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PART 1

CODE ENFORCEMENT OFFICE

§5-101. Title.

This Part shall be known and may be cited as the “Code Enforcement Ordinance of the Borough of Ambler.”

(Ord. 872, 10/21/1991, §1)

§5-102. Establishment of Office of Code Enforcement.

1. Creation of Office of Code Enforcement. There is hereby created by the Borough Council an office of the Borough of Ambler to be known as the “Office of Code Enforcement.” The official(s) appointed thereto by the Borough Council shall have the responsibility for administration and enforcement of the provision of this Part and other codes and/or ordinances of the Borough of Ambler herein referred to as the “applicable codes and ordinances,” which designate said Office of Code Enforcement as their official administrative and enforcement authority or which designate no other enforcement officer or the Borough Council or which are not enforced by the Police Department of the Borough or which by their very nature would be enforced by the Police Department. Such persons appointed as being in charge thereof shall be known as the Borough’s “Code Enforcement Officer.”
2. Relief from Personal Liability. The Code Enforcement Officer, other officials or employees charged with the enforcement of this Part and those codes and/or ordinances of the Borough of Ambler who act in good faith and without malice in the discharge of their duties shall not thereby be rendered liable personally and the Code Enforcement Officer is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act, required or permitted, or any omission in the discharge of official duties. Any suit instituted against the Code Enforcement Officer, other official or employee because of an act performed by that person in the lawful discharge of duties shall be defended by the Borough Solicitor or his designee until final termination of the proceedings. The Code Enforcement Officer shall not be liable for costs in any action, suit or proceedings.
3. Office Records. 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 time, 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 shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer for the proper and effective administration and enforcement of the provisions of this Part and shall otherwise be made public without the consent of the owner, occupant, operator or

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other person in charge of the unit, structure or premises inspected. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

4. Annual Report. At least annually, the Code Enforcement Officer shall submit to the Borough Council a written statement of operations in the form and content as shall be prescribed thereby.

(Ord. 872, 10/21/1991, §2)

§5-103. Enforcement Authority.

1. Appointment of Code Enforcement Officer. There shall be appointed, by the Borough Council of the Borough of Ambler, a Code Enforcement Officer, who shall be in charge of the Office of Code Enforcement of the Borough of Ambler. 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 Borough Council. Said Code Enforcement Officer and other personnel shall consist of employees directly hired and compensated by the Borough of Ambler whether on a full or part-time basis, as an employee or provider of contracted services and whether under this Part or any other relevant ordinance of the Borough of Ambler.
2. Approved Inspection Agencies. The Code Enforcement Officer shall make all the required inspections or may accept reports or inspections by authoritative and recognized inspection agencies or individuals, which satisfy requirements as to qualifications and reliability. All inspection reports shall be in writing and shall be certified by the approved authority or responsible officer of the agency or the individual when expert inspection services are accepted. The Code Enforcement Officer may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise subject to the approval of the Borough Council. When required by the provisions of the code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication.

(Ord. 872, 10/21/1991, §3)

§5-104. Duties and Powers of Code Enforcement Officer.

1. Enforcement of Codes. The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances which establish the Office of Code Enforcement as their official administration and enforcement authority, including the Zoning Ordinance [Chapter 27] of the Borough of Ambler.

2. **Duties.** The duties of the Code Enforcement Officer shall include the receipt of applications and issuance of permits for the erection, addition to, alteration, repair, removal, demolition, installation of service equipment (plumbing, electrical, mechanical) and structures, the issuance of all necessary notices and orders to abate illegal or unsafe conditions to ensure compliance with this Part and those other applicable codes and/or ordinances for the safety, health and general welfare of the public, the making of inspections to determine compliance with the applicable codes and ordinances, the undertaking of investigations and other activities as may be required.
3. **Credentials.** The Code Enforcement Officer or his authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under the applicable codes and/or ordinances where requested.
4. **Coordination of Enforcement.** Whenever, in the opinion of the Code Enforcement Officer, initiating an inspection under the applicable codes and/or ordinances, it is deemed necessary or desirable to have inspections by any other department, the Code Enforcement Officer shall make reasonable effort to arrange for the coordination of such inspection so as to minimize the number of visits by representatives of the Borough of Ambler and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. The assistance and cooperation of all other officials, including police and fire departments, shall be available to the Code Enforcement Officer to assist in the performance of his duties.
5. **Right of Entry.** Except in case of an emergency or a mutually convenient time agreed to by the Code Enforcement Officer or his authorized representative in discharging his duties to safeguard the safety, health and welfare of the public and upon showing proper identification where requested, the Code Enforcement Officer is hereby authorized to enter and inspect between the hours of 7:00 a.m. and 7:00 p.m. any structure or premises in the Borough of Ambler to enforce the provisions of this Part and of those other applicable codes and ordinances. Every occupant, owner or operator of a structure or premises or their agent or employee, shall give access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Part.
6. **Access Entry Refused.** If any owner, operator, occupant or other person in charge of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to the structure or premises under his control or to any part thereof, with respect to any authorized inspection, the Code Enforcement Officer, may upon showing that probable cause exists for the inspection, file a complaint and may petition for and obtain an order directing compliance with the inspection requirements of this Part from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this subsection shall be subject to such penalties as may be authorized by law for violation of a court order.

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7. **Rule Making Authority.** The Code Enforcement Officer shall have such power as may be necessary in the interest of public safety, health and general welfare to interpret the intent of the applicable codes in specific cases where it clearly appears that by reason of special conditions, undue hardship would result from a literal application of any Section of the applicable codes. Where such undue hardship clearly appears, the Code Enforcement Officer may permit a variance from the literal provision of the code, but such variance shall not have the effect of waiving working stresses or fire protection requirements specifically provided in the code or violating accepted engineering practice involving public safety, but will comply with the spirit and intent of the code. If additional nonconforming conditions are encountered during the course of any approved alteration or repair which were not considered or known initially, the Code Enforcement Officer shall have the authority to require compliance with this Part and other codes and/or ordinances of the Borough of Ambler. Under the same guidelines he may form his own opinion in the absence of any standards in the mentioned codes adopted by the Borough of Ambler.
8. **Preliminary Inspections.** Before issuing a permit, the Code Enforcement Officer may examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof.
9. **Required Inspections.** After issuing a permit, the Code Enforcement Officer or designated inspection agency shall conduct such required inspections, from time to time, during and upon completion of the work for which a permit has been issued. A record of all such examinations and inspections and of all violations of this Part shall be maintained by the Code Enforcement Officer. Upon completion of the building or structure and before the issuance of a certificate of use and occupancy, a final inspection shall be made and all violations of the approved plans and permits shall be abated. No new building or portion of an existing building which is enlarged or altered shall be used or occupied in whole or in part, until such certificate of use and occupancy shall have been issued by the Code Enforcement Officer. Required inspections shall be as follows:
 - A. **Building.**
 - (1) **Footing and Setback.** To be made after trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to placing concrete.
 - (2) **Foundation Walls.** To be made after parging and tamp proofing is in place and prior to back-filling.
 - (3) **Framing.** To be made after the roof, all framing, fire stopping and bracing are in place and prior to interior covering.
 - (4) **Final.** Prior to occupancy and certification.

B. Electrical.

- (1) Service. Prior to power company connection.
- (2) Rough Wire. Prior to covering.
- (3) Final. Prior to occupancy.

The above inspections are to be made by listed electrical inspection agencies as approved by the Borough of Ambler under this Part.

C. Plumbing.

- (1) Under Slab. Prior to pouring concrete.
- (2) Rough In. Prior to covering.
- (3) Final. Prior to occupancy.

D. Other Inspections. At such times as are reasonably necessary.

10. Accounting. The Code Enforcement Officer shall keep an accurate account of all fees collected and such collected fees shall be deposited in the Borough of Ambler treasury or otherwise disposed of as required by law.

(Ord. 872, 10/21/1991, §4)

§5-105. Application for Permits.

1. When Permit is Required.

- A. Construction Permit. This type of permit shall be issued for all new construction on vacant land or land where a building was demolished in preparation for construction or where construction adds to the livable areas of a residence or additional floor area of a commercial building. Fees shall be fixed, from time to time, pursuant to a resolution of the Borough Council.
- B. Alteration Permit. This type of permit shall be issued when, in the opinion of the Code Enforcement Officer, the work involved does not increase the livable area of the residence or the floor area of a commercial building and is not considered to be normal maintenance or repairs. Any change in size, shape, height, type of materials, etc., necessitates an alteration permit. The application of any type of siding (brick, block, coating or facing of any type, shingles, aluminum or composition siding, etc.) requires a permit. Fees shall be fixed, from time to time, by the Borough Council pursuant to a resolution.

