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Part 1

Building Code

§101. Adoption of Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the "International Building Code, 2006 Edition," including Appendix Chapters B and K, as published by the International Code Council, be and is hereby adopted as the Building Code of the Borough of Pottstown, in the State of Pennsylvania, 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 to ensure that 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 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 Building Code on file in the office of the Borough of Pottstown are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §102 of this Part.

(Ord. 2038, 4/9/2007)

§102. Revisions to Code.

1. The following sections are hereby revised:
 - A. Section 101.1 - Borough of Pottstown.
 - B. Section 1612.3 - Borough of Pottstown.
 - C. Section 1612.3 - FEMA Flood Study - October 19, 2001.
 - D. Section 3410.2 - Effective date of the first Building Code in the Borough, February 6, 1923.
2. The following section shall be created and established as part of Chapter 1, Administration:

License Required. In order to perform the work of any electrician, master electrical contractor, oil burner and gas burner service dealer, refrigeration and air-conditioning service dealer or journeyman electrician in the Borough, such person must present proof that he or she was licensed by the Borough prior to the adoption of this Chapter or has a valid license from the International Code Council, Inc., to perform such work.

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(Ord. 2038, 4/9/2007)

§103. Repealer.

All ordinances or parts of ordinances of the Borough, including but not limited to Part 1, BOCA Basic Building Code, of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, which are inconsistent with this Part shall be and the same expressly are repealed.

(Ord. 2038, 4/9/2007)

§104. Severability.

If any section, subsection, sentence, clause or phrase of this Part is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Part. The Burgess and Town Council of the Borough of Pottstown hereby declares that it would have passed this Part, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

(Ord. 2038, 4/9/2007)

§105. Construal of Provisions.

Nothing in this Part or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any 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 §103 of this Part, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 2038, 4/9/2007)

§106. Future Editions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the International Building Code, 2006 Edition. However, in the event that the International Code Council prepares and adopts a later version of the International Building Code, that most recent edition of the code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2038, 4/9/2007)

§107. When Effective.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon enactment.

(Ord. 2038, 4/9/2007)

Part 2

International Fire Code

§201. Adoption of Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the "International Fire Code, 2003 Edition,"¹ including Appendices B through G (see International Fire Code, Section 101.2.1, 2003 Edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises 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 Fire Code on file in the office of the Borough of Pottstown are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §§202 and 203 of this Part.

(Ord. 2020, 5/8/2006)

§202. Revisions to Code.

The following sections are hereby revised:

- A. **Section 101.1:** Borough of Pottstown.
- B. **Section 109.3:** a summary offense, \$1,000 and 30 days.
- C. **Section 111.4:** not less than \$50 nor greater than \$1,000.

(Ord. 2020, 5/8/2006)

§203. Additions to Code.

The following sections are hereby added:

- A. Appendices B through G are adopted and incorporated herein by reference.

¹ Editor's Note: Ord. 2045, 11/13/2007, provided that, pursuant to §207, the 2006 Edition is the current edition in effect in the Borough.

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B. **Section 105.1.1. Permits Required.** A permit shall be required for all activities, uses and other operations specified in the Fire Prevention Code adopted herein. Such permits shall be issued in accordance with the provisions of this Part and the International Fire Code adopted herein.

- (1) Prior to the issuance of any permits or certificates, as required by this Code, the Fire Marshall shall inspect and approve the processes, operations, vehicles, buildings, systems and storage places, as specifically set forth below.
- (2) The payment and collection of all fees shall be in the manner established by the Director of Administration and Finance. Any and all permit fees not paid within 30 days shall be subject to an added 10% late charge to cover added costs of collection.
- (3) The following list shall include the places or functions which shall require the Fire Marshall permit or certification. The inspection shall be performed annually, except where noted to the contrary. Fees for said inspections shall be set from time to time by resolution of the Borough Council.

- Auto wrecking yards/scrap yards
- Bowling lane refinishing, per-lane charge
- Child/adult day care
 - 100 plus capacity
 - 7-99 capacity
 - 1-6 capacity
- Circuses/carnivals
 - (Per-day fee plus cost of 2 fire fighters)
- Class A combustible storage
 - Over 2,500 square feet
 - 2,500 square feet to less
- Compressed gas storage
- Dry-cleaning operations
- Educational institutions (post-secondary)
 - Colleges, universities, business schools
 - Class A 1,500 students and up
 - Class B 1,000 to 1,499 students
 - Class C 0 to 999 students
- Explosive use, each separate occasion
- Explosives, ammunition, blasting agents - storage
- Fireworks display/storage fee plus cost of men and trucks as required by Fire Marshall
- Flammable and combustible liquids storage
 - Less than 660 gallons, tank farms not included
- Flammable and combustible liquids storage tank farms (bulk storage) 660 plus gallons

Fumigations/insect fogging operations
Garages/auto repair
Hazardous materials/chemicals stored, shipped, handled
Heliports
High-rise buildings/75 feet and up
Hospitals, nursing homes, rehabilitation centers and fees for additional permits as required
Hotels/motels
 3 floors or fewer
 More than 3 floors
Knitting mills/cotton
L.P. gas installation, less than 500 water gallons per installation
L.P. gas installation, 500 to 2,000 water gallons
 Fee for installation
 Yearly fee thereafter
L.P. gas installation, more than 2,000 water gallons, per year
Lumberyards/woodworking operations
Machine shops, metal-turning operations
Magnesium-handling processes
Manufacture and storage of cellulose nitrate (pyroxylin) film or plastic
Organic coatings operations
Paint removal/portable torch, residential
Places of Assembly
 Class A, 1,000 plus
 Class B, 300-999
 Class C, 50-299
 Class D, less than 50
Prisons, detention facilities (secured)
Retail stores
Spray painting/undercoating operations
Stadiums, race tracks, other external forms of amusement
Storage and/or manufacture of matches
Storage of cylinders and containers
 5 or fewer
 Over 5 and fewer than 20
 Over 20
Tents, canopies, and other membrane structures as required by the Fire Marshall, based upon the following criteria:
 Flame propagation criteria of the applicable edition of NFPA #701;
 The requirements of the then-current edition of the ICC Electrical Code; and
 The number of portable fire extinguishers as required by the then-current version of the IFC.
Theaters, no stage
Underground storage, flammable/combustible liquids exceeding 50,000 gallons

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Use of open flames at public performances, fee plus cost of one inspector

