

ADMINISTRATIVE ORDER #2017-2

CERTIFICATES OF USE AND OCCUPANCY

FOR EXISTING BUILDINGS

1) Purpose:

In an effort to provide for consistency in administering the Existing Building Code and Property Maintenance Code for existing buildings as they pertain to Certificates of Use and Occupancy, the following policy shall be applied. Applicable and separately enforced Zoning Ordinance provisions apply to all Certificates of Use and Occupancy.

All residential and commercial structures, both new and existing, require Certificates of Use and Occupancy.

2) Applicability:

a. General Requirements for all Existing Structures:

- 1) The owner of record or an authorized agent may request a copy of the current Certificate of Use and Occupancy. If a valid Certificate of Use and Occupancy is on file with the Township, a copy will be provided.
- 2) Existing structures that do not have a valid Certificate of Use and Occupancy require the owner to complete an Application for Certificate of Use and Occupancy, pay the applicable fees and schedule an inspection with a Code Official. Per the Municipal Code and Ordinance Compliance Act (MCOCA) – PA Act 133 of 2016, any documented violation(s) shall be classified as either a basic violation or a substantial violation. Inspection results shall determine the type of Certificate to be issued. Refer to Section 3 for Certificate types.
- 3) If a change of use occurs on the premises, even if there is a valid Certificate of Use and Occupancy on file for the previous use, the owner must follow the procedures described above for existing structures that do not have a valid Certificate of Use and Occupancy.
- 4) Any owner or authorized agent requesting a re-issuance of an existing Certificate of Use and Occupancy must follow the same procedures described above for existing structures that do not have a valid Certificate of Use and Occupancy. At the Director of Code Compliance's discretion, a re-issuance for a name change only may be granted without an inspection for a nominal fee as listed on the current fee schedule.

* This Administrative Order replaces Administrative Orders #98-1 and #2007-3

* Fees may be increased based on large area, multi-story and special occupancy buildings as determined by the Director of Code Compliance.

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3) Requirements:

a. Certificates of Use and Occupancy:

Per the Municipal Code and Ordinance Compliance Act (MCOCA) – PA Act 133 of 2016, one of three types of Certificates shall be issued for both residential and non-residential existing buildings. The three types of Certificates are as follows:

- 1) **Certificate of Use and Occupancy** – If the Existing Structure Inspection Report shows no violations, a Certificate of Use and Occupancy will be issued.
- 2) **Temporary Certificate of Use and Occupancy** – If the Existing Structure Inspection Report shows only basic violations as determined by the Director of Code Compliance or designee, a Temporary Certificate of Use and Occupancy may be issued upon request, that is valid for 12 months. This certificate will allow a property owner to fully use and/or live in the property during the time they are making repairs.
 - a) *If a Temporary Certificate of Use and Occupancy is issued, a re-inspection is needed to confirm basic violations are repaired; a Certificate of Use and Occupancy will be issued upon correction of all basic violations.*
 - b) *Re-inspection fees as outlined in the current Building Code Permits and Related Fees Schedule will be charged for each re-inspection of a Temporary Certificate.*
- 3) **Temporary Access Certificate** – If the Existing Structure Inspection Report shows substantial violations as determined by the Director of Code Compliance or designee, a Temporary Access Certificate will be issued that is valid for 12 months. A Temporary Access Certificate authorizes the property owner to access the property for the purpose of correcting substantial violations. This certificate also permits a property owner to access the property to do work, store tools, equipment or personal belongings on-site. A property owner may not use or occupy the property for any other purpose.
 - a) *A Temporary Access Certificate can be replaced with a Temporary Certificate of Use and Occupancy once all substantial violation(s) are corrected and verified by a Code Official.*
 - b) *Once a re-inspection confirms basic violations are repaired, a Certificate of Use and Occupancy will be issued.*
 - c) *Re-inspection fees as outlined in the current Building Code Permits and Related Fees Schedule will be charged for each re-inspection of a Temporary Access Certificate.*

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4) Certification Process

a) Existing Non-Residential Certificate of Use and Occupancy Requirements:

Non-residential buildings are to be inspected for compliance utilizing one of the two following options. The decision as to which option is to be used will be at the discretion of the Director of Code Compliance.

Violations are to be classified as either “Basic” or “Substantial” to maintain consistency with the Municipal Code and Ordinance Compliance Act. Inspection results shall determine the type of Certificate to be issued. Refer to Section 3 for Certificate types.

