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PART 1**BOCA NATIONAL BUILDING CODE****§ 5-101. Adoption of Building Code. [Ord. 1997-2, 9/23/1997, § 1]**

A certain document, a copy of which is on file in the office of the Board of Supervisors of the Township of Smithfield, being marked and designated as the "BOCA National Building Code, 13th Edition, 1996," as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Building Code of the Township of Smithfield, in the Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this Part 1, with the additions, insertions, deletions and changes, if any, prescribed in § 5-102 of this Part.

§ 5-102. Additions, Insertions and Changes. [Ord. 1997-2, 9/23/1997, § 3; as amended by Ord. 1999-1, 6/14/1999]

The following sections are hereby revised as follows:

- A. § 101.1, insert: Smithfield Township.
- B. Section 112.3.1, "Fee Schedule," is amended to read:

§ 112.3.1. Fee Schedule. A fee for each plan examination, building permit and inspection shall be paid in accordance with the schedule of fees as established, from time to time, by resolution of the Board of Supervisors.
- C. Section 116.4, "Violation Penalties," is amended to read:

§ 116.4. Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be, upon conviction, sentenced 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.
- D. Section 117.2, "Unlawful Continuance," is amended to read:

§ 117.2. Unlawful Continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be, upon conviction, sentenced 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.

E. § 3408.2. Insert: January 1, 1979.

§ 5-103. Saving Clause. [Ord. 1997-2, 9/23/1997, § 4]

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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

PART 2
INTERNATIONAL FIRE CODE

§ 5-201. Adoption of Code. [Ord. 2013-1, 10/1/2013]

A certain document, a copy of which is on file in the office of the Secretary of Smithfield Township, being marked and designated as the "International Fire Code, 2012 Edition," including Appendix Parts A through J, inclusive (see International Fire Code Section 101.2.1, 2012 Edition), as published by the International Code Council, is hereby adopted as the Fire Code of the Township of Smithfield, Huntingdon County, 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; and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of Smithfield Township are hereby referred to, adopted, and made a part hereof as if fully set out in this Part 2, with the additions, insertions, deletions and changes, if any, prescribed § 5-202 of this Part.

§ 5-202. Revisions. [Ord. 2013-1, 10/1/2013]

The following sections of the International Fire Code, 2012 Edition, are hereby revised:

- A. Section 101.1: Smithfield Township.
- B. Section 109.4: Summary offense, \$1,000 maximum, 90 days' maximum period of imprisonment.
- C. Section 111.4: Fine of not less than \$100 and not more than \$1,000.

§ 5-203. Geographic Limits. [Ord. 2013-1, 10/1/2013]

The geographic limits referred to in the 2012 International Fire Code are not necessary to specify since the matters which they pertain to are regulated by 73 Pa.C.S.A. Chapter 3.

§ 5-204. Repealer. [Ord. 2013-1, 10/1/2013]

The Smithfield Township Code of Ordinances, Chapter 5, Part 2, entitled "International Fire Prevention Code," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 5-205. Severability. [Ord. 2013-1, 10/1/2013]

If any section, subsection, sentence, clause or phrase of this Part 2 is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. The Smithfield Township Supervisors hereby declare that they 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.

§ 5-206. Construal of Provisions. [Ord. 2013-1, 10/1/2013]

Nothing in this Part or in the International 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 § 5-204 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 5-207. When effective. [Ord. 2013-1, 10/1/2013]

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 five days after the adoption hereof.

PART 3**NATIONAL ELECTRIC CODE****§ 5-301. Adoption of National Electric Code. [Ord. 1997-6, 9/23/1997, § 1; as amended by Ord. 1999-1, 6/14/1999]**

A certain document, a copy of which is on file in the office of the Board of Supervisors of the Township of Smithfield, being marked and designated as the "National Electric Code, 1996 Edition," as published by the National Fire Protection Association, be and is hereby adopted as the Electric Code of the Township of Smithfield in the Commonwealth of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said National Electric Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Part. The National Electric Code, 1996, as adopted by the Township of Smithfield, is incorporated into the BOCA National Building Code as adopted by the Township of Smithfield [Part 1].

PART 4
INTERNATIONAL PLUMBING CODE

§ 5-401. Adoption of Plumbing Code. [Ord. 1997-4, 9/23/1997, § 1]

That certain document, a copy of which is on file in the office of the Board of Supervisors of the Township of Smithfield, being marked and designated as "International Plumbing Code," including Appendix Chapters A, B, C, D, E, F and G, as published by the International Code Council, be and is hereby adopted as the code of the Township of Smithfield regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the Township of Smithfield and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 1997 Edition, published by the International Code Council, on file in the office of the Township of Smithfield 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 § 5-402 of this Part.

§ 5-402. Additions, Insertions and Changes. [Ord. 1997-4, 9/23/1997, § 3; as amended by Ord. 1999-1, 6/14/1999]

The following sections are hereby revised as follows:

- A. § 101.1, insert: Smithfield Township.
- B. § 106.5.2, insert: Fee Schedule as established from time to time by resolution of the Board of Supervisors.
- C. § 106.5.3. Deleted.
- D. § 108.4, "Violation Penalties," is amended to read:

§ 108.4. Penalties. Any person who shall violate any provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay 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 90 days. Each day that a violation of this code continues or each section of this code which shall be found to have been violated shall constitute a separate offense.