Welding and cutting, residents and transients up to 5 times

- C. **Section 3404.3.5.1.1.** Storage, handling or use of Class II and Class III combustible liquids for use in portable heating devices shall be prohibited in residential dwelling units.
- D. **Section 3404.2.14.3. Existing Tanks; Fuel-Oil Tank Piping for Oil-Burning Equipment.** Existing aboveground tank installation previously approved which constitutes a hazard shall not be continued. The Code Official shall periodically inspect the existing installation for safety and to determine if the installation or operation is conducted or maintained in a safe manner. The Code Official shall have the authority to require unsafe tanks to be removed from service. The current addition of the National Fire Protection Association's Standard 31, Standard for the Installation of Oil-Burning Equipment, shall apply to all such installations and shall include that all fill pipe and bent pipe material shall be wrought-iron or steel and shall be of at least two-inch diameter iron pipe size. All connections shall be made using standard fittings. This shall apply to all new and existing installations.
- E. **Section 308.3.1.2. Prohibited Storage.** Portable LPG containers, 20 pounds or less, usually used as barbecue and mobile campers, are prohibited for storage inside any dwelling unit. This includes any use and/or storage on an attached porch or balcony.
- F. **Section 503.1.4. Fire Lanes.** The Fire Chief/Marshall shall inspect all multiple-dwelling, retail, commercial, hospital, public and industrial buildings, private alleys and off-street parking areas to determine and establish fire lanes within or about such areas. The Fire Chief/Marshall shall notify the owner or occupant of such places of the areas where designated fire lanes exist, and such owner or occupant shall mark and place such fire lane with markings and signs as approved by the Fire Chief/Marshall. No vehicle shall stop and park in such fire lanes, except for loading or unloading of merchandise at places designated by the Fire Chief/Marshall or for the momentary discharge or pickup of passengers.
- G. **Section 906.1.1. Residential Buildings.** Fire extinguishers shall be required in all two- or multifamily unit structures and/or a two-and-one-half-pound ABC dry powder in each kitchen area.
- H. **Section 603.4.2. Unvented Space Heaters; Gas-Fired.** All gas-fired appliance installations shall require a permit prior to installation. The applicant must submit a sketch that demonstrates the location of the heater(s) and pipe routings. In addition, a description of the gas supply must be submitted. All gas-fired heaters must have an oxygen depletion sensor (ODS) ignition system that will enable the unit to shut down in the event of oxygen

depletion. All piping shall be color-coded, with a yellow pipe indicating the gas line, and a carbon monoxide detector shall be mounted at an appropriate location in relating to the location of the heater. This section shall apply to all existing and new gas-fired appliance installations.

- I. **Section 3404.2.9.4.1. Residential and Commercial Oil, Fire, Heating Units and Heating Oil Tank Installations.** When replacing or installing any heating units or installing above-ground oil tanks in basements or other locations, all heating oil supply/return lines shall be installed overhead or along the wall at the floor line, so the line is visible at all times to inspect for leaks. The underground tank fuel line will be encased in a conduit of nondestructive materials.

- J. **Section 3404.3.2.4. Maintenance: Outside Installation - aboveground - All tanks having a water capacity of 499 gallons or more.**
 - (1) 3404.3.2.4.1. All installations shall be placed on a poured, wire-reinforced concrete pad. Thickness shall be determined by the weight of the tank.
 - (2) 3404.3.2.4.2. All tank installations must have a protective fence installed with the height to be determined by the size of the tank.
 - (3) 3404.3.2.4.3. Proper warning signs must be provided, including the following: "U.M. NUMBERS: PROPANE, DANGER, NO SMOKING." If in an area of a parking lot, "NO PARKING"; if in a parking area, proper bumper or bollards must be installed.
 - (4) 3404.3.2.4.4. All installations must be maintained properly, including painting, grass cutting and maintaining the fence in proper repair.

- K. **Section 603.6.1.1. Existing Chimneys Without Flues.** It shall be required to have a flexible, stainless steel, acid-resistant, properly sized sleeve installed in a chimney if U.L. listed or approved.

(Ord. 2020, 5/8/2006; as amended by Ord. 2045, 11/13/2007)

§204. Geographic Limits.

The geographic limits referred to in certain sections of the 2003 International Fire Code are hereby established as follows:

- A. **Section 3204.3.1.1:** geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited: in accordance with NFPA 55.

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- B. **Section 3404.2.9.5.1:** geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited: in accordance with NFPA 30.
- C. **Section 3406.2.4.4:** geographic limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited: in accordance with NFPA 30.
- D. **Section 3804.2:** geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas: in accordance with NFPA 58 and PA LP Gas Law, known as the "Propane and LP Gas Act."

(Ord. 2020, 5/8/2006)

§205. Repealer.

All ordinances, or parts of ordinances, including but not limited to Part 2, BOCA National Fire Prevention Code, of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, which shall be inconsistent with this Part shall be and the same expressly are, repealed.

(Ord. 2020, 5/8/2006)

§206. Construal of Provisions.

Nothing in this Part or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any 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 §205 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 2020, 5/8/2006)

§207. Future Editions of Code.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the 2003 edition of the International Fire Code. However, in the event that the International Code Council prepares and adopts a later version of the Fire Code, that most recent edition of the Code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2020, 5/8/2006)

§208. When Effective.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon enactment.

(Ord. 2020, 5/8/2006)

Part 3

International Property Maintenance Code

§301. Adoption of Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the "International Property Maintenance Code, 2003 Edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Pottstown, in the State of Pennsylvania, for regulating and governing the 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 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 on file in the offices of the Borough of Pottstown are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes prescribed in §302 of this Part.

(Ord. 2019, 4/10/2006)

§302. Revisions to Code.

The following sections are hereby revised:

- A. **Section 101.1:** Borough of Pottstown.
- B. **Section 103.5:** Comprehensive Fee Resolution.
- C. **Section 304.14:** March 1 to November 15.
- D. **Section 602.3:** September 15 to May 15.
- E. **Section 602.4:** September 15 to May 15.
- F. The following Section 302.8 is hereby amended to read as follows:

Section 302.8. Except as provided in other regulations, no inoperative, unregistered, uninspected, or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no such vehicle shall, at any time, be in a state of major disassembly for a period in excess of 30 days, or disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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EXCEPTION - a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

(Ord. 2019, 4/10/2006)

§303. Additions to Code.

A new Section 112 shall be created and provide as follows:

Section 112. Property Transfer Use and Occupancy Certificate.

Section 112.1. Single-Family Owner-Occupied Dwelling Requirements.

Upon transfer of title to a new owner, or upon said building becoming vacant, no single-family dwelling shall be occupied, in whole or in part, until the issuance of a certificate by the Code Enforcement Officer. The following requirements must be met before a certificate shall be issued:

112.1.1. A fire extinguisher equipped with two and one-half pounds ABC dry-powder rating must be supplied for the dwelling mounted in the kitchen on the wall near the exit doorway.

112.1.2. All kitchens, bathrooms, powder rooms and laundry rooms, or any garage and exterior outlets within six feet of a water source, must be supplied with a ground-fault receptacle.

