

## Chapter 140

### PLUMBING AND MECHANICAL STANDARDS

**[HISTORY: Adopted by the Borough Council of the Borough of Upland as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

##### Plumbing Code

**[Adopted 3-8-1994 by Ord. No. 3-1994; amended in its entirety 8-10-2004 by Ord. No. 11-2004]**

#### **§ 140-1. Adoption of standards.**

A certain document, one copy of which is on file in the office of the Borough of Upland, being marked and designated as the “International Plumbing Code, 2003 Edition,” and all subsequent editions, published by the International Code Council, be and is hereby adopted as the Plumbing Code of the Borough of Upland in the Commonwealth of Pennsylvania for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuances of permits and collections of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Borough of Upland are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 140-2 of this article.

#### **§ 140-2. Additions, insertions and changes.**

The following sections are hereby revised:

- A. Section 101.1 Insert: “Upland Borough.”
- B. Section 106.6.2 Insert: “Permits fees for all plumbing permits shall be indicated in accordance with the building permit fee schedule as may be enacted from time to time by the Borough Council and kept on file in the Office of the Borough Manager/Secretary of the Borough of Upland.”
- C. Section 106.6.3 Insert: “100% and 50%.”
- D. Section 108.4 Insert: “summary offense, fine not to exceed \$1,000 for each offense, may be committed to Delaware County Prison for any period not to exceed 30 days.”
- E. Section 305.6.1 Insert: “36 inches” and “36 inches.”
- F. Section 904. 1 Insert: “12 inches.”

**§ 140-2.1. Severability.**

If any section, subsection, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Upland Borough Council hereby declares that it would have passed this article, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

**§ 140-2.2. Repealer.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**§ 140-2.3. When effective.**

The Borough Manager/Secretary shall certify to the adoption of this article and cause the same to be published as required by law; and this article shall take full force and effect immediately upon the date and time of final passage and approval by the Upland Borough Council.

ARTICLE II  
**Licensing of Plumbers**  
**[Adopted 10-11-1994 as Ord. No. 6-1994]**

**§ 140-3. Purpose.**

The Council of the Borough of Upland finds it to be in the best interest of the residents of the Borough of Upland that any person, persons, firm or corporation who or which engage in or work at the business of plumbing or home drainage must be or have in their employ an accredited master plumber or journeyman plumber, and furthermore that each aforementioned master or journeyman plumber will be required to register with the Borough Plumbing Inspectors Office and obtain a license from said office for such purpose, to the end that only responsible and qualified persons shall be permitted to engage in such business in the Borough.

**§ 140-4. Master and journeymen plumbers required to be licensed and registered.**

In order to qualify for such certificate or license and to be registered as aforesaid, it shall be necessary that said person, persons, firm or corporation shall have had a master plumber's and/or journeyman plumber's license and have been registered as a master plumber or a journeyman plumber in the Borough of Upland prior to the passage of this article, or shall hold a current master plumber's or journeyman plumber's license from a recognized municipality, or shall satisfactorily pass an examination as hereinafter provided for.

**§ 140-5. Qualifications of master plumber and journeyman plumber.** [Amended 10-11-1994 by Ord. No. 6-1994]

A. A journeyman plumber shall be every person having served:

- (1) Ten thousand hours (60 months) on job training under a registered master plumber; or
- (2) Eight thousand hours (48 months) on job training under a registered master plumber and completed 576 hours in an accredited plumbing apprentice program.

B. A master plumber shall be every person who:

- (1) Shall have been examined and a licensed journeyman plumber by a municipality whose testing is approved by the Regional Certification Council.
- (2) Shall have been a licensed journeyman plumber for not less than one year prior to the date of application for certification testing, and be approved by the Plumbing Inspector of the Borough of Upland.

**§ 140-6. Examinations required.** [Amended 10-11-1994 by Ord. No. 6-1994]

- A. All master and journeyman plumbers with experience as defined in § 140-5 above are hereby required to obtain a passing grade on the appropriate examinations administered by the Regional Examination Board to be recognized and licensed in the Borough of Upland.
- B. Said examinations are set down and details provided for under the joint cooperative agreement entitled "JOINT AGREEMENT PROVIDING FOR ESTABLISHMENT OF REGIONAL QUALIFICATIONS AND EXAMINATION OF MASTER AND JOURNEYMAN PLUMBERS AND FOR RECIPROCAL RECOGNITION OF LICENSEES" agreed to and adopted by Ordinance Number 6 of 1994, of October 11, 1994.<sup>1</sup>

**§ 140-7. Place of business and signs.**

Every registered master plumber shall have a bona fide place of business and shall display on the front of his, her or their place of business, a sign "Registered Plumber" bearing the names of the person, persons, firm or corporation in letters not less than three inches high. Such registered master plumbers shall also display a sign of the same size, nature and content on each and every vehicle used in the business and in front of every building where he or she is performing plumbing work.

**§ 140-8. Applications.**

All applications must be filed in writing with the Plumbing Inspector and appropriate fees paid. If the applicant shall be found competent by the Plumbing Inspector, he or she shall thereupon issue a registration license/certificate to said applicant.

**§ 140-9. Surrendering of licenses and/or certificates.**

Any person, persons, firm or corporation having been registered and licensed under the

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1. Editor's Note: Said agreement is on file in the Borough offices.

provisions of this article, upon his, her or their retirement, or in the event that he, she or they cease to engage in any way in the business of plumbing or house or building drainage, shall within 10 days surrender his, her or their license/certificate of registry to the office of the Plumbing Inspector.

