202 (Sewage and water supply systems).

### 201.4 PERMIT REQUIRED

A. Prior to the construction, structural alteration, replacement, or installation, a permit must be obtained from the Township. However, no permit is required for sheds two hundred (200) square feet or less, yard structure, replacement shed, fence and residential and commercial alterations if no structural changes or means of egress will occur. No building permit will be issued until all other required permits (see 201.3) have been approved.

#### 1. Replacement of Decks.

a. General. Notwithstanding any other provision of the ordinances of this Township, no permit shall be required to replace an existing deck with another.

b. Conditions. In order to qualify for the exemption from permit requirement provided above, the replacement deck must be:

1. constructed to the same or smaller dimension than those of the existing deck (neither width nor length may exceed that of the existing deck) and

2. constructed to the same or superior construction standards of lumber dimension, spacing and span of the existing deck.

c. Burden of Proof. A property owner who proceeds without permit in accordance with this section retains the burden of proof to demonstrate the existence and dimension of the prior deck.

2. Replacement of sheds

a. General. Notwithstanding any other provision of the ordinances of this Township, no permit shall be required to replace an existing shed with another.

b. Conditions. In order to qualify for the exemption from permit requirement provided above, the replacement shed must be:

1. Constructed to the same or smaller dimension than those of the existing shed (neither width nor length may exceed that of the existing shed) and

2. Constructed to the same or superior construction standards.

c. Burden of Proof. A property owner who proceeds without permit in accordance with this section retains the burden of proof to demonstrate the existence and dimension of the prior shed.

B. No permit shall be issued until an application is delivered to the Township in the form prescribed, and the necessary fee paid. No amendment to a permit shall be approved until any additional fee required by an increase in estimated cost is paid. No permit shall be issued for any factory-built structures unless certification that the structure complies with all provisions of this Ordinance is provided by the manufacturer of the structure.

C. All permits will be issued to qualified applicants on a first come, first served basis, except for the situations as set forth herein.

1. In any subdivision or land development in which a building construction ban or moratorium has been imposed by any regulatory authority or agency, such ban remains in effect for a period of time in excess of one (1) year, and the ban is only partially lifted (that is, the Township is authorized to issue permits fewer in number than the remaining lots or units), the issuance of building permits after removal of the ban or moratorium shall be on the following basis:

a. Waiting period. No permits will be issued for a period of sixty (60) days after authorization by the appropriate regulatory authority or agency to resume issuance of permits.

b. Review process. During the sixty (60) days waiting period, the Township will receive and hold permit applications, reviewing them as to completeness and accuracy.

c. Impartial drawing. At the end of the sixty (60) day waiting period, a drawing will be held to select, at random, the number of permits authorized for approval. Should there be fewer permits requested during said sixty (60) day period than the number authorized by the regulatory authority or agency, no drawing will be held and permits will be issued to all qualified applicants forthwith.

d. Post waiting period. After the sixty (60) day waiting period, the restriction on the issuance of building permits imposed hereby shall expire.

D. Oral amendments to building permits shall be of no legal effect. All construction shall be pursuant to the specifications shown on the permit issued unless modified or amended, in writing, by the Building Officer.

#### **201.5 PERMIT FEES**

Fees for the following types of building permits shall be set from time to time by the Board of Supervisors. Such fees shall accompany permit applications:

1. Single-family dwelling.
2. Commercial or industrial building or multi-family dwelling.
3. Addition to or alteration of an existing building.
4. Modular or prefabricated dwelling.
5. Moving a house or part of a house.
6. Moving a mobile home to a lot other than in a registered, licensed mobile home park.
7. Construction or erection of a shed greater than two hundred (200) square feet in size.
8. A conversion of an existing crawl space to a basement and replacement of new footings at wall on existing basement and foundation repairs.

#### **201.6 PERMIT APPLICATIONS**

A. Applications for building permits must include the following minimal information:

1. The name and mailing address of the owner of the property on which an activity is to occur.
2. The name and address of the contractor or applicant.
3. The precise site location.
4. A brief description of the type of structure, the proposed work and the estimated cost.
5. A statement indicating whether or not the structure will have a basement, a crawl space, or piers.
6. For factory-built structures, certification from the manufacturer that the structure complies with all provisions of this Ordinance.
7. Any other reasonable information required by the Building Inspector.

B. The plans accompanying applications for permits to construct or alter structures that will be used for commercial, industrial, group habitation (such as apartment buildings, condominiums and town houses) or for public purposes must have been approved by the Pennsylvania Department of Labor and Industry, and copies of same included with permit application.