112.1.3. All gas ranges must be supplied with shutoff valves installed behind the range.

112.1.4. All electrical ranges must have an outlet installed at the rear of the range.

112.1.5. The property must be in a clean, safe and sanitary condition.

112.1.6. Before the issuance of the property transfer use and occupancy certificate, a full buyer notification inspection shall be conducted. The old owner must inform the new owner of all pending violations and a letter of intent shall be signed by the buyer or new owner. All violations must be corrected within 60 days upon transfer of the title to the new owner.

112.1.7. Upon failure of a property transfer to a new owner, all listed violations shall be corrected within 60 days by the present owner. Failure to abate said violations shall be subject to the penalties set forth in Section PM106.4.

112.1.8. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between garages and residences shall be equipped with solid wood doors, not less than one and three-eighths inches in thickness, solid or honeycomb core steel doors not less than one and three eighths inches thick, or twenty-minute fire-rated doors.

Section 112.2. Single-Family, Two-Family and Multifamily Dwelling Units. Upon transfer of title to a new owner, no single-family rental unit, no two-family dwelling and no multiple dwelling shall be occupied, in whole or in part, until the issuance of a property transfer certificate of occupancy by the Code Enforcement Officer that said structure conforms in all respects to the requirements of this code. The following requirements must be met before a property transfer certificate of use and occupancy shall be issued:

112.2.1. Before the issuance of the said certificate of occupancy, a full code compliance inspection shall be conducted. The old owner must inform the new owner of all pending violations, and a letter of intent shall be signed by the buyer or new owner and all violations must be corrected within 60 days upon transfer of the title to the new owner.

112.2.2. Upon failure of a property transfer to a new owner, all listed violations shall be corrected within 60 days by the present owner. Failure to abate said violations shall be subject to the penalties set forth in Section PM106.4.

112.2.3. All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Code Inspector.

Section 112.3. Commercial, Office, Manufacturing and Industrial Buildings. Upon transfer of title to a new owner, no commercial, office, manufacturing or industrial building shall be occupied, in whole or in part, until the issuance of a property transfer certificate of occupancy by the Code Enforcement Officer that said structure conforms in all respects to the requirements of this code, the Property Maintenance Code, the Fire Prevention Code and the Plumbing Code, and Chapter 27, Zoning, of the Pottstown Borough Code of Ordinances. The following requirements must be met before a property transfer certificate of use and occupancy shall be issued:

Section 112.3.1. Before the issuance of the said certificate of occupancy, a full code compliance inspection shall be conducted. The old owner must inform the new owner of all pending violations, and a letter of intent shall be signed by the buyer or new owner, who will be responsible for the correction of the violations, which must occur within 60 days of transfer of the deed to the new owner.

Section 112.3.2. In the event that the property transfer does not occur, the present owner must correct all listed violations within 60 days of the date

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on which the settlement on the property was to have occurred. Failure to abate the listed violations shall subject the present owner to the penalties set forth in this code and as prescribed by the Code of Ordinances of the Borough of Pottstown.

Section 112.3.3. All hazardous building, safety, fire, plumbing and electrical violations cited at the time of inspection by the Code Enforcement Officer shall be corrected in the time specified by the Code Inspector.

Section 112.4. Fees. The fee paid to the Borough of Pottstown for the residential housing inspection for each residential housing unit shall be \$65 for each unit, and the fee to be paid for commercial, office, manufacturing and industrial inspection shall be the actual amount incurred by the Borough for the inspection of any unit. These fees may be changed from time to time by resolution of the Borough Council.

Section 112.5. Caretaker. In every multiple dwelling in which the owner does not reside, there shall be a responsible person, designated by the owner, residing on the premises whose duties, include maintaining the commonly used parts of the premises.

Section 112.6. Trash Collection. No trash or garbage is to be set out for collection prior to 4:00 p.m. the night before the scheduled pickup. All receptacles for the collection of garbage and/or trash shall be removed from the curb of the various streets adjacent to the property where the trash/garbage is accumulated prior to 6:00 p.m. on the day of the actual pickup.

Section 112.7. Residential Rental Units. All residential rental units that become vacant or have a change of occupant must be inspected for code compliance prior to reoccupancy of the said unit. It is the responsibility of the owner and/or the owner's agent to arrange for such inspection and to supply the telephone number, including an emergency number, for both the owner and the owner's agent, if any, to the Code Enforcement Officer. Prior to reoccupancy of the said unit, all code violations must be corrected and a rental license must be issued.

Section 112.8. Commercial, Office, Manufacturing and Industrial Units. All commercial, office, manufacturing and industrial units that become vacant or have a change of occupant must be inspected for code compliance prior to reoccupancy of the said unit. It is the responsibility of the owner or the owner's agent to arrange for such inspection. Prior to reoccupancy of the said unit, all code violations must be corrected and a rental license must be issued.

Section 112.9. Delinquent Water, Sewer, Waste Collection and Disposal Bills for All Rental Units to be Paid. All outstanding bills for water, sewer and waste collection and disposal, and clean and lien services, for any residential, commercial, office, manufacturing and industrial rental unit, that are more than 30 days' delinquent shall be paid in full prior to the issuance of a rental license.

Section 112.10. Short-Term Rental Units. All rooming houses, hotels, motels, bed-and-breakfasts or similar facilities that house people, property or businesses on a short-term basis, where different people occupy a unit for a period of time of one month or less, shall be inspected for code compliance once a year. It is the responsibility of the owner or the owner's agent to arrange for such inspection and to pay the fee therefor, which fee shall be established from time to time by resolution of the Borough Council. An annual license shall be issued for the short-term rental facility, provided that a minimum of 75% of the individual units comply with all Borough codes. Certificates of occupancy will be issued for individual units, and any individual unit that does not comply with all Borough codes will not receive a certificate of occupancy and shall not be occupied until all code violations have been corrected and a certificate of occupancy has been issued.

Section 112.11. Absentee Landlords to Designate Authorized Agent. All owners of rental property (landlords) who do not reside in Montgomery County, Chester County or Berks County, Pennsylvania, shall designate, in writing, an authorized agent, who resides within one of the three aforesaid counties, who shall be responsible for receiving all notices issued by the Borough pertaining to the rental property. The landlord shall also provide, in writing, the business address and telephone number of the person or entity that the landlord designates as its authorized agent.

Section 112.12. Sanitation. All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage. Interior-type furniture which would be adversely affected by the elements and/or susceptible to fire and/or infestation by insects, rats or other vermin is prohibited from being placed outside of structures. Such prohibited furniture shall include but not be limited to upholstered couches and chairs or other fabric-covered articles not designed or intended for exterior use. When the Code Enforcement Officer determines that prohibited or abandoned furniture is located in an exterior property area, the Code Enforcement Officer shall cause the owner or other responsible person to be notified in accordance with §215 of Chapter 1, Administration and Government, of this Code. If the prohibited or abandoned furniture is not removed within the time frame set forth in the notice, the Borough may cause the abandoned or prohibited furniture to be removed and the owner to be billed for the cost thereof in accordance with the provisions of this Code. If the cost of removal is not paid within 15 days, the Borough may impose a lien for the cost of said removal in a manner provided by law.