§ 108.5. Stop Work Orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the condition under which work is authorized to resume. Where an emergency exists, the code official shall be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay 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 90 days. Each day that a violation of this code continues or each section of this code which shall be found to have been violated shall constitute a separate offense.

- E. § 305.6.1, insert: 42 inches, 42 inches.
- F. § 715.1, insert: Every new building sewer and each replacement of an existing building sewer shall include a backwater valve complete with an extension and access port.
- G. § 904.1, insert: 12 inches.
- H. Chapter 14, Codes. Insert: BOCA National Building Code.

PART 5

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 5-501. Adoption of Code. [Ord. 2013-2, 10/1/2013]

A certain document, a copy of which is on file in the office of the Secretary of Smithfield Township, being marked and designated as the "International Property Maintenance Code, 2012 Edition," as published by the International Code Council, is hereby adopted as the Property Maintenance Code of Smithfield Township, Huntingdon County, 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; regulating the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of Smithfield are hereby referred to, adopted and made a part hereof as if fully set out in this Part 5, with the additions, insertions, deletions and changes, if any, prescribed in § 5-502 of this Part.

§ 5-502. Revisions. [Ord. 2013-2, 10/1/2013; as amended by Ord. 2016-1, 12/6/2016]

The following sections of the 2012 Edition of the International Property Maintenance Code are hereby revised as set forth below:

- A. Section 101.1, insert: Smithfield Township.
- B. Section 103.5, insert: Reimbursement of actual costs incurred by Smithfield Township, including but not limited to attorney's fees, engineering fees and administrative costs.
- C. A new Section 106.6 shall be added as follows: "Actions taken pursuant to this section (106.1 through 106.5) shall not be subject to the appeal provisions as set forth in Section 111."
- D. Section 107.2(5) shall be amended to read as follows: "Inform the property owner of the right to appeal other than in those cases prosecuted pursuant to the provisions of Section 106."
- E. Section 111.1 shall be amended as follows:

"Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Supervisors, other than prosecutions brought under Section 106. The written application for appeal shall be filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder

have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means."

- F. Section 111.2, including 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5, is hereby vacated.
- G. A new Section 111.2 is hereby adopted: "The Township Secretary shall be designated to serve as the secretary for all appeal hearings. He or she shall keep a detailed record of the appeal proceedings before the Township."
- H. Sections 111.3 and 111.4, including 111.4.1, 111.4.2, are hereby vacated.
- I. A new Section 111.3 is hereby adopted: "All appeals filed hereunder shall be subject to the provisions of the Pennsylvania Local Agency Law, 2 Pa.C.S.A. § 105 et seq."
- J. Section 111.5 and 111.6, including 111.6.1 and 111.6.2, are hereby vacated.
- K. Section 111.7 is hereby vacated.
- L. Section 111.8 shall remain in full force and effect but shall be renumbered as Section 111.4.
- M. Section 112.4, insert: Not less than \$100 and not more than \$1,000.
- N. Section 302.4, insert: six inches.
- O. Section 304.14, insert: May 1 through October 15.
- P. Section 602.3, insert: September 1 through May 31.
- Q. Section 602.4, insert: September 1 through May 31.
- R. Any references in the Property Maintenance Code to "Board" or "Board of Appeals" shall be amended to read as the "Board of Supervisors."

§ 5-503. Repealer. [Ord. 2013-2, 10/1/2013]

The Smithfield Township Code of Ordinances, Chapter 5, Part 5, International Property Maintenance Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 5-504. Severability. [Ord. 2013-2, 10/1/2013]

If any section, subsection, sentence, clause or phrase of this Part 5 is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. The Smithfield Township Supervisors hereby declare that they 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.

§ 5-505. Construal of Provisions. [Ord. 2013-2, 10/1/2013]

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding 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 § 5-503 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

§ 5-506. When effective. [Ord. 2013-2, 10/1/2013]

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 five days after the adoption hereof.

PART 6
UNIFORM CONSTRUCTION CODE

§ 5-601. Adoption of Uniform Construction Code. [Ord. 2004-1, 4/12/2004]

1. The Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Township.

§ 5-602. Administration and Enforcement. [Ord. 2004-1, 4/12/2004]

Administration and enforcement of the code, within this Township, shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township from time to time by resolution.

- A. By the designation of an employee of the Township to serve as the Township code official to act on behalf of the Township.
- B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Township.
- C. By agreement with one or more other municipalities for joint administration and enforcement of this Act through an intermunicipal agreement by Township personnel or through the services of a third-party agency.
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Township.
- 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.

§ 5-603. Board of Appeals. [Ord. 2004-1, 4/12/2004]

A Board of Appeals shall be established by resolution of the Board of Supervisors of this Township in conformity with the requirements of the relevant provisions of this Part, as amended from time to time, and for the purposes set forth therein. If, at any time, enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§ 5-604. Continuation of Prior Ordinances. [Ord. 2004-1, 4/12/2004]

1. All building code ordinances or portions of ordinances which were adopted by this Township 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 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.
3. All relevant ordinances, regulations and policies of this Township not governed by this code shall remain in full force and effect.

§ 5-605. Fees. [Ord. 2004-1, 4/12/2004]

Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the Board of Supervisors by resolution from time to time.

§ 5-606. Effective Date. [Ord. 2004-1, 4/12/2004]

This Part shall be effective July 1, 2004.

§ 5-607. Severability. [Ord. 2004-1, 4/12/2004]

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