C. Applications for permits to move modular or mobile homes from one lot to another must show the locations of both lots.

D. Quality of Drawings.

1. Residential building plans required to obtain a building permit shall be clearly and accurately drawn to scale (preferred scale is 1/4 inch equals 1 foot) and dimensioned to clearly describe the room sizes and overall dimensions of the structure, including all attached appurtenances.

2. Building elevations and wall sections shall clearly describe the building construction and illustrate the appearance of the completed structure.

3. Building plans requiring Pennsylvania Department of Labor and Industry approval must be prepared by an Architect or Engineer registered in the Commonwealth of Pennsylvania.

## 201.7 REVOCATION OF PERMITS

A. The Board of Supervisors may, after a hearing before the Building Hearing Board, revoke any permit if the work allowed by it is not progressing as described in the application of the permit or is in violation of this or any other Ordinance of the Township, or if there has been misrepresentation in the application.

B. Permits for construction that does not comply with the following time frames will automatically lapse:

1. Residential & Commercial
  - a. If exterior is not completed one (1) year from issue.
  - b. If interior is not completed two (2) years from issue.
2. Decks must be completed twelve (12) months from date of issue.
3. Additions
  - a. If exterior is not completed one (1) year from issue.
  - b. If interior is not completed two (2) years from issue.
4. Garages and/or alterations
  - a. Must be completed in one (1) year from issue.

#### **201.8 BUILDING PERMIT DRAWING REQUIREMENTS**

##### **A. FRAME CONSTRUCTION**

1. Foundation Plan - All construction dimensions, size of block and/or concrete walls, spacing of piers, size of main beam, size and spacing of floor joists, size of footings, notation indicating full basement or crawl space. Foundation location plans shall be submitted after the footings are poured.

2. Floor Plan (each level) - All construction dimensions, window sizes, rough plumbing fixtures, size and spacing of ceiling joists.

3. Elevations - Front, rear, right and left side, showing existing grade and finish grade, dimension from lowest finish grade to ridge.

4. Typical Building Cross-Section showing footing and reinforcement as required concrete or masonry foundation wall reinforcement framing insulation roof pitch and foundation perimeter drains.

5. Location and size of decks, stoops, porches, garage, or other appurtenances.

##### **B. MODULAR AND/OR FACTORY BUILT CONSTRUCTION**

1. Foundation Plan - All construction dimensions, size of block and/or concrete walls, spacing of piers, size of main beam, size and spacing of floor joists, size of footings, notation indicating full basement or crawl space.

2. Floor Plan (each level) - All construction dimensions, window sizes, plumbing fixtures, size and spacing of ceiling joists.

3. Elevations - Front, rear, right and left side, showing existing grade and finish grade, dimension from lowest finish grade to ridge.

4. Typical Building Cross-Section showing footing concrete or masonry foundation wall reinforcement framing insulation roof pitch and foundation perimeter drains.

5. Location and size of decks, stoops, porches, garage, or other appurtenances.

6. If manufacturers generic plans are used, show grades as per #3 above, especially for raised ranch or split level designs, including foundation changes as required by existing grades.

7. Certification that the modular conforms to all applicable minimum standards of the Township Building Code (see "modular certifications" sheet).

#### C. SHEDS

1. Permit application for a shed larger than two hundred (200) square feet must include the following:

- a. Certified plot plans of the property shown.
- b. A plan drawing of the shed showing its dimensions.
- c. At least two elevations (front and side).
- d. Wall section indicating construction and materials.

#### D. RENOVATION AND/OR ADDITIONS

1. Existing conditions only where relevant to the renovation or addition must be shown on plans and elevations.

### 201.9 STANDARDS

The standards listed below are the requirements for certain common construction procedures. They as well as all other applicable standards in IBC (see Section 201.2 above) must be adhered to in the construction or alteration of any structure.

1. No dwelling unit shall have a gross area of less than six hundred and twenty-five (625) square feet, further, each dwelling unit included in each structure listed below shall have an area no less than that specifically indicated below:

STRUCTURE	AREA IN SQUARE FEET (PER DWELLING UNIT)
Mobile home	750
Dwelling, multi-family:	
One bedroom	625
Two bedroom	750
Three bedroom	900
Townhouse	850
Dwelling, single-family and two-family	850

For the purposes of this requirement, a bedroom shall be considered to be any room other than a living room, dining room, bathroom, kitchen, utility room, or entryway.

