

## **Chapter 5**

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**Part 1****Uniform Construction Code****A. Implementation****§5-101. Election to Enforce.**

The Borough of Shillington 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. 1018, 6/10/2004, §1*)

**§5-102. Uniform Construction Code Implemented.**

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 Shillington.

(*Ord. 1018, 6/10/2004, §2*)

**§5-103. Administration and Enforcement.**

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

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

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

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 joint administration and enforcement of this Act on behalf of the Borough of Shillington.

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. 1018, 6/10/2004, §3*)

**§5-104. Board of Appeals.**

A Board of Appeals shall be established by resolution of the Borough Council of the Borough of Shillington 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. 1018, 6/10/2004, §4*)

**§5-105. Preservation of Certain Existing Provisions.**

1. All building code ordinances or portions of ordinances which were adopted by the Borough of Shillington 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 the Borough of Shillington not governed by the Code shall remain in full force and effect.

(*Ord. 1018, 6/10/2004, §5*)

**§5-106. Fees.**

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

(*Ord. 1018, 6/10/2004, §6*)

**§5-107. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 1018, 6/10/2004, §7; as amended by Ord. 1025, 10/14/2004*)

**B. Amendments****§5-111. Definitions.**

1. The terms “alteration,” “repair” and “residential building” shall have the meanings given to them in Act 45, as amended by SB 1139.

2. The definition of “utility and maintenance structures” in Act 45, as amended by SB 1139, is hereby amended as follows:

Buildings or structures of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators International, Inc., in any specific group. The term includes carports, detached private garages, greenhouses, and sheds and all other such structures having a building area greater than 120 square feet. The term does not include swimming pools and spas.

*(Ord. 1059, 1/11/2007, §1)*

**§5-112. Regulation of Alterations and Repairs to Residential Buildings.**

Subsections 104 (B) (5) and (6) of the Act are hereby deleted, and the Borough shall enforce the International Building Code, the ICC Electrical Code, the International Energy Conservation Code, the International Fire Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code and the International Existing Building Code (collectively, “Uniform Construction Code”), as they apply to the alteration and repair of residential buildings.

*(Ord. 1059, 1/11/2007, §2)*



**Part 2****Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

A certain document, three copies of which are on file in the office of the Borough Secretary of the Borough of Shillington, being marked and designed as the “International Property Maintenance Code,” as published by the International Code Council, Inc., are and is hereby adopted as the “Property Maintenance Code of the Borough of Shillington, in the State 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 Property Maintenance Code 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 §5-202 of this Part.

(*Ord. 982, 7/12/2001, §1*)

**§5-202. Amendments to the Property Maintenance Code.**

The following sections are hereby revised:

- A. Section 101.1. Insert: the Borough of Shillington.
- B. Section 103.6. Insert: Fees to be established by resolution of Borough Council from time to time.
- C. Section 106 revised to read:

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with §107.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with §107 and who has been in violation for a period in excess of 5 days, shall be deemed guilty of a summary offense, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**106.4 Violation penalties.** Any person who shall violate any of the provisions of this code or who shall fail to comply with any of the requirements hereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, upon conviction thereof before a District Justice, shall be fined a sum not to exceed \$1,000 for each offense, together with costs of prosecution, and in default of payment thereof, shall be committed to the Berks County Prison for period of not more than 90 days. Each day or portion thereof during which such violation shall continue

shall be deemed a separate offense and shall be punishable as such.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

[*Ord. 1008*]

D. Section 111.2. Revised to read: Membership of Board. The Board of appeals shall consist of the Building Committee of the Borough Council.

E. Section 111.2.1 through 111.2.5. are deleted.

F. Section 303.14. Insert: May 1 to September 30.

G. Section 602.3. Insert: October 1 to May 1.

H. Section 602.4. Insert: October 1 to May 1.

(*Ord. 982, 7/12/2001, §2; as amended by Ord. 994, 4/11/2002, §1; and by Ord. 1008, 10/9/2003, §1*)

#### **§5-203. Preservation of Rights.**

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

(*Ord. 982, 7/12/2001, §4*)

**Part 3****Mechanical Code****§5-301. Adoption.**

The Borough of Shillington, Pennsylvania (hereinafter referred to as “this Borough” or “the Borough”), hereby adopts the mechanical code known as the “International Mechanical Code,” current published version (hereinafter referred to as the “IMC”) for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating and cooling systems and installing appliances in the Borough of Shillington, Pennsylvania; providing for administration, enforcement, collection of fees, penalties for violation and amendment of the standards set forth in said code, as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Shillington, Pennsylvania.

