

Chapter 90

BUILDING CONSTRUCTION

ARTICLE I Building Permits

- § 90-1. Title.
- § 90-2. Definitions.
- § 90-3. Permit required.
- § 90-4. Application.
- § 90-5. Fees.
- § 90-6. Exemptions for fire loss.
- § 90-7. Rights and duties of issuing officer.
- § 90-8. Certificates.
- § 90-9. Duration of permit.
- § 90-10. Violations and penalties.
- § 90-11. Setbacks.
- § 90-12. Streets.
- § 90-13. Utilities.
- § 90-14. Storage of building materials.

- § 90-15. Passageways.
- § 90-16. Excavations.
- § 90-17. Erection of single mobile homes.

ARTICLE II Uniform Construction Codes

- § 90-18. Administration and enforcement.
- § 90-19. Adoption of standards.
 - § 90-19.1. Exemptions from compliance.
- § 90-20. Process for administration and enforcement.
- § 90-21. Board of Appeals.
- § 90-22. Effect on other ordinances.
- § 90-23. Fees.
- § 90-24. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Dallastown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 114.
Plumbing standards — See Ch. 146.
Sewers — See Ch. 159.

Subdivision and land development — See Ch. 183.
Trailer parks — See Ch. 194.

ARTICLE I Building Permits

[Adopted 7-10-1961 by Ord. No. 240]

§ 90-1. Title.

This article may be referred to as the Building Permit Code of Dallastown Borough, York County, Pennsylvania.

§ 90-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BUILDING — A combination of materials to form a construction that is adopted to permanent or continuous occupancy for public, institutional, residence, business, manufacturing or storage purposes; the term "building" shall be construed as if followed by words "or part thereof."

REPAIR — The replacement of existing work similar to the existing work.

STRUCTURE — A combination of materials to form a construction, including, among others, stadiums, gospel and circus tents, garages (private or public), gasoline and bituminous storage tanks (including underground tanks), platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, sheds, coal bins, cesspools, swimming pools, greenhouses, septic tanks, display signs, etc.; the term "structure" shall be construed as if followed by the words "or part thereof."

§ 90-3. Permit required.

It shall be unlawful for any person, firm, association or corporation to erect, construct, enlarge, alter, repair, move, remove or demolish any building or structure within the limits of the Borough of Dallastown, York County, Pennsylvania, unless a permit therefor shall first be secured as hereinafter provided.

§ 90-4. Application.

- A. Application book. No building permit shall be issued unless an application therefor to the issuing officer is made, in writing, in a book to be provided for the purpose and signed by the person, firm, association or corporation desiring the same or by a duly authorized agent or contractor.
- B. Information required. Every application for a building permit must be accompanied by a plan drawn to a scale of one inch equaling 20 feet and showing:
 - (1) Lot location. The lot of record and the zoning lot, if different from the lot of record, upon which the building is proposed to be erected or on which it is situated in the case of an existing building.
 - (2) Lot dimensions, street address, lot and map numbers.
 - (3) Names and widths of abutting streets.
 - (4) Existing buildings: locations, dimensions and uses of any existing building on the lot and within 100 feet of the proposed structure.
 - (5) Proposed buildings: locations, dimensions and proposed uses of buildings for which the permit is sought.

- (6) Character of construction: dimensions of yards for the building for which permit is sought; distance from the proposed building of any existing building within 100 feet on the same lot.
- (7) Proposed off-street parking and loading areas, access drives and walks.

- (8) North point and scale.
 - (9) Adequate information to enable the issuing officer to determine whether the requirements in this article are met.
- C. Posting. The permittee must see that the permit is posted at a conspicuous place on the premises where the work is being performed.

§ 90-5. Fees.

- A. Requirement. No permit shall be issued until the fee prescribed in this section shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.
- B. Rate schedule. The permit fee, based on the estimated cost (including materials, labor, foundations, etc.) is as follows (except as set forth in Subsections C and D below). The particular fee as imposed and established will be set by resolution of the Borough Council. **[Amended 4-13-1998 by Ord. No. 432]**
- C. Moving and removing. In the case of a building or structure to be moved or removed from one lot to another, the fee is based on the estimated cost of construction of a building or structure in its completed condition after removal. In the case of a building or structure to be moved to a new location within the same lot, the fee shall be at a rate per thousand dollars or fraction thereof of the estimated cost of moving of new foundations and of work necessary to put the building or structure in usable condition in its new location. The particular fee as imposed and established will be set by resolution of the Borough Council. **[Amended 4-13-1998 by Ord. No. 432]**
- D. Demolitions. For a permit for the demolition of a building or structure, when the cost of such demolition is less than \$500, there is no charge. When the cost of demolition is \$500 or more, the fee shall be at the rate for new construction.
- E. Where painting or refurbishing is done only as repair, no permit or fee shall be required.