2. All concrete for foundation walls and floors must have a mix design that will produce a twenty-eight (28) day compressive strength of not less than three thousand (3000) psi, except that concrete floorings may have two thousand five hundred (2500) psi mix design. The water-cement ratio must be maintained by the supplier so that the slump in concrete for wall and footing work is between four (4") and five (5") inches, and for floor and other flat work is between three (3") three and four (4") inches. Concrete suppliers' delivery tickets indicating the mix design must be made available to the Building Inspector.

3. The bottom of all footings must be at least forty-two (42") inches below finished grade level unless the footing bearing is on solid rock.

4. All concrete footings must be reinforced throughout their entirety with at least two (2) five-eighths (5/8") inch steel rods, unless, in the judgment of the Building Inspector, sufficient solid rock bearing for the footing exists.

5. Footings for masonry fireplaces and chimney must be at least twelve (12) inches wider than the masonry itself. Further: See #3 above for depth.

a. Footings for foundation walls must be at least twice the width of the walls that are to be supported. Such footings must be formed on the outside to facilitate perimeter drain installation. The minimum thickness or depth of the footer shall be eight (8") inches. See #3 above for depth.

b. Footings for piers must be at least sixteen (16") inches wide by sixteen (16") inches long by eight (8") inches high, if constructed of pier blocks (which must be no smaller than eight (8") inches by eight (8") inches) or eight (8") inches in diameter, if constructed or poured concrete in a Sono-tube or the equivalent. See #3 above for depth.

6. Except as provided below, perforated or porous wall perimeter drain piping must be placed around the perimeter of all foundations and footings. The drain piping must be installed in a surround of No. 2B crushed stone (a minimum of eight (8") inches on top and sides) and must be protected with a filtration material such as filtration fabric and hay. No perimeter drain is required around trench footings for slab on grade construction or on garages. Portland cement plaster parging only is required. Slab on grade construction for sheds larger than two hundred (200) square feet and residential construction where site conditions restrict the construction of a typical masonry or concrete foundation, such as encountering solid rock or unusual soil conditions, provided that such slab on grade construction includes an integral haunched footing not less than twelve (12") inches thick with steel reinforcement as may be required and such slab and footing shall be placed on a compacted and drained crush stone fill not less than twelve (12") inches thick as approved by Township Engineer.

7. No in-ground basement shall be built on terrain that does not afford natural drainage for the footing drain except that, if such drainage does not exist, an exterior footing drain connected to an exterior frost-free sump pit incorporating a pump that discharges to road drainage, to a point not less than twenty (20') feet from the foundation, or to a dry-well (percolation permitting, as determined by a professional engineer, the approval of the Township Engineer), is permitted, provided that the property on which the drainage system is to be located is of adequate size so that water run-off from the drainage system onto adjacent property is not substantially increased or concentrated at one (1) or more locations.

8. All openings in foundation walls must have a load bearing member over them designed to carry the imposed loads. For openings up to thirty-six (36") inches in one (1) story residential construction, a single two (2") inch by eight (8") inch or two (2") inch by ten (10") inch box sill member is adequate. For openings larger than those described above construction engineering data showing that lintels or load bearing members are designed to support the imposed loads must be supplied to the Building Inspector.

9. Block (concrete masonry unit) foundation must be plastered with Portland cement plaster mix at least three-eighths (3/8") inch thick, extending down over the footing as a cove. Block and mortar must comply with all requirements of IBC, Type "M" or "S" mortar must be used for load bearing walls, and type "M" must be used for masonry walls below grade.

10. Basement and crawl space foundation walls must be coated with asphaltic foundation coating from the bottom of the footing grade level before backfilling. Waterproofing is not required on garage or slab on grade foundations.

11. Masonry reinforcement wire equal to "Dur-O-Wal" must be installed between every second course of blocks in a foundation wall.

12. Foundations must be square and level, and must be at least one foot (1') above finished grade level at all points. Except for slab on grade construction such as garages and floating slab foundations where a treated sill shall not be less than four (4") inches above finish grade. Top course of block (concrete masonry unit) must be filled solid with cement grout and anchor bolts or straps must be completely embedded in cement grout. All interior mortar joints shall be tooled (except for crawl space).

13. Crawl space foundation must be constructed of not less than six (6) courses of eight inch (8") concrete masonry units. A two-inch (2") concrete slab is acceptable. The interior height of crawl spaces must be at least thirty-six (36") inches from the finished surface to the bottom of the floor joists. There must be operable screened vents to the foundation walls. The quality and location to be adequate to ventilate the crawl space in compliance with IBC.

