

BUILDING CODE ORDINANCE

ORDINANCE NO. 315

AN ORDINANCE GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, ELECTRICAL AND PLUMBING WORK, DEMOLITION REMOVAL, CONVERSION, USE AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES: PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, MAKING INSPECTION: PROVIDING PENALTIES FOR VIOLATIONS AND ESTABLISHING FIRE LIMITS WITHIN THE MUNICIPALITY.

BE IT ORDAINED AND ENACTED BY THE BOROUGH OF SOUTHMONT.

SECTION 1 ADOPTION OF BUILDING, PLUMBING, ELECTRICAL AND ONE AND TWO FAMILY DWELLING CODES.

1. 1 Applicable Codes - There are hereby adopted in their entirety, by the Municipality, the following codes, copies of which are on file in the Office of the Municipality, as amended through the effective date of adoption of this Ordinance, save and except such portions as are hereinafter deleted, modified, or amended;

1. 1A The BOCA Basic Building Code, 1978 7th edition as published by the Building Officials and Code Administrators International, Inc.

1. 1B The National Electrical Code, N.F.P.A. 70-1978 edition as published by the National Fire Protection Association and as referred to in Article 15 and Appendix B of the BOCA Building Code.

1. 1C The BOCA Basic Plumbing Code, 1978 4th edition, as published by the Building Officials Code Administrators International, Inc. as referred to in Article 17, Appendix B of the BOCA Building Code, 1978 7th edition.

1. 1D The one and Two Family Dwelling Code, 1975 edition, as referred in Appendix B of the BOCA Basic Building Code, 1978 7th edition.

1.2 Effective Date of Enactment - The provisions set forth in the Ordinance shall become effective July 21, 1982, in accordance with the Building Code of Pennsylvania.

1.3 Administration and Enforcement - Except where stated otherwise, all of the administrative and enforcement procedures of the BOCA Basic Building Code shall apply to the codes listed in subsection 1. 1A through 1. 1D of this Ordinance.

SECTION 2 MODIFICATIONS MADE IN THE BOCA BASIC BUILDING CODE

2. 1 Insertions - Where the term "Name of Jurisdiction" is used it shall mean the Borough of Southmont.

2. 1F Subsection 301.2 - 301.3 - the entire Municipality shall be designated as outside fire limits.

2. 1G Section 1307.2.1. Deep Excavation - The depth referred to in this section shall be over five feet.

2. 1H Section 1307.2.2 Shallow Excavation - The depth referred to in this section shall be less than five feet.

2.1I Section 1406.1 Filing - The amounts referred to in this section shall be \$10,000 and \$1,000.00.

2. 1J Section 105.1 Continuation of Existing use = The date referred to in this section shall be July 21, 1982.

2. 1K Section 125.3 Board of Survey - The amount referred to in this section shall be one hundred dollars (\$100.00)

2.2 Revisions - The following sections of the BOCA Basic Building Code are revised to read as follows:

2. 2A Subsection 107.9 - Official Records - An official record shall be kept of all business and activities of the Office of the Building Official and all such records shall be open to the public for inspection (during business hours) except that no individual, owner, operator, occupancy, or other person shall be subject to the unwarranted invasion of privacy and except that all evidence of information obtained in the course of any inspection shall be considered privileged information and shall be kept confidential. Such evidence or information shall not be disclosed except as may be necessary in the judgement of the Building Official for the proper and effective administration and enforcement of the provisions of this Ordinance and shall not otherwise be made public without the consent of the owner, occupant, Operator or other person in charge of the unit, structure or premises inspected.

2. 2B Subsection 113.1 - Action of Application - The Building Official shall examine or cause to be examined all applications for permits and amendments thereto. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing, stating the reason therefore. If he is satisfied that the proposed work conforms to the requirements of this code and all laws and Ordinances applicable thereto, he shall issue a permit therefore as soon as practicable. Such action regarding the issuance or rejection of the permit, however, shall be taken within ninety days in accordance with Act 170, 1976.

2. 2C Subsection 121.4 - Violation Penalties - Any person or member of a partnership or corporation who shall violate the provisions of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair, demolish a building or structure in violation of an approved plan or directive of the Building Official or a permit or certification issued under the provisions of the BOCA Basic Building Code shall be guilty of a fine of not more than three hundred dollars (\$300.00) or less than ten dollars (\$10.00) or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

2. 2D Subsection 122.2 - Unlawful Continuance - The penalty referred to in this section shall be the same as the penalty for other violations as specified in revised section 2.2 - Subsection 2. 2C.

2. 2E Subsection 126.4.2 - Qualifications of Board Members Each member shall have some knowledge of building construction or related activities.