§ 90-6. Exemptions for fire loss. [Added 12-29-1980 by Ord. No. 331]

On or after December 1, 1980, the Borough of Dallastown shall issue building permits without charge for repairs or replacement to buildings where the same has been necessitated by a loss due to fire or a disaster or act of God, where the same has been certified and approved by the Borough Council. Any improvement, change or addition from the original will require the applicant to pay the normal permit fee in existence at said time of application for the addition, improvement or change from the original.

§ 90-7. Rights and duties of issuing officer.

The issuing officer must investigate the application for a building permit and he has the right to enter upon the premises of the applicant to conduct the investigation. Unless the

construction repair or alteration would be in violation of law or ordinance, he must issue a permit. If, in the opinion of the issuing officer, the construction, repair or alteration would be in violation of law or ordinance, he must at once refer the application for permit to the Borough Council. The Council must act upon the application, subject to all the requirements of this article.

§ 90-8. Certificates.

- A. When; what. Where the actual cost of the building or structure or change thereof exceeds \$1,000, the permittee must file a certified report to the issuing officer within 60 days after the completion of the building or structure or change thereof. The permittee must certify:
- (1) As to the nature and actual cost of the building or structure or change thereof;
 - (2) That the improvements required in the granting of the building permit have been made; and
 - (3) As to such additional information as the issuing officer may require.
- B. Who. Where the owner of the building or structure secures the permit, such owner must make and file the return. Where the performer of the operation covered by the permit secures the permit, such performer must make and file the report. Where the owner has more than one operation covered by this article performed simultaneously on the same premises, such owner must make the report and must state in the report the aggregate actual cost of all such operations.
- C. Adjustment of fee to reflect actual costs. Upon the filing of the report, the permittee must pay any additional fees in accordance with the foregoing schedule of rates for the amount by which the actual costs exceed the original estimate, or the issuing officer must refund any overpayment made by reason of overestimated costs.

§ 90-9. Duration of permit.

All permits shall expire nine months after date of issue, except in the case of an extensive project where the applicant may specify the estimated project completion date, on which date the permit shall expire, or the issuing officer may grant an extension of time if he deems it to be justified. If no extension of time is so requested and construction has not been completed, another permit must be secured in the same manner and under the same conditions as to fees, period, etc., as in the case of an original permit.

§ 90-10. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]

- A. For violation of chapter. Any person, firm, association or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. Each and every day that erection, construction, enlargement or moving continues without first securing a building permit in

violation of the provisions hereof shall constitute a separate and distinct offense and shall be subject to separate and distinct penalties hereunder.

- B. For removing grade line marks. Any person who shall change or remove any stake, stone, mark or other designation by which any grade line so given is indicated shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days.

§ 90-11. Setbacks.

New buildings or structures or additions must be set back as follows:

- A. To the existing building setback lines and, where such are not in existence, to such setback lines as shall be established by the Borough Council.
- B. At least six feet from side lot lines.
- C. For garages on an alley, at least 20 feet from the center line of the alley.

§ 90-12. Streets.

- A. Proposed construction or enlargement must conform to proper line and grade of the street as given by the Borough Engineer.
- B. Concrete curbs must be installed in any area or street which has been designated by the Borough Council by resolution to be curbed.

§ 90-13. Utilities.

- A. Storm sewage. Where surface water is discharged upon the lot or land where the building or structure is to be constructed, whether by means of natural watercourse, drain, pipe, culvert, open ditch or by any other artificial means, no building permit may be issued unless information, or a detailed plan if requested, is submitted showing that the surface water will be discharged from the land by means approved by the Borough Engineer.
- B. Sanitary sewage. If no public sewage disposal system is available, adequate sewage disposal facilities must be provided by means of septic tanks and tile fields or by such other means as may be approved by the Borough Engineer.