14. Crawl space access openings must have an entrance in the masonry at least thirty-two (32") inches wide, by thirty-two (32") inches high, and shall allow free drainage to the footing drain. A proper access ring such as a galvanized semicircle will be provided where grade dictates.

15. Bases for exterior stair stringers or jacks must be a solid concrete masonry unit 8" x 16" x 4" (mini) or other similar solid surface set level.

16. Basement floors must be constructed of at least four (4") inches of concrete placed over at least a six (6) mil synthetic sheeting vapor barrier completely covering at least four (4") inches of crushed No. 2B stone, and must be either float or trowel finished. Floor areas should be limited to sections of six hundred (600) square feet or less by means of metal control joints.

17. Residential garage floors must be at least four (4") inches of graded No. 2B stone or if concrete, then the preceding must be followed by at least four (4") inches of concrete, which must be either float or trowel finished and graded to drain properly. Floor areas, including sections thereof, must be reinforced with at least six (6") inch by six (6") inch by ten (10) gauge welded wire fabric placed in the upper third of the concrete slab or the concrete shall be a fiber reinforced mix design. Ten (10) gauge welded wire fabric placed in the upper third of the concrete slab or the concrete shall be a fiber reinforced mix design.

18. Fireplaces, heating devices and chimneys.

- a. All fireplaces, heating devices and chimneys must be constructed in strict compliance with National Fire Protection Association (N.F.P.A.) standards and the recommendations of the Pennsylvania Concrete Masonry Association (PCMA).
- b. If the area of a fireplace opening is less than six (6) square feet, the hearth must extend at least eighteen (18") inches in front of and at least eight (8") inches beyond each side of the opening.
- c. If the area of a fireplace opening is six (6) square feet or more, the hearth must extend at least eighteen (18") inches in front of and at least twelve (12") inches beyond each side of the opening.
- d. Flue linings and thimbles in masonry chimneys must be joined with refractory cement.
- e. Thimbles going through frame walls must be surrounded by at least eight (8") inches of masonry.
- f. Chimneys on exterior walls must have an exterior clean-out above ground level.
- g. All chimneys, including "zero clearance" must have at least a two (2") inch air space between the surface of the chimney and any wood framing, plus a non-combustible fire stop.
- h. Any combustible enclosure enclosing an exterior chimney or stovepipe must include a removable exterior access panel whose dimensions are at least eighteen (18") inches by twenty-four (24") inches, whose lower edge is no closer than three (3') feet to ground level, and whose upper edge is no further than six (6') feet from ground level.
- i. Any smoke discharge pipe connected to a solid-fuel heating device that incorporates one (1) or more ninety (90) degree angles must have a T-shaped clean out at each such angle.

19. Frozen material shall not be built upon at any time and unless adequate precautions against freezing are taken, masonry shall not be built when the temperature is below thirty-two (32) degrees F. Further:

- a. Anti-freeze compounds or other substances that will lower the freezing point of any mortar or grout shall not be used.
- b. Raw calcium chloride shall not be used as accelerators in mortar.

c. Manufactured accelerators may be used only if the sand and mortar mixture is heated and the temperature is at least twenty-six (26) degrees F. and rising both sides of walls and footers must be covered at the end of each working day and at completion. The amount of accelerators shall not exceed two percent (2%) by weight of the Portland cement content of the mortar.

20. A fiberglass sill sealer, or its equal must be placed between the foundation and the sill plate. Sill plates must be pressure treated wood and secured to foundations with anchor bolts or approved strap anchors placed on center at approximately six (6') foot intervals, beginning approximately twelve (12") inches from each corner. Anchor bolts must be at least one-half (1/2") inch in diameter and sixteen (16") inches long, plus a two (2") inch hook.

21. Girders may be joined only over posts or piers. Girders or steel beams supporting wood joists or rafters on their top flange must have a wood plate nailer secured to the top flange with one-half (1/2") inch diameter bolts staggered from center at four (4') foot intervals. Beams must be secured to intermediate post or column supports with no fewer than two (2) bolts, at least one-half (1/2") inch in diameter. Power driven fasteners for securing wood to steel are also acceptable.

22. Flush girders must have a one (1") inch by four (4") inch ledger on both sides. Floor joists must be notched to fit a one (1") inch by four (4") inch ledger, and must be properly nailed. A steel joist hanger of proper size may be used instead of a ledger.