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- C. Garage Permit. This type of permit shall be issued for the construction of a one or two car private garage when either detached from the dwelling or connected by a breezeway. The fee shall be fixed, from time to time, by the Borough Council pursuant to a resolution.
 - D. Demolition Permits. This type of permit shall be issued for the wrecking of a building. The fee shall be fixed, from time to time, by the Borough Council pursuant to a resolution. No fee shall be charged when removal of the building has been ordered by the Code Enforcement Officer.
 - E. Driveway Permit. This type of permit shall be required whenever any owner or tenant of any property in the Borough seeks to create a new driveway and/or parking area on a portion of a parcel that was previously pervious, or where there is an addition to an existing driveway or parking area and such addition would be into an area that was previously pervious. (e.g.; paving an area that was previously a lawn or garden area.) The fee for such permit shall be as set from time to time by resolution of Borough Council. Such permit is required only when driveway construction or expansion is a project of a stand-alone nature. When a permit has already been obtained for construction or alteration, and such driveway work is a part of a larger project that includes construction or alteration of a structure or building, it is not necessary to obtain a separate driveway permit.
2. The term “established cost” as used in this Section means the reasonable value of all services, labor, materials, equipment, scaffolding erection and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy, including any and all excavation necessary for cellar or basement or private sewerage disposal system. If, in the opinion of the Code Enforcement Officer, the estimated cost of the work is insufficient, the Code Enforcement Officer shall estimate a fair value and the applicant shall be required to pay the permit fee on this amount.
 3. Where work, for which a permit is required by the code, is started or proceeded with prior to obtaining said permit, the fee shall be doubled, but payment of such double fee shall not relieve any person from fully complying with the requirements of the code in the execution of the work nor from any penalties prescribed by the code.
 4. Forms of Application. The application for a permit shall be submitted in such form as the Code Enforcement Officer may prescribe and shall be accompanied by the required fee pursuant to the fee schedule.
 5. By Whom Application Is Made. The responsibility for applying for and obtaining a required permit rests jointly with the owner or occupant and the person or persons doing the work. The full name and address of the owner, lessee, applicant and/or the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

6. Description of Work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure and such additional information as may be required by the Code Enforcement Officer.
7. Plans and Specifications. The application for the permit shall be accompanied by one copy of specifications and of plans, drawn to scale, with sufficient clarity and detailed dimension to show the nature and character of the work performed. When quality of materials is essential for conformity to the codes, specific information shall be given to establish such quality and the code shall not be cited or the term "legal" or its equivalent be used as a substitute for specific information. The Code Enforcement Officer may waive the requirement for filing plans when the work involved is of a minor nature. If in the course of work, it is found necessary to make any changes from the approved plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and, if approved, a supplementary permit shall be issued to cover the change after the same conditions required to secure the original permit have been satisfied.
8. Site Plan. There shall also be a site plan showing, to scale, the size and location of all the new construction and all existing structures and the site distances from lot lines, the established street grades and the proposed finished grades and it shall be drawn in accordance with an accurate boundary line survey. In case of demolition, the lot plan shall show all construction to be demolished and the locations and size of all existing structures and the plan shall show the location of water service and sewer connections with respect to any building in which a plumbing system is to be installed. Vent stack terminations shall be shown with respect to building ventilation openings which could allow introduction of sewer gases into the building or any adjacent building.
9. Engineering Details. The Code Enforcement Officer may require adequate details of structural, mechanical, plumbing and electrical work to be filed, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for building more than two stories in height shall indicate where penetrations will be made for electrical, mechanical, plumbing and communications conduits, pipes and systems and the materials and methods for maintaining the required structural integrity, fire resistance rating and fire-stopping.
10. Other Permits Required. At the time of filing an application for a permit, the applicant shall present to the Code Enforcement Officer, evidence that he has obtained all necessary permits, licenses, approvals and/or variances as may be required by the laws of the Borough of Ambler and the Commonwealth of Pennsylvania. Individuals, agencies, boards and commissions issuing aforesaid permits, licenses, approvals and/or variances shall include, but are not limited to, the Zoning Officer or Zoning Hearing Board, County Planning Commission, Sewage Enforcement Officer, Fire Chief, State Police Fire Marshal, Pennsylvania Depart-

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ment of Labor and Industry and the Pennsylvania Department of Community and Economic Development.

11. Action on Application. The Code Enforcement Officer shall examine said application to determine compliance with those other applicable codes and ordinances of the Borough of Ambler and shall, within 30 days after filing, either approve or reject said application. If said application is rejected, the Code Enforcement Officer shall inform the applicant, in writing, stating the reasons for such rejection. If the Code Enforcement Officer is satisfied that the proposed work conforms to the requirements of the applicable codes, the Code Enforcement Officer shall issue a permit therefor as soon as possible.

(Ord. 872, 10/21/1991, §5; as amended by A.O.; and by Ord. 993, 8/15/2005)

§5-106. Conditions of Permit.

1. Compliance With Codes. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside the application. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.
2. Signature on Permit. The Code Enforcement Officer's signature shall be attached to every permit or the Code Enforcement Officer may authorize a subordinate to affix such signature thereto.
3. Payment of Fees. A permit to begin work shall not be issued until the permit fee prescribed by resolution adopted by the Borough Council has been paid. Nor shall an amendment to a permit necessitating an additional fee because of additional work involved be issued until the additional fee shall have been paid.
4. Previous Approvals. This Part or the applicable codes shall not require changes in the plan, the plumbing, electrical or mechanical system or the construction or designated use of a building for which a lawful permit has been issued or otherwise lawfully authorized and the construction of which has been actively prosecuted within 90 days after the effective date of this Part and is completed with dispatch.
5. Permit Expiration Dates.
 - A. New Construction. One year; provided, that an extension may be requested, in writing, and such extension may be granted by the Code Enforcement Officer for good reason, such extension not to exceed one year.
 - B. Repairs, Remodeling, Alterations and Additions. One year.
 - C. Demolition. Three months only and if such demolition work is not completed within that time, any bond posted by the applicant shall be forfeited.

- D. Abate Violations Cited. Same as deadline stated in violation notice.
6. Revocation of Permits. The Code Enforcement Officer may revoke a permit or approval issued under the provisions of the codes in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.
 7. Posting of Permit. A true copy of the building permit and placard shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.
 8. Notice of Inspection. At least 24 hours notice in advance for required inspections indicated on the permit shall be given to the Code Enforcement Officer or certified inspection agency.

(Ord. 872, 10/21/1991, §6)

§5-107. Notice and Order Procedure.

1. Notice to Responsible Owner, Operator, Occupant or Other Person in Charge. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Part or of the other applicable codes and ordinances, or whenever the Code Enforcement Officer orders a dangerous, unsafe or unfit for human habitation structure to be closed-up and secured, vacated, repaired and/or demolished, a notice shall be given to the responsible owner, operator, occupant or person in charge of the structure or premises in the manner prescribed below.
2. Form. Notice to the responsible owner, operator, occupant or person in charge shall include the following:
 - A. Be in writing, signed by the Code Enforcement Officer or his authorized representative.
 - B. Include a description of the real estate sufficient for identification.
 - C. Include a statement of the reasons why the notice is being issued, the Sections of the code and/or ordinances which have been violated.
 - D. Include a correction order allowing a reasonable time not to exceed 120 days, for the initiation and correction of the violation alleged or of the remedial actions required except where emergency conditions exist which require immediate corrective action.
 - E. Include a statement indicating that the notice will become an order if no request and approval for an extension of time is made to the Code Enforcement Officer or if no petition for an appeal or hearing is requested by the

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owner to seek modification before the Code Hearing Board within 10 days from receipt of said notice.

3. Service. The notice shall be served personally on the responsible owner, occupant, operator or other person in charge or served by certified mail with a return receipt requested or where such responsible person in charge cannot be found, service may be made by posting a notice on or about the structure or premises and taking a picture of said notice, or by publishing said notice in a newspaper of general circulation for a period of three consecutive days or served by any other method for a period of three consecutive days or served by any other method authorized under the laws of the Commonwealth of Pennsylvania.

(Ord. 872, 10/21/1991, §8)

§5-108. Emergency Measures.

1. Vacation of Structures. When in the opinion of the Code Enforcement Officer, an emergency exists on any premises or in any structure or part thereof, or in any defective equipment (plumbing, electrical, mechanical) which requires immediate action to protect the public's health and safety or that of the occupants thereof, or if there is actual and immediate danger of failure or collapse of a building or structure or any part thereof or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the Code Enforcement Officer may, with proper notice and service, issue an order reciting the existence of such an emergency and requiring the vacating of the premises of such action taken as the Code Enforcement Officer deems necessary to meet such emergency. Notwithstanding other provisions of this Part, such order shall be effective immediately and the premises or equipment involved shall be placarded immediately upon service of the order. Any person to whom such order is directed shall comply immediately therewith and may thereafter upon petition directed to the Appeals Board be afforded a hearing as prescribed in this Part.
2. Temporary Safeguards. When in the opinion of the Code Enforcement Officer there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the Code Enforcement Officer shall cause the necessary work to be done to render such building or structure or part thereof, temporarily safe, whether or not the legal procedure herein described has been instituted.
3. Closing Streets. When necessary for the public safety, the Code Enforcement Officer may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures and prohibit the same from being used. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same.

(Ord. 872, 10/21/1992, §9)

§5-109. Condemnation Order.

