

## BUILDING CODE

ORDINANCE NO. \_\_\_\_\_

An Ordinance amending Ordinance 383, enacted December 17, 1984, and adopting by reference, with certain changes, the BOCA Basic/National Building Code/1984, so as to adopt the BOCA National Building Code/1987, with certain changes.

The Borough of Forest City ordains as follows:

Section 1. Section one of Ordinance 383, enacted December 17, 1984, and adopting by reference, with certain changes, The BOCA Basic/National Building Code/1984, is amended to read as follows:

Section 1. For the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, in the Borough of Forest City, the Borough adopts The BOCA National Building Code/1987 (Tenth Edition), as published by Building Officials & Code Administrators International, Inc. Copies of that code have been placed on file with the Borough Secretary and will remain on file there. That entire building code, except for those portions that are deleted, amended or modified in the following sections of this ordinance, is adopted and incorporated as fully as if set out verbatim in this ordinance, and, from the date on which this ordinance takes effect, the



provisions of that building code, as amended, shall be controlling in the construction of all buildings and structures within the limits of the Borough of Forest City. In this ordinance, the BOCA National Building Code may be referred to as "the code" or "this code".

Section 2. Section two of the said ordinance is amended in the following respects only:

(a) Paragraph (1) is amended to read as follows:

"(1) The words "The Borough of Forest City" shall be substituted for the words "name of jurisdiction" (in brackets) and the words "the jurisdiction" (except where it reads "under the jurisdiction of") and the words "this jurisdiction," wherever any of those words appear in the code."

(b) Paragraph (2) is amended to read as follows:

"(2) The term "code official", as used in the code, shall mean and refer to the person designated by Borough Council to administer and enforce the code, who may be, but need not be a "code administrator", or "code enforcement officer", or his authorized representative, as designated by Council to administer and enforce one or more codes of the Borough, and may be referred to as the "building official" or "building inspector."

(c) Paragraph (5) is deleted, since its provisions are covered in paragraph (2) as above amended,

and paragraphs (6) and (7) are renumbered, respectively, as paragraphs (5) and (6).

(d) The following new paragraph is added directly after Paragraph (7), renumbered Paragraph (6) by Subsection (c) of this section:

"(7) Section 103.4 of the code is amended to read as follows:

"103.4. Rehabilitation: Buildings existing prior to the effective date of this code in which there is work involving repairs, alterations, additions or changes of use, shall be made to conform to the code by applying the requirements of Article 32 or the provisions of Articles 2 through 31."

(e) Paragraph (10) is amended to read as follows:

"(10) Section 109.1 is amended to read as follows:

"109.1. Building official: The office of building official is created. The building official shall be appointed by Borough Council and shall serve at the pleasure of Council. The requirements for eligibility for appointment as building inspector shall be determined by Borough Council through oral or written examinations, interviews or such other means as deemed appropriate by Council."

(f) Paragraphs (13) and (14) are deleted, and paragraphs (15) through (24) are renumbered (13) through



(22), respectively.

(g) The paragraph originally numbered (15) and renumbered (13) by Subsection (f) of this section is amended so as to change the number of the amended section from 109.9 to 109.7.

(h) The following new paragraph is inserted directly after the paragraph originally numbered (24) and renumbered (22) by Subsection (f) of this section:

(23) Section 120.0 of the code and all subsections thereunder (Sections 120.1 through 120.6) are deleted and the following is substituted for that section and subsections:

"SECTION 120.0. UNSAFE BUILDINGS AND STRUCTURES

"120.1. Investigation; definition: Whenever it shall be reported to council that any building or structure, completed or in the process of construction, or any portion thereof, is in an unsafe condition, council shall immediately cause an investigation and examination to be made of that structure. If that investigation or examination indicates the structure to be unsafe in any respect, a report in writing shall be made to council specifying the exact condition of the building or structure, and setting forth whether the building or structure is capable of being properly repaired or whether it should be removed as an unsafe structure. **PROVIDED:** the term 'unsafe' when applied to any building or structure



shall include any of the following: a building or structure or part thereof that is structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard; unsuitable or improper for the use or occupancy to which it is put; constituting a hazard of health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property; vacant buildings or structures or portions thereof deemed to constitute a hazard.

