

Chapter 70

BUILDING CONSTRUCTION AND FIRE PREVENTION

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[HISTORY: Adopted by the Council of the Borough of Berwick 3-16-1998 by Ord. No. 98-1]

GENERAL REFERENCES

Code enforcement and administration — See Ch. 9.
Planning Commission — See Ch. 35.
Unfit buildings — See Ch. 73.

Electrical standards — See Ch. 88.
Floodplain management — See Ch. 102.
Sewers — See Ch. 145.

§ 70-1. Building Code.

The BOCA National Building Code, 13th Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Building Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code hereby referred to, adopted and made part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in said BOCA Ordinance.

§ 70-2. Property Maintenance Code.

- A. The BOCA National Property Maintenance Code, 5th Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter; and each and all regulations, provisions, penalties, conditions and terms of the said BOCA National Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in the said BOCA Ordinance.

B. [Added 9-21-1998 by Ord. No. 98-6] Supplemental provisions. In addition to the BOCA National Property Maintenance Code provisions adopted herein, the following supplemental provisions are incorporated and made part of the Property Maintenance Code of the Borough of Berwick:

- (1) Prohibited furniture. Interior type furniture which would be adversely affected by the elements and/or susceptible to infestation by insects, rats or other vermin is prohibited from being placed outside a structure. Such prohibited furniture shall include, but is not limited to, upholstered couches and chairs or other fabric-covered articles not designed or intended for exterior use.
- (2) Removal of abandoned or prohibited furniture. When the Code Enforcement Officer determines that prohibited or abandoned furniture is located in an exterior property area, the Code Enforcement Officer shall cause the landowner, the owner of the furniture or other responsible person to be notified. If the prohibited or abandoned furniture is not removed within the time set forth in such notice, the borough may cause the abandoned or prohibited furniture to be removed and the owner of the furniture or landowner to be billed for the cost thereof in accordance with the provisions of this code. If the cost of removal is not paid within 15 days, the borough may impose a lien for the costs of said removal in accordance with applicable provisions of this code. Further, the Code Officer of the Borough of Berwick is hereby empowered and authorized to collect the costs of removal by filing a civil action against the owner of the real estate or the owner of the furniture or responsible person.

§ 70-3. Plumbing Code.

The BOCA International Plumbing Code, 1995, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Plumbing Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said BOCA International Plumbing Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in the said BOCA Ordinance.

§ 70-4. Fire Prevention Code.

The BOCA National Fire Prevention Code, 10th Edition, 1996, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Fire Prevention Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the said BOCA Fire Prevention Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in the said BOCA Ordinance.

§ 70-5. Mechanical Code.

The BOCA International Mechanical Code, 1996, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Mechanical Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA International Mechanical Code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in the said BOCA Ordinance.

§ 70-6. One- and Two-Family Dwelling Code.

The BOCA/CABO One- and Two-Family Dwelling Code, 1995 Edition, as published by the Building Officials and Code Administrators International, Inc., and the Council of American Building Officials, be and is hereby adopted as the One- and Two-Family Dwelling Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter, for the control of buildings and structures as therein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the BOCA/CABO One- and Two-Family Dwelling Code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in the said BOCA/CABO Ordinance.

§ 70-7. Model Energy Code.

The BOCA/CABO Model Energy Code, 1995 Edition, as published by the Building Officials and Code Administrators International, Inc., and the Council of American Building Officials, be and is hereby adopted as the Model Energy Code of the Borough of Berwick in the Commonwealth of Pennsylvania, as provided in this chapter, for the control of buildings and structures as therein provided; and each and all regulations, provisions, penalties, conditions and terms of the BOCA/CABO Model Energy Code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in the said BOCA/CABO Ordinance.

§ 70-8. Administration and enforcement.

The Code Officer and the Office of Code Enforcement as set forth in Ordinance No. 95-8 adopted by the Council of the Borough of Berwick on November 20, 1995, as amended,¹ shall have the responsibility for administering and enforcing all the provisions of the BOCA and or BOCA/CABO Codes set forth above.

§ 70-9. Appointment of Code Enforcement Officer.

There shall be appointed by the Council of the Borough of Berwick a Code Enforcement Officer who shall be in charge of the Office of Code Enforcement of the Borough of Berwick.

¹ Editor's Note: See Ch. 9, Code Enforcement and Administration.

