## BOROUGH OF NEW FLORENCE ORDINANCE NO. 200

AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE ADOPTING THE BOROUGH OF NEW FLORENCE BUILDING CODE PURSUANT TO THE UNIFORM CONSTRUCTION CODE KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, 35 P.S. §7210.101-7210.1103, AS AMENDED FROM TIME TO TIME AND THE REGULATIONS ESTABLISHED IN 34 PA. CODE, CHAPTERS 401-405, AS AMENDED FROM TIME TO TIME; SAID ORDINANCE ALSO PROVIDES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE AND PROVIDES METHODS BY WHICH THE BOROUGH OF NEW FLORENCE MAY ADMINISTER AND ENFORCE THE UNIFORM CONSTRUCTION CODE; SAID ORDINANCE FURTHER PROVIDES FOR A BOARD OF APPEALS; SAID ORDINANCE FURTHER REPEALS ALL ORDINANCES, PORTIONS OF ORDINANCES, OR RESOLUTIONS INCONSISTENT WITH THIS ORDINANCE, SAID CODE, ACT OR REGULATIONS ADOPTED BY THE BOROUGH OF NEW FLORENCE: SAID ORDINANCE FURTHER PROVIDES FOR THE ASSESSMENT OF FEES AND COSTS AND IMPOSING OF PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND FURTHER PROVIDES FOR THE EFFECTIVE DATE OF THE PASSAGE OF THIS ORDINANCE.

WHEREAS, the Commonwealth of Pennsylvania has adopted the Pennsylvania

Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101 – 7210.1103; and

WHEREAS, the intent and purpose of said Act is as follows:

- 1. To provide standards for the protection of life, health, property, and environment and for the safety and welfare of the consumer, general public, and the owners and occupants of buildings and structures.
- 2. To encourage standardization and economy in construction by providing requirements for construction and construction materials consistent with nationally recognized standards.
- 3. To permit to the fullest extent feasible the use of state-of-the-art technical methods, devices and improvements consistent with

- reasonable requirements for the health, safety and welfare of occupants or users of buildings and structures.
- 4. To eliminate existing codes to the extent that these codes are restrictive, obsolete, conflicting and contain duplicative construction regulations that tend to unnecessarily increase costs or retard the use of new materials, products or methods of construction or provide preferential treatment to certain types or classes of materials or methods of construction.
- 5. To eliminate unnecessary duplication of effort and fees related to the review of construction plans and the inspection of construction projects.
- 6. To assure that officials charged with the administration and enforcement of the technical provisions of this act are adequately trained and supervised.
- 7. To insure that existing Commonwealth laws and regulations, including those which would be repealed or rescinded by this act, would be fully enforced during the transition to statewide administration and enforcement of a Uniform Construction Code. Further, it is the intent of this act that the Uniform Construction Code requirements for making buildings accessible to and usable by persons with disabilities do not diminish from those requirements previously in effect under the provisions of the act of September 1, 1965 (P.L. 459, No. 235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement."
- 8. To start a process leading to the design, construction and alteration of buildings under a uniform standard; and

WHEREAS, this Ordinance is to promote the general safety and welfare of the citizens and the residents of the Borough of New Florence and to conform to the requirements of the Pennsylvania Construction Code Act and the Regulations of said Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code") 34 Pa. Code, Chapters 401-405, as amended from time to time; and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate Ordinance by the Borough of New Florence (hereinafter "Borough") if it elects to administer and enforce the provisions of the Code.

NOW, THEREFORE, BE IT ORDAINED and it is hereby ORDAINED AND

ENACTED by the Borough of New Florence, Westmoreland County, Pennsylvania, pursuant to
the authority of the Pennsylvania Construction Code Act and the Regulations promulgated
thereunder by the Department of Labor and Industry as follows:

## **SECTION I:** Adoption of Building Code

The Borough of New Florence hereby adopts the Uniform Construction Code (hereinafter referred to as "Code"), as designated and defined by the Pennsylvania Construction Code Act (hereinafter referred to as "Act"), as amended and supplemented, and the Regulations promulgated by the Department of Labor and Industry thereunder (hereinafter referred to as "Regulations"), as amended and supplemented from time to time, as provided in the Act and Regulations, as the Borough of New Florence Building Code. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, consists of the following:

