

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Pennsylvania Construction Code Act.**

The Borough of North York Borough Council ("the 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. 6/2/2004, §1)

§5-102. Municipal Administration.

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

(Ord. 6/2/2004, §2)

§5-103. Administration and Enforcement.

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

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

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

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

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

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.

(Ord. 6/2/2004, §3)

§5-104. Board of Appeals.

The Borough shall enter into an Intergovernmental Cooperation Agreement creating a County Board of Appeals with the County of York for purposes of complying with the Code requirement that a five member board of appeals be appointed to hear appeals from decisions of the Municipal Code Administrator.

(Ord. 6/2/2004, §4)

§5-105. Saving Clause.

1. All building code ordinances or portions of ordinances which were adopted by The 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.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of the Borough not governed by the Code shall remain in full force and effect.

(Ord. 6/2/2004, §5)

§5-106. Fees.

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

(Ord. 6/2/2004, §6)

Part 2**Contractor Licensing****§5-201. Definitions.**

General building contractor - any person, firm or corporation qualified to erect a structure in its entirety or to add to, alter or repair an existing structure or any of its component system, other than electrical, plumbing, air conditioning and heating which are addressed below. A general building contractor is one who is held accountable for the work of all separate contractors.

Moving contractor - a moving contractor is any person, firm or corporation qualified and equipped to move any building or the contents of any building, including personal property and fixtures.

Demolition contractor - a demolition contractor is any person, firm or corporation qualified and equipped to demolish any structure or portion thereof.

Electrical contractor - an electrical contractor is any person, firm or corporation qualified to install, alter, or repair wiring systems and fixtures in, on, and about a structure.

Plumbing contractor - a plumbing contractor is any person, firm or corporation qualified to install, alter or repair any plumbing systems and fixtures in, on or about a structure.

Heating/air conditioning contractor - a heating/air conditioning contractor is any person, firm or corporation qualified to install, alter or repair any heating and/or air conditioning systems and fixtures in, on or about a structure.

Miscellaneous contractors - all contractors not heretofore defined but intending to do work on, in or about a structure or property in the Borough of North York. This shall not include an owner of a residential property in which he/she resides when he/she is performing such work on his/her residential property. This shall apply to any owners of property within the properties within the Borough.

Person - any individual person, corporation of partnership, or other form of organization.

Contracting work - any work performed to erect, add to, alter, repair or otherwise improve a structure, system or fixture.

(Ord. 1/16/2003, §I)

§5-202. Licensed Required.

1. Prior to commencing any activity, which would be classified as contracting work within the Borough, every contractor shall obtain a license for such activity as provided herein. No license shall be required under the ordinance for any contractor or performing charitable or gratis or free work in the Borough.

2. *License Procedure.* An application for a license pursuant to this Part shall be made in writing, signed by the applicant, and submitted to the Borough Secretary. The application, in the case of a firm or corporation, should be made by an officer, agent or member of the firm or corporation. A license may then be issued in the name of the

person, firm or corporation but the license shall be valid and in effect only if the licensed individual is still a member, officer or agent of such firm or corporation.

3. The application shall contain the following:

A. Full name and address of the person making the application or the full name and address of the firm or corporation on whose behalf the application is made.

B. The permanent address and telephone number of the firm or corporation on whose behalf the application is made.

C. A statement that the person applying for the license is at least 18 years of age and citizen of the united states.

D. In the case of a partnership, the names, addresses and telephone numbers of all partners.

E. In the case of a firm or corporation, the name and address of the principal officer of the firm or corporation and the names and addresses of all officers and directors owning, of record or beneficially, 5 percent or more of the outstanding interest in said firm or partnership.

F. The classification for which the applicant seeks to be licensed.

G. Details as to the experience and qualifications in the classification of business or activity for which a license is sought.

H. Statement of the amount of public liability insurance carried, the name and address of the carrier, and the declaration page showing coverage.

I. The application shall be accompanied by an indemnification agreement, approved by the Borough, wherein the contractor indemnifies and holds harmless the Borough of its officials, agents, and employees of and from any damages caused by any negligence of the contractor performing his/her/its duties.

J. The application shall be accompanied by the payment of fees required under this Part as set forth below.

K. The application shall be in writing on such printed forms as shall be prepared by Borough Council, if any. Otherwise, any writing conforming the requirements of this Part will be sufficient.

L. Requirements for any license under this Part shall have at least 3 years of actual, physical experience either as a superintendent, foreman, manager or full time employee in the field for which the license is requested. Proof of such experience and names/addresses of employers shall be provided with the application.

M. The type of license issued under this Part are defined above: general building contractor, moving contractor, demolition contractor, electrical contractor, plumbing contractor, heating/air conditioning contractor, miscellaneous contractor. A separate license shall be issued for each separate classification. In the case of a miscellaneous contractor, when the license is issued, it shall specify the type of work licensed and specifically state that it falls under the definition of miscellaneous contractor pursuant to this Part.

4. *Action on the License Application.*

A. The issuance of license under this Part shall be made by the Codes

Enforcement Officer.

B. The Borough Secretary of North York Borough shall assist the Codes Enforcement Officer by preparing and conducting any examination and investigations necessary to determine qualifications and fitness of any applicant. The Borough Secretary may further investigate and hear all written or oral complaints against current holders of licenses or license applicants.

C. A 3-day waiting period, not including weekends and holidays, shall be required between the submission of the application and the action on the application by the Borough Secretary.