§ 90-14. Storage of building materials.

- A. Conditions. It shall be unlawful without a building permit to store any building materials on any highway or street. In any case, no building materials or any temporary structure may be placed on any highway or street until necessary, nor may the same or any rubbish remain on any highway any longer than necessary.

- B. Location. Building materials may be stored immediately in front of the premises and, if the owners thereof give their consent, in front of one adjoining property on each side thereof. The building materials may in no case extend toward the center of the highway more than six feet from the curblines. No building materials or any temporary structure may obstruct the free flow of water in the gutter or along the curb.
- C. Public roads; night lighting. When any portion of a public road is used under a permit, it will be the responsibility of the permittee to see that a sufficient number of red lanterns are conspicuously placed on the public road every night from dark to sunrise to render the public road safe.
- D. Restoration. After the use of the highway or street under any permit, the highway or street must be restored to its original condition.

§ 90-15. Passageways.

During the erection of any building, a passageway at least four feet wide must be kept open along the sidewalk. If deemed necessary by the issuing officer, the passageway must be provided with a board roof.

§ 90-16. Excavations.

All cellars, ditches or other excavations must be kept drained and must be protected by sufficient cover, guard rails or fences.

§ 90-17. Erection of single mobile homes. [Added 8-12-1985 by Ord. No. 373]

- A. Installation requirements. If a mobile home is erected and maintained as a single-family dwelling outside a mobile home park, the following requirements shall be met:
- (1) The tract upon which the mobile home is installed shall conform with the minimum lot size requirement of the zone where located.
 - (2) The mobile home shall be installed so as to conform with all front yard, side yard and rear yard setback lines applicable to immobile housing in that zone.
 - (3) The mobile home shall be installed upon and securely fastened to a frost-free foundation or footer and in no event shall it be erected on jacks, loose blocks or other temporary materials.
 - (4) The mobile home shall be connected to public water and sewer systems, if available. If not, the owner shall provide a potable water supply from his own well and shall provide a septic system that shall meet the standards of the Pennsylvania Department of Environmental Protection.

- (5) Any single on-lot mobile home shall meet the specifications for manufacture of mobile homes as set forth in Federal Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development as detailed in 24 CFR 3282.
- B. Building permit. No mobile home shall be erected on a single lot unless a building permit is first obtained in accordance with this article.

ARTICLE II
Uniform Construction Codes
[Adopted 6-14-2004 by Ord. No. 517]

§ 90-18. Administration and enforcement.

Dallastown Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 et seq., as amended from time to time, and its regulations.

§ 90-19. Adoption of standards.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of and for the Borough of Dallastown.

§ 90-19.1. Exemptions from compliance. [Added 9-12-2005 by Ord. No. 533]

- A. All alterations to residential buildings which do not make structural changes or changes to means of egress and repairs to residential buildings shall be subject to compliance with the Uniform Construction Code as contained in 34 Pa. Code, Chapters 401 through 405, and as amended from time to time; provided, however, that the following repairs and alterations shall be exempt from such compliance:
- (1) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.
 - (2) Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, counter tops and similar finishing work.
 - (3) Retaining walls less than four feet in height.
 - (4) Prefabricated swimming pools that are less than 18 inches deep and have no filtration system.
 - (5) Swings and other playground equipment accessory to a one- or two-family dwelling.
 - (6) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

- (7) Replacement of glass in any window or door. However, the replacement glass shall comply with the minimum requirements of the International Residential Code.
- (8) Replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions or framing of the original openings are not enlarged. The installation of means of egress and emergency escape windows must be made in the same opening without altering the dimensions or framing of the original opening to be exempt.
- (9) Replacement of any roof material so long as the existing roof material is removed prior to installation of new.
- (10) Replacement of existing siding or installation of siding over existing exterior wall covering.
- (11) Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.
- (12) Installation of additional roll, batt, or blown-in insulation.
- (13) Replacement of exterior rainwater gutters and leaders.
- (14) Installation or replacement of aluminum or vinyl soffit, fascia or other trim on the exterior of a single-family dwelling.
- (15) Installation or replacement of a detached deck where the floor of the deck is no more than 30 inches above grade.
- (16) Minor electrical work for the following:
 - (a) Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - (b) Replacement of a receptacle, switch or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. This does not include replacement of receptacles in locations where ground-fault circuit interrupter protection is required.
 - (c) Replacement of installed electrically operated equipment such as doorbells, communication systems and any motor-operated device.
 - (d) Installation, alteration or rearrangement of communications wiring.
 - (e) Replacement of dishwashers.
 - (f) Replacement of kitchen range hoods.
- (17) The following gas work:
 - (a) Portable heating, cooking or clothes-drying appliances.
 - (b) Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.