"120.2. Notice to repair or remove: If any building or structure shall be reported to the council, as provided in Section 120.1 to be in an unsafe condition, the building official, upon request of council, shall forthwith cause written notice to be served upon the owner of that building or structure. That notice shall require the owner of the building or structure to commence the repair or removal of the building or structure within ten (10) days of that notice or to complete the repair or removal within 30 days thereof. Provided, however, that in any case where the notice directs the repair of any building or structure, the owner shall have the option to remove the building or structure instead of making repairs to it, within the stated time limit.

"120.3. Service of notice: The notice required by Section 120.2 shall be served personally upon the owner



of the building or structure to which that notice refers, if that owner is a resident of the Borough. If the owner is not a resident, then the notice may be served upon the agent of the owner, if that agent has a residence or place of business within the borough or the notice may be served upon a tenant or occupant of the structure. If the owner has no agent or tenant or if there is no occupant of the building or structure, the service shall be by notice posted upon the building or structure, and, in addition, a copy of the notice shall be sent to the owner of the building or structure, by certified mail, at the last known address thereof.

"120.4. Failure to comply constitutes violation.

If the owner of an unsafe building or structure to whom or which a notice to repair or remove the building or structure shall have been sent under the provisions of this section, fails to commence to complete the repair or removal within the time limit prescribed by the notice, he shall be guilty of a violation of this code and shall be subject to the penalty herein prescribed for the violation thereof, and that penalty and costs of prosecution may be in addition to costs and expenses collected under Section 120.5.

"120.5 Authority for borough to do work at expense of owner: If the owner of any unsafe building or structure, to whom or which a notice to repair or remove the structure shall have been sent under the provisions of this



section, fails to commence or complete that repair or removal within the time limit prescribed by the notice, council shall have the authority to cause that work or repair or removal to be commenced and/or completed, as the case may be, by the borough, and the cost and expense of the work, with a penalty of ten percent (10%), shall be collected from the owner of the building or structure, in the manner provided by law. Provided: the recovery of that cost and expense, together with the penalty, may be in addition to the penalty imposed for violation of this code, as provided by Section 117.4.

"120.6. Appeal; disregard of unsafe notice: A person served with a notice or order to remove or repair an unsafe building or structure or portion of a building or structure shall be allowed 30 days in which to comply with the requirement of the notice or order. Provided: any person served with such a notice or order may, within ten (10) days after service upon him, appeal from the notice or order to council, and if council confirms the notice or order, the person on whom it was served shall comply with the terms of the notice or order within 30 days after the date of confirmation by council. Council may institute an appropriate action in court to compel compliance."

(i) The paragraphs originally numbered (25) and (26) are renumbered (24) and (25), respectively.



(j) The paragraph originally numbered (27) is renumbered (26), and amended to read as follows:

"(26) The following new section is added directly after Section 2510.1:

"SECTION 2511.0. FREE-STANDING STOVES AND HEATERS

"2511.1. Fossil-fuel burning stoves: All installations of fossil-fuel burning stoves shall be a minimum of 36 inches from combustible surfaces. The thimble shall be at least three (3) times larger than flue pipe when passing through a combustible wall."

(k) The paragraphs originally numbered (28) and (29) are deleted.

(l) The paragraph originally numbered (30) is renumbered (27) and amended to read as follows:

(27) Section 2906.1 is amended to insert dollar amounts as follows in place of the bracketed "amount":

bond: \$

public liability insurance: \$

property damage insurance: \$

**NOTE TO BOROUGH OFFICIALS:** The desired dollar amounts should be inserted here before enactment of this ordinance.

(m) The paragraph originally numbered (31) is renumbered (28) and amended to read as follows:

(28) The following articles of the code are deleted in their entirety:



Article 26...Elevator, Dumbwaiter and Conveyor  
Equipment Installation and Maintenance.

Article 27...Electric Wiring, Equipment and  
Systems.

Article 28...Plumbing Systems.

Section 3. Sections three, four and five of the said  
ordinance are amended to substitute "The BOCA National  
Building Code: for the BOCA Basic/National Building Code."

ORDAINED AND ENACTED by the Council for the Borough of  
Forest City this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOROUGH OF FOREST CITY

By: \_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

Secretary

Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_.

\_\_\_\_\_

Mayor