

Ordinance No. 383

An Ordinance adopting by reference as the Building Code of the Borough of Forest City The BOCA Basic/National Building Code/1984, with certain amendments, modifications, and deletions; prescribing penalty for violation; and repealing a prior ordinance.

The Borough of Forest City ordains as follows:

Section 1. Adoption of Building Code. 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 City, the Borough adopts The BOCA Basic/National Building Code/1984 (Ninth Edition) as published by the 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 corporate limits of the Borough of Forest City.

Section 2. Amendments Made in BOCA Basic/National Building Code. The building code adopted by this ordinance is amended and changed in the following respects:

(1) Wherever the words "name of jurisdiction" appear in brackets in the code, the words "The Borough of Forest City" shall be inserted in place of those bracketed words. Likewise, the words, Borough of Forest City shall be substituted for the words "jurisdiction," wherever it shall appear singly in the code.

(2) The term "building 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.

(3) The term "chief appointing authority of the jurisdiction," as used in the code, shall mean the Borough Council.

(4) Wherever the term "legal counsel of the jurisdiction" shall appear in the code, the term "Borough Solicitor" shall be substituted for that term.

(5) The term "Building Inspector" shall mean the Building Official or his authorized representative.

(6) Section 100.1 is amended to read as follows:

"100.1 Title: These regulations shall be known as the Building Code of the Borough of Forest City, hereinafter referred to as "this code" or "the code."

(7) Section 101.5 is amended to read as follows:

"101.5 Validity of other laws, regulations and ordinances: Nothing in this code shall be construed to prevent the enforcement of other laws, State regulations and ordinances of the Borough of Forest City which prescribe more restrictive or stricter requirements or limitations. When the provisions specified in this code for health, safety and welfare are more restrictive than other provisions, this code shall control; but in any case, the most rigid requirements of either this code or other laws, regulations or ordinances shall apply, whenever they shall be in conflict."

(8) Section 105.1 is amended by adding the following sentence at the end thereof:

"In the event that the owner or agent is unable to obtain the releases hereinabove referred to, the Building Official shall inspect the premises 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."

(9) The heading of Section 109.0 is changed from "Department of Building Inspection" to "Office of Building Official" and in all subsequent retained sections of the code where the words "Department of Building Inspection" appears, the words "Office of Building Official" shall be substituted.

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

"109.1 Building official: The office of building official is created."



(11) Section 109.3 is amended to read as follows:

"109.3 Organization: The Building Official shall supervise such other employees and/or assistants, as appointed and approved by Borough Council, as shall be necessary for the administration and execution of the responsibilities of the office of Building Official. Those building officials and other personnel may consist of employees directly hired and compensated by the Borough."

(12) Section 109.4 is deleted.

(13) Section 109.5 is amended to read as follows:

"109.5 Qualifications of building officials: The requirements for eligibility under this section shall be determined by Borough Council through oral or written examinations, interviews or such other means as deemed appropriate by Council."

(14) Section 109.6 is deleted.

(15) Section 109.9 is amended to read as follows:

"109.9 Official records: An official record shall be kept of all business and activities of the Office of Building Official and all such records shall be open to the public for inspection at all appropriate times, except that no individual, owner, operator, occupant, or other person shall be subject to unwarranted invasion of privacy and except that all evidence or 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 judgment of the Building Official for the proper and effective administration and enforcement of the provisions of this code 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."

(16) Section 110.6 is amended by adding the following sentence at the end thereof:

"Furthermore, Borough Council shall have authority, at its discretion, to abrogate any rule or regulation, or part thereof, in which case that rule or regulation or part thereof shall cease to be in effect in the Borough."

(17) Section 110.8 is amended to read as follows:

"110.8 Annual report: At least once a year, and oftener if required by Borough Council, the Building Official shall submit to Council a written statement of operations in such form and content as shall be prescribed by Council.

(18) The following new section is added directly after Section 112.9:

"112.10. Other permits required: At the time of filing an application for a permit the applicant shall present to the Building Official evidence that he has obtained all necessary permits, licenses, approvals, and/or variances as may be required by the ordinances of the Borough and the laws of the Commonwealth. Individuals, agencies, boards and commissions issuing such permits, licenses, approvals and/or variances shall include but not be limited to, the Zoning Officer, or Zoning Hearing Board, Board of Appeals, the Sewage Enforcement Officer, the Fire Chief, the State Police Fire Marshall, the Pennsylvania Department of Environmental Resources, and the Pennsylvania Department of Community Affairs."

(19) Section 114.3 is deleted.

