

Chapter 34

BUILDING CONSTRUCTION

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| <p>§ 34-1. Adoption of standards by reference.</p> <p>§ 34-2. Administration and enforcement; definitions.</p> | <p>§ 34-3. Amendments to standards.</p> <p>§ 34-4. General provisions.</p> |
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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 9-3-1996 by Ord. No. 4-96, which ordinance also provided for the repeal of former Ch. 34, Building Construction, adopted 2-7-1994 by Ord. No. 1-94. Amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement — See Ch. 36.	Plumbing — See Ch. 75.
Electrical standards — See Ch. 41.	Sewers — See Ch. 86.
Property maintenance — See Ch. 42.	Subdivision and land development — See Ch. 96.
Fire prevention — See Ch. 51.	Zoning — See Ch. 110.
Mechanical standards — See Ch. 63.	

§ 34-1. Adoption of standards by reference.

There is hereby adopted in its entirety by the municipality, copies of which are on file in the office of the municipality, that certain building code known as the “BOCA National Building Code/1996 Edition,” as amended through the effective date of adoption of this chapter, and as published by the Building Officials and Code Administrators International, Inc., save and except such provisions as are hereinafter deleted, modified or amended.

§ 34-2. Administration and enforcement; definitions.

- A. Office of Code Enforcement. The provisions of Ordinance No. 3-88 (Code Enforcement Ordinance),¹ adopted by the municipality on December 5, 1988, are hereby incorporated by reference and readopted with this chapter. The administration and enforcement of this chapter and of the BOCA National Building Code/1996 Edition, adopted herein, shall be carried out by the Office of Code Enforcement of the municipality in accordance with the procedures established by the Code Enforcement Ordinance of the municipality and by the BOCA National Building Code/1996 Edition, adopted herein. Said Code Enforcement Ordinance provides for certain powers and duties of a Code Enforcement Officer, for the creation of a Code Hearing Board and for procedures relative to applications, fees, permits, inspections, appeals, penalties and other matters.
- B. The following terms, as used in the BOCA National Building Code/1996 Edition, adopted herein, shall have the following meanings:

¹ Editor's Note: See Ch. 36, Code Enforcement.

BOARD OF APPEALS — The Code Hearing Board.

BUILDING OFFICIAL — The Code Enforcement Officer.

CODE ENFORCEMENT ORDINANCE — Ordinance No. 3-88, adopted by the Municipality on December 5, 1988.²

CORPORATION COUNSEL — The Solicitor for the municipality.

NAME OF JURISDICTION — The Borough of Pennsburg.

§ 34-3. Amendments to standards.

A. Deletions. The following sections of the BOCA National Building Code/1996 Edition, adopted herein, are hereby deleted in their entirety:

- (1) Section 104.0, Department of Building Inspection.
- (2) Section 107.9, Time limitation of application.
- (3) Section 108.1, Action on application.
- (4) Section 112.0, Fees.
- (5) Section 116.4, Violation penalties.
- (6) Section 121.0, Means of Appeal.
- (7) Sections 914.0 through 924.0 and 1814.0 through 1824.0.
- (8) Chapter 27, Electric Wiring, Equipment and Systems.
- (9) Chapter 29, Plumbing Systems.
- (10) Chapter 30, Elevators and Conveying Systems.
- (11) Sections 3107.1, 3107.2, 3107.2.1, 3107.3, 3107.4, 3107.4.1, 3107.4.2, 3107.4.3, 3107.4.4 and 3107.5.

B. Amendments. The following sections of the BOCA National Building Code/1996 Edition are hereby amended to read as follows:

- (1) **Section 117.2 Unlawful continuance:** The penalty referred to in this section shall be the same as the penalty for other violations as specified in the Code Enforcement Ordinance of the municipality.
- (2) **Section 407.4 Attached garages:** Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions and floors separating the garage space from the adjacent interior spaces constructed of not less than one-hour fire resistance rating. The ceilings of attached garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall be not less than two-hour fire resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of fire-rated materials giving a

² Editor's Note: See Ch. 36, Code Enforcement.

minimum of one-hour fire resistance rating. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than four inches (102 mm) above the garage floor. The door opening protectives shall be one-and-three-fourths-inch solid core wood doors or approved equivalent.

- (3) In Section 3408.2, Applicability, insert "September 3, 1996."
 - (4) The following sections are adopted only to the extent that their provisions do not conflict with the provisions of this chapter and of the Code Enforcement Ordinance of the municipality:
 - (a) Section 105.0, Duties and Powers of the Code Official.
 - (b) Section 107.0, Application for Permit.
 - (c) Section 116.0, Violations.
 - (d) Section 118.0, Certificate of Occupancy.
- C. Additions. The following new sections shall be added to the BOCA National Building Code/1996 Edition:
- (1) **Section 107.10 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 laws of the municipality, and the commonwealth individuals, agencies, boards and commissions issuing the aforesaid permits, licenses, approvals and/or variances shall include, but not be limited to, the Zoning Officer, the Fire Chief, the State Police Fire Marshal, the Pennsylvania Department of Environmental Resources, the Pennsylvania Department of Community Affairs and the Pennsylvania Department of Transportation.
 - (2) **Section 1812.1.1 Single- and two-family housing units:** All single- and two-family housing units shall have an approved foundation consisting of concrete or block walls completely surrounding either a three-foot crawl space or full basement under all living areas.
 - (3) **Section 3102.5.5 Filing:** A person shall not erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this code until an approved bond shall have been filed in the sum of \$100,000, as herein required, or until an insurance policy shall have been filed for public liability in the amount of \$100,000 per accident and for property damage in the amount of \$500,000, as herein required.
 - (4) **Section 3310.6 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 said wall is to remain exposed, such person causing the demolition shall preserve, at his own expense, the party or exposed wall by ensuring that the exposed surface shall be made permanently waterproof by the application of stucco, brickote, gunite or other approved noncombustible material.

§ 34-4. General provisions.

- A. Saving clause. Nothing in this chapter, or in the BOCA National Building Code/1996 Edition, hereby adopted, 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 character shall be lost, impaired or affected by this chapter.
- B. Validity. The invalidity of any section or provision of this chapter, or of the BOCA National Building Code/1996 Edition, hereby adopted, shall not invalidate other sections or provisions hereof.
- C. Conflict of ordinances. Any ordinance, or part of any ordinance, conflicting with the provisions of this chapter be and the same is hereby repealed insofar as the same affects this chapter.
- D. Short title. This chapter, together with the BOCA National Building Code/1996 Edition, adopted herein, shall be known and may be cited as the "Building Code of the Municipality."