(Ord. 2019, 4/10/2006)

§304. Repealer.

All ordinances or parts of Ordinances, including but not limited to Part 3, BOCA National Property Maintenance Code, of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, which shall be inconsistent with the Part shall be and the same expressly are repealed.

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(Ord. 2019, 4/10/2006)

§305. Construal of Provisions.

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any 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 §304 of this Part, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 2019, 4/10/2006)

§306. Future Editions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the 2003 Edition of the International Property Maintenance Code. However, in the event that the International Code Council prepares and adopts a later version of the Property Maintenance Code, that most recent edition of the code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2019, 4/10/2006)

§307. When Effective.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon enactment.

(Ord. 2019, 4/10/2006)

Part 4

Plumbing Code

A. Plumbing Code.

§401. Adoption of Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the "International Plumbing Code, 2006 Edition," including Appendix Chapters B, D, E and F, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of plumbing systems 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 Plumbing Code on file in the office of the Borough of Pottstown are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §402 of this Part.

(Ord. 2038, 4/9/2007)

§402. Revisions to Code.

1. The following sections are hereby revised/amended:
 - A. Section 101.1 - Borough of Pottstown.
 - B. Section 106.6.2 - The Borough of Pottstown Fee Resolution, as amended.
 - C. Section 106.6.3 - 50%, and 75%.
 - D. Section 108.4 - Summary offense, \$1,000; 30 days.
 - E. Section 108.5 - Not less than \$50 or more than \$100.
 - F. Section 305.6.1 - Eight feet for all depth of connections to the public system. The depth for private systems will be determined by the Montgomery County Health Department.
 - G. Section 904.1 - 12 inches.
2. The following additional section shall be created and incorporated into Chapter 1, Administration, and provide as follows:

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Required Licenses.

Plumber's License. No person shall engage in the practice of plumbing, either on his or her own behalf or on behalf of another, either as a master plumber or journeyman plumber, until such person has presented proof that he or she was licensed by the Borough prior to the adoption of this Chapter or has a valid license from the International Code Council, Inc., to perform such work.

(Ord. 2038, 4/9/2007)

§403. Repealer.

All ordinances or parts of ordinances of the Borough, including but not limited to Part 4, BOCA National Plumbing Code, of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended, which are inconsistent with this Part shall be and the same expressly are repealed.

(Ord. 2038, 4/9/2007)

§404. Severability.

If any section, subsection, sentence, clause or phrase of this Part is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Part. The Burgess and Town Council of the Borough of Pottstown hereby declares that it would have passed this Part, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(Ord. 2038, 4/9/2007)

§404.1. Construal of Provisions.

Nothing in this Part or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any 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 §403 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 2038, 4/9/2007)

§404.2. Future Editions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the International Plumbing Code, 2006 Edition. However, in the event that the Interna-

tional Code Council prepares and adopts a later version of the International Plumbing Code, that most recent edition of the code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2038, 4/9/2007)

§404.3. When Effective.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon enactment.

(Ord. 2038, 4/9/2007)

B. Plumbing Licenses.

§411. License Required.

No person other than a registered Master Plumber shall be allowed to carry on or engage in the business, nor shall any person or persons expose a sign of plumbing or house drainage or any advertisement pertaining thereto or solicit any business as such, unless he or they have first secured a license and have been registered with the Health Officer; nor shall any Journeyman Plumber in his or their employ or under his or their supervisions be allowed to alter, repair or make any connection with any water, drain, soil, waste or vent pipe or any pipe, fixture or fixtures connected therewith. Every person, firm or corporation or representative thereof shall give the full name or names of the persons, firm or corporation for which he or they shall register. No registered Master Plumber shall be allowed the use of his or its name or the registration thereof to be used by any person other than a Master Plumber or registered Journeyman Plumber regularly employed by the said registered Master Plumber.

(Ord. 1266, 4/10/1972, §20)

§412. Board of Examiners.

The Borough Council shall appoint a Board of Examiners to examine all applicants for license under the provisions of this Part. Said Board shall consist of the Health Officer, Plumbing Inspector, Borough Engineer, and two (2) registered Master Plumbers who maintain a bona fide place of business in the Borough of Pottstown and who have been licensed to practice plumbing and house drainage in the Borough of Pottstown for a minimum of ten (10) years. The Council shall consider the recommendation of the Pottstown Area Plumbing Contractors Association before appointment of the plumbers to the Examining Board; however, in lieu of the recommendation of the Pottstown Area Plumbing Contractors Association, the Council shall make such appointments.

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(Ord. 1266, 4/10/1972, §21)

§413. Application.

All and every person or persons engaged or engaging in the business or work of plumbing or house drainage in the Borough of Pottstown shall apply in writing to the inspector of plumbing, not less than twenty-four (24) hours previous to the time of examination, for a certificate of license; and, if after proper examination made by the Board of Plumbing Examiners, such person or persons so applying shall be found competent, the same shall be certified to the Health Officer, who shall thereupon issue a certificate of license to such person or persons which shall, for the period of one (1) calendar year or fractional part thereof next ensuing the date of such examination, entitle him or them to engage in or work at the business of plumbing and drainage, upon complying with all other provisions of this Part.

(Ord. 1266, 4/10/1972, §22)

§414. Examination and Fees.

Every firm, person, persons or corporation engaged or engaging in the business of plumbing or house drainage shall pay for such examination a fee, in an amount as established from time to time by resolution, and each journeyman shall pay a fee, also in an amount as established from time to time by resolution, which shall be paid into the Borough Treasury for the use of the Borough of Pottstown. An examination of any one (1) member of a firm or corporation or the superintendent thereof shall be deemed sufficient, provided that registration upon the approval of such individual is issued to the firm or corporation, for such period only, that the individual who was examined shall be actually and actively connected with such firm or corporation. When such connection is broken, the registration shall be voided and revoked, to both the individual and the firm or corporation.

(Ord. 1266, 4/10/1972, §23; as amended by Ord. 1379, 3/14/1977, §16; by Ord. 1495, 10/17/1983, §5; by Ord. 1641, 5/14/1990, §1; and by Ord. 1735, 4/12/1993)

§415. Place of Business and Sign.

Annual registration or the renewal of registration as a Master Plumber will be granted to otherwise qualified applicants who maintain a bona fide place of business in the Borough of Pottstown, unless the applicant for registration or renewal of registration, as a Master Plumber, is regularly employed or engaged by a corporation, association, or individual principally in the care, repair, alteration of, or additions to the plumbing or drainage of the property or properties belonging to or under the control or management of his said corporation, association or individual employer. Registration of such applicants will be granted without requiring the establishment and maintenance of a bona fide place of business in the Borough of Pottstown; however, where such registrant en-

gages in the installation, repair, alteration or additions to plumbing or drainage of property other than that of his employer, or which may be intended for public offering, use, commercial purposes or as a residence, such individual, even though an employee, shall maintain a place in the Borough of Pottstown having a regular street address, phone number and some person normally in charge thereof where he may be reached throughout normal business hours. Each Master Plumber in the Borough of Pottstown shall maintain in his bona fide place of business, equipment for the purpose of rendering practical and mechanical service to the public by the Master Plumber or his registered employees.