1) Option #1 - International Existing Building Code

- (a) The currently adopted International Existing Building Code sections 1301.5 Evaluation, 1301.6 Evaluation Process, 1301.7 Building Score, 1301.8 Safety Scores, and 1301.9 Evaluation of Building Safety shall be used.
- (b) Structural members shall be evaluated to verify they are structurally sound and capable of supporting imposed loads in accordance with Chapter 16 of the currently adopted International Building Code for the proposed use at the time of the inspection.
- (c) The currently adopted International Property Maintenance Code and the currently adopted International Fire Code as it applies to existing buildings and structures shall be used for the inspection.
- (d) Accessibility requirements shall be in accordance with the “Complete Change of Occupancy” Section of the currently adopted International Existing Building Code (IEBC) that pertains to a Change of Occupancy unless otherwise directed by the Director of Code Compliance.

2) Option #2 – Int’l Property Maintenance Code & Int’l Fire Code

- (a) The currently adopted International Property Maintenance Code and the currently adopted International Fire Code as it applies to existing buildings and structures shall be used for the inspection.
- (b) Accessibility requirements shall be in accordance with the “Complete Change of Occupancy” Section of the currently adopted International Existing Building Code (IEBC) that pertains to a Change of Occupancy unless otherwise directed by the Director of Code Compliance.

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4) Certification Process, continued

b) Existing Residential Certificate of Occupancy Requirements:

Residential buildings are to be inspected for compliance with the following Fire Safety Inspection Checklist. Violations are listed as either "Basic" or "Substantial" to maintain consistency with the Municipal Code and Ordinance Compliance Act. Inspection results shall determine the type of Certificate to be issued. Refer to Section 3 for Certificate types

- 1) **Street Number Requirements:** All residential dwellings are required to display street numbers (numerals only) that are at least 2 ¾ inches in height and in a position easily readable in both directions from the adjacent roadway. All numbers shall be of contrasting colors to their background on which they are placed, installed in a permanent nature, and be at least 18 inches above adjacent grade. Street numbers on operable man doors and overhead garage doors are not compliant given that no numbers are visible when such doors are open. (Ordinance 2019-1, Section 403.5) – Basic Violation
- 2) **Egress Door Lock Requirements:** The main exit door at the front of the dwelling or exit door(s) adjacent to the sleeping rooms (if not the main exit door) shall be readily openable from the inside without the use of key or any special knowledge or effort. Double cylinder-keyed dead bolts on the main exit door are prohibited. (Ordinance 2018-4, Section 702.3) – Substantial Violation
- 3) **Smoke Alarm Requirements:** UL listed battery powered smoke alarms shall be installed on each level of the home including the basement, outside of each sleeping room area in the immediate vicinity of sleeping rooms, and in each sleeping room. Each smoke alarm shall be installed on the ceiling or wall in accordance with the manufacturer's installation instructions. The Code Official shall approve all alarm locations. Existing 110-volt powered, interconnected smoke alarm systems or monitored fire alarm systems that transmit a fire alarm signal to a central station are subject to inspection, testing and approval. Low voltage monitored fire alarm systems require written verification from a Manheim Township licensed fire alarm contractor stating the smoke alarm system was tested within the last year and found to be functioning properly. (Ordinance 2018-4, Section 704.2) – Substantial Violation

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4) Certification Process, continued

b) Existing Residential Certificate of Occupancy Requirements:

- 4) **Carbon Monoxide Alarm Requirements:** UL listed carbon monoxide alarms shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in *dwelling units* in which fuel-fired *appliances* are installed and in dwelling units that have attached garages. Each carbon monoxide alarm shall be installed on the ceiling or wall in accordance with the manufacturer's installation instructions. The Code Official shall approve all alarm locations. (Ordinance 2019-1, Section R315.1) – Substantial Violation
- 5) **Openable Bedroom Windows:** All bedrooms shall have at least one operable window that is easily openable and self-supporting or one functioning exterior door opening directly to the exterior. Sleeping rooms shall not be permitted in basements without an approved door or emergency escape and rescue window opening directly to the exterior from the sleeping room. (Ordinance 2018-4, Section 304.13.2) – Substantial Violation
- 6) **Unsafe Conditions:** Any other condition identified during the inspection deemed to be an unsafe condition by the Director of Code Compliance will be identified and classified as a Substantial Violation. (Ordinance 2018-4, Section 101.2)



Issued By:

Andrew S. Bowman, Director of Code Compliance

Effective Date: June 19, 2017

Revised August 7, 2019