- (1) The provisions of Chapters 2-29 and 31-35 of the "International Building Code 2003" (First Printing). This includes all errata issued by the International Code Council;
- (2) The "ICC Electrical Code Administrative Provisions 2003" (First Printing). This includes all errata issued by the International Code Council;
- (3) The "International Mechanical Code 2003" (First Printing). This includes all errata issued by the International Code Council;

- (4) The "International Fuel Gas Code 2003" (First Printing). This includes all errata issued by the International Code Council;
- (5) The "International Plumbing Code 2003" (First Printing). This includes all errata issued by the International Code Council;
- (6) The "International Residential Code 2003" (First Printing). This includes all errata issued by the International Code Council;
- (7) The "International Fire Code 2003" (First Printing). This includes all errata issued by the International Code Council;
- (8) The "International Energy Conservation Code 2003 (First Printing). This includes all errata issued by the International Code Council;
- (9) Sections AE 501-AE 503 and AE 601-AE605 of the Appendix E of the "International Residential Code 2003" (First Printing). This includes all errata issued by the International Code Council;
- (10) The "International Existing Building Code for Buildings and Facilities 2003" (First Printing). This includes all errata issued by International Code Council;
- (11) The "International Urban-Wildland Interface Code 2003" (First Printing). This includes all errata issued by the International Code Council.

#### **SECTION II:** Revisions

The hereinafter sections of the above referenced Code, which form a part of the Uniform Construction Code, are hereby completed, modified or revised as follows:

- (1) References to jurisdiction shall be the Borough of New Florence.
- (2) The International Building Code §1612.3 insert: August 5, 1997 revised December 6, 2002, as date of issuance;

- (3) The International Building Code §3409.2 insert: July 1, 2004.
- (4) The ICC Electrical Code §404.2 insert: "as set forth in a separate resolution adopted by the Council of the Borough of New Florence."
- (5) International Mechanical Code §106.5 insert: "as set forth in a separate resolution adopted by the Council of the Borough of New Florence."
- (6) International Mechanical Code §106.5.3(2) and 106.5.3(3) insert: 0%.
- (7) International Mechanical Code §108.4 insert: summary offense in the [specific offense] portion and insert \$1,000.00 for the amount of fine; and insert 30 days for the term of imprisonment.
- (8) International Mechanical Code §108.5 insert: "a fine of not less than Three Hundred (\$300.00) Dollars or more than One Thousand (\$1,000.00) Dollars."
- (9) International Fuel Gas Code §106.5 insert: "as set forth in a separate resolution adopted by the Council of the Borough of New Florence."
- (10) International Fuel Gas Code §106.5.3(2) and 106.5.3(3) insert: "zero (0%) percent."
- (11) International Fuel Gas Code §108.4 insert: "as set forth in a separate resolution adopted by the Council of the Borough of New Florence."
- (12) International Fuel Gas Code §108.5 insert: "not less than Three Hundred (\$300.00) Dollars or more than One Thousand (\$1,000.00) Dollars."
- (13) International Plumbing Code §106.6.2 insert: "as set forth in a separate resolution adopted by the Council of the Borough of New Florence."
- (14) International Plumbing Code §108.4 insert "summary offense and One Thousand (\$1,000.00) Dollars and thirty (30) days."

- (15) International Plumbing Code §106.6.3 (2) and (3) insert: "zero (0%) percent."
- (16) International Plumbing Code §108.5 insert: "as set forth in a separate resolution adopted by the Council of the Borough of New Florence."
- (17) International Plumbing Code §305.6.1 insert: "forty (40") inches in both locations."
- (18) International Plumbing Code §904.1 insert: "twenty-four (24") inches."
- (19) International Residential Code Table R 301.2(1) insert the following:
  - (a) Ground Snow Load: 40 lbs.
  - (b) Wind Speed (mph): 90
  - (c) Seismic Design Category: D<sup>1</sup>
  - (d) Weathering: severe
  - (e) Frost Line Depth: 36"
  - (f) Termite: moderate to heavy
  - (g) Decay: slight to moderate
  - (h) Winter Design Temp.: 5° F
  - (i) Ice Shield Underlayment: yes
  - (j) Flood Hazard: Map dated August 5, 1997, revised December 6, 2002
  - (k) Air Freezing Index: 1000
  - (1) Mean Annual Temperature: 25° F
- (20) International Residential Code §P2603.61 insert: "Forty (40") inches" in both places.
- (21) International Residential Code §P31031.1 insert: "twenty-four (24") inches" in both places.
- (22) International Fire Code §109.3 insert: "as set forth in a separate resolution adopted by the Borough Council of the Borough of New Florence."
- (23) International Fire Code §111.4 insert: "Three hundred (\$300.00) Dollars and One Thousand (\$1,000.00) Dollars."
- (24) International Fire Code §3204.3.1.1, §3404.2.9.5.1, §3406.2.4.4 and §3804.2 insert: "Any area mapped on the