1. General. All buildings or structures that are or hereafter shall become unsafe, unsanitary, unfit for human occupancy or use, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare or is found unlawful involving illegal or improper use, occupancy and maintenance shall be condemned pursuant to the provisions of this Part and may be placarded and vacated upon approval of Borough Council; however, such prior approval shall not be necessary when the Code Enforcement Officer is acting pursuant to §5-108 of this Part or Subsection 7 hereof. It shall not be reoccupied without approval of the Code Enforcement Officer. Unsafe equipment shall be placarded and placed out of service. A vacant building or structure unguarded or open at door or window shall be deemed a fire hazard and unsafe.
2. Unsafe Structure. An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupant by not providing minimum safeguards for protection from fire or because it is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that it is likely to partially or completely collapse. All unsafe structures shall be declared a public nuisance and shall be taken down and removed or made safe and secure as the Code Enforcement Officer deems necessary.
3. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.
4. Structure Unfit for Human Habitation. A structure is unfit for human occupancy or use whenever the Code Enforcement Officer finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rate infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the codes or because its location constitutes a hazard to its occupants or to the public.
5. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Part or was erected, altered or occupied contrary to law.
6. Restoration of Unsafe Structure. A building or structure condemned by the Code Enforcement Officer may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration, except that if the damage or cost of restoration or reconstruction is in

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excess of 50% of its replacement value, exclusive of foundations, such structures shall be made to comply with the exclusive of foundations, such structures shall be made to comply with the Borough of Ambler's building, plumbing and electrical codes in all respects with the requirements for materials and methods of construction of structures.

7. Closing of Vacant Structures. If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the Code Enforcement Officer may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to children. The windows and doors are to be boarded upon with 1/2 inch exterior grade plywood or a similar material acceptable to the Code Enforcement Officer, finished on one side with the finished side out.

(Ord. 872, 10/21/1991, §10)

§5-110. Placarding.

1. Vacation of Structure. If the responsible owner, operator, occupant or person in charge of the structure or premises fails to comply with an order to repair or alter a structure condemned as unfit for human habitation, within the time given, the structure shall be vacated within a reasonable time, as ordered by the Code Enforcement Officer.
2. Placarding of Structure. Upon issuance of an order to vacate, the Code Enforcement Officer may placard the structure or parts thereof or on defective equipment bearing the words "unsafe for human occupancy or use," and a statement of the penalties provided for any occupancy or use or for removing the placard.
3. Removal of Placard. The Code Enforcement Officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding actions were based have been eliminated. Any person who defaces or removes a condemnation placard without approval of the Code Enforcement Officer shall be subject to the penalties provided by this Part.
4. Prohibited Use. Any person who shall occupy a placarded premises or structure or part thereof or shall use placarded equipment and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be subject to the penalties provided by this Part.

(Ord. 872, 10/21/1991, §10)

§5-111. Repair/Demolition Order.

1. General. The Code Enforcement Officer shall make periodic inspections of any structure vacated as unfit for human habitation or any other vacant structures.

2. Option by Owner. If a structure is so old, deteriorated or has become so out of repair as to be unsanitary or unfit for human habitation, but can be made safe by repairs, the Code Enforcement Officer may issue a notice requiring the owner to make the necessary repairs to bring the structure into compliance with the Borough of Ambler's codes and/or ordinances or to demolish and remove the structure at the owner's option. Such notice shall require the person thus notified to immediately disclose to the Code Enforcement Officer his acceptance or rejection of the terms of the order.
3. Unreasonable Repairs. Whenever an inspection of a structure reveals that the structure is old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use and so that it would be unreasonable to repair, in that the cost of such repairs would exceed 100% of the current value of such structure, the structure shall be declared a public nuisance. The Code Enforcement Officer shall upon approval of Borough Council issue a notice to the responsible owner, ordering that the structure be removed or demolished without option on the part of the owner to repair. All the rubbish and refuse shall be removed from the premises and cellar/basement shall be filled in with clean fill, compacted and graded to adjacent ground level.
4. Service Connection. Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.
5. Notice to Adjoining Owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for removal of a building or structure.
6. Determination by Code Enforcement Officer. In the event that the owner or agent is unable to obtain the releases, the Code Enforcement Officer shall inspect the releases, the Code Enforcement Officer 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.

(Ord. 872, 10/21/1991, §12)

§5-112. Stop Work Order.

1. Notice to the Owner. Whenever the Code Enforcement Officer determines that work on any building or structure is being prosecuted contrary to the provisions of the applicable codes and/or ordinances in an unsafe and dangerous manner, the

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responsible owner of the property involved or the owner's agent or the person doing the work shall be notified that such work be immediately stopped.

2. **Unlawful Continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that is directed to perform to remove a violation or unsafe conditions, shall be subject to the penalties provided by this Part.

(Ord. 872, 10/21/1991, §13)

§5-113. Violations and Penalties.

1. **Unlawful Acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish, use or occupy any building or structure or plumbing, electrical, mechanical equipment and fire suppression system regulated by this Part and/or the applicable codes and ordinances or cause same to be done, in conflict with or in violation of any of the provisions of this Part and/or the applicable codes and ordinances.
2. **Occupancy Without Use and Occupancy Certificate.** Any new building hereafter erected for which a building permit was issued shall not be used or occupied in whole or part until a certificate of use and occupancy shall have been issued by the Code Enforcement Officer. Notice of this requirement shall be given to each recipient of a building permit and failure to secure a use and occupancy certificate before use or occupancy of a building is subject to immediate fine and costs as prescribed in this Part. No further notification as required under this Part shall be required. The building owner by signing the building permit agrees not to violate any provision of the Borough of Ambler codes or laws of the Commonwealth of Pennsylvania and/or ordinances and is so notified. The use and occupancy certificate is a "license" to occupy and use the building and as such is personal to the tenant or occupier who obtains the same and is not transferable, all as provided by Borough of Ambler ordinances.
3. **Failure to Comply.** Whenever an order to vacate, secure, repair and/or demolish a structure which is a public nuisance because it is unsafe, dangerous or unfit for human habitation has not been complied with, the Code Enforcement Officer may, in accordance with the laws of the Commonwealth of Pennsylvania and with the approval of Borough Council first having been obtained, proceed to cause the structure to be vacated, close-up and secured, repaired and/or demolished or take such other action as is necessary to abate the nuisance. Abatement under this subsection shall not commence until at least 10 days after the service of the order, except that the Code Enforcement Officer may determine that more immediate action is required because of the special emergency or dangerous conditions which exist. Borough Council may first seek redress from a court of competent jurisdiction if no emergency exists.

4. **Recovery of Expenses.** The expenses incurred pursuant to Subsection 3 of this Section and other applicable Sections of this Part and other codes and ordinances shall be paid by the responsible owner, operator or occupant or by the persons who caused or maintained such public nuisance. The Code Enforcement Officer shall file in his records an affidavit, stating with fairness and accuracy, the items and date of the expenses incurred. The Borough Council may institute a suit to recover such expenses to be charged against the property as a lien or against the person or legal entity violating the code as a judgment.
5. **Transfer of Ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order upon whom notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Enforcement Officer and shall furnish to the Code Enforcement Officer a signed and notarized statement to the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the correction or repairs required by such compliance order or notice of violation.
6. **Penalties.** Any person, firm or corporation who shall violate any provisions of this Part or fails to correct a violation or institute a remedial action as ordered by the Code Enforcement Officer, or who shall erect, construct, install, alter or repair a building, structure or any plumbing, electrical and mechanical equipment or systems in violation of an approved plan or directive of the Code Enforcement Officer or of a permit or certificate issued under the provisions of the Borough of Ambler codes shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
7. **Prosecution.** The imposition of the penalties herein prescribed shall not preclude the Solicitor representing the Borough of Ambler from initiating, and he is hereby ordered to initiate, appropriate actions or proceedings at law or equity for the purpose of ordering that person:
 - A. To restrain, correct or remove the violation or refrain from any further execution of work.
 - B. To restrain or correct the erection, installation or alteration of such structure.
 - C. To require the removal of work in violation.
 - D. To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with,

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the provisions of this Part or in violation of a plan or specification under which an approval, permit or certificate was issued.

(Ord. 872, 10/21/1991, §14)

§5-114. Board of Appeals.

1. Board Established. There is hereby established a Board of Appeals to hear and rule on appeals from determinations of the Borough Code Enforcement Officer, variances from such decisions, or extensions of time for compliance. It is intended that this Board satisfy the requirements of 35 P.S. §7210.501(c), relating to the creation of a board of appeals in municipalities administering the Uniform Construction Code. The Board shall consist of three members.
2. Basis of Claims Before Board. Any application made to the Board shall be based upon a claim that the true intent of the Uniform Construction Code, and/or building codes incorporated by reference, has been incorrectly interpreted; that the provisions of the Code do not fully apply; or that an equivalent form of construction is to be used. The Board may not consider handicapped accessibility claims.
3. Composition of Board.
 - A. No elected Borough official may serve on the Board.
 - B. Members shall be Borough residents. However, if no qualified residents can be found, then nonresidents may be appointed to serve.
 - C. Members must be qualified by training and experience to understand and rule upon building construction issues. This may include licensure as an engineer or architect, experience as an inspector or plan reviewer, or relevant experience in the construction industry.
 - D. The enactments of the State Ethics Commission, and interpretations of those enactments, including conflicts of interest and limitations on voting, shall apply to the Board.
 - E. The Pennsylvania Sunshine Law shall apply to the Board, including as it relates to notice of meetings and deliberations in public.
4. Appeals.
 - A. Appeals are taken by filing a petition with the Borough Manager on a form to be made available by the Borough.
 - B. The filing date is either the postmark date or the date of personal service.