(Ord. 1266, 4/10/1972, §24)

§416. Notice of Change of Place of Business.

Every registered Master Plumber, firm or corporation shall give immediate notice of any change in his, their or its place of business and on his, their or its retirement from business, shall surrender his, their or its certificate of registration to the Health Officer. The regular employment in any occupation other than the business of plumbing or the entering into the employ of another Master Plumber for more than a period of ninety (90) days shall be deemed a retirement. The Plumbing inspector shall report and recommend the revocation of registration of any licensees not making such surrender as provided.

(Ord. 1266, 4/10/1972, §25)

§417. Expiration of License.

At the expiration of each calendar year, such certificate of license shall be null and void. A licensed Master or Journeyman Plumber desiring to continue or work at the business of plumbing and house drainage for the ensuing year shall, between the first and thirty-first of December of each and every year, surrender such certificate of license for the current year to the Health Officer and re-register his, their or its name or names and the post office address upon such form or forms as may be furnished by the Health Officer.

(Ord. 1266, 4/10/1972, §26)

§418. Re-Registration Fees.

A re-examination will not be necessary for re-registration unless the licensed Master or Journeyman Plumber shall fail to make application at the specified time. A sum, in an amount as established from time to time by resolution, shall be paid for the re-registration of Master Plumbers, firms or corporations, and a sum, also in an amount as established from time to time by resolution, shall be paid by Journeyman Plumbers.

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(Ord. 1266, 4/10/1972, §27; as amended by Ord. 1379, 3/14/1977, §17; by Ord. 1499, 12/28/1983, §3; by Ord. 1641, 5/14/1990, §2; and by Ord. 1735, 4/12/1993)

§419. Apprentices.

1. Persons eighteen (18) years and over may be employed as apprentices at the plumbing trade and must be registered with the Health Officer. Apprentice registration shall be in an amount as established from time to time by resolution, payable annually.
2. Apprentices shall serve a period of three (3) full years of active employment in the trade. Apprentices are permitted to install any plumbing or drainage work only when accompanied by and under the observation and supervisions of a registered plumber. In the event that a Master Plumber employing an apprentice orders or permits such apprentice to perform any work in violation of this apprenticeship clause, such offense shall be held to be an act of the Master Plumber and a violation of these regulations. The Plumbing Examining Board will not receive any application from any person not properly registered as an apprentice.

(Ord. 1266, 4/10/1972, §28; as amended by Ord. 1379, 3/14/1977, §18; by Ord. 1495, 10/17/1983; by Ord. 1641, 5/14/1990, §3; and by Ord. 1735, 4/12/1993)

§420. Registration of Persons, Firms and Corporations Previously Registered in Other Political Subdivisions of Pennsylvania.

Any Master Plumber who is duly licensed to practice as a Master Plumber in any of the political subdivisions of the Commonwealth of Pennsylvania with a similar testing procedure shall be permitted to engage in business in the Borough of Pottstown providing, first, that he shall register with the Health Officer of the Borough of Pottstown for each separate contract job or building on which he may work, giving in the registration the estimated value of the work to be performed, the estimated time required to perform the work and listing all Journeyman Plumbers and apprentices with the Master Plumber on the particular job or contract. The nonresident Master Plumber shall at the termination of each job or contract file a Notice of Termination with the Plumbing Inspector stating that the work has been fully performed in accordance with the Plumbing Code of the Borough of Pottstown. The registration fee in each case shall be the same as that required for registration of Pottstown Master Plumbers. A fee, in an amount as established from time to time by resolution per registration, shall be charged in addition to such other fees, as from time to time, may be established by the Borough Council.

(Ord. 1266, 4/19/1972, §29; as amended by Ord. 1379, 3/14/1977, §19; by Ord. 1499, 12/28/1983, §3; by Ord. 1641, 5/14/1990, §4; and by Ord. 1735, 4/12/1993)

§421. Fines and Penalty for Violation.

1. Any person or persons, firm or corporation who or which shall fail to comply with any of the provisions of this Part regarding the procuring of a license or certificate to engage in or work at the business of plumbing or house or building drainage shall, upon conviction thereof, for a first offense be liable to a penalty of not less than ten (\$10.00) dollars or more than six hundred (\$600.00) dollars and costs of prosecution, and for a second or subsequent offense, to a penalty of not less than twenty (\$20.00) dollars or more than six hundred (\$600.00) dollars and costs of prosecution. Provided, each and every day in which any person or persons, firm or corporation shall engage in or work as such business shall constitute a separate offense.
2. In default of any penalty or costs imposed under this §422, the violator may be sentenced to not more than thirty (30) days imprisonment.

(Ord. 1266, 4/19/1972, §31; as amended by Ord. 1735, 4/12/1993)

(Cont'd on page 5-39)

Part 5

ICC Electrical Code

§501. Adoption of the ICC Electrical Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the ICC Electrical Code - Administrative Provisions, as published by the International Code Council, be and is hereby adopted as the Electrical Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of electrical systems 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 Electrical Code on file in the office of the Borough of Pottstown are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §502 of this Part.

(Ord. 2001, 8/8/2005, §1)

§502. Modifications Made in the ICC Electrical Code.

1. Revisions. The following sections are hereby revised:
 - A. Section 101.1. Borough of Pottstown.
 - B. Section 404.2. The Borough of Pottstown Fee Resolution as amended.²

(Ord. 2001, 8/8/2005, §2)

§503. Intent and Future Provisions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the 2003 Edition of the ICC Electrical Code - Administrative Provisions. However, in the event that the International Code Council prepares and adopts a later version of the Electrical Code, that most recent edition of the Code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending Ordinance.

(Ord. 2001, 8/8/2005, §6)

² Editor's Note: The Fee Resolution is included at the beginning of this Code.

Part 6

International Mechanical Code

§601. Adoption of the International Mechanical Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the International Mechanical Code, 2003 Edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems 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 Mechanical Code on file in the office of the Borough of Pottstown are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §602 of this Part.

(Ord. 2003, 8/8/2005, §1)

§602. Modifications Made in the International Mechanical Code.

1. The following sections are hereby revised:
 - A. Section 101.1. Borough of Pottstown.
 - B. Section 106.5.2. The Borough of Pottstown Fee Resolution as amended.
 - C. Section. 106.5.3. Fifty percent (50%), and seventy-five percent (75%).
 - D. Section 108.4. Subject to the provisions of §215.2A of Chapter 1 of the Pottstown Borough Code of Ordinances, as amended.
 - E. Section 108.5. Subject to the provisions of §215.2A of Chapter 1 of the Pottstown Borough Code of Ordinances, as amended.