2. 2F Subsection 117.3.1 - Fee Schedule - At the time of application for a building permit the applicant shall pay any appropriate fee. A schedule of said fees shall be established by resolution as adopted by the Municipality. The governing body may from time to time review the fee schedule and revise the schedule whenever it is felt necessary. All revisions of the fee schedule shall be made by resolution.

2. 3 Additions - The following sections are hereby added to the BOCA Basic Building Code:

2. 3A Subsection 108.9 - Workmanship - The Building Official shall require that all work be performed in a workman like manner.

2. 3B Subsection 113.10 - Other Permits Required -- At the time of filing an application for building permit the applicant shall present evidence that he has obtained all necessary permits, licenses, approval and/or variances as may be required under the laws of the Municipality and the Commonwealth.

2. 3C Subsection 116.2 - Determination by Building Official When the owner or agent is unable to obtain the releases required in Section 116.1 the Building Official shall inspect the site for which application has been made to determine that the utility service connections and appurtenant equipment have been removed or sealed and plugged in a safe manner.

2. 3D Subsection 1306.7 Protection of Public and Workmen

When in the opinion of the Building Official the cleaning and/or repairing of exterior building walls will result in the dispersion of harmful materials or odors, he shall require that proper measures are taken to prevent such an occurrence.

2. 3E Subsection 1306.B - Maintenance - In case of an existing party wall or an existing exposed wall which is structurally sound and which is not intended to be used by the person causing the demolition and further, that the surface of the said wall is to remain exposed, such person causing the demolition shall preserve at his own expense, the party or exposed wall, by insuring the exposed surfaces shall be made permanently water proof by the application of stucco, brickette, gunite, or other approved noncombustible material.

2. 3F Subsection 107.10 - Delegation of Authority - The Borough of Southmont may enter into agreement with the _____ whereby the _____ shall be authorized to administer and enforce the provisions of this Ordinance and such other Ordinances relating to building regulations as set forth under terms of the agreement. Said Agreement, however shall not include matters relating to zoning and/or subdivision regulations.

2. 4 Deletions - The following sections of the BOCA Basic Building Code, adopted herein are hereby deleted in their entirety;

2. 4A Subsection 107.4 - Deputy

2. 4B Subsection 107.5 - Qualifications of Building Official

2. 4C Subsection 107.6 - Qualifications of Assistants

2. 4D Subsection 117.4 - Moving of Buildings

2. 4E Subsection 117.5 - Demolition

2. 4F Subsection 117.6 - Signs

2. 4G Subsection 118.0 - Volume Computation

2. 4H Subsection 117.3 - New Construction & Alterations

2. 4I Article 16 - Elevators, Dumb Waiters, and Conveyor equipment. Installation and Maintenance.

2. 4J Basic Housing - Property Maintenance Code 1978 - BOCA listed in appendix B. Boca Basic Building Code.

2. 4K Flood Proof Regulations, U.S. Army 1972, listed in Appendix B. BOCA Basic Building Code.

2. 4L Subsection 872.6 - Flood Proofing

SECTION 3. MODIFICATIONS MADE IN THE BOCA BASIC PLUMBING CODE

3.1 Revisions - The following sections of the BOCA Basic Plumbing Code are hereby revised to read as follows;

3. 1A Section P. 101.3 - Continuation of Unlawful Use-
The continuation of occupancy or use of a building or of structure or part thereof, contrary to the provisions of this Code, shall be deemed a violation and subject to the penalties prescribed in Section 2.2 subsection 2.2C of this Ordinance.

3. 1B P104.1 - Continuation - the date referred to in this section shall be July 21, 1982.

3. 1C Section P110.6 - Department Records - the records referred to in this section shall be maintained in accordance with the provisions in Section 2.2, Subsection 2.2A of this Ordinance.

3. 1D Section P112.2 -- Action on Application - All Applications for plumbing permits shall be processed in accordance with the provisions of Section 2.2, Subsection 2.2B of this Ordinance.

3. 1E Section P114.2 - Fee Schedule All fees for plumbing permits shall be paid in accordance with the rates outlined in Section 2.2, Subsection 2.2F of this Ordinance.

3. 1F P303.2 - Public Systems Available. The distance referred to in this section shall be 200 feet

3. 1G P308.3 - Freezing - The depth referred to in this section shall be _____feet for sewers.

3. 1H P109.0 - Plumbing Officials - Where the term Plumbing Official is used it shall mean the Building Official or his authorized representative unless otherwise specified by the C.O.G.

3.11 Subsection P117.4 - Penalties The Penalties referred to in this section shall be the same as the penalty in Section 2.2C, Subsection 12.4 of this Ordinance.