The Code Enforcement Officer shall supervise such other employees or assistants as shall be necessary for the administration and execution of the responsibilities of said office as appointed and approved by the Council of the Borough of Berwick. Said Code Enforcement Officer and other personnel may consist of employees directly hired and compensated by the Borough of Berwick.

§ 70-10. Fire Chief.

In accordance with the Fire Prevention Code of the Borough of Berwick, the Fire Chief of the Borough of Berwick has been established as the authorized representative of the Office of Code Enforcement of the Borough of Berwick, having all of the duties for enforcement of the Fire Prevention Code of the Borough of Berwick. The Fire Chief shall continue to serve in this capacity until such time as Council desires otherwise.

§ 70-11. Relief from personal liability.

The Code Enforcement Officer or other official or employee shall not, while acting for the Borough of Berwick, render himself liable personally because of any act or omission as required or permitted in the discharge of his official duties. Any suit instituted against such Code Enforcement Officer, official or employee because of any act performed by him in the lawful discharge of his duties shall be defended by the Solicitor of the Borough of Berwick, and in no case will said officer, official or employee be liable for any costs in any action, suit or proceeding.

§ 70-12. Official record.

An official record shall be kept of all business and activities of the Office of Code Enforcement, 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.

§ 70-13. Appeals.

Any and all appeal provisions in regard to said BOCA/CABO Codes referred to above shall be conducted by the Code Hearing Board of Appeals of the Borough of Berwick, whose membership shall be determined in accordance with Ordinance No. 95-8 adopted by the Council of the Borough of Berwick on November 20, 1995, as amended,² notwithstanding any other provisions of various BOCA/CABO Codes to the contrary.

§ 70-14. Public hearings.

Any public hearings shall be conducted in accordance with the BOCA/CABO Codes. Any appeals undertaken shall be made in accordance with said BOCA/CABO Codes and shall be

² Editor's Note: See Ch. 9, Code Enforcement and Administration.

forwarded to the Code Hearing Board of Appeals, with a copy to the Berwick Borough Manager, together with a fee in the amount of \$125 at the time of filing of the appeal to cover the costs and transcripts. In addition, the said appellant may be required to pay additional reasonable necessary costs of proceedings before the Code Hearing Board of Appeals at the discretion of the Code Hearing Board of Appeals. The Council of the Borough of Berwick shall have the right to raise or lower the said charge for an appeal before the Code Hearing Board of Appeals by resolution of the Borough of Berwick.

§ 70-15. Right of entry.

In the event that the Office of Code Enforcement or the Code Enforcement Officer of the Borough of Berwick determines that there has been any violation of any of the various BOCA/CABO Codes incorporated herein, and in further event that the Code Enforcement Officer determines that the said violation of the code or codes poses a risk or threat to the public health, safety or morals, the Code Enforcement Officer of the Borough of Berwick, or his designee, is hereby empowered to enter upon the property of any individual, entity or firm in the Borough of Berwick violating the said BOCA/CABO Codes so that he or she can bring the said property in compliance with the BOCA/CABO Codes through borough personnel or other contractors or subcontractors.

§ 70-16. Notice provisions; exceptions.

The Code Enforcement Officer shall give the property owner notice in accordance with applicable BOCA/CABO Codes, but if no notice is so specified, at least seven days' notice, unless in the opinion of the Code Enforcement Officer an emergency exists which threatens public health, safety or welfare, in which case the Code Enforcement Officer of the Borough of Berwick shall give whatever notice is feasible, after which time the Code Enforcement Officer shall be authorized to take whatever action is necessary to bring the said property or structure into compliance with the applicable BOCA/CABO Codes.

§ 70-17. Collection of costs; liens.

In the event that the Code Enforcement Officer of the Borough of Berwick is required through borough employees, contractors, subcontractors or otherwise to take any action to bring the said structure or property into compliance with the applicable BOCA/CABO Codes, then in that event the Code Enforcement Officer, in addition to any other remedy set forth in the applicable BOCA/CABO Code, shall be entitled to collect any costs incurred in bringing the said structure or property into compliance with the applicable BOCA/CABO Codes, together with a penalty of 10% by any means authorized by law, including but not limited to filing an act in before the applicable local District Justice or in the Court of Common Pleas or filing a claim for a municipal lien.