(Ord. 2003, 8/8/2005, §2)

§603. Intent and Future Provisions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the International Mechanical Code, 2003 Edition. However, in the event that the International Code Council prepares and adopts a later version of the International Mechanical Code, that most recent edition of the Code shall become part of the Code of Or-

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dinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2003, 8/8/2005, §6)

Part 7

Residential Rental Registration

§701. Residential Rental Registration Required.

The owner(s) of each residential rental property shall register the rental property with the Office of Code Enforcement on or before June 30, 2003. There shall be no rental registration fee for rental property registered prior to February 28, 2003. Rental registration fees for properties subsequent to February 28, 2003, shall be established by Borough Council, from time to time, by resolution. For newly created residential rental units, registration shall occur prior to any occupancy.

(Ord. 1944, 8/12/2002, §5)

§702. Information to Be Provided.

Registration forms shall be available in the Office of the Code Enforcement. Information required to be submitted shall include, but not be limited to, the following:

- A. Name, address and telephone number of the property owner.
- B. Address and location of the residential rental unit or units.
- C. Name, address and telephone number of the rental agent (if applicable).
- D. Number of residential rental units located in the residential rental property.
- E. Identification and description of each residential rental unit.
- F. Additional information deemed necessary by the Director of the Code Enforcement to administer the registration process.

(Ord. 1944, 8/12/2002, §5)

§703. Registration Effectuated; Frequency of Registration.

1. Registration shall be deemed complete when the owner has submitted the information required in §702 above to the Code Enforcement Office; a Certification of Registration shall be issued by the Code Enforcement Office evidencing said registration of all residential rental units contained in the residential rental property.
2. Once a residential rental property is registered with the Code Enforcement Office, subsequent registration is required when there is a change to the number of residential rental units within a residential rental property.

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(Ord. 1944, 8/12/2002, §5)

§704. Effective Date.

This Part shall become effective October 1, 2002.

(Ord. 1944, 8/12/2002, §5)

Part 8

Residential Rental Licensing

§801. Residential Rental License Required for Residential Rental Units.

A residential rental license shall be required for each residential rental unit unless the residential rental unit has not been inspected or has outstanding violations of the applicable codes and operates under a residential rental registration or is exempt as defined in Chapter 11, §204.

- A. For licensing purposes, the Code Enforcement Officer shall fully inspect each residential rental unit upon any change of occupancy, upon a property transfer, upon a complaint that a violation has occurred or where the Code Enforcement Office has reasonable cause to believe that a violation is occurring. All other residential rental units that have not been inspected for the reasons set forth above shall be inspected and licensed at least once every five (5) years. Unless sooner revoked for cause, the residential rental license shall remain in effect until such time as the next inspection occurs.
- B. Prior to initial occupancy of newly constructed or newly created or substantially rehabilitated residential rental units, the owner, operator, responsible agent or manager of each residential rental unit shall register with and make written application to the Code Enforcement Office for a residential rental license as herein provided. Such units will be exempt from further inspection, unless a complaint of violation has occurred or a Code Enforcement Officer has probable cause to believe that a violation has occurred, for a period of five (5) years unless inspected prior thereto by reason of reoccupancy or property transfer. Absent reoccupancy, property transfer, complaint of violation, it is the intent of this Section to inspect all residential rental units at least once every five (5) years. Initial inspections will occur in accordance with a phased-in systematic inspection program to be prepared and made available upon request by the Code Enforcement Office. A minimum sixty (60) days written notice shall be given for all initial inspections. The penalty for not allowing an inspection shall be revocation of the residential rental registration or the residential rental license.

(Ord. 1944, 8/12/2002, §6)

§802. Compliance.

If the Code Enforcement Officer, upon completion of the inspection, finds that the applicable codes have not been met, a notice of violation shall be issued.

- A. Notices of violation and the procedure for remedial action of said violations will be addressed as set forth in §215, "Violations and Penalties," of Chapter

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1, "Administration and Government," of the Code of Ordinances of the Borough of Pottstown, as amended.

- B. If, after the expiration of the notice provision or any extensions thereof, the second reinspection reveals that all violations have not been corrected, the residential rental registration or the residential rental license for the residential rental unit shall be revoked, and if the residential rental unit is vacant, it shall remain vacant.
- C. A fee will be charged for the initial inspection and for each reinspection after the second reinspection. The Code Enforcement Office shall maintain a list of all residential rental units and their ownership that have been the subject of prosecution before the District Justice during the preceding five (5) years.

(Ord. 1944, 8/12/2002, §6)

§803. Issuance of Residential Rental License.

A residential rental license shall be issued if the residential rental unit meets the following conditions:

- A. The Code Enforcement Officer finds that the residential rental unit is in compliance with the applicable codes.
- B. The owner, operator or manager provides the name of a responsible agent (if applicable).
- C. The owner, operator, responsible agent or manager pays the license inspection and reinspection (if applicable) fee(s).
- D. The owner, operator, responsible agent or manager is current on water, sewer and trash fees for the residential rental unit.
- E. The uses of the property are in compliance with the Zoning Ordinance [Chapter 27] of the Borough of Pottstown.
- F. The owner, operator, responsible agent or manager has submitted a complete and accurate and annual occupant listing by residential rental unit.

(Ord. 1944, 8/12/2002, §6)

§804. Revocation of Residential Rental License.

A residential rental license shall be revoked if the owner or operator of a residential rental unit does not provide the name of a responsible agent (if applicable); does not cor-

rect code violations found in response to a complaint within the time frame cited by the Code Enforcement Officer, is not current on water, sewer and trash fees for the residential rental unit, changes the uses of the property so as to no longer be in compliance with the Zoning Ordinance [Chapter 27] of the Borough of Pottstown, does not submit a complete and accurate occupant listing by residential rental unit by April 15 of each year, whenever appropriate and/or has not complied with the disruptive conduct provision of this Part, as described in Chapter 11, §203(3). If the residential rental license is revoked and the residential rental unit is vacant, it shall remain vacant.

(Ord. 1944, 8/12/2002, §6)

§805. Reinstatement of Residential License.

A residential rental license shall be reinstated if the owner or operator of a residential rental unit corrects the reasons for the revocation of the residential rental license and has paid the license reinstatement fee.

(Ord. 1944, 8/12/2002, §6)

§806. Sale or Transfer of Residential Rental Unit.

A residential rental license shall not be transferred. In the case of licensed residential rental units that are sold or transferred, the new owner shall apply for a residential rental license for each residential rental unit and each residential rental unit inspected. Failure to seek a residential rental license for each residential rental unit within sixty (60) days of the date of sale or transfer of ownership shall result in revocation of the residential rental license.

(Ord. 1944, 8/12/2002, §6)

§807. Appeals of Revocation of Residential Rental License.