- C. Borough action on any Code Enforcement Officer decision is stayed pending the appeal, except for claims of unsafe buildings or structures.
- D. Unless the petitioner requests a hearing, the Board shall render its decision on the basis of the review of documents, briefs, and oral argument.
- E. The Board shall convene to consider an appeal within 60 days of the filing of the appeal. Where a one-family or two-family residential structure is involved, the Board shall convene within 30 days. The parties may agree in writing to extensions of time.
- F. A written decision shall be mailed to the parties within five business days from the date of the last hearing.
- G. In setting the fee for the filing of the appeal, the Borough is limited to the actual cost to it of publishing public notice, payment of the court stenographer, and any other actual administrative cost incurred that is not of a type normally incurred in the holding of hearings.
- H. An appeal of the Board's decision shall be made within 30 days of the date of decision in accordance with appeals under the Local Agency Law.

(Ord. 872, 10/21/1991, §15; as amended by Ord. 1033, 2/17/2009)

PART 2

BUILDING STANDARDS

A. BOCA National Building Code

§5-201. Adoption of Building Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection and safety of buildings and structures, including administration, building permits and penalties, the building code known as the “BOCA National Building Code, 1990, Eleventh Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures and in all other subject therein contained, within the corporate limits of the Borough of Ambler.

(Ord. 873, 10/21/1991, §1)

§5-202 Amendments Made In Building Code.

The Building Code hereby adopted is amended as follows:

A. Borough of Ambler shall be inserted wherever the words “name of municipality” appear in brackets therein. Wherever the term “legal officer” or “legal representative” is used in this code, it shall be held to mean the Borough Solicitor.

B. Section 109.1 is hereby amended to read as follows:

§109.1. Code Official. This Code shall be enforced by the Code Enforcement Officer appoint by Borough Council pursuant to Ord. 872 [Part 1], adopted even date herewith and such member of his department as shall be assigned to such function, particularly the Building Inspector who shall be appointed by Borough Council. The persons shall also be know as “code officials.”

C. Section 109.2 is hereby amended to read as follows:

§109.2. Appointment. The Code Enforcement Officer shall serve at the pleasure of the Borough Council as shall the Building Inspector and other members of the department.

D. Section 109.4 is hereby amended to read as follows:

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§109.4. Deputy. During the temporary absence or disability of the Code Enforcement Officer, the Building Inspector shall service in his stead and may be given authority at any time to accept applications and receive permits.

E. Section 109.5 shall be amended to read as follows:

§109.5. Qualification of Building Inspector. To be eligible for appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be of good health, physically capable of making the necessary examinations and inspections. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in connection with building construction, alterations, removal and demolition.

F. Section 114.3.1 shall be amended to read as follows:

§114.3.1. Fee Schedule. The fees charged by the Borough of Ambler for building permits, demolition permits, inspections and plan examinations shall be fixed, from time to time, by resolution of the Borough Council.

G. Section 117.4 shall be amended to read as follows:

§117.4. Violation Penalties. Any person, firm or corporation who shall violate any provision of this Code or who shall fail to comply with any requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Inspector or Code Enforcement Officer or of a permit or certificate issued under the provisions of this Code shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Code continues or each Section of this Code which shall be found to have been violated shall constitute a separate offense.

H. Section 118.2 shall be deleted.

I. Section 119.5 shall be deleted.

J. Section 123.0, Board of Survey and Subsections 123.1 through 123.5.1 shall be deleted.

K. Section 124.0, Means of Appeal and Subsections 124.1 through 124.7 shall be deleted.

L. Section 210.0 is hereby amended by adding thereto the following:

Alley. Any public way primarily intended to provide vehicular access to the rear of lots fronting upon public streets or avenues.

Building Line. A line, established by ordinance or designated upon an official adopted lot plan, beyond which a building shall not extend.

M. Section 309.4.2 shall be added and provide as follows:

§309.4.2. Offset and Exceptions. Multiple single-family dwellings must have a two foot offset between adjacent units. Exception:

- (1) The exterior walls are rated one hour for a distance of four feet from where the dwellings meet.
- (2) A two foot masonry wing wall extends past the face of the dwelling units where they have a common wall.

N. Section 313.1.1 is deleted.

O. Section 401, Table 401 is amended as follows:

§401, Table 401, line No. 4, shall all read one hour and line No. 5 shall be changed to two hours.

P. Section 608.1 shall be amended as follows:

§608.1. Attached Garages. The reference on line five thereof to “1/2 inch gypsum” shall be deleted and “5/8 inch fire rated gypsum board” inserted in its stead.

Q. Section 907.4 shall be amended to read as follows:

§907.4. Combustible Framing. There shall be no combustible framing in any fire wall.

R. Section 1002.7 shall be amended as follows:

§1002.7. Use Groups M, S-1 and F-1. In subparagraph (1) the number 12,000 shall be amended to read 5,000.

S. Section 1002.12 shall be added and read as follows:

§1002.12. Use Groups S-2 and F-2. An automobile fire suppressor system shall be provided throughout Use Groups S-2 and F-2 if the areas exceed 12,000 square feet.

T. Section 1016.4.2 shall be amended to read as follows:

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§1016.4.2. Use Group B. A fire protection signaling system shall be installed and maintained in all buildings of the Group B.

U. Section 1016.4.6 shall be added and read as follows:

§1016.4.6. Other Use Groups. An automatic fire detection system shall be installed and maintained in all buildings of Use Groups M, S-1, S-2 and F-1.

V. Section 1017.4.5 shall be added and read as follows:

§1017.4.5. Other Use Groups. An automatic fire detection system shall be installed and maintained in all buildings of Use Groups B, F-1, F-2, S-1, S-2 and M.

W. Section 1017.5 is deleted.

X. Section 1020.1 shall be amended as follows:

§1020.1. Fire Suppression Systems. To the use groups described therein shall be added Use Groups "F."

Y. Section 1106, Table 1106.1 shall be amended as follows:

§1106. Uniformly Distributed Line Loads, Table 1106.1, Minimum Distributed Line Loads. The line loads for "sleeping rooms" shall be changed to read "40 lb." and for "attics" shall be changed to read "30 lb."

Z. Section 1106.1.2 shall be amended to read as follows:

§1106.1.2. Residential Attics. A live load shall be applied to joists or to bottom chords of trusses or trussed rafters only in those portions of attic space having a clear height of 42 inches (1,067 mm) or more between joist and rafter in conventional rafter construction and between bottom chord and any other member in trusses or trussed rafter construction. A ceiling live load reduction to 20 lb. per square foot is permitted in areas under 42 inches clearance between rafters and ceiling joists.

AA. Section 1701.1.2 shall be added to read as follows:

§1701.1.2. Minimum Lumber Grade. Minimum lumber grade for any structural member shall be No. 2 as certified by the Western Wood Association.

BB. Section 1702.2.3.6 shall be amended to read as follows:

§1702.2.3.6. Siding. Minimum sheathing over 16 inches g.c. is 1/2 inch thickness for particle board.

CC. Article 32 Repair, Alteration, Addition to and Change of Existing Buildings is deleted.

DD. Section 2906.1 is hereby amended to read as follows:

§2906.1. Filing Bond. No person shall erect, install, remove or rehang any sign for which a permit is required under the provisions of the Basic Code until an approved bond shall have been filed in the sum to be determined by resolution of Borough Council.

EE. Section 1017.4.5, and at any other location in the Code identifying classes of occupancies requiring fire detection systems, is amended so that included as a covered occupancy is any mixed use occupancy that includes any type of residential occupancy as one of the included occupancies.

(Ord. 873, 10/21/1991, §2; as amended by Ord. 991, 8/15/2005; and by Ord. 1048, 8/17/2010)

§5-203. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations or departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 873, 10/21/1991, §3)

§5-204. Provisions to be Continuation of Existing Regulations.

The provisions of this Part so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(Ord. 873, 10/21/1991, §4)

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B. Fallout Shelters

§5-211. Construction of Family Fallout Shelters.

Due to the specialized purpose and emergency nature for which family fallout shelters are designed, any such shelter which complies with Subsections A, B and C of this Part is hereby exempt from the provisions of the Building Code of the Borough of Ambler, except as otherwise provided herein.

- A. Definition. A “family fallout shelter” is a structure designed and constructed in accordance with this subpart, for emergency use only, to afford minimum protection from nuclear radiation, commonly known as “fall-out,” resulting from a nuclear incident which recent has been, or is, or is likely to be of catastrophic proportions.
- B. A family fallout shelter shall be of a design conforming to the recommended or accepted by the Federal Emergency Management Agency (FEMA).
- C. A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to Design Loads and General Building Requirement specified in the “BOCA National Building Code, 1990, Eleventh Edition.”
- D. Notwithstanding the foregoing, the provisions contained in the Building Code of the Borough of Ambler and the provisions of the Borough of Ambler Zoning Ordinance [Chapter 27], relating to location, administration, permits, inspections and penalties shall be applicable to family fallout shelters.

(Ord. 479, 12/11/1961; as amended by Ord. 785, 11/21/1983; and by A.O.

PART 3

FIRE PREVENTION CODE

§5-301. Adoption of Fire Prevention Code; Applicability.

The 2009 International Fire Code, subject to the specific provisions below, is adopted to the extent that the language therein regulates the ongoing maintenance and safety of existing buildings and structures. With respect to the construction of new buildings and additions regulated by the Pennsylvania Uniform Construction Code, these remain entirely within the province of the Commonwealth, unaffected by this Part. The entirety of this Part shall be read as affecting only the ongoing safety and maintenance of existing buildings.

(Ord. 1048, 8/17/2010)

§5-302. Amendments to Fire Prevention Code.