23. Every beam recessed in masonry must have a fire cut.

24. All sub-floors must be at least three-quarters inch (3/4") thick and all roof sheathing must be at least one-half inch (1/2") thick structural plywood bearing the American Plywood Association (APA) certification stamp for exterior exposure, or composite wood particle structural sheathing bearing the manufacturer's certification for exterior exposure.

25. All exterior sheathing must be a minimum of seven-sixteenths inch (7/16") thick. Where siding is used for sheathing, it (T-111) siding must be at least five-eighths inch (5/8") thick, except when material on an existing structure is being matched. Where three-eighths inch (3/8") T-111 siding is used on exterior walls, the sheathing under it must be at least one-half inch (1/2") thick.

26. All roofs must have at least a four (4) to twelve (12) pitch for strip shingles. All roof shingles must be at least two hundred and twenty-five (225) pounds per square and installation shall include underlayment of 15# felt as per IBC.

27. Gypsum wallboard on ceilings and walls must be at least one-half inch (1/2") thick. Garage ceilings under dwellings, and garage walls adjoining dwellings, must be Type X (fire rated) gypsum wallboard at least five-eighths inch (5/8") thick taped

and spackled or fire taped. When covered with paneling (except in garages), three-eighths inch (3/8") thick gypsum wallboard is permitted on sidewalls.

28. Attics with access doors must have all electric wires stapled to ceiling joists, and must have at least one (1) light fixture.

29. At least one (1) normal entrance/exit door of a dwelling must be at least thirty-six inches (36") wide.

30. Doors between dwellings and garages must be fire rated.

31. All bathrooms must have a mechanical vent or a window that opens. Bedrooms and Living rooms (not in basement) one hundred (100) square feet or larger must have at least ten (10) square feet of window space.

32. Homes and additions constructed after enactment of these revisions, must have at least one (1) smoke alarm located on each floor level and in each bedroom, including basement and attached garage. All smoke alarms shall be wired in series to the electric power source from a single service circuit breaker and be provided with a battery back-up as per IBC..

33. Upon completion of work, all debris, tree stumps, lumber, equipment, supplies, fixtures, etc. must be removed from the premises. All pits, ditches, basements, etc. must be backfilled with earth or suitable material, and must be graded to return the land to finish grade to create effective drainage.

Felled trees intended to be used as firewood shall be cut to movable lengths (maximum of 10') and stacked. No burying of any sort is permitted (including stumps or construction debris).

34. All "Cathedral" ceilings shall be provided with a structural ridge size as selected from a design chart of a timber supply company, or designed by an Architect or Engineer, or be constructed with scissor trusses designed by a truss manufacturer.

35. Columns or piers as required to support a floor systems girder or beam in a crawl space or basement shall be standard steel pipe columns or masonry sized to support the design loads involved. Base and cap plates for steel pipe columns must be of adequate size and thickness to sustain the bearing and bending stresses developed by the design loading. Concrete filled steel piped columns, known as "Lally Columns" are not required except in "Fire Resistant" construction. Adjustable steel columns known as "Jack-Posts" are not permitted.

36. All stairs shall have risers of no greater than eight and one-quarter inch (8 1/4"). Threads shall be a minimum of nine inches (9"). Headroom shall be six feet eight inches (6'8") from a line running along the outer edge of the stair nosing.

37. Sheds under two hundred (200) square feet do not require a building permit. Sheds, or other accessory structures greater than two hundred (200) square feet will require a certified plot plan, a permit and suitable footing or slab.

38. Mobile Home and/or Trailers (temporary or permanent) shall be provided with appropriate footings and/or crawl space.

39. No structure may be built, constructed, installed, erected or placed in Delaware Township except in accordance with this ordinance and the amendments thereto.

a. The design of any structure which exceeds thirty five (35) feet, in any of the zones, must be submitted to and reviewed by the Township Engineer for approval.

b. No structure may be built, constructed, installed, erected or placed in any zone which adversely affect, the health, safety and comfortable enjoyment welfare of adjoining property owners or of other property rights of the zone in which it is located.

c. The proposed structure will not create conditions which will produce or generate nuisance conditions such as noise, dust, light, glare or vibration.

d. All structures which exceed thirty five (35) feet in height are designed to withstand extreme wind, ice load and potential earthquake conditions.

e. All structures which exceed thirty five (35) feet in height must be adequately grounded must not be likely to be struck by lightning and must not increase the chance that neighboring properties will be struck by light

f. The sections of this amendment are severable. If any portion or section is ruled unconstitutional, improper or otherwise unlawful, it is expressly determined that all other sections and portions survive and operate independently of the stricken portion.

g. Any proposed structure shall be situated or erected a distance from existing buildings or structures, property boundary lines and paved roads a distance that shall not be less than 100% of the height of such proposed structure.

