

ORDINANCE 2010 - 07

AN ORDINANCE OF THE TOWNSHIP OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA, REPEALING CHAPTER 195 (MECHANICAL STANDARDS) OF THE CODE OF THE TOWNSHIP OF RADNOR, AND ADOPTING A NEW CHAPTER 195 UPDATING STANDARDS TO THE 2009 INTERNATIONAL MECHANICAL CODE, WITH CERTAIN ADDITIONS, DELETIONS, AND AMENDMENTS.

The Board of Commissioners of the Township of Radnor does hereby ENACT and ORDAIN:

Section 1. That Chapter 195 (Mechanical Standards) of the Code of the Township of Radnor is hereby repealed, and a new Chapter 195 updating standards to the 2009 International Mechanical Code is hereby enacted.

Section 2. Adoption of Code by Reference. Certain documents on file in the office of the Secretary of the Township of Radnor, being marked and designated as the 2009 International Mechanical Code, is hereby adopted as the Mechanical Code of Radnor Township, Delaware County, in the Commonwealth of Pennsylvania, for the purpose of establishing minimum regulations governing the design, installation and construction of mechanical systems as herein provided; and each and all of the provisions, penalties, conditions and terms of the 2009 International Mechanical Code are hereby referred to, adopted and made a part hereof as if fully set forth in this chapter with the additions, insertions, deletions and changes prescribed in this ordinance.

Section 3. Additions, Insertions, Deletions, and Changes to the Code. The following sections and subsections of the aforementioned 2009 International Mechanical Code, are hereby added, amended, changed, and clarified as set forth below:

A. Chapter 1. ADMINISTRATION

1. Section 101 General.

(a) Subsection 101.1, Title. The "Township of Radnor" shall be inserted as the name of the municipality.

(b) Insert a new Subsection 101.5 to read as follows:

101.5 Whenever in said Mechanical Code a municipality is mentioned and no name is given, said municipality shall be construed to mean the Township of Radnor; and when a state is mentioned, the same shall mean the Commonwealth of Pennsylvania; and where the Department of Mechanical Inspection is mentioned, the same shall mean the Department of Community Development.

2. Section 103, Department of Mechanical Inspection.

(a) Delete Subsections 103.1 through 103.4 and substitute the following:

103.1 General. The Director of Community Development or any authorized agent or employee thereof shall be designated as the code official for the purposes of this code.

103.2 Appointment. The code official and employees of the Department of Community Development shall be appointed in accordance with the personnel procedures and policies of the Township of Radnor.

3. Section 106, Permits.

- (a) Subsection 106.4.3, Expiration. Add a period after the word "obtained" on line eight(8), and delete the remaining text on lines eight(8) through thirteen(13).
- (b) Subsection 106.4.4, Extensions. Delete the last three lines and insert the following sentence: "The code official shall have the authority to extend the time for action by a permittee for a determined period of time based upon reasonable cause."
- (c) Subsection 106.5.1, Work commencing before permit issuance. Delete this section in its entirety.
- (d) Subsection 106.5.2, Fee schedule. Delete this section and substitute the following:  
106.5.2 Fees for all mechanical work shall be charged as set forth in Chapter 162 of the Township Code.
- (e) Subsection 106.5.3, Fee refunds. Delete this section in its entirety.

4. Section 108, Violations.

- (a) Subsection 108.3, Prosecution of violation. Delete the words of the second line: "request the legal counsel of the jurisdiction to."
- (b) Subsection 108.4, Violation penalties. Delete this subsection and substitute the following:

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with the requirements thereof or who shall install, repair or alter a mechanical system in violation of an approved plan or directive of the code official or of a permit issued under this code shall, upon conviction, be punishable by a fine of not more than \$1,000. Each day that a violation continues shall be deemed a separate offense.

- c) Subsection 108.5, Stop work orders. Insert in the first blank "\$25" and in the second blank, "1000".

5. Section 109, Means of Appeal.

- (a) Delete this entire section and substitute the following new section:

**SECTION 109 APPEALS**

109.1 General. Whenever the owner or contractor involved in the installation, repair or alteration of a mechanical system takes exception to the decision of the code official in refusing to approve a permit or submitted plans as required by this code, such owner, contractor or duly authorized agent or attorney may within 10 days after such decision take an appeal therefrom to the Code Appeals Board. Such appeal shall be in writing, state the decision of the code official and the reasons for the exceptions taken thereto and be filed with the Township Secretary. The Code Appeals Board shall within 30 days from the date of filing fix a date, time and location to consider the appeal and to allow the person to be heard if he states his desire to do so in the written appeal. A prompt decision

shall be rendered by the Code Appeals Board and duly recorded, with such decision being final.

6. Insert a new Section 111.0 to read as follows:

#### SECTION 111.0 LICENSE REQUIREMENTS

111.1 General. It shall be unlawful for any person to engage in the business of heating, ventilation, air conditioning and/or refrigeration (hereinafter HVAC) without first having obtained a license from the Department of Community Development. Application shall be made on a form furnished by the township and shall include the name and address of the business, partnership or corporation; name of the individual to be licensed along with any other information that the township may require. License fees shall be charged as set forth in Chapter 162 of the Township Code and shall be valid for a period of one year from the date issued.

111.2 Revocation of license. Any HVAC license granted hereunder may be revoked by the Code Appeals Board for violation of any part of this code, for refusing to make the necessary corrections to work not approved by the code official or for any other sufficient cause after a hearing before the Code Appeals Board at the time and place of which five days' notice shall be given to the licensee. The Board may after a hearing upon reasonable cause revoke the license or suspend the same for a specified period of time.

111.3 Misrepresentation. It shall be unlawful for any person who does not have an HVAC license issued by the township to engage in or represent himself as engaged in the business of HVAC work within the township.

111.4 Change in place of business. Immediate notice shall be given by any licensee hereunder to the township of any change of place of business.

111.5 Insurance. No license shall be issued to an HVAC contractor unless the applicant files a certificate of insurance with the Department of Community Development at the time of license application. The certificate of insurance shall contain a provision that coverage afforded under the policy will not be canceled, materially changed or not renewed until at least 30 days' written notice has been given to Radnor Township. The certificate of insurance must evidence policies of insurance maintained at the expense of the applicant for comprehensive liability, including products/completed operations/broad contractual and property damage: each occurrence, \$500,000.

#### B. Chapter 2, DEFINITIONS.

##### 1. Section 202, General Definitions.

(a) Amend the definition of "code official" to read as follows:

CODE OFFICIAL. The Director of Community Development charged with the administration and enforcement of this code.

(b) Add the definition of "Department" to read as follows:

DEPARTMENT. The Department of Community Development of Radnor Township or any authorized agent or employee thereof.

(c) Add the definition of "HVAC contractor" to read as follows:

HVAC CONTRACTOR. Any person who shall have qualified and registered as an HVAC contractor in accordance with the terms of this chapter and under the rules and regulations of Radnor Township.

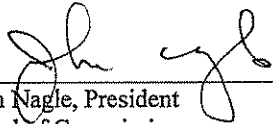
(d) Add the definition of "township" to read as follows:

TOWNSHIP. The Township of Radnor in the Commonwealth of Pennsylvania.

ENACTED and ORDAINED THIS 22<sup>ND</sup> DAY of February, 2010

TOWNSHIP OF RADNOR

By:

  
John Nagle, President  
Board of Commissioners

Attest:

  
Matthew S. Baumann, Secretary