- (c) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.
- (18) The following mechanical work or equipment:
- (a) A portable heating appliance.
 - (b) Portable ventilation appliances.
 - (c) A portable cooling unit.
 - (d) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.
 - (e) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
 - (f) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors one horsepower.
 - (g) Portable evaporative cooler.
 - (h) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.
- (19) The following plumbing work:
- (a) Replacement of bib valves if the replacement hose bib valves are provided with an approved atmospheric vacuum breaker.
 - (b) Refinishing of existing fixtures.
 - (c) Replacement of ball cocks.
 - (d) Repair of leaks.
 - (e) Clearance of stoppages.
 - (f) Replacement of faucets or working parts of faucets.
 - (g) Replacement of valves other than shower or combination shower/bath valves.
 - (h) Replacement of traps.
 - (i) Replacement of a water closet, lavatory or kitchen sink.
 - (j) Replacement of domestic clothes washers and dishwashers.
- (20) The following heating, ventilation and air-conditioning work.
- (a) Replacement of motors, pumps and fans of the same capacity.
 - (b) Repair and replacement of heating, supply and return piping and radiation elements, which do not require rearrangement of the piping system.

- (c) Repair and replacement of ductwork.
 - (d) Repair and replacement of air-conditioning equipment and systems.
 - (e) Repair and replacement of control devices for heating and air-conditioning equipment.
 - (f) Replacement of kitchen range hoods.
 - (g) Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.
 - (h) Replacement of stoves and ovens if there is no change in fuel type, location or electrical characteristics.
- (21) An ordinary repair does not require a permit. The following are not ordinary repairs:
- (a) Cutting away a wall, partition or portion of wall.
 - (b) The removal or cutting of any structural beam or load-bearing support.
 - (c) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
 - (d) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric or mechanical.
 - (e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility, as the term "public utility" is defined in 66 Pa.C.S. § 102 (relating to the definitions).
- B. All utility and miscellaneous structures shall be subject to compliance with the Uniform Construction Code as contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time; provided, however, that the following shall be exempt from such compliance:
- (1) Buildings or structures of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators International, Inc. (current edition) in any specific use group. This includes detached carports, detached private garages, greenhouses and sheds having a building area 240 square feet or less.

§ 90-20. Process for administration and enforcement.

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

- A. By the designation of an employee of Dallastown Borough to serve as the Municipal Code Official to act on behalf of Dallastown Borough.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Dallastown 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 another municipality for the administration and enforcement of the Act on behalf of Dallastown Borough.¹
- E. By entering into an agreement with the 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.

§ 90-21. Board of Appeals.

A Board of Appeals shall be established by resolution of the Dallastown Borough Council in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. 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.

§ 90-22. Effect on other ordinances.

- A. All building code ordinances or portions of ordinances which were adopted by Dallastown 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 article and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code where applicable.
- C. All relevant ordinances, regulations and policies of Dallastown Borough not governed by the Code shall remain in full force and effect.

§ 90-23. Fees.

Fees assessable by Dallastown Borough for the administration and enforcement undertaken pursuant to this article and the Code shall be established by the Dallastown Borough Council by resolution from time to time.

1. Editor's Note: Ordinance No. 518, adopted 6-28-2004, authorizes and approves an agreement with the Township of York for the administration of the Uniform Construction Code. The full texts of Ord. No. 518 and the agreement are on file in the Borough offices.

§ 90-24. Violations and penalties. [Added 9-26-2005 by Ord. No. 534]

Any person, firm or corporation who violates a provision of this article or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this article, shall, upon summary conviction thereof, be sentenced to pay a fine of not more than \$1,000 and not less than \$50 and, in default of payment thereof, to imprisonment for not more than 30 days. Each day that a violation of this article continues shall constitute a separate offense.