#### 40. Certificate of Occupancy

a. A Certificate of Occupancy must be obtained prior to the occupation, or use in any way, for all structures that have received building permits. A Temporary Certificate of Occupancy may be issued by the Zoning Officer under provisions of Ordinance 110.20.B.

b. As required, a Certificate of Occupancy will be contingent upon receipt, by the Township, of a "final electrical inspection certificate" issued by an approved and licensed underwriter's inspector.

c. All applications for a Certificate of Occupancy must be in writing by an owner, tenant, or authorized agent, and must be filed with the Township on forms prescribed by the Township.

d. No Certificate of Occupancy shall be issued until the Building Officer has certified that the proposed structure, alterations, or uses complies with the provisions of this and all other applicable Ordinances, including necessary inspections and approvals.

e. The Certificate of Occupancy is to be sent to the property owner.

f. A foundation location plan must be submitted to and approved by the Township Zoning Officer prior to commencement of rough framing.

#### **201.10 BUILDING INSPECTOR**

A Building Inspector and an assistant Building Inspector to act during any temporary absence or disability of the Building Inspector, shall each be appointed for a term of one (1) year at the annual organizational meeting of the Board of Supervisors. The Building Inspector shall serve at the pleasure of the Board of Supervisors.

#### **201.11 QUALIFICATIONS OF BUILDING INSPECTOR**

The Building Inspector shall:

1. Have had experience in the field of building design and/or construction, and/or knowledge of building design and/or construction (e.g., as architect, structural engineer, building construction superintendent, or building inspector) that would, in the opinion of the Board of Supervisors, qualify him or her to carry out the duties stipulated in this Ordinance and as required by other Ordinances of the Township.

2. Be in good health, and physically able to carry out his/her duties.

#### **201.12 DUTIES AND POWERS OF BUILDING INSPECTOR**

A. The Building Inspector shall receive applications and issue permits required by this Ordinance. He/she shall make inspections and carry out investigations to see that the provisions of applicable Ordinances are complied with shall make written reports when required and may issue necessary notices or orders to enforce compliance with law.

1. Scheduling of Inspections:

It is required that you notify the Building Inspector at least one working day prior to the working day that work requiring an inspection is scheduled and receive approval to proceed prior to starting work on any of the phases of construction listed below:

New Construction and Additions:

2. When foundation, footing, or pier excavations are complete, forms and reinforcement in place and prior to placing concrete.
3. When foundation is finished, parged, and tarred (perimeter drains in place if required, with eight (8") inch 2B stone and hay cover) prior to backfilling.
4. A foundation location plan must be submitted to and approved by the Township Zoning Officer prior to commencement of rough framing.
5. When rough framing is complete.
6. When rough plumbing, electric, and insulation is complete.
7. Prior to placing concrete floors or slabs.
8. When constructing chimneys or fireplaces.
9. When finished (interior and exterior) final.

Failure to obtain approval to start these phases may result in an order to remove completed work and a stop work order, to facilitate proper inspection.

To receive a Certificate of Occupancy for a building, dwelling, or an addition, etc., a final electrical certificate and SEO Sewage System approval will be required (when indicated on the permit by the Building Inspector).

B. The Building Inspector may accept reports of inspectors of recognized inspection services after investigating their qualifications and reliability. However, no certificates called for by any provision of this or any other Ordinance shall be issued on the basis of such reports unless they are in writing and certified by an officer of such service.

C. The Building Inspector shall keep comprehensive records of applications, permits, inspections, reports, and notices or orders. He/she shall keep copies of required plans and all documents relating to construction as long as any part of the structure to which they relate exists. All such records shall be open to public inspection during stated office hours, for good and sufficient reason, but shall not be removed from the office without the Building Inspector's written consent.

D. The Building Inspector shall make monthly written reports to the Board of Supervisors, or more often if requested, including a list of permits and orders.

#### **201.13 RIGHT OF ENTRY**

The Building Inspector, in the discharge of his/her duties and upon proper identification, shall have the authority to enter any structure at any reasonable hour.

#### **201.14 LIABILITY OF BUILDING INSPECTOR**

The Building Inspector, or his/her assistant, charged with the enforcement of this Ordinance, and acting in good faith and without malice for the Township in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission, in the discharge of his/her duties. Any suit brought against the Building Inspector or assistant Building Inspector because of such act or omission performed by him/her in the enforcement of any provision of this Ordinance shall be defended by the Township Solicitor until final termination of the proceedings.