(Ord. 1060, 1/11/2007, §1)

**§5-302. Amendments.**

The IMC is hereby amended as follows:

A. Chapter 1 - Administration.

(1) 101.1 Title. Amended to read as follows:

**101.1 Title.** This Code shall be known and may be cited as the “Mechanical Code of the Borough of Shillington, Pennsylvania,” hereinafter referred to as “this Code.”

(2) 106.5 Fees. Amended to read as follows:

**106.5.2 Fee Schedule.** Permit and license fees shall be determined by the Borough of Shillington.

**106.5.3 Fee Refunds.** Amended to set the percentages where indicated in the noted sections:

**106.5.3.2** Not more than 75%. . . .

**106.5.3.3** Not more than 10%. . . .

(3) 108.4 Violation penalties. Amended to set the offense, dollar amounts for the fines and the associated jail term where indicated in the noted section:

**108.4** . . . shall be guilty of a summary offense, punishable by a fine of not less than \$300 and not more than \$1,000.

(Ord. 1060, 1/11/2007, §2)

**§5-303. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania

or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough of Shillington, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provision of this Part. This code shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

*(Ord. 1060, 1/11/2007, §3)*

**§5-304. Provisions to Be Continuation of Existing Regulations.**

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

*(Ord. 1060, 1/11/2007, §4)*

**Part 4****Fuel Gas Code****§5-401. Adoption.**

The Borough of Shillington, Pennsylvania (hereinafter referred to as “this Borough” or “the Borough”) hereby adopts the fuel gas code known as the “International Fuel Gas Code,” current published version (hereinafter referred to as the “IFGC”) for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of systems utilizing fuel gases and installing appliances in the Borough of Shillington, Pennsylvania; providing for administration, enforcement, collection of fees, penalties for violation and amendment of the standards set forth in said code, as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Shillington, Pennsylvania.

(Ord. 1044, 12/8/2005, §1)

**§5-402. Amendments.**

The IFGC is hereby amended as follows:

A. Chapter 1 - Administration.

(1) 101.1 Title. Amended to read as follows:

**101.1 Title.** This Code shall be known and may be cited as the “Fuel Gas Code of the Borough of Shillington, Pennsylvania,” hereinafter referred to as “this Code.”

B. Chapter 4 - Gas Piping Installations.

(1) 403 Piping materials. Revise the indicated sections as follows:

**403.4.3 Copper and brass.** Copper and brass pipe shall not be used without the prior approval of the Borough’s Code Official and approval of the local natural gas utility.

**403.4.4 Aluminum.** Aluminum-alloy pipe shall not be used without the prior approval of the Borough’s Code Official and approval of the local natural gas utility.

**403.4.5 Metallic tubing.** Seamless copper, aluminum-alloy and steel tubing shall not be used without the prior approval of the Borough’s Code Official and approval of the local natural gas utility.

(Ord. 1044, 12/8/2005, §2)

**§5-403. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania

or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough of Shillington, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This Code shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

*(Ord. 1044, 12/8/2005, §3)*

**§5-404. Continuation of Existing Regulations.**

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

*(Ord. 1044, 12/8/2005, §4)*

**Part 5****Plumbing Code****§5-501. Adoption.**

The Borough of Shillington, Pennsylvania (hereinafter referred to as “this Borough” or “the Borough”) hereby adopts the plumbing code known as the “International Plumbing Code,” current published version (hereinafter referred to as the “IPC”) for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing, heating, and cooling systems and installing appliances in the Borough of Shillington, Pennsylvania; providing for administration, enforcement, licensing, collection of fees, penalties for violation and amendment of the standards set forth in said code, as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and is now filed in the office of the Borough, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Shillington, Pennsylvania.