1. Property Condition Appeals. Any person aggrieved by any decision of the Code Enforcement Officer may appeal to the Code Hearing Board in accordance with the provision of Chapter 1, Administration and Government, Part 2, §216, Establishment of Code Hearing Board; Variances and Appeals.
2. Disruptive Conduct Appeals. Any person aggrieved by any decision of the Code Enforcement Officer in regard to a disruptive conduct report or the revocation of a residential rental license based upon disruptive conduct violations, may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within thirty (30) working days from the date of the alleged disruptive conduct or notice of revocation. The Code Hearing Board shall serve as the Disruptive Conduct Board of Appeals and shall follow the procedure for hearings and appeals as

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set forth in Chapter 1, §216(4) of the Code of Ordinances of the Borough of Pottstown.

(Ord. 1944, 8/12/2002, §6)

§808. Effective Date.

This Part shall become effective June 1, 2003.

(Ord. 1944, 8/12/2002, §6)

§809. Fees; Penalties.

1. Residential Rental License and Registration Fees. All fees established in this Part shall be set by resolution of Borough Council from time to time. The applicable types of fees are as follows:
 - A. Registration. The fee for a residential rental registration as set forth and required by §701 above.
 - B. Licensing. The fee required for a residential rental license which shall be payable per each residential rental unit.
 - C. Reinspections. The fee for any subsequent inspection and all subsequent re-inspections per residential rental unit.
 - D. Reinstatement. The fee to reinstate a revoked residential rental registration or a residential rental license on a per residential rental unit basis.
2. Penalties.
 - A. Revocation of Residential Rental Registration or Residential Rental License. A fine of not less than six hundred dollars (\$600.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations.
 - B. Failure to Register or Failure to Seek a Residential Rental License. Failure to register or failure to seek a residential rental license (for newly constructed, newly created or substantially rehabilitated residential rental units):
 - (1) The owner, responsible agent or manager shall be sent a thirty (30) day notice of violation, warning them of their failure to comply with

the terms of this Part. If they do not comply at the end of thirty (30) days, there shall be a fine of not less than six hundred dollars (\$600.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

- (2) Whoever violates any provision of this Part or any Section of this Part shall upon a first offense be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than ninety (90) days, or both.
- (3) If, after any conviction for violation of this Part or any lawful order issued pursuant thereto, such person continues violation, then such person shall be liable for further prosecution, conviction and punishment without any necessity of the Code Enforcement Officer to issue a new notice of violation or order, and until such violation has been corrected.
- (4) In addition to prosecution of persons violating this Part, the Code Enforcement Officer or any duly authorized agent of the Borough may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Part.

(Ord. 1944, 8/12/2002, §7)

Part 9

Uniform Construction Code

§901. Election to Administer and Enforce Code.

Pottstown 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.

(Ord. 1981, 4/12/2004)

§902. Adoption of Uniform Construction Code.

The Uniform Construction Code, contained in 34 PaCode, Chapters 401 - 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of Pottstown Borough. The Uniform Construction Code is hereby readopted to specifically acknowledge the standards established by the Pottstown Borough Authority with respect to Standards for Technical Specifications and Regulations as they relate to the construction of water mains and appurtenances and sanitary sewers and appurtenances.

(Ord. 1981, 4/12/2004; as amended by Ord. 2007, 10/11/2005, §2)

§903. Administration and Enforcement.

Administration and enforcement of the Code within Pottstown Borough shall be undertaken in any of the following ways as determined by The Burgess and Town Council of the Borough of Pottstown, from time to time by resolution:

- A. By the designation of an employee of Pottstown Borough, to serve as the Municipal Code Official to act on behalf of Pottstown Borough;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Pottstown 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 other municipality for the administration and enforcement of this Act on behalf of Pottstown Borough;
- E. By entering into an Agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures

§904. Board of Appeals.

other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 1981, 4/12/2004)

§904. Board of Appeals.

A Board of Appeals shall be established by resolution of The Burgess and Town Council of the Borough of Pottstown 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.

(Ord. 1981, 4/12/2004)

§905. Prior Building Code Ordinances.

Until specific amendments are enacted to the Pottstown Borough Code of Ordinances to reflect additional changes:

- A. All Building Code Ordinances or portions of ordinances which were adopted by Pottstown 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.
- 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 Pottstown Borough not governed by the Code shall remain in full force and effect.

(Ord. 1981, 4/12/2004)

§906. Fees.

Fees assessable by the Borough of Pottstown for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Burgess and Town Council of the Borough of Pottstown by resolution from time to time.

(Ord. 1981, 4/12/2004)

Part 10

International Fuel Gas Code

§1001. Adoption of the International Fuel Gas Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the International Fuel Gas Code, 2003 Edition, including Appendix A, B and C, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing fuel gas systems and gas-fire appliances 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 Fuel Gas Code on file in the office of the Borough of Pottstown are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §1002 of this Part.

(Ord. 2002, 8/8/2005, §1)

§1002. Modifications Made in the International Fuel Gas Code.

1. Revisions. The following sections are hereby revised:
 - A. Section 101.1. Borough of Pottstown.
 - B. Section 106.5.2. The Borough of Pottstown Fee Resolution as amended.
 - C. Section 106.5.3. Fifty percent (50%), and seventy-five percent (75%).
 - D. Section 108.4. Subject to the provisions of §215.2A of Chapter 1 of the Pottstown Borough Code of Ordinances, as amended.
 - E. Section 108.5. Subject to the provisions of §215.2A of Chapter 1 of the Pottstown Borough Code of Ordinances, as amended.

(Ord. 2002, 8/8/2005, §2)

§1003. Intent and Future Provisions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the International Fuel Gas Code, 2003 Edition. However, in the event that the International Code Council prepares and adopts a later version of the International Fuel Gas Code, that most recent edition of the Code shall become part of the Code of Ordinances

§1003. Intent and Future Provisions.

of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2002, 8/8/2005, §6)

Part 11

International Energy Conservation Code

§1101. Adoption of the International Energy Conservation Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the international Energy Conservation Code, 2003 Edition, including the Appendix, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the Borough of Pottstown, in the State of Pennsylvania, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems 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 Energy Conservation Code on file in the office of the Borough of Pottstown are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §1102 of this Part.

(Ord. 2004, 8/8/2005, §1)

§1102. Modifications Made in the International Energy Conservation Code.

1. Revisions. The following sections are hereby revised:
 - A. Section 101.1. Borough of Pottstown.

(Ord. 2004, 8/8/2005, §2)

§1103. Intent and Future Provisions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the Energy Conservation Code, 2003 Edition. However, in the event that the International Code Council prepares and adopts a later version of the International Energy Conservation Code, that most recent edition of the Code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2004, 8/8/2005, §6)

Part 12

International Existing Building Code

§1201. Adoption of the International Existing Building Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the International Existing Building Code, 2003 Edition, including Appendix Chapter B, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing the repair, alteration, change of occupancy, addition and relocation of the existing buildings, including historic buildings, 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 Existing Building Code on file in the office of the Borough of Pottstown are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §1202 of this Part.