#### **201.15 TRUSS ROOFING AND "T" BEAM WARNINGS**

A. All commercial buildings and/or uses, all public buildings, and community association or residential community owned buildings which are constructed using "truss roofing components or laminated wooden" or "T" beams shall be identified as such by means of fixed signage for recognition by and protection of responding firefighters and emergency personnel in a manner substantially in compliance with that set forth in this provision. The requirements of this section shall be met not later than June 1, 1999.

B. Such signage shall be affixed to the exterior structure in a conspicuous location for easy recognition according to the following specifications: Said sign shall be triangle and not less than twenty-four inches (24") wide at the base nor less than eighteen inches (18") high, with a red border not less than two inches (2") wide, white interior background, and a two inch (2") wide "T" located in the center thereof in reflective red color.

#### **201.16 BUILDING HEARING BOARD**

A Building Hearing Board is created by adoption of this Ordinance. The Board shall have the following duties:

1. To hear and decide appeals from the decisions of the Building Inspector when it is alleged that the Building Inspector has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance.

2. To hear and decide applications for variances from the provisions of this Ordinance in accordance with Section 201.18 below.

3. To hear and decide challenges to the validity of this Ordinance.

**201.17 MEMBERSHIP OF BUILDING HEARING BOARD**

The Building Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors at its annual organizational meeting for a normal term of three (3) years. The first appointment shall be one (1) for one (1) year, one (1) for two (2) years, and one (1) for three (3) years, so that the terms of one (1) member will expire each year. Vacancies shall be filled by the Supervisors for the unexpired portion of the term. The Supervisors shall also appoint two (2) alternate members for one (1) year terms on the Board to serve when required by the Provisions of Section 201.18 below.

**201.18 REMOVAL OF BUILDING HEARING BOARD MEMBERS**

Any Building Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days notice or the intent to take such a vote. A hearing must be held prior to the vote if the member requests it in writing within fifteen (15) days of the date of the notice.

**201.19 ORGANIZATION AND PROCEDURES OF BUILDING HEARING BOARD**

The Building Hearing Board shall elect its officers from its membership. They shall serve annual terms and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board. If two (2) members are disqualified or cannot act in a particular matter due to a conflict of interest, the two (2) alternate members shall serve on the Board for the purpose of handling that matter. The Board may make, alter, and rescind rules and forms for its procedure, consistent with the Ordinances of the Township and the laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the Supervisors once a year.

**201.20 VARIANCES**

The Building Hearing Board may grant a variance from the provisions of this Ordinance if the following findings are met, and may attach whatever reasonable conditions thereto that it deems necessary to implement the purposes of this Ordinance:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to a particular property and that an unnecessary hardship is due to these circumstances and conditions and not those generally prevailing in the neighborhood where the property is located.

2. That because of the circumstances or conditions described above, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that a variance is necessary to permit the reasonable use of the property.

3. That such unnecessary hardship described above has not been created by the appellant.

4. That the variance will not result in the alteration of the essential character of the neighborhood where the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That the variance represents the minimum variance that will afford relief and the least modification possible of the regulation at issue.

#### **201.21 APPEALS TO THE BUILDING HEARING BOARD**

A. An appeal from a decision of the Building Inspector, an application for a variance, or a challenge to the validity of this Ordinance may be made only by a person aggrieved by the action of the Building Inspector or the provisions of this Ordinance.

B. Appeals, applications, and challenges must be made in writing to the Building Hearing Board in the form prescribed by the Board.

C. An appeal must be filed with the Board within thirty (30) days of the date of written notice of the decision of the Building Inspector unless the decision involves a structure that in the opinion of the Building Inspector, is unsafe or dangerous, in which event the filing must occur within five (5) days of the date of the written decision.

D. A copy of any appeal, application, or challenge shall also be served on the Board of Supervisors.

E. Any appeal to the Building Hearing Board shall be accompanied by a fee, the amount of which shall be set from time to time by resolution by the Board of Supervisors. No appeal shall be considered until the fee is paid.

#### **201.22 HEARINGS**

A. The Building Hearing Board shall, within forty-five (45) days from the filing of an appeal, application, or challenge, and following public notice, conduct a hearing on the merits of the same.

