

**RADNOR TOWNSHIP, DELAWARE COUNTY, PA
ORDINANCE NO. 2022-26**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 195 OF THE RADNOR
TOWNSHIP CODE TO INCORPORATE THE 2018 INTERNATIONAL
MECHANICAL CODE.**

Upon recommendation of the Radnor Township Staff, the Radnor Township Board of Commissioners hereby ENACTS and ORDAINS the following:

ARTICLE I ADOPTION OF CODE AMENDMENTS - IMC

Chapter 195 of the Radnor Township Code is hereby amended to read as follows:

§195-1 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 2018 International Mechanical Code, are 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 2018 International Mechanical Code, as amended, 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 by this chapter.

§195-2 Additions, insertions, deletions, and changes to code.

The following sections and subsection of the aforementioned 2018 International Mechanical Code, as amended, are hereby added, amended, deleted, 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 Default municipality. 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 103.3 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 phrase "a new permit shall be first obtained" on line eight, and delete the remaining text on lines 9 through 13.

- (b) Subsection 106.4.4, Extensions. Delete the last three sentences and replace them with 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 subsection in its entirety.

- (d) Subsection 106.5.2, Fee schedule. Delete this section and substitute the following:

106.5.2 Fee schedule. No permit shall be issued until the fees established by the Board of Commissioners have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended, nor shall an amendment to a permit necessitating an additional fee, because of an increase in the estimated cost involved, be approved until the additional fees have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended.

- (e) Subsection 106.5.3, Fee refunds. Delete this subsection in its entirety.

(4) Section 108, Violations.

- (a) Subsection 108.3, Prosecution of violation. Delete the following words in the second and third lines: "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 violates a provision of this code; fails to comply with any of the requirements thereof; or constructs, installs, repairs, alters, or does work on a mechanical system in violation of the approved construction documents, any approved plan, *permit*, certificate, application for *permit*, directive of the code official shall, upon conviction, be punishable by a fine of not more than \$1,000.00 per violation. Each day that each violation continues shall be deemed a separate offense.
 - (c) Subsection 108.5, Stop work orders. Insert in the first blank "Twenty-Five (25)" and in the second blank insert "One Thousand (1,000)."
- (5) Section 109, Means of Appeal.
- (a) Delete the entire Section 109, Means of Appeal, and substitute with the following:

**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 thirty (30) 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 reason for taking exception thereto, and shall be filed with the Department. The appeal shall be heard pursuant to and consistent with the practices and procedures established for or by the Code Appeals Board, as well as, the Pennsylvania Uniform Construction Code. A written decision to affirm, modify, or reverse the decision of the code official shall be issued by the Code Appeals Board and duly recorded, with such decision being final.

109.2 Limitations on authority. 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 an equally good or better form of construction is proposed. The Code Appeals Board shall not have authority to waive requirements of this code.

- (6) Insert a new Section 111 to read as follows:

**SECTION 111
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 Code of the Township of Radnor, as amended, 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 official 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 violation of any standards, conditions or requirements under which a HVAC permit is issued by the Township. Notification and justification for such action shall be provided to the licensee by certified and regular mail. The licensee or duly authorized agent or attorney may, within ten (10) days from the date of such notice and justification, appeal the decision of the code official to the Code Appeals Board. Such appeal shall be in writing, state the decision of the code official and the reasons for the exception taken thereto, and shall be filed with the Department. The Code Appeals Board shall within sixty (60) 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 so desired. The appeal shall be heard pursuant to and consistent with the practices and procedures established for or by the Code Appeals Board. A prompt decision to affirm, modify, or reverse the decision of the code official shall be issued by the Code Appeals Board and duly recorded, with such decision being final.

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, with \$500,000 of coverage for each occurrence.

B. Chapter 2, Definitions.

(1) Section 202, General Definitions.

- (a) Add the definition of "Code Appeals Board" to read as follows:

CODE APPEALS BOARD. The Radnor Township Code Appeals Board created, organized, and operated in accordance with Chapter 15, Code Appeals Board, of the Code of the Township of Radnor, as amended.

- (b) 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, or a duly authorized representative.

- (c) 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.

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

HVAC CONTRACTOR. Any person who shall have qualified and registered as an HVAC contractor or Master Plumber doing business as a heating and air-conditioned contractor in accordance with the terms of this chapter and under the rules and regulations of Radnor Township.

- (e) Add the definition of "Township" to read as follows:

TOWNSHIP. The Township of Radnor, Delaware County, Commonwealth of Pennsylvania.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK
[Signatures to follow]

RADNOR TOWNSHIP, DELAWARE COUNTY, PA
ORDINANCE NO. 2022-26
IMC

ARTICLE II REPEALER

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed. In particular, Radnor Township Ordinance No. 2010-07, adopted February 22, 2010, is specifically repealed in full.

ARTICLE III SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.


ARTICLE IV EFFECTIVE DATE

This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and *ORDAINED* this 3rd day of January, 2023.

RADNOR TOWNSHIP

By: Maria Mulkeny
Name: _____
Title: President

ATTEST: 
William M. White, Secretary