1. In Section 101.3 and in any other place in the International Fire Code where the name of the jurisdiction requires identification, this Part is applicable throughout all of the Borough of Ambler, Montgomery County, Pennsylvania.
2. Section 109.3 of the Code is modified as follows: A violator is guilty of a summary offense. The maximum fine for a violation shall be \$300 for each offense, in addition to court costs. It shall be within the province of the presiding authority to determine whether, under the facts and circumstances, each day of a continuing offense constitutes a separate offense. Where such determination is made, the fine is \$300 for each day of offense. This provision does not preclude the possibility that conduct constituting a reckless or intentional disregard for the safety of persons or property constitutes one or multiple violations of the Pennsylvania Crimes Code as determined by criminal law enforcement authorities.
3. Where the Code refers to a fire code official, this shall generally mean the Borough Fire Marshal appointed by Council. However, the Borough Code Enforcement Office shall also have authority to find and abate violations.

(Ord. 1048, 8/17/2010)

PART 4

ELECTRICAL STANDARDS

A. NFIPA National Electrical Code

§5-401. Adoption of Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the installation, renewal, extension and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, the electrical code known as the “National Electrical Code, 1990 Edition,” as recommended by the National Fire Protection Association, of which not less than three copies have been and now are filed in the office of the Borough Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date by which this Part shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in buildings, structures or outdoor electrical display or signs within the corporate limits of the Borough of Ambler.

(Ord. 879, 10/21/1991, §1)

§5-402 Enforcement.

The “National Electrical Code” adopted in §5-401 hereof shall be enforced by the Code Enforcement Officer. The Code Enforcement Officer shall, upon the installation, removal, extension and reception of any electrical wiring and electric apparatus pursuant to this Part, cause an inspection or inspections to be made by himself or his duly authorized agents, to determine that the electrical work conforms with the “National Electrical Code,” this Part and other ordinances of the Borough of Ambler and the statutes of the Commonwealth of Pennsylvania.

(Ord. 879, 10/21/1991, §2)

§5-403 Prohibition Without Permit.

No person, co-partnership, firm, association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electric current for electric light, heat or power purposes in existing buildings, structures or outdoor electrical displays or signs or in the construction, reconstruction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to this Part.

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- A. All such applications for a permit shall be made to the Code Enforcement Officer, in writing, on forms supplied by said Code Enforcement Officer.
- B. Any person making false answers to any questions or items set forth in such application form shall forfeit and surrender any permit issued pursuant thereto.
- C. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric apparatus comply with the "National Electrical Code," any other ordinances of the Borough of Ambler and statutes of the Commonwealth of Pennsylvania.
- D. Each such application form shall be accompanied by a fee prescribed pursuant to a resolution of the Borough Council.
- E. Each applicant for a permit shall furnish to the Code Enforcement Officer proof, in writing, that an application for inspection of the proposed electric wiring and electric apparatus has been made to a local area inspection agency that specializes in such inspections, to determine that the electrical work conforms with the provisions of the "National Electrical Code" and this Part. The payment of all inspection fees and charges of the local area inspection agency shall be borne by the applicant.
- F. Each applicant for a permit shall cause the premises covered by the application to be open for inspection or inspections by the Code Enforcement Officer and his agents and the representative or representatives of the local area inspection agency at all reasonable times.
- G. Upon the determination of the Code Enforcement Officer that the proposed electric wiring and electric apparatus comply with the "National Electric Code," this and other ordinances of the Borough of Ambler and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.
- H. All permits shall expire one year from the date of issuance by the Code Enforcement Officer.

(Ord. 879, 10/21/1991, §3)

§5-404. Inspection of Work Under Permit.

- 1. All inspections shall be made to ensure that the proposed electrical work complies with the "National Electrical Code." No electric wiring shall be concealed unless inspected and approved by the Code Enforcement Officer and his agents and the representatives or representative of the local area inspection agency, but such inspection or reinspection shall be made within a reasonable time after notice of completion of the electrical work sought to be inspected for approval. A duplicate

record of each written approval made by the local area inspection agency shall be filed with the Code Enforcement Officer.

2. All decisions made to determine whether or not the proposed electrical work complies with the provisions of the "National Electrical Code" shall be made by the Code Enforcement Officer or a member of his department assigned to that function.
3. The Code Enforcement Officer shall have the power to stop electrical work and order the removal thereof when he determines that such work is being installed not in conformity with the "National Electrical Code," this and other ordinances of the Borough of Ambler and the statutes of the Commonwealth of Pennsylvania.
4. The Code Enforcement Officer may waive his inspection to determine compliance with the "National Electrical Code" and this Part of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the local area inspection agency. The Code Enforcement Officer shall give notice so that the approved work can be concealed.

(Ord. 879, 10/21/1991, §4)

§5-405. Inspection of Existing Electrical Wiring and Apparatus.

In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the Borough of Ambler, the Code Enforcement Officer is hereby given the duty to inspect with his agents and the representative or representatives of the local area inspection agency, when requested by proper authority, or when public interest so requires, any premise within the Borough of Ambler at reasonable times to ensure that the existing electric wiring system and apparatus is not defective and unsafe.

- A. All decisions that the existing electric wiring system and apparatus is defective shall be made by the Code Enforcement Officer, in writing, on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address shown on the latest tax records, with reasons for his decision.
- B. Upon the decision of the Code Enforcement Officer that the existing electric wiring system is defective and unsafe as aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with the provisions of the "National Electrical Code" in accordance with this Part.

(Ord. 879, 10/21/1991, §5)

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§5-406. Approved Materials.

Only the materials, fittings and devices enumerated in the “List of Inspected Appliances” of Underwriters Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the “National Electrical Code” and this Part.

(Ord. 879, 10/21/1991, §6)

§5-407. Supplements.

The “National Electrical Code” herein adopted is supplemented by adding thereto the following which is made a part hereof:

- A. Whenever a permit is required under the terms of this Part for electrical wiring and apparatus to be done in connection with a gas or oil burner installation and in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shut off switch with a red plate thereon mark “oil burner” or “gas burner,” as the case may be, at the entrance to the basement or heating room.

(Ord. 879, 10/21/1991, §7)

§5-408. Modification on Application.

The Borough Appeals Board shall have the power to modify any of the provisions of this Part, upon application, in writing, by the owner of a premise or his agent, when there are practical difficulties in the way of carrying out the strict letter of this Part; provided, that the spirit of this Part shall be observed, public safety secured and substantial justice done.

(Ord. 879, 10/21/1991, §8)

§5-409. Records.

All records of the Code Enforcement Officer pursuant to this Part shall be open to public inspection for good and sufficient reasons during office hours, but shall not be removed from the office of the Code Enforcement Office without his written consent.

(Ord. 879, 10/21/1991, §9)

§5-410. Exemption.

No permit shall be required under this Part for the following electrical work:

- A. Minor repair work such as the replacement of lamps and fuses.
- B. The connection of portable electrical appliances to suitable permanently installed appliances.
- C. Equipment installed or work performed by or for a public utility operating under authority granted by the Pennsylvania Public Utility Commission of the Commonwealth of Pennsylvania.
- D. Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right-of-way.
- E. Equipment used in connection with commercial radio and television transmission.
- F. Repair, manufacturing and maintenance work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

(Ord. 879, 10/21/1991, §10)

§5-411. Fee.

Fees for permits or renewals thereof required by this Part shall be established pursuant to a resolution, from time to time, of Borough Council.

(Ord. 879, 10/21/1991, §11)

§5-412. Penalties.

1. Any person who shall violate any provision of this Part or of the “National Electrical Code” hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall do or cause to be done electrical work in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Code Enforcement Officer within the time affixed therein, shall severally for each and every such violation and noncompliance respectively shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

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2. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
3. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, by any action at law or in equity instituted by the Code Enforcement Officer on behalf of the Borough of Ambler with the consent of Borough Council.

(Ord. 879, 10/21/1991, §12; as amended by A.O.)

§5-413. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 879, 10/21/1991, §13)

§5-414. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

(Ord. 879, 10/21/1991, §14)

B. Examining Board, Licenses and Fees.

§5-421. Definitions.

Unless expressly stated, the following words shall, for the purpose of this Part, have the meaning herein indicated:

APPRENTICE ELECTRICIAN — any person who shall have qualified as an apprentice electrician and registered in accordance with the terms of this Part and under the rules and regulations of the said Examining Board.

CHIEF PLANT ELECTRICIAN — any person who shall have qualified as a Chief Plant Electrician and registered in accordance with the terms of this Part and under the rules and regulations of said Examining Board.

JOURNEYMAN ELECTRICIAN — any person who shall have passed a journeyman electrician's examination and qualified and registered in accordance with the terms of this Part and under the rules and regulations of said Examining Board.

MASTER ELECTRICAL CONTRACTOR — any person, firm or corporation who shall have qualified and registered as a master electrical contractor in accordance with the terms of this Part and under the rules and regulations of the Examining Board hereinafter created.

MATERIALS, ELECTRICAL OR ELECTRICAL WORK, ELECTRICAL MATERIALS, ELECTRICAL APPLIANCE AND ELECTRICAL FIXTURES — all electrical apparatus, electric appliances, electric wiring, electrical fixtures and all electrical supplies of whatsoever kind or nature used as a part of any installation for the transmission or consumption of electrical energy and including the electrical installation and apparatus used in connection with and adjunctive to domestic oil burners and mechanical stokers; provided, however, said terms shall not include incandescent lamps, domestic electrical appliances severable from the freehold without material damage thereto, public utility company kilowatt meters, radio broadcast or receiving apparatus or automotive electrical equipment. Provided further, that nothing in this Part shall apply to work performed by employees of a public utility while engaged in regular line of duty for the utility company by whom they are employed. "Regular line of duty" shall mean that work which is essential or incidental to the delivery of energy to customers of said public utility.