B. Written notice of a hearing shall be given to the appellant, applicant, or challenger the Building Inspector and the Board of Supervisors. The notice shall include

the information required by Section 201.19, and shall be sent by certified or registered mail to an appellant, applicant, or challenger, and by regular mail to the Building Inspector and the Supervisors. All notices must be postmarked at least fourteen (14) days prior to the date of the hearing.

C. The parties to a hearing shall be the Township any person affected by the decision of the Building Inspector who has made timely appearance of record before the Building Hearing Board and any other person, including civic or community organizations, permitted to appeal by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing in a form prescribed by the Board.

D. The parties shall have the right to be represented by counsel, to respond and present evidence and argument, and to cross-examine adverse witnesses on all relevant issues.

E. The chairman or acting chairman of the Board may administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witness and documents requested by the parties.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

G. The Board shall keep a stenographic record of proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

H. The members of the Board shall not communicate with any party or representative about any issue involved, except upon notice and opportunity for all parties to participate shall not take notice of any communication, unless all parties are given an opportunity to contest the material communicated and shall not inspect a site or its surroundings after the start of hearings with any party or representative, unless all parties are given an opportunity to be present.

I. The Board shall render a written decision within forty-five (45) days after the last hearing. Each decision shall be accompanied by findings of fact and the conclusions based on the facts that led to the decision. If the conclusion is based on this or any other Township Ordinance or regulation, reference must be made to the specific provision(s) relied on and the reason(s) for doing so explained. If the Board fails to render a decision within the required period, a decision shall be deemed to have been rendered in favor of the appellant, applicant, or challenger unless such party has agreed in writing to an extension of time.

J. A copy of final decisions, findings of fact, or conclusions of law shall be delivered to the appellant, applicant, or challenger personally or mailed to him or her within three (3) days of the date of a decision. A brief summary of final decisions or

findings shall be provided, by mail or otherwise, to all persons who have filed their names and addresses with the Board, not later than the last day of the hearing, along with information about where the full decision or findings may be examined.

**201.23 STAY OF PROCEEDINGS**

Upon the filing of any proceeding referred to in Section 201.19, above, and during its pendency before the Building Hearing Board, all action by any party shall be stayed unless the Building Inspector or any other appropriate agency or body certified to the Board, presents facts indicating that such stay would cause imminent peril to life or property, in which case the action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the Court having jurisdiction of appeals, on petition after notice to the Building Inspector. When proceedings designed to reverse or limit an approval are filed with the Board by persons other than the appellant, applicant, or challenger, the appellant, applicant, or challenger may petition the Court having jurisdiction of appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

**201.24 SOLICITOR FOR BUILDING HEARING BOARD**

The Board of Supervisors at its annual organizational meeting shall appoint a Solicitor to serve as the legal advisor to the Building Hearing Board.

**201.25 PENALTY**

Any person who violates the provisions of this Ordinance or who resists or interferes with any officers, agents, or employees of the Township who, in accordance with the provisions of this Ordinance, are in the performance of their duty, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.), or in default of payment of the fine, shall be imprisoned for not more than thirty (30) days. Each day's continuance of each violation shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid to: Delaware Township.

**201.26 SAVINGS CLAUSE**

Nothing in this Ordinance or in IBC shall be construed to affect any suit or proceeding now pending in any Court or any rights acquired or liabilities incurred nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

DELAWARE TOWNSHIP  
BOARD OF SUPERVISORS  
PIKE COUNTY, PENNSYLVANIA  
AMENDMENT NO. 06 2011  
AMENDMENT TO ORDINANCE 201

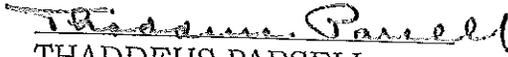
This is an amendment to Delaware Township Ordinance 201  
Ordinance Regulating Building/Building Code.

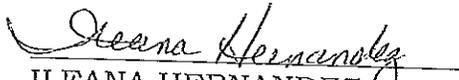
Ordinance 201 Section 201.9.39.g shall be amended to read as  
follows:

Any proposed structure shall be situated or erected a distance  
from existing buildings or structures, property boundary lines and paved  
roads a distance that shall not be less than 100% of the height of such  
proposed structure. This section shall not apply to ham radio structures  
and antennas.

This amendment is adopted this 27 day of April, 2011 by  
the Delaware Township Board of Supervisors.

BOARD OF SUPERVISORS  
DELAWARE TOWNSHIP

  
THADDEUS PARSELL  
CHAIRPERSON

  
ILEANA HERNANDEZ  
SECRETARY

  
ROBERT LUCIANO  
SUPERVISOR

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