(Ord. 1061, 1/11/2007, §1)

**§5-502. Amendments.**

The IPC is hereby amended as follows:

**A. Chapter 1 - Administration.****(1) 101.1 Title.** Amended to read as follows:

**101.1 Title.** This Code shall be known and may be cited as the “Plumbing Code of the Borough of Shillington, Pennsylvania” hereinafter referred to as “this Code.”

**(2) 106.6.2 Fee Schedule.** Amended to read as follows:

**106.6.2 Fee Schedule.** Permit and license fees shall be determined by the Borough of Shillington.

SEE ATTACHED CURRENT FEE SCHEDULE AS EN-  
ACTED BY BOROUGH RESOLUTION.

**(3) 106.6.3 Fee Refunds.** Amended to set the percentages where indicated in the noted sections:

**106.6.3.2** Not more than 75%. . . .

**106.6.3.3** Not more than 90%. . . .

**(4) 108.4 Violation penalties.** Amended to set the offense, dollar amounts for the fines and the associated jail term where indicated in the noted sections and to add paragraph 108.4.1:

**108.4** . . . shall be guilty of a summary offense, punishable by a fine of not less than \$300 and not more than \$1,000.

**B. Chapter 3 - General Regulations.**

- (1) 305 Protection of Pipes and Plumbing System Components.

**305.6.1 Sewer depth.** Amended to set the depth of the sewer system piping as follows:

**305.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 48 inches below finished grade.

- (2) 306 Trenching, Excavation and Backfill. Insert the following subsection:

**306.3.1 Backfill for exterior plastic piping systems.** All plastic piping installed below grade shall be set on a bed of sand or stone screenings which is a minimum of 6 inches thick. This pipe shall be covered with a minimum 12- inch thick layer of sand or stone screenings prior to the completion of the remaining backfill work.

- (3) 308 Piping Support.

**308.9 Stacks.** Add the following subsection:

**308.9.1 Materials.** Changes in piping materials in vertical risers and stacks shall not be done without the stack or riser being properly supported to the building structure. The weight of cast iron or other metal piping systems shall not bear directly onto plastic piping systems. Changes in piping materials for stacks or risers shall be specifically noted during the permit application and review process.

- C. Chapter 4 - Fixtures, Faucets and Fixture Fittings.

- (1) 428 Food Service Sinks. Add the following section:

- (a) Section 428 - Food Service Sinks.

**428.1 Food service sinks.** All establishments serving food to the public must comply with all requirements of the Department of Agriculture and the Commonwealth of Pennsylvania. All establishments must have a three-bowl sink meeting the applicable requirements of the National Sanitation Foundation (NSF). All establishments must also have a separate sink for handwashing purposes. All sinks in establishments serving food shall drain through a grease interceptor, with the exception of the handwashing sink, prior to connection to the building's sanitary drainage system.

- D. Chapter 5 - Water Heaters.

- (1) 502 Installation. Insert the following paragraph:

**502.5 Water heater base.** All water heaters in basements shall be set on pads or supports unless they have manufacturer-installed legs of 2 inches or higher. Pads or supports shall be 2 inches or more in height and shall have minimum dimensions not less than the diameter of the water heater.

- E. Chapter 7 - Sanitary Drainage.

- (1) 701 General. Insert the following paragraph where noted:

**701.10 Floor drains and strainers.** Every new building designed for human occupancy which has a basement shall have at least one floor drain installed in the Basement floor. Floor drain shall be a minimum of 4 inches in diameter. Floor drains shall have a minimum water seal of 2 inches and shall be provided with removable strainers. The floor drain shall be constructed so that it can be readily cleaned, and the drain inlet shall be easily accessible at all times. Floor drains subject to backflow shall be protected by a backwater valve. Any floor drain subject to evaporation shall receive proper maintenance of deep seal traps or a trap primer shall be provided.

(2) 712 Sumps and Ejectors. Insert the following subsection under 712.3.3:

**712.3.3.1 Discharge piping.** Discharge piping shall conform to the standards for pressure- rated piping for one of the piping systems listed in the Table 702.1 or Table 702.2 respectively.

F. Chapter 9 - Vents.

(1) 904 Vent Terminals.

**904.1 Vent terminals.** Amended to insert 12 inches where the height of the extension is noted.

(2) 917 Air Admittance Valves. Insert the following subsection under 917.1:

**917.1.1 General.** The permit applicant shall identify the location of any proposed air admittances valves during the permit application / review process. This review shall verify the provision of access to the air admittance valves.