(20) Section 114.3.1 is amended to read as follows:

"114.3.1 Fee schedule: The following fees shall be paid to the Borough upon filing of an application and shall apply to construction, renovation, demolition, or moving of building:

	Cost up to	\$ 500.00	\$ 2.00
501.00	up to and including	1,000.00	3.00
1,001.00	up to and including	2,000.00	6.00
2,001.00	up to and including	4,000.00	9.00
4,001.00	up to and including	6,000.00	12.00
6,001.00	up to and including	8,000.00	15.00
8,001.00	up to and including	10,000.00	20.00
10,001.00	up to and including	12,000.00	24.00
12,001.00	up to and including	14,000.00	28.00
14,001.00	up to and including	16,000.00	32.00
16,001.00	up to and including	18,000.00	36.00
18,001.00	up to and including	20,000.00	40.00
20,001.00	up to and including	30,000.00	50.00



25,001.00	up to and including	40,000.00	70.00
40,001.00	up to and including	50,000.00	80.00
50,001.00	up to and including	60,000.00	90.00
60,001.00	up to and including	70,000.00	100.00
70,001.00	up to and including	80,000.00	120.00
80,001.00	up to and including	90,000.00	135.00
90,001.00	up to and including	100,000.00	150.00

Over 100,001.00 - \$1.00 per thousand

(21) Section 114.5 is deleted.

(22) Section 115.4 is amended to read as follows:

"115.4 Right of entry: Except in the case of an emergency or mutually convenient time agreed by the Building Official and the owner, operator, or occupant or other person in charge of any structure or premises. The Building Official or his authorized representative in discharging of his duties upon showing proper identification where requested, is hereby authorized to enter and inspect, between the hours of 9:00 A.M. and 4:00 P.M., any structure or premise in the Borough to enforce the provisions of this code and of any other code of the Borough for the administration or enforcement of which he is responsible. The assistance and cooperation of all other Borough officials, including police and fire departments, shall be available to the Building Official to assist in the performance of his duties and in securing right-of-entry."

(23) Section 117.4 is amended to read as follows:

"117.4 Penalty for violation: Any person, or any member of a partnership, or any officer of a corporation who or which violates any provision of this code, or who fails to comply with any requirement of this code, or who erects, constructs, alters, repairs or demolishes any building or structure in violation of an approved plan or certification issued under the provisions of this code shall be guilty of an offense, and, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not less than ten dollars (\$10) or not more than \$300, and costs of prosecution, and, in default of payment of fine and costs, to undergo imprisonment for not less than five (5) days or not more than 30 days. Provided: each day on which an offense continues

after due notice has been served, in accordance with the terms of this code, shall constitute a separate offense. Provided further: All fines collected under this section shall be paid over to the Borough Secretary for the use of the Borough.

(24) Section 118.2 is amended to read as follows:

"118.2 Unlawful continuance: Any person who continues any work in or about a structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation, and, upon conviction, shall be subject to the penalty prescribed by Section 117.4 of this code."

(25) Section 123.3 is amended to insert in the second line in place of "amount" in brackets, the following: "\$100."

(26) The definition of the term "building line" as it appears in Section 201.0 is amended to read as follows:

"Building line: a line, established by ordinance or designated upon an officially accepted lot plan, beyond which a building shall not extend.

(27) The following new section is added directly after Section 1608.2:

"SECTION 1609.0 FREE-STANDING STOVES AND HEATERS

"1609.1 Fossil-fuel burning stoves: All installations of fossil-fuel burning stoves shall be a minimum of 36 inches from combustible surfaces, and all flue pipes shall be a minimum of 18 inches from combustible surfaces. The thimble shall be at least three (3) times larger than flue pipe when passing through a combustible wall."

(28) Section 1807.2.1 is amended by inserting in place of "'number' (in brackets) feet(meters)" the following: "six (6) feet."

(29) Section 1807.2.2 is amended by inserting in place of "'number' (in brackets) feet(meters)" the following: "six (6) feet."

(30) Section 1906.1 is amended to insert dollar amounts as follows in place of the bracketed "amount":

bond: \$

public liability insurance: \$

property damage insurance: \$



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

Article 20....Electric Wiring, Equipment and Systems

Article 21....Elevator, Dumbwaiter and Conveyor Equipment,  
Installation and Maintenance

Article 22....Plumbing Systems

Section 3. Saving Clause. Nothing in this ordinance or in the BOCA Basic/National Building Code adopted by this ordinance 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 causes of action accrued or existing, under any act or ordinance repealed hereby. No right or remedy of any characters shall be lost, impaired, or affected by this ordinance.

Section 4. Validity. The invalidity of any section or provision of this ordinance or of the BOCA Basic/National Building Code adopted by this ordinance shall not invalidate any other section or provision of either.

Section 5. Short Title. This ordinance, together with the BOCA Basic/National Building Code adopted by this ordinance shall be known and may be cited as the "Building Code of the Borough of Forest City."

Section 6. Repeal of Prior Ordinance. Ordinance 352, adopting a building code and repealing certain prior ordinances, enacted September 4, 1979, is repealed.

ORDAINED AND ENACTED by the Council for the Borough of Forest City, this day of , 1984.

BOROUGH OF FOREST CITY

By: \_\_\_\_\_  
President of Council

ATTEST:

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Secretary

Examined and Approved this      day of      , 1984.

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Mayor