OIL BURNER SERVICE DEALER — any person, firm or corporation who shall be qualified and registered as an oil burner service dealer in accordance with the terms of this Part and under the rules and regulations of the said Examining Board.

REFRIGERATION SERVICE DEALER — any person, firm or corporation who shall have qualified and registered as a refrigeration service dealer in accordance with the terms of this Part and under the rules and regulations of the said Examining Board.

(Ord. 603, 2/12/1973, §5)

§5-422. Creation of Electrical Examining Board.

There is hereby created and established as Electrical Examining Board hereinafter referred to as "Examining Board."

(Ord. 603, 2/12/1973, §6)

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§5-423. Membership and Function of Examining Board.

1. Said Examining Board shall consist of three qualified persons appointed by the Borough Council. Such persons shall be residents of Ambler Borough and may be master electrical contractors, electrical engineers, electrical teachers of trade schools, members of a recognized inspection agency or such other person deemed qualified by Borough Council.
2. The members of said Examining Board shall hold their office for a period of three years or until the successor or successors are duly qualified in office; provided, however, that the original members of the Board shall be appointed to hold office for a term of one, two and three years respectively.
3. Two members of said Examining Board shall constitute a quorum for the transaction of any and all business.
4. The members of the Examining Board shall, within five days from their appointment, meet specifically and organize and elect from among their members a President and a Secretary and thereafter shall meet on the first Monday of the months of April, July and October of each and every year; provided, however, when any of the days appointed for meeting shall fall on a legal holiday, for the purpose of considering and disposing of all applications for licenses for master electrical contractors, chief plant electricians, oil burner service dealers, refrigeration service dealers, journeyman electricians and apprentice electricians.
5. Said Examining Board shall hold special meetings as frequently as the proper and efficient discharge of its business shall require, upon 24 hours written notice to each member, stating the object of such meeting.
6. The Examining Board shall formulate rules and regulations for the examination, registration and licensing of master electrical contractors, chief plant electricians, oil burner service dealers, refrigeration service dealers, journeyman electricians and apprentice electricians. Said rules and regulations shall become effective upon adoption by the Examining Board and the approval of the Borough Council.
7. The Examining Board shall, at any time demanded, make a written report to the Borough Council containing a summary of its deliberations and determinations.

(Ord. 603, 2/12/1973, §7)

§5-424. License Requirements.

1. Any person, firm or corporation desiring to engage in the business or occupation of master electrical contractor, chief plan electrician, apprentice electrician as defined in this Part, shall apply to the Examining Board for a license and registra-

tion as herein required and said applicant shall present himself before said Electrical Examining Board at a time and place fixed by said Board wherein his qualifications and knowledge shall be inquired into. If the Board shall find, upon due examination, that the applicant presenting himself has a reasonable knowledge of electricity and the natural laws and functions of electrical energy and of the provisions of the "Regulations of the National Board of Fire Underwriters for Electric Wiring and Apparatus" (in accordance with the current issue of the National Electrical Code) and is possessed of skill and knowledge in a matter appertaining to the science of electricity sufficiently to discharge the profession of a master electrical contractor or chief plant electrician or oil burner service dealer, or refrigeration service dealer, or journeyman electrician, or apprentice electrician as herein defined, than the said Electrical Examining Board, upon proof of the payment of the fee herein provided, shall issue to said person, firm or corporation, without further charge, a license as master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician, apprentice electrician, as the case may be. Such license shall continue in full force and effect following its issuance to and including the 31st day of December in the year of its issuance, unless sooner revoked.

2. Applications for examination and license shall be accompanied with proof that the proper fee, as established by resolution of Council, has been paid the Borough Secretary for the use of the Borough.
3. Any applicant who is unsuccessful in passing the examination may be permitted to take a reexamination not less than 60 days after the date of the unsuccessful examination and without payment of any additional fee. If he shall be unsuccessful upon reexamination, he shall not apply for further examination for a period of six months and such reapplication shall be accompanied with the proof of the payment of the fee as if the application were an original application.
4. The license here provided, shall expire December 31, of the year of which is issued.
5. A master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician or apprentice electrician, as the case may be, desiring to continue to practice the profession or trade for the year following the expiration of his license shall between the 1st and 31st day of December of each and every year surrender his license for the then current year to the Secretary of the Examining Board who shall forthwith upon proof of the payment of the fee established by resolution of Council, issue to the applicant a proper license for the ensuing year.

(Ord. 603, 2/12/1973, §8; as amended by Ord. 785, 11/21/1983)

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§5-425. Persons Already Performing Electrical Work in Borough.

Any person, firm or corporation practicing on February 12, 1973, the profession or trade of master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician or apprentice electrician, as defined in this Part, who shall desire to continue the practice of such profession or trade within the Borough of Ambler may file a written application with the Secretary of the Examining Board, reciting his name, residence, the address of his place of business, if any, and the name under which he is doing business and a statement that on the effective day of this Part such applicant was actively and actually engaged in the profession or trade of master electrical contractor, chief plant electrician, oil burner service dealer, refrigeration service dealer, journeyman electrician or apprentice electrician, as the case may be, and that he intends to continue to practice such profession or trade continuously within the Borough of Ambler, said written application to be signed by the person named therein if said application is made by an individual, by the members of the copartnership if the applicant be a firm and by the president and secretary of the corporation if the applicant be a corporation. Said application is to be varied by the oath of the applicant. Upon receipt of the application accompanied with proof of the payment of the fee hereinbefore provided, the Examining Board shall issue to such applicant the class of license applied for.

(Ord. 603, 2/12/1973, §9)

§5-426. Electrical Installations to be Done Only by Certain Persons.

The installation or use of electrical work, electrical materials, electrical appliances or electrical fixtures, as defined in this Part, which have been introduced into or installed, or constructed in any building or structure in the Borough of Ambler by any person, firm or corporation, other than a master electrical contractor or chief plant electrician, as defined in this part, is prohibited; provided, however, that the use of electrical work, electrical materials, electrical appliances or electrical fixtures introduced or constructed on the effective day of this Part shall not fall within the prohibition of this Part pending examination by an authorized inspection agency.

(Ord. 603, 2/12/1973, §10)

§5-427. Application and Approval for Proposed Installations Required.

Master electrical contractors and chief plant electricians, oil burner service dealers, refrigeration service dealers, as defined in this Part, before installation, introduction or construction of any electrical work, electrical materials, electrical appliances or electrical fixtures shall first file a written and signed application on the form of an authorized inspection agency identifying the premises therein, the installation or construction as to be made and the extent, specification and classification of the work to be done. Said application shall be executed in triplicate, one copy to be retained and filed in the office of the Fire Marshal, one copy to be filed with the Secretary of the Examining Board and

one copy to be filed with an authorized inspection agency. The execution of the application and the filing of the triplicate copies shall constitute a permit to the master electrical contractor, the chief plant electrician, oil burner service dealer or refrigeration service dealer, as the case may be, to proceed with the work described in the application. Provided, however, that no application shall be accepted by the Fire Marshal except from a master electrical contractor, chief plant electrician, oil burner service dealer or refrigeration service dealer as defined in this Part and, provided, further, that no application shall be received by the Fire Marshal of a chief plan electrician except that the application shall be for work to be installed or constructed in the factory or plant in which such chief plant electrician is employed.

(Ord. 603, 2/12/1973, §11)

§5-428. Inspection of Work; Issuance of Cut-In Cards.

Upon completion of the introduction, installation or construction of any electrical work, the master electrical contractor, chief plant electrician, oil burner service dealer or refrigeration service dealer shall notify an authorized agency, the fee or fees provided to be paid upon the application, whereupon the said authorized inspection agency, without delay, shall inspect such introduction, installation or construction of electrical work and if the work is done in accordance with the application, the terms of this Part and the provisions of "Regulations of the National Board of Fire Underwriter for Electric Wiring and Apparatus" (in accordance with the current issue of the National Electrical Code), shall thereupon issue a cut-in-card in triplicate and shall forthwith file one copy thereof with the Fire Marshal of the Borough of Ambler. Electric energy shall not be introduced into such installation or construction of electrical work nor shall use be made thereof until a cut-in-card is so issued.

(Ord. 603, 2/12/1973, §12)

§5-429. Temporary Permission to Practice Profession.

The electrical inspector may, before the examination of chief plant electrician or journeyman electricians or apprentice electricians give temporary permission to practice the profession or trade of chief plant electrician, journeyman electrician or apprentice electrician to the next examination conducted by the Examining Board.

(Ord. 603, 2/12/1973, §13)

§5-430. Permits Issued Only to Individuals Applying for License.

No person, firm or corporation licensed as a master electrical contractor, chief plant electrician, oil burner service dealer or refrigeration service dealer shall allow the use of his, their or its name by any person or person other than himself, or itself, directly or

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indirectly, for the purpose of obtaining a permit or permits to do any electrical work within the Borough of Ambler.

(Ord. 603, 2/12/1973, §14)

§5-431. Electrical Work to be Done by Licensed Persons Only.