*(Ord. 1061, 1/11/2007, §2)*

### **§5-503. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough of Shillington, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This code shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

*(Ord. 1061, 1/11/2007, §3)*

### **§5-504. Continuation of Existing Regulations.**

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

*(Ord. 1061, 1/11/2007, §4)*



**Part 6****Residential Code****§5-601. Adoption.**

The Borough of Shillington, Pennsylvania (hereinafter referred to as “this Borough” or “the Borough”), hereby adopts the residential code known as the “International Residential Code,” current published version as adopted by the Pennsylvania Department of Labor and Industry (hereinafter referred to as the “IRC”), for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of construction on one- and two-family dwellings and one-family townhouses in the Borough of Shillington, Pennsylvania; providing for administration, enforcement, collection of fees, penalties for violation and amendment of the standards set forth in said code, as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Shillington, Pennsylvania.

(Ord. 1062, 1/11/2007, §1)

**§5-602. Amendments.**

The IRC is hereby amended as follows:

A. Chapter 1 - Administration.

(1) 101.1 Title. Amended to read as follows:

**101.1 Title.** This Code shall be known and may be cited as the “Residential Code of the Borough of Shillington, Pennsylvania,” hereinafter referred to as “this Code.”

B. Chapter 26 - General Plumbing Requirements.

(1) P2603.6.1 Sewer Depth. Amended to set the depth of the sewer system piping as follows:

**P2603.6.1 Sewer depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 48 inches below grade.

C. Chapter 31 - Vents.

(1) P3103.1 Roof extension. Amend subsection P3103.1 to insert the number “18” for the distance above the roof and insert the number “12” for the distance above the anticipated snow accumulation.

(2) P3114 Air Admittance Valves. Insert the following subsection:

**P3114.1.1 General.** The permit applicant shall identify the location of any proposed air admittances valves during the permit applica-

tion/review process. This review shall verify the provision of access to the air admittance valves.

*(Ord. 1062, 1/11/2007, §2)*

**§5-603. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough of Shillington, Pennsylvania, as the case may be, shall control where the requirements thereof are the same as or in excess of the provision of this Part. This code shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

*(Ord. 1062, 1/11/2007, §3)*

**§5-604. Continuation of Existing Regulations.**

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

*(Ord. 1062, 1/11/2007, §4)*

**Part 7****Licensing of Plumbing and Mechanical Contractors****§5-701. Adoption.**

The Borough of Shillington (hereinafter referred to as “this Borough” or “the Borough”) hereby adopts this Part for the purpose of regulating and controlling the licensing for plumbing and mechanical contractors and establishing the Plumbing and Mechanical Board of Standards for the Borough of Shillington; providing for administration, enforcement, licensing, collection of fees, penalties for violation and amendment of the standards set forth, and from the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Shillington.

(Ord. 1035, 5/5/2005, §1)

**§5-702. Licensing of Plumbing and Mechanical Contractors.**

1. *Plumbing and Mechanical Board of Standards.* There is hereby established a Plumbing and Mechanical Board of Standards (hereinafter called “the Board”) whose members shall be appointed by Borough Council. The Building Code Official shall serve as liaison officer to the Board and shall attend all meetings.

A. *Membership.* The Board shall consist of five members of whom two shall be master plumbers and three members shall be from the HVAC service industry, the air conditioning and refrigeration industry, the HVAC engineering profession, the electrical trade, or an instructor or administrator of an institution of vocational training.

B. *Term of Office.* The appointed members of the Board shall serve for a term of 4 years in such a manner of original appointment that the terms of two members shall expire on December 31 of year one and the terms of the remaining three members shall expire on December 31 of year three.

C. *Meetings of the Board.* The Board shall hold its first meeting not later than 90 days after the effective date of this Part, and thereafter the Board shall meet at such intervals as may be necessary for the performance of its duties; providing however, that normal meeting dates shall be the second Wednesday of January, April, July and October of each calendar year.