(Ord. 2008, 10/11/2005, §1)

§1202. Modifications Made in the International Existing Building Code.

1. Revisions. The following sections are hereby revised:
 - A. Section 101.1. Borough of Pottstown.
 - B. Section 1201.2 April 12, 2004.

(Ord. 2008, 10/11/2005, §2)

§1203. Intent and Future Provisions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the 2003 Edition of the International Existing Building Code. However, in the event that the International Code Council prepares and adopts a later version of the Existing Building Code, that most recent edition of the Code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2008, 10/11/2005, §6)

Part 13

International Residential Code

§1301. Adoption of the International Residential Code.

A certain document, three copies of which are on file in the office of the Code Enforcement Director of the Borough of Pottstown, being marked and designated as the International Residential Code, 2003 Edition, including Appendix Chapters C and L, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Borough of Pottstown, in the State of Pennsylvania, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress 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 Residential Code on file in the office of the Borough of Pottstown are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §1302 of this Part.

(Ord. 2011, 11/14/2005, §1)

§1302. Modifications Made in the International Residential Code.

1. Revisions. The following sections are hereby revised:

A. Section R101.1. Borough of Pottstown.

B. Table R301.2 (1) Insert appropriate design criteria as follows:

Ground snow load = 30
Wind speed (mph) = 90
Seismic Design Category = B
Weathering = severe
Frost line depth = 36"
Termite = moderate to heavy
Decay = Slight to moderate
winter design temp = 14 degrees
Ice shield under-layment required = YES
Flood hazards = as amended 4/12/2005 by Ord. No. 1981
Air freezing index = 1,000
Mean annual temp = 50 degrees

C. Section P2602.8.1 Insert: A minimum of 36 inches, not less than 36 inches (variable).

§1203. Intent and Future Provisions.

D. Section P3103.1 Insert: 15 inches, 15 inches.

(Ord. 2011, 11/14/2005, §2)

§1303. Intent and Future Provisions.

It is the intent of the Burgess and Town Council of the Borough of Pottstown to adopt the 2003 Edition of the International Residential Code. However, in the event that the International Code Council prepares and adopts a later version of the Residential Code, that most recent edition of the Code shall become part of the Code of Ordinances of the Borough of Pottstown without the need for the adoption of an amending ordinance.

(Ord. 2011, 11/14/2005, §6)

Part 14

Sale of Property

§1401. Legislative Intent.

1. The Town Council of the Borough of Pottstown finds that in Pottstown Borough properties are being transferred without compliance with property inspections as required by Chapter 5, Code Enforcement, and without payment or provision for outstanding fees for sewer service (as set forth in Chapter 18, Sewer and Sewage Disposal), trash removal (as set forth in Chapter 20, Solid Waste), and water services (as set forth in Chapter 26, Water), all chapters contained in the Code of Ordinances of the Borough of Pottstown, as amended.
2. In order to prevent undue hardships and losses imposed upon purchasers and the Borough, the Town Council finds and declares that in the Borough all owners (as defined in this Part) who transfer or obtain title to real property shall be required to certify that a Property Transfer Inspection (pursuant to Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, as amended) has occurred or has been scheduled and shall further certify that all sewer fees, water fees and refuse fees as of the date of settlement or the date on the deed transferring the property, whichever is later, have been paid in full.

(Ord. 2009, 10/11/2005, §101³)

§1402. Definitions.

As used in this Part, the following terms shall have the meaning indicated:

BOROUGH - the Borough of Pottstown, Pennsylvania.

OWNER - any person, partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property, including the seller and/or buyer referenced in the Real Estate Transfer Registration Form. When used in any clause prescribing or imposing a penalty, the term owner as applied to partnerships and associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

PROPERTY - all real property situate in the Borough of Pottstown, Montgomery County, Pennsylvania.

(Ord. 2009, 10/11/2005, §102)

³ Editor's Note: Ordinance No. 2009 also provided that it become effective November 1, 2005.

§1403. Registration of Property Transfer.

§1403. Registration of Property Transfer.

All owners transferring property shall insure that any deed transferring title to any other owner, whether by purchase, devise, partition or in any other manner whatsoever, shall be presented to the Finance Office for review and compliance with the requirements of §1404 below, within one month after the passing of title. Property satisfying the requirements of §1404 shall be evidenced by a Borough stamp when the deed is presented to the Finance Office. The Borough Council hereby empowers the Borough Administration to establish rules and regulations associated with this registration process and to create an application form to be submitted along with the appropriate fee.

(Ord. 2009, 10/11/2005, §103)

§1404. Prerequisites to Application of Property Transfer.

1. In the Borough, it shall be unlawful for any owner to transfer or obtain title to a property or any interest therein, unless the owner shall first insure that property inspections required under §303, of Chapter 5, Code Enforcement, of the Code of Ordinances of the Borough of Pottstown, have first occurred in the intent of this provision that all properties transferred shall meet the minimum requirements contained in the Borough ordinances, including the Property Maintenance Code then in effect and presently being enforced by the Borough. Compliance with the results of that inspection need not yet have occurred.
2. In the Borough, it shall be unlawful for any owner to transfer or obtain title to a property or any interest therein, unless the owner shall insure that payment in full for all sewer service, required pursuant to Chapter 18, Sewer and Sewage Disposal, trash removal as required in Chapter 20, Solid Waste, and water service as required by Chapter 26, Water, all part of the Code of Ordinances of the Borough of Pottstown, as amended, have been paid in full as of the date of settlement or the date of the deed transferring the property, whichever is later.

(Ord. 2009, 10/11/2005, §104)

§1405. Recording of Deeds.

The Recorder of Deeds for Montgomery County, Pennsylvania, shall not admit for record any deed of any property bearing date subsequent to the enactment of this Part, unless the same shall have been duly stamped by the Borough as hereinabove provided.

(Ord. 2009, 10/11/2005, §105)

§1406. Application and Fee.

An application shall be completed and a fee, which shall be established from time to time by resolution of Borough Council, shall be paid to the Borough at the time of submission of each deed pursuant to §1403.

(Ord. 2009, 10/11/2005, §106)

§1407. Violations and Penalties.

Any person, corporation or other entity who shall violate any of the provisions of this Part or who should fail to comply with any notice of violation herein, upon conviction before a District Justice within the Magisterial District within the Borough of Pottstown of which the Borough of Pottstown is a part, shall be fined not more than \$600 plus costs of prosecution after a summary proceeding brought in the name of the Borough before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists. In default of payment of any fine imposed and the cost, the person or persons that are charged may be sentenced to be committed to the County jail for a period not exceeding 30 days.

(Ord. 2009, 10/11/2005, §107)