**§ 140-10. Reregistration; renewal.** [Amended 12-10-1996 by Ord. No. 9-1996]

Registration License/Certificates of all master plumbers and journeyman plumbers shall expire at midnight on December 31 of each year following the date of issue, unless prior thereto the registration is revoked, suspended or surrendered. Upon payment of the annual license fee as set forth by resolution of the Borough Council, prior to the expiration date, the said registration shall be renewed for another year, and the authority to continue to engage in the business of plumbing shall continue. There is no fee required for apprentices.

**§ 140-11. Plumbing Inspector to keep the registry.**

- A. A register of all such applicants and the license/certificate issued shall be recorded in a register and kept in the office of the Plumbing Inspector, which register shall be exhibited by the Plumbing Inspector to all persons determined by the Plumbing Inspector to have a legitimate interest, or on specific direction from the Council President of the Borough of Upland.
- B. Each person, persons, firm or corporation, in registering or at any time thereafter, on the request of the Plumbing Inspector, shall provide the full name or names of the person, persons or firm or officers' names of the corporation and the names of all apprentices in their employ.

**§ 140-12. Plumbing Inspector.** [Amended 1-13-2004 by Ord. No. 2-2004]

The Borough Council of the Borough of Upland shall appoint a competent person as Plumbing Inspector, whose duties shall be to supervise, superintend and inspect all plumbing installations and house or building plumbing in conformity with the provisions of this article and who shall be a registered master plumber. The Plumbing Inspector shall receive compensation as shall be determined from time to time by resolution of Borough Council.

**§ 140-13. Effect on prior provisions.**

That nothing in this article or in the Plumbing 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 article.

**§ 140-14. Adoption of standards.**

A certain document, one copy of which is on file in the office of the Manager/Secretary of the Borough of Upland, Delaware County, Pennsylvania, being marked and designated as "The International Mechanical Code, 1996 Edition," published by the International Code Council, and as updated and republished from time to time; be and is hereby adopted as "The Mechanical Code," of the Borough of Upland, Delaware County, in the State of Pennsylvania; for the control of all mechanical systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Mechanical Code are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, and changes, prescribed in § 140-15 of this article.

**§ 140-15. Additions, insertions and changes.**

The following sections are hereby revised as follows:

- A. In Section 101.1, insert "The Borough of Upland, Delaware County, Pennsylvania."
- B. Section 103.1, Department of Mechanical Inspection, is hereby deleted.
- C. In Section 103.1, Code Official, add "For the purpose of this article, the term 'code official' shall be synonymous with 'Plumbing Inspector' wherever it may appear."
- D. In Section 106.4, Expiration, replace "180 days" with "120 days" in two places.
- E. Section 106.5.2, Fee Schedule, is amended to read as follows:

**106.5.2. Fee Schedule.** Permit fees for all Mechanical Permits shall be indicated in accordance with the Building Permit fee schedule as may be enacted from time to time by the Borough Council, and kept on file in the office of the Borough Manager/Secretary of the Borough of Upland.

Where permit fees are calculated from the total job cost, a bona fide copy of the contract for said job shall be provided as a part of the permit application documents.

- F. Section 106.5.3 is hereby deleted.
- G. Section 108.4, Violation Penalties, is amended to read as follows:

**108.4. Violation Penalties.** Any individuals, persons, property owners, renters, lessees or legally accountable representatives of any of the terms or conditions of this chapter, or of the International Mechanical Code, 1996, as hereby adopted, shall be subject, upon conviction thereof before a District Justice, to a fine not to exceed \$1,000 for each and every offense, together with costs, and, in default of payment of such fine or costs, such individual, person, property owner, renter, lessee or legally accountable representative of any firm or corporation may be committed to the Delaware County Prison for any period not to exceed 30 days.

- H. Section 108.5, Stop Work Orders, is amended to remove references to the minimum fine, and to replace the last two lines with; "shall be liable to a fine not to exceed

\$1,000, and costs of prosecution."

**§ 140-16. Effect on prior provisions.**

Nothing in this article or in the Mechanical 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 article.

ARTICLE IV

**Permits**

**[Adopted 4-10-2001 by Ord. No. 3-2001; amended in its entirety 11-12-2002 by Ord. No. 10-2002]**

**§ 140-17. Work started prior to obtaining permit; doubling of fees.**

- A. Where work, for which a permit is required by this chapter, is started prior to obtaining said required permit, the fees set forth herein for such permit shall be doubled; and the payment of such doubled fee shall not relieve any person, business, company or corporation from fully complying with the requirements of this chapter in the execution of the work or from any other penalties prescribed herein.
- B. Any extra fees realized by the Borough from the administration of § 140-17A above shall be deposited into the general fund of the Borough of Upland.
- C. Any person shall have the right to appeal the decision of the Plumbing Inspector to double their permit fees to the Council of the Borough of Upland. An application for a special hearing may be made, in writing, to the Manager/Secretary's office within 10 days of the disputed decision.
- D. All applicants for a plumbing or mechanical permit shall submit, with their application, a certificate of insurance evidencing that the contractor performing the work has appropriate workmen's compensation coverage. Further, the Borough of Upland shall be named as a certificate holder on said certificate of insurance.