D. *Function of the Board.* The Board shall make all reasonable recommendations pertaining to amendments to the International Plumbing Code [Chapter 5, Part 6] and the International Mechanical Code [Chapter 5, Part 4] of the Borough of Shillington for Borough Council’s consideration, and if adopted by Borough Council for review and approval by the Pennsylvania Department of Labor and Industry. The Board shall also make reasonable rules and regulations governing its procedures, and similarly establish standards and procedures for the qualifications, examination and licensing of master plumbers, journeyman plumbers, mechanical contractors, mechanical journeyman, appliance contractors and installers, and fire sprinkler installers. The Board shall recommend qualified applicants for issuance of license to the Building Code Official. In addition, said

Board shall convene for the purpose of holding hearings concerning the suspension and/or revocations of licenses herein after provided. There shall be a quorum of three members in attendance in order for the Board to conduct business.

2. *Licenses.* All persons engaged in plumbing, heating, cooling, appliance contractor and installer, and fire sprinkler contractor and installation work as defined and covered by this Part are required to be licensed and shall operate within the limitations of their respective licenses. It shall be unlawful without license for any person, firm or corporation to, or cause to, install, construct, erect, alter, repair, improve, convert, move, use or maintain any plumbing or mechanical system within the Borough.

A. *General License Information.* License fees shall be established by a resolution of Borough Council and reviewed annually.

(1) All licenses covered under this code shall be issued annually and shall expire on December 31.

(2) All licenses may be renewed upon timely application. If the holder of a license fails to renew said license within a 5-year period, the full license fee must be paid for the years that the license was not renewed before a new license shall be issued. Any holders renewing the license after the fifth consecutive year of non-renewal shall be required to pass an examination issued by the Board.

(3) All license and examination fees must be paid to the Borough of Shillington prior to the issuance of said license or examination and are non-refundable.

(4) Application for an initial license of whatever class shall be made in writing and shall furnish such information as the Board may require.

(5) Applicants for an initial license of whatever class shall pass with a grade of 70% an examination administered by the Board.

(6) The Board shall appoint a proctor for conducting the licensing examinations for all classes of licenses herein described.

B. *Qualifications for Obtaining a License.*

(1) *Master Plumber License.* All applicants for a master plumber license shall:

(a) Hold a valid journeyman plumber license.

(b) Shall have been employed as a journeyman plumber by a registered master plumber for at least 2 years.

(2) *Journeyman Plumber License.* All applicants for a journeyman plumber license shall be employed by a registered master plumber and registered with the Pennsylvania Bureau of Apprenticeship Training, Department of Labor. The applicant shall have completed at least 4 years of approved apprenticeship training, been instructed in subjects related to the trade not less than 216 hours per year during the 4-year apprenticeship and have been approved by the local apprenticeship committee according to national apprenticeship standards, or while employed by a registered master plumber and registered with an apprenticeship training program comparable to the foregoing program, the applicant shall have completed at least 4 years

of approved apprenticeship training in such program, or shall have served an apprenticeship of not less than 8 years under the supervision of a registered master plumber.

(3) *Apprentice Plumber.* Apprentice plumbers shall be employed by a registered master plumber and shall be registered with the Pennsylvania Bureau of Apprenticeship Training, United States Department of Labor. Apprentice plumbers shall not be permitted to install plumbing, heating, or house drainage work unless under the supervision of a registered master plumber.

(4) *Mechanical Contractor License.* All applicants for a mechanical contractors license shall:

(a) Hold a valid mechanical journeyman's license.

(b) Shall have been employed as a mechanical journeyman by a registered mechanical contractor for at least 2 years.

(5) *Mechanical Journeyman License.* All applicants for a mechanical journeyman license shall be employed by a registered mechanical contractor and registered with the Pennsylvania Bureau of Apprenticeship Training, Department of Labor. The applicant shall have completed at least 4 years of approved apprenticeship training, been instructed in subjects related to the trade not less than 216 hours per year during the 4-year apprenticeship and have been approved by the local apprenticeship committee according to national apprenticeship standards, or while employed by a registered mechanical contractor and registered with an apprenticeship training program comparable to the foregoing program, applicant shall have completed at least 4 years of approved apprenticeship training in such program, or shall have served an apprenticeship of not less than 8 years under the supervision of a registered mechanical contractor.

C. *Reciprocal License.* A reciprocal license may be issued if the applicant holds an equivalent license from a first, second or third class city of the United States, issued by an equivalent board of examiners, whose qualifications and standards are equal to that of the Borough of Shillington, and shall have paid to the prescribed fee pursuant to a written application.

