

BUILDING CODE ORDINANCE

ORDINANCE NO. 214

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

BE IT ORDAINED AND ENACTED BY THE BOROUGH OF CLYMER OF INDIANA, COUNTY, PENNSYLVANIA (hereinafter referred to as the Municipality) as follows:

SECTION I - ADOPTION OF BUILDING CODE

- 1.1 BOCA Basic Building Code - There is hereby adopted in its entirety, copies of which are on file in the office of the Municipality, that certain document known as the "BOCA Basic Building Code of 1978 Seventh Edition", as published by the Building Officials and Code Administrators International Inc. save and except such portions as are hereinafter deleted, modified or amended.
- 1.2 Effective Date of Enactment - The provisions set forth in this ordinance shall take effect on the date of adoption of this ordinance in accordance with the _____ Municipal Code of Pennsylvania.
- 1.3 Building Official - The Building Official shall perform the duties enumerated and shall have charge of all matters pertaining to the strength and safety of buildings and building materials.

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 Clymer.
 - 2.1A Subsection 301.2 - 301.3 - The entire Municipality shall be designated as outside fire limits.
 - 2.1B Section 1307.2.1 - Deep Excavation - The depth referred to in this section shall be 3 feet.
 - 2.1C Section 1307.2.2 - Shallow Excavation - The depth referred to in this section shall be 3 feet.
 - 2.1E Section 105.1 - Continuation of Existing Use - The date referred to in this section shall be July 9, 1981.
 - 2.1F 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, occupant, 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 on 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 (90) days in accordance with Act 170, 1976.
- 2.2C Subsection 121.4 - Violation Penalties - Any person, firm or corporation who shall violate any provisions of this code shall, upon conviction thereof, be subject to a fine of not less than ten (\$10.00) dollars nor more than three hundred (\$300.00) dollars and/or imprisonment for a term not to exceed thirty (30) days, or both at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof 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 126.2.2 - 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 building permit the applicant shall pay an 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 also be made by resolution.
- 2.2G Subsection 117.4 - Moving of Buildings - The fee for a building permit for the removal of a building or structure shall be established in accordance with the fee schedule as referred in Section 2.2F of this ordinance.
- 2.2H Subsection 117.6 - Signs - If and when it is deemed necessary to establish a fee schedule in connection with the erection of signs, billboards and other display structures, said fee schedule shall be established in accordance with Section 2.2F of this ordinance.
- 2.3 Additions - The following sections are hereby added to the BOCA Basic Building Code:
- 2.3B Subsection 108.9 - Workmanship - The Building Official shall require that all work be performed in a workman like manner.
- 2.3C Subsection 113.10 - Other Permits Required - At the time of filing an application for a building permit the applicant shall present evidence that he has obtained all necessary permits, licenses, approvals and/or variances as may be required under the laws of the Municipality and the Commonwealth.

- 2.3D Subsection 115.4 - 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.
- 2.3E 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.
- 2.3F Subsection 1306.8 - Maintenance - In the 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 that the exposed surfaces shall be made permanently water-proof by the application of stucco, brickote, gunite or other approved noncombustible material.
- 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 Assistance
- 2.4D Subsection 117.4 - Moving of Buildings
- 2.4E Subsection 117.5 - Demolition
- 2.4F Subsection 118.0 - Volume Computation
- 2.4G Subsection 117.3 - New Construction and Alterations
- 2.4H Article 16. - Elevators, Dumb Waiters, and Conveyor Equipment. Installation and Maintenance.
- 2.4I Basic Housing - Property Maintenance Code 1978 - BOCA listed in Appendix B BOCA Basic Building Code.
- 2.4J Flood Proof Regulations, U. S. Army 1972, listed in Appendix B BOCA Basic Building Code.
- 2.4K Subsection 872.6 - Flood Proofing

SECTION 3. GENERAL PROVISIONS

- 3.1 Savings Clause - Nothing in this ordinance or in the BOCA Basic Building Code herein adopted shall be construed to affect any suit or proceedings 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 character shall be lost, impaired, or affected by this Ordinance.
- 3.2 Validity - The invalidity of any section or provision of this ordinance or of the reference Codes hereby adopted shall not invalidate other sections of provisions thereof.
- 3.3 Conflict of Ordinances - Any ordinance or part of ordinance conflicting with the provisions of this ordinance be, and the same is hereby repealed, insofar as the same affects this ordinance.

ORDAINED AND ENACTED into law this 16th day of July, 1981.

MUNICIPALITY

William F. Lee
BY:

ATTEST:

Melanie Willard
BY:

Approved this 16th day of July, 1981.

Thomas R. ...
BY: Mayor