- current FEMA Flood Mapping as a flood area (Maps are dated August 5, 1997, revised December 6, 2002)."
- (25) International Existing Building Code §1201.2 insert: "August 8, 2004."

### **SECTION III:** Administration and Enforcement

- 1. The Borough of New Florence hereby elects to administer and enforce the provisions of this Article III, the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 7210.1103, as amended from time to time, the Regulations promulgated thereunder, and the Code.
- 2. Administration and Enforcement of the Code within the Borough of New Florence shall be undertaken in any of the following ways as determined by appropriate action of the Borough Council of the Borough of New Florence from time to time by the adoption of this Resolution:
  - (a) Designating an employee of the Borough of New Florence to serve as the municipal code official to act on behalf of the Borough;
  - (b) Retaining one or more construction code officials or thirty-party agencies to act on behalf of the Borough;
  - (c) Entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.
- 3. Administration and Enforcement of the Code within the Borough of New Florence may also be undertaken by:
  - (a) Entering into an Agreement with one or more municipalities to provide for the joint administration and enforcement of this Act by the adoption of an Ordinance approving an Intermunicipal Agreement

- pursuant to 35 Pa. C.S. Chapter 23 Subch. A, relating to intergovernmental cooperation; or,
- (b) By entering into a contract with another municipality for the administration and enforcement of this Act by the adoption of an Ordinance approving an Intermunicipal Agreement pursuant to 53 Pa. C.S. Chapter 23 Subch. A, relating to intergovernmental cooperation.

# **SECTION IV:** Board of Appeals

- 1. Pursuant to 35 P.S. §7210.501(c) and 34 Pa. Code §403.121, the Borough of New Florence hereby establishes a Board of Appeals consisting of three (3) members.
  - 2. The composition of the Board of Appeals is governed by the following:
    - (a) All members of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction.
       Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.
    - (b) All members of the Board of Appeals hold office at the pleasure of the Borough of New Florence.
    - (c) Members of the Borough of New Florence's governing body and its code administrators may not serve on the Board of Appeals.
    - (d) The Borough of New Florence may fill a position on the Board of Appeals with a qualified person who resides outside of the Borough of New Florence when it cannot find a person within the Borough of New Florence who satisfies the requirements of this section.
- 3. The terms of the members of the Board of Appeals shall be for five (5) years, except that the terms of the initial members of the Board of Appeals shall be

staggered so that the term of no more than one (1) member of the Board of Appeals shall expire in any given year.

4. The Borough of New Florence may, at any time, establish a Joint Board of Appeals through an Intermunicipal Agreement pursuant to 53 Pa. C.S. §§2301-2315 (relating to intergovernmental cooperation).

SECTION V: All Ordinances, Resolutions, Regulations and Policies of the Borough of New Florence, not affected, modified or repealed by this Ordinance, the Code, Act or Regulations, shall remain in full force and effect.

SECTION VI: The Borough of New Florence hereby imposes and assesses fees and costs for the administration and enforcement of said Code, Act, Regulations and this Ordinance, which fees and costs shall be established by the Council of the Borough of New Florence, by Resolution from time to time.

SECTION VII: Any person, firm or corporation that violates any of the provisions of this Ordinance, the Code, Act and/or Regulations commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and costs incurred by the Borough of New Florence in enforcement of said violation.

**SECTION VIII:** This Ordinance shall be effective July 8, 2004.

SECTION IX: The provisions of this Ordinance are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any Court of competent jurisdiction to be illegal, invalid, or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section,

article or part thereof rendered. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

Any Ordinance or parts of Ordinances in conflict with this SECTION X: Ordinance are hereby specifically repealed.

ORDAINED AND ENACTED this 15th day of JUNE

ATTEST:

(SEAL)

BOROUGH OF NEW FLORENCE

By: <u>Engrue a</u> Jeruson President