D. *Retired License.*

(1) All licensees, upon retirement from business, shall surrender said license to the Borough of Shillington. Upon receipt of a written request to the Board, a license covered under this Part may be fully reinstated within a period of 5 years.

(2) If the holder of a retired license wishes to reactivate the retired license within the 5-year period, the full fee must be paid for the current year plus the years that the license was retired.

(3) All persons reactivating a retired license after the fifth year of retirement shall be required to pass an examination administered by the Board.

3. *Conditions and Provisions for Maintaining a License.*

A. Applicant shall secure a license within 30 days of examination result

notification.

B. It is prohibited for any licensee to allow the use of said license by any other person or to obtain a permit for work to be performed by an unlicensed person.

C. All persons licensed under this Part shall give immediate notice of any change in address or in place of business.

D. Prior to the issuance of a master plumber's license or a mechanical contractor's license, the applicant shall submit to the Borough of Shillington a certificate of insurance establishing that the master plumber or mechanical contractor is currently insured by a reputable insurance company covering said master plumber or mechanical contractor for property damages in the amount of not less than \$50,000 for any one claim, and not less than \$100,000 for multiple claims arising from the same undertaking, as well as public liability insurance in the amount of not less than \$100,000 for any one claim and not less than \$300,000 for more than one claim arising out of the same undertaking. The Pennsylvania League of Cities and Municipalities' requirements went into effect on August 31, 1993. Act 44 requires the submission to the municipality of "proof of workers' compensation insurance" or an affidavit that insurance is not required before issuing a permit. Said certificate shall be for continuous coverage unless cancelled by said insurance company at which time the Borough of Shillington shall be notified in writing by said insurance company.

#### 4. *Suspension or Revocation of a License.*

A. The Board may suspend or revoke any license issued in conformity with this Part in the event said license was partially or wholly procured by or through non-disclosure, misstatement or misrepresentation, or for repeated violations of this Part, the International Plumbing Code [Chapter 5, Part 6], the International Mechanical Code [Chapter 5, Part 4], or the International Residential Code [Chapter 5, Part 7], or if a previously imposed penalty shall not have been met with full compliance. Repeated violations is hereby defined as a minimum of three separate offenses under this Part within a calendar year for which the licensee or offender has either admitted the violations to the Borough, plead guilty or has been found guilty by a District Justice or other court of competent jurisdiction.

B. The Board, prior to invoking a suspension or revocation of a license, shall first cause to be served upon said licensee by a personal service or certified mail, a written notice of suspension or revocation of the license, as the case may be, setting forth in specific terms and language the nature of the repeated violations, the times thereof and places of occurrence. Said written notice shall also set forth a place, date, and time where the licensee may appear at a hearing before the Board, with counsel if desired, to hear sworn testimony as to the repeated violations the licensee is alleged to have committed and for which his/her license is subject to suspension or revocation, as the case may be.

C. Licensee or his/her counsel shall be permitted to examine any witness giving testimony against him/her as well as being given the privilege of offering testimony or other proof or exhibits as a defense or rebuttal to allegations. The hearing before the Board shall not require recordation, shall be informal in nature, and shall not occur less than 30 days or more than 90 days from the date of the service of the written notice upon the licensee. The decision of the Board shall be

rendered in writing not more than 30 days from the conclusion of the hearing and shall be served upon licensee in the same manner provided herein for service of the written notice of hearing. In the event licensee or counsel fail to appear at the place, date, and time fixed for a hearing, the Board shall nevertheless convene for the purpose of hearing evidence and/or testimony in order to arrive at its determination pursuant to the within provisions. Notice of the Board's decision shall be served on the licensee as herein above set forth just as if licensee and/or his/her counsel had appeared at the hearing.

*(Ord. 1035, 5/5/2005, §2)*

**§5-703. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough of Shillington, as the case may be, shall control where the requirements thereof are the same as or in excess of the provision of this Part. This Part shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

*(Ord. 1035, 5/5/2005, §3)*

**§5-704. Continuation of Existing Regulations.**

The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of the repealed ordinances.

*(Ord. 1035, 5/5/2005, §4)*