D. During this 3-day waiting period, the Codes Enforcement Officer shall investigate the information on the application, including, whether any person, partner or officer of the firm or corporation has been convicted of any crime, whether the person, partnership, firm or corporation is actually located at the temporary or permanent addresses provided in the application. The Codes Enforcement Officer shall advise the Borough secretary of the results of this investigation, in writing.

E. Within 5 business days of the submission of the application, the Borough secretary shall grant or deny the application. The Borough Secretary has the right to disapprove of any application for the following reasons:

- (1) If any person named in that application has been convicted of a felony or misdemeanor.
- (2) If the codes enforcement officer has not been able to confirm the authenticity of the address provided on the application.
- (3) If the application is incomplete.
- (4) If the applicant has previously violated the terms of this Part during the proceeding 3-year period prior to this application.
- (5) If any information on this application is materially false or incorrect.
- (6) If it is determined that the applicant lacks sufficient experience of qualifications to qualify as a contractor in the classification of business or activity for which a license is sought.

5. *License Fees.* Fees for the licensing under this Part and for all renewals thereof, shall be as fixed by the Borough Council of North York from time to time by resolutions of said Borough Council.

6. *License Term.* The term of each licensing under this Part shall be for 1 year. This year shall be considered the calendar year during which the license is issued which expires on December 31. The full fee shall be payable for this license irrespective of the date on its issue.

7. *Not Transferable.* Under no circumstances shall a license granted under this Part be transferable.

(Ord. 1/16/2003, §II)

§5-203. Revocation of Licenses.

1. The Borough Secretary or Codes Enforcement Officer is hereby authorized to revoke or suspend licenses without the return of fees under the following circumstances:

- A. If any person named in the license is convicted of a felony or misdemeanor.
- B. If it is determined that the licensee has given false information on the license application.
- C. If it is determined that unsafe work is being performed and unsafe services sold to the public.
- D. If any provision of this Part is violated.
- E. The filing of a voluntary petition in bankruptcy by the licensee.
- F. Fraud, misrepresentation or other unjustified failure to perform the contract in the Borough of North York which a license under this Part if required.

2. Upon suspension or revocation of a license under this Part, the license shall be surrendered to the Borough Secretary. Likewise, every holder of a license, upon retiring from the business for which the license in question was granted, shall notify North York Borough Secretary or Codes Enforcement Officer of such fact and at the same time surrender the license certificate for cancellation.

(*Ord. 1/16/2003, §III*)

§5-204. Enforcement.

1. The Borough Codes Enforcement Officer or Borough Secretary of the Borough of North York may file a complaint against any licensee, on his or her own initiative, or on the request of a citizen of the Borough of North York. The complaint is to be filed with the Borough Secretary and shall be in writing, signed by the appropriate official. The complaint shall contain a statement setting forth the facts relating to the alleged violation of this Part.

2. Upon the filing of the complaint, the Borough Secretary or Codes Enforcement Officer shall issue a notice in writing sent to the licensee at his last known address by certified, U.S. mail, directing the licensee to file a written answer within 20 days after service of the notice and a copy of the complaint.

3. Failure of the licensee to file a written answer to the Borough within 20 days after service shall be deemed an admission of him of the facts contained in the complaint and the licensee who has failed to answer may be revoked without further notice.

4. In the event that the licensee shall file a written answer, a hearing shall be scheduled on the complaint, note of the hearing will be served no less than 10 days prior to the date fixed for the hearing. This hearing shall be held before the Borough council and council shall make all findings of fact and law considering the complaint.

5. At the hearing, the official making the initial complaint, any citizen aggrieved, and the licensee each have the right to appear personally or by counsel and to cross-examine witnesses and product witnesses and evidence. A certified court reporter shall be present at the expense of the licensee and a complete transcript shall be presented to the council at no cost if an appeal of the decision of the council is taken.

6. Any licensee aggrieved by any action of the Borough Council taken pursuant to this Part shall have the right to appeal to the Court of Common Pleas of York County, Civil Division. These appeal rights shall be governed by the applicable provisions of Pennsylvania law, including the Borough Code, 53 P.S. §45101 *et seq.*

(*Ord. 1/16/2003, §IV ; as amended by Ord. 2006-3, 7/10/2006*)

§5-205. Advertising.

1. No person, partnership, firm or corporation which is not the holder of a valid contractor's license from the Borough of North York shall falsely represent that he/she hold such a license, nor shall such person use, if advertising, the words, "licensed contractor," or any words of similar meaning or import which can be gleaned to mean a licensed contractor by the Borough of North York.

2. Any person who knowingly makes such a false statement is in violation of this Part.

(*Ord. 1/16/2003, §V*)

§5-206. Renewal of License.

1. Any license issued under this Part may be renewed, without further examination or investigation, provided that a written application for renewal, attaching a copy of the current license, is accompanied by the renewal fees prescribed from time to time by resolution of Borough Council and, further provided, that the application for renewal is filed by November 15, prior to the December 31, date blocking the expiration date of the existing license.

2. Licenses not renewed by November 15 shall be deemed to have expired on December 31 and shall, at the discretion of the Borough Secretary, be subject to the application, examination, investigation and fees requirements provided hereunder for new applicants.

(*Ord. 1/16/2003, §VI*)

§5-207. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 1/16/2003, §VII; as amended by Ord. 2006-3, 7/10/2006*)