3.3 Additions - The following sections are added to the BOCA Basic Plumbing Code herein adopted:

3.3A Subsection P123.0 - Regulation of Plumbing - No person, firm, or corporation shall engage in the practice of plumbing within the municipality unless technically qualified to perform such plumbing activities in a competent matter. Such technical qualifications shall be demonstrated by the person, firm, or corporation by the submittal of the following information to the Building Officials:

A statement adequately describing the training course or courses satisfactory completed.

A statement adequately describing the work experience of the person, firm or corporation.

A statement describing any plumbing licenses received from the State, County or any Municipality.

The above provisions for the regulation of plumbers shall not apply to any person who applies for a permit to do any work regulated by this Code in a single or two family dwelling used exclusively for living purposes, including the usual accessory buildings, and quarters in connection with such dwelling, provided the person is a bona fide owner of such dwelling and that the same will be occupied by said owner and that said owner shall personally purchase all material and perform or supervise all labor in connection therewith. Such exception to the provisions of the regulations shall not apply in cases involving the connection of water and sewer mains.

3. 3B Subsection 801.3 - Existing Drainage Nuisance - Any surface or roof drainage which creates a structural or health hazard or any other nuisance to the owners or occupants of adjacent premises, or to the public by reason of discharge into, onto, or across any adjacent building, premise or public throughfare, shall be abated by the owners of the improperly drained area; and the building official shall require the drainage to be disposed of in accordance with the provisions of the plumbing code.

3. 4 Deletions - the following sections of the BOCA Basic Plumbing Code are hereby deleted in their entirety;

3. 4A Section P122.0 - Means of Appeal

SECTION 4. MODIFICATIONS MADE IN THE NATIONAL ELECTRICAL CODE

4. 1 Revisions - The National Electrical Code - 1978 edition is hereby adopted without revisions.

4. 2 Additions - The following sections are hereby added to the National Electrical Code:

4.2A Subsection 90 -8.1 - Electrical Permit for Electrical Work - The Building Official shall require that all applicants for permits for electrical work shall furnish proof that an application for inspection of the proposed electrical wiring or electrical apparatus has been made to an organization (hereinafter referred to as the "Approved Electrical Organization") with the payment of all inspection fees and charges of such organization being done by the applicant.

4.2B Subsection 90.8.2 - Electrical Certificate of Approval

All applicants shall, within 30 days of the completion of the building structure or premises, obtain an Electrical Certificate or Approval from the office of the Building Official of proof that the "Approved Electrical Organization" has made an inspection of the applicant's building structure or premises and that the electrical wiring conforms with the applicable provisions of the National Electrical Code. Whenever the inspection of the "Approved Electrical Organization" shows that the provisions of the National Electrical Code have not been complied with, said organization shall so inform the Office of the Building

Official. The Building Official shall then notify the applicant of these steps which must be taken to achieve compliance with the National Electric Code before an Electrical Certificate of approval can be issued.

4.2C Subsection 90-8.3 = Exemptions - This ordinance shall not apply to the following electrical work:

a. Minor repair work such as repairing or replacing fuses, switches, receptacles, lamps and lighting fixture parts.

4. 2D Subsection 90-8.5 - Fees at the Time of Application

At the time of the application for an electrical permit, the applicant shall pay a fee in accordance with Section 2.3, Subsection 2.2 F of this ordinance.

SECTION 5. MODIFICATIONS MADE IN ONE & TWO FAMILY DWELLING CODE

5.1 Revisions - The following sections of the One & Two family dwelling Code are hereby revised to read as follows:

5. 1 A Subsection R106 - Violation and Penalties - The penalty referred to in this Section shall be the same as the penalty in Section 2.2C, Subsection 12.3 of this Ordinance.

5.1B Subsection R107 - Right of Appeal - All persons shall have the right to appeal the Building Official's decision, in accordance with provisions contained in Section 126.0 of the BOCA Basic Building Code.

SECTION 6. GENERAL PROVISIONS

6.1 Savings Clause - Nothing in this Ordinance or in the BOCA Basic Building Code, the BOCA Basic Plumbing Code, or the National Electrical Code herein adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause or cause of action accrued or existing under any act or Ordinance repealed hereby. No right or remedy of any character shall be lost, impaired, or affected by this Ordinance.

6.2 Validity - The invalidity of any section or provision of this Ordinance or of the reference Codes hereby adopted shall not invalidate other sections or provisions thereof.

6.3 Conflict of Ordinances - Any ordinance or part of ordinance conflicting with the provisions of this ordinance be, and the same if hereby repealed, insofar as the same affects this Ordinance.

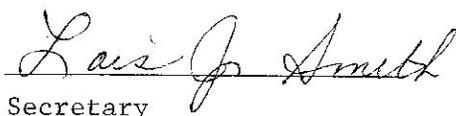
ORDAINED AND ENACTED into law this 21st day of June 1982.

BOROUGH OF SOUTHMONT



MAYOR

ATTEST:



Secretary