No person, firm or corporation other than a licensed master electrical contractor, oil burner service dealer or refrigeration service dealer shall carry on or engage in the electrical business or profession within the Borough of Ambler, nor shall any person or persons other than a licensed master electrical contractor, a licensed chief plan electrician, a licensed oil burner service dealer or a licensed (or a person in his or their employ or under his or their supervision) alter, erect, install, repair, introduce or make any addition to any electrical work, electrical materials, electrical appliances or electrical fixtures.

(Ord. 603, 2/12/1973, §15)

§5-432. Material to be Approved by Underwriters Laboratories.

1. The introduction or use of materials are defined in this Part which do not bear the seal of approval of the Underwriters Laboratories is prohibited.
2. No person, firm or corporation shall sell, offer to sell or exchange or offer to exchange any electrical materials or electrical appliances, whether new or second hand, unless such electrical materials or electrical appliances bear the seal of approval of the Underwriters Laboratories.

(Ord. 603, 2/12/1973, §16)

§5-433. Standards and Restrictions on Outdoor Illuminated Signs.

The terms and provisions of this Part shall apply to all illuminated outdoor advertising signs constructed and maintained within the Borough of Ambler; provided, however, that the colors red, amber or green shall not be used to illuminate signs unless and until the applicant has received the approval of the Building Inspector of the Borough, determining that the use of the colors red, amber or green will not in any way interfere with traffic lights and signals to create traffic hazards.

(Ord. 603, 2/12/1973, §17)

§5-434. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 603, 2/12/1973; as added by Ord. 785, 11/21/1983; as amended by A.O.

PART 5

BOCA NATIONAL PLUMBING CODE

§5-501. Adoption of Plumbing Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the design and installation of plumbing systems, including administration, plumbing permits and penalties the plumbing code known as the “BOCA National Plumbing Code, 1990, Eighth Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Part shall take effect, the provisions thereof shall be controlling in the design and installation of plumbing systems within the corporate limits of the Borough of Ambler.

(Ord. 875, 10/21/1991, §1)

§5-502. Amendments Made In Plumbing Code.

The Code hereby adopted is amended as follows:

A. The Borough of Ambler shall be inserted wherever the words “name of municipality” appear in brackets therein. Wherever the term “legal officer” or “legal representative” is used in this Code, it shall be held to mean the Borough Solicitor.”

B. Section P-100.4 is hereby added as follows:

§P-100.4. Effective Date. This Code shall take effect on the date of its adoption by the Borough of Ambler.

C. Section P-104.1 is hereby amended to read as follows:

§P-104.1. Continuation. The legal use and occupancy of any structure existing on the effective date of this Part, or for which it had been heretofore approved, may be continued without change except as may be specifically covered in this Code or deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public.

D. Section 114.2 is hereby amended to read as follows:

§P-114.2. Fee Schedule. For approving plans and issuing a permit therefor, to include inspection of the work during its progress and for final inspection and supervision of the rest of the work to be made by the plumber on plumbing installations, the administrative authority shall be entitled to

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receive the fees established, from time to time, pursuant to a resolution of the Borough Council.

- E. Section 117.4 is hereby amended to read as follows:

§P-117.4. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

- F. Section 118.2 shall be deleted.

- G. Section P-122.0, Means of Appeal, including Subsections P-122.1 through P-122.7 shall be deleted.

- H. Section P-201.0 is hereby amended to read as follows:

§P-201.0. Administrative Authority. The person appointed by the Borough Council to the position of Code Enforcement Officer with authority to administer and enforce the provisions of this Code.

- I. Section P-303.2 is hereby amended to read as follows:

§P-303.2. Public Systems Available. A public water supply system or public sewer system shall be deemed available to premises used for human occupancy if such premises are within 150 feet, measured along a street, alley or easement of the public water supply or sewer system and a connection conforming with the standards set forth in this Code may be made thereto

- J. Section P-308.3 is hereby amended to read as follows:

§P-308.3. Freezing. Water service piping and sewers shall be installed below recorded frost penetration but not less than three feet below grade for water piping and three feet for sewers. Plumbing piping in exterior building walls shall be adequately protected against freezing by insulation or heat or both.

- K. Section P-42.1 is hereby amended to read as follows:

§P-402.1. Water Quality. Water service pipe and water distribution pipe shall be lead-free and resistant to corrosive action and degrading action from the potable water supplied by the water purveyor or individual water supply system.

- L. Section P-208.8 is hereby amended to read as follows:

§P-208.8. Backfilling.

Excavations of Borough Streets shall be backfilled in accordance with the provisions of Borough Ord. 509, 4/13/1964, as most recently amended by Ord. 677, adopted and approved 9/11/1977, which is found in §21-207.

(Ord. 875, 10/21/1991, §2; as amended by Ord. 889, 7//20/1992, §1; and by A.O.

§5-503. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 875, 10/21/1991, §3)

§5-504. Provisions to be Continuation of Existing Regulation.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(Ord. 875, 10/21/1991, §4)

PART 6

PROPERTY MAINTENANCE

A. Property Maintenance Code

§5-601. Adoption of Property Maintenance Code.

The Borough of Ambler hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the “BOCA National Property Maintenance Code, 1990 Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Subpart shall take effect, the provisions thereof shall be controlling in the maintenance of all structures and in all other subjects therein contained, within the corporate limits of the Borough of Ambler.

(Ord. 878, 10/21/1992, §1)

§5-602. Amendments Made In Property Maintenance Code.

The Property Maintenance Code hereby adopted is amended as follows:

A. The Borough of Ambler shall be inserted wherever the word “name of municipality” appear in brackets therein. Wherever the term “legal officer” or “legal representative” is used in this Code, it shall be held to mean the Borough Solicitor.

B. Section PM-109.2 is hereby amended to read as follows:

§PM-109.2. Penalty. Any person, firm or corporation who shall violate any provisions of this Subpart shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Subpart continues or each Section of this Subpart which shall be found to have been violated shall constitute a separate offense.

C. Section PM-104.1 is hereby amended to read as follows:

§PM-104.1. General. This Code shall be enforced by the Code Enforcement Officer appointed by Borough Council pursuant to Ord. 872 [Part 1], bearing even date herewith and such other persons in his department as shall, from time to time, be appointed to such function. These persons shall also be known as code officials.

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- D. Section PM-111.0, Right of Appeal, including Subsections PM-111.1 through PM-111.2 and its Subsections PM-111.2.1 through PM-111.3 are deleted.

(Ord. 878, 10/21/1991, §2; as amended by Ord. 991, 8/15/2005)

§5-603. State Law and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Subpart. The Code shall control in all cases where the State requirements are not as strict as those contained in this Subpart.

(Ord. 878, 10/21/1991, §3)

§5-604. Provisions to be Continuation of Existing Regulations.

The provisions of this Subpart so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Subpart are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Subpart shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any of the repealed ordinances.

(Ord. 875, 10/21/1991, §4)

- B. Portable Storage Units

§5-611. Definitions.

As used in this Subpart, the following terms shall have the meanings indicated:

PORTABLE STORAGE UNIT (also known as "portable on-demand storage units" or "PODS") — portable containers that are placed on or in front of a property for the purpose of storing, loading, or unloading furniture, clothing, or other personal or household belongings as part of the process of renovation or moving, the relocation of belongings to an off-site commercial storage location, or on-site storage in the aftermath of the property being affected by a natural disaster. Unlike trailers typically attached to semi-trucks for transport, portable storage units must be no larger than eight feet by eight feet by 16 feet.

(Ord. 1028, 11/18/2008)

§5-612. Permit Required; Application; Insurance; Fee.

Before placing a portable storage unit on his or her property, a person must submit an application and receive a permit from the Borough. An insurance certificate providing liability insurance in the amount of \$100,000 provided by the company supplying the portable storage unit must accompany the application, with the Borough of Ambler named as an additional insured party. However, this is not required to be submitted if the Borough already has a certificate from the same company on file that was submitted within the past calendar year. The permit fee will be set forth in the Borough's master fee schedule for permits and applications. Applications shall be obtained from the Code Enforcement Office.

(Ord. 1028, 11/18/2008)

§5-613. Duration.

Permits will be granted for a period of 30 days for off-street placement and for a period of five days for on-street placement. Portable storage units shall be permitted for a maximum of 30 days in any one twelve-month period (per property) for off-street, and five days for on-street.

(Ord. 1028, 11/18/2008)

§5-614. Location.

1. Portable storage units are prohibited from being placed on an unpaved area in the front yard of a property. Portable storage units kept on-site must be kept in the driveway or paved, off-street surface on the property at the furthest accessible point from the street. Where possible, the unit shall be placed on a paved surface to the rear or side of the principal structure. When placed on the driveway or paved area in the side or rear yard, portable storage units shall be located at least 10 feet from any property line, space permitting.
2. If there is no driveway, the portable storage unit must be located in front of the property on the street. If placed in the street, portable storage units must have flashing barricades stationed at either end, in such a way that the unit does not extend farther into the street than the flashing barricades. Reflectors shall be placed on the sides of the unit visible from the street. In no case may the portable storage unit create a sight obstruction for vehicular or pedestrian traffic, nor block sidewalks. The Borough Code Enforcement Officer may require adequate safety mitigation measures in conjunction with the portable storage unit be undertaken by the applicant where necessary.

(Ord. 1028, 11/18/2008)

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§5-615. Number of Units.

Only one portable storage unit may be placed at any property at one time. If multiple units are used sequentially on a property, the permit shall apply to all cumulatively.

(Ord. 1028, 11/18/2008)

§5-616. Use During Natural Disaster.

The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a natural disaster for which a local state of emergency declaration has been issued, or a fire or other damaging event beyond the control of the owner, one or more portable storage units may be used for on-site storage. The authorization for such use shall be dependent on issuance of a building permit for the reconstruction/repair of the principal structure(s) on the property and shall expire upon issuance of a certificate of occupancy for the principal structure(s) or 12 months from the date of the event that damaged the structure, whichever occurs first. For good cause shown and to recognize extenuating circumstances, the Code Enforcement Officer may extend the authorization for as much as an additional twelve-month period or until a certificate of occupancy is issued, whichever occurs first. In cases of natural disasters, the portable storage units must be located off-street.

(Ord. 1028, 11/18/2008)

§5-617. Advertising.

Advertising is prohibited on a portable storage unit, with the exception of the name and phone number of the unit's supplier, which is required.

(Ord. 1028, 11/18/2008)

§5-618. Hazardous Materials.

The use of portable storage units for storage of hazardous materials is prohibited. The Borough Code Enforcement Officer may inspect the portable storage unit to ensure no such materials are being stored inside.

(Ord. 1028, 11/18/2008)

§5-619. Condition of Portable Storage Unit.

A portable storage unit with holes, breaks, tears, or large areas of rust, in the opinion of the Code Enforcement Officer, may not be placed on or in front of any property.

(Ord. 1028, 11/18/2008)

§5-620. Violations and Penalties.

Any person who shall place a portable storage unit in violation of this Subpart shall, upon conviction before a District Justice, be sentenced to pay a fine not exceeding \$300, together with the costs of prosecution.

(Ord. 1028, 11/18/2008)

§5-621. Relationship to Property Maintenance Code.

If the provisions of this Subpart are found to be inconsistent with any portion of the BOCA National Property Maintenance Code or any other nationally recognized property maintenance code that may be adopted by the Borough, the provisions of this Subpart shall control. All portions of the BOCA Code otherwise remain in full force and effect.

(Ord. 1028, 11/18/2008)

C. Dumpsters.

§5-631. Definitions.

As used in this Subpart, the following terms shall have the meanings indicated:

CONSTRUCTION DUMPSTER — a bulk container or receptacle that is used in connection with the performance of construction work and is designed for the temporary storage and disposal of garbage, trash, and any form of waste materials, not including hazardous or infectious waste.

(Ord. 1031, 1/20/2009)

§5-632. Location of Construction Dumpsters.

1. Off Street. Generally, dumpsters shall be placed on the property being serviced and not on the street in front of the property. No commercial or construction dumpster shall be located within 10 feet of an abutting building. Where compliance with this provision is not possible by virtue of the proximity of the buildings to one another, or where other compelling reasons (example: narrowness of street prevents delivery of dumpster onto property), on-street placement is permitted.
2. On-street. If permitted and the dumpster is placed on the public street or alley, the dumpster shall be directly in front of or on the side of the property address utilizing the dumpster. Additionally, a dumpster placed in the street:

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- A. Shall not be more than 18 inches from the curb.
- B. Shall not obstruct driveways of abutting properties.
- C. Shall be protected at both ends by a barricade, which, after sunset, shall have a flashing yellow light attached to it.
- D. Shall have a reflector or reflective area of not less than 36 square inches at each end.
- E. May not be utilized where the remaining usable width of the roadway does not allow for the passage of motor vehicles around it.

(Ord. 1031, 1/20/2009)

§5-633. Time Limit.

1. A dumpster placed on a public street may not remain for longer than 14 days at any one time and, absent an emergency condition, not more than on three separate occasions in one twelve-month period.
2. A dumpster placed off street may remain for 30 days and, absent an emergency condition, not more than on three separate occasions in one twelve-month period.
3. When the need for the dumpster is the result of an emergency condition at the property to be served (example: water or fire damage; hurricane damage) then in such instance the dumpster may remain for the length of time necessary to remove the debris as determined by the Code Enforcement Officer. In such instances, the use of the dumpster is not counted towards the limit of three times per twelve-month period.
4. Each fourteen-day or thirty-day period, as applicable, requires a new permit. Where an applicant is running two or three fourteen-day or thirty-day periods consecutively, the permit must be renewed upon the expiration of each fourteen-day or thirty-day period, as applicable.

(Ord. 1031, 1/20/2009)

§5-634. Sanitation.

The following requirements shall be maintained while the dumpster is on or at the site:

- A. The area around the dumpster shall be kept free of debris and litter.

- B. Any dumpster into which animal or vegetable waste or material has been dumped or deposited shall be removed or emptied within 24 hours.
- C. Any dumpster producing or causing noxious, foul or offensive odors shall be immediately removed or cleaned to eliminate the odor.
- D. A full dumpster shall be removed from the property within two days.

(Ord. 1031, 1/20/2009)

§5-635. Usage.

A dumpster shall only be used to contain and remove debris and material generated at the location where the dumpster is placed. Dumpsters shall be closed and locked when not in use.

(Ord. 1031, 1/20/2009)

§5-636. Identification.

The name and telephone number of the owner of the dumpster and/or the company that is responsible for the dumpster shall be displayed in a weatherproof manner on the dumpster.

(Ord. 1031, 1/20/2009)

§5-637. Permit Required.

A permit shall be required for a dumpster. The permit shall be obtained from the Borough Code Enforcement Officer, and the fee shall be set by Council by resolution.¹ The permit shall be displayed in a weatherproof fashion on the dumpster. A permit shall only be issued for one dumpster at a time at a given address. By vote of Council on the basis of a demonstrated need, more than one dumpster may be authorized for a location.

(Ord. 1031, 1/20/2009)

§5-638. Abatement.

Any dumpster not in compliance with this Subpart is hereby declared to be a public nuisance and may be abated by the Borough at the owner's or responsible person's expense. Abatement shall, at the Borough's option, include the removal and/or the emptying of the dumpster.

¹ Editor's Note: The current resolution is on file in the office of the Borough Secretary.

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(Ord. 1031, 1/20/2009)

§5-639. Violations and penalties.

1. Violation of any provision of this Subpart shall be punishable by a fine in an amount of not more than \$300.
2. In addition, a person found guilty of a violation of this Subpart shall be ordered to abate the problem and pay the cost incurred by the Borough if the Borough abated the problem.

(Ord. 1031, 1/20/2009)

PART 7

BOCA NATIONAL MECHANICAL CODE

§5-701. Adoption of Mechanical Code.

The Borough of Ambler hereby appoints, for the purpose of prescribing regulations governing the safe installation and maintenance of all mechanical equipment, the mechanical code known as the “BOCA National Maintenance Code, 1990, Seventh Edition” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough of Ambler.

(Ord. 876, 10/21/1991, §1)

§5-702. Amendments Made In Mechanical Code.

The Mechanical Code hereby adopted is amended as follows:

- A. Borough of Ambler shall be inserted whenever the words “name of municipality” appear in brackets therein.
- B. Wherever the term “legal officer” or “legal representative” is used in this Code, it shall be held to mean the Borough Solicitor.
- C. Section M-109.2 is amended to include the following:

§M-109.2. Code Official. The Code Official shall be the Code Enforcement Officer appointed pursuant to Ord. 872 [Part 1], bearing even date with this Part.

- D. Section M-112.1 is amended to include the following:

§M-112.1. Action on Permit Application. The Code Official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to the requirements of all pertinent laws, the Code Official shall reject such application in writing, stating the reasons therefor. If the Code Official is satisfied that the proposed work conforms to the requirements of this Code and all laws and ordinances applicable thereto, the Code Official shall issue a permit as soon as practicable.

- E. Section M-114.2 is amended to include the following:

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§M-114.2. Periodic Inspections. The fees for all periodic inspections shall be fixed, from time to time, pursuant to a resolution of the Ambler Borough Council.

- F. Section M-114.3 is amended to include the following:

§M-114.3. Fee Schedule. The fees for all mechanical work shall be fixed, from time to time, pursuant to a resolution of the Ambler Borough Council.

- G. Section M-117.4 is hereby amended to read as follows:

§M-117.4. Penalty for Violations.

- (1) Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

- H. Section M-109.1 is amended to include the following:

§M-109.1. General. The Code Enforcement Officer, under the direction of the Code Enforcement Officer provided for in §M-109.2 hereof, shall be designated the Code Official for the purposes of this Code. All references in this Code to the Code Official are a reference to the Code Enforcement Officer as an individual in the Code Enforcement Officer's department then assigned to the enforcement of this Code.

- I. Section M-118.2 shall be deleted.

- J. Section M-119.2 shall be deleted.

(Ord. 876, 10/21/1991, §2; as amended by A.O.)

§5-703. State Laws and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 876, 10/21/1991, §3)

§5-704. Provision to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

(Ord. 876, 10/21/1991, §4)

PART 8

CABO ONE AND TWO FAMILY DWELLING CODE

§5-801. Adoption of Dwelling Code.

The Borough of Ambler hereby adopts for the purpose of establishing rules and regulations for the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures, the one and two family dwelling code known as the “CABO One and Two Family Dwelling Code, 1989 Edition,” of which three copies have been and now are filed in the office of the Borough Secretary and the same are adopted and incorporated as if fully set out at length herein. From the date by which this Part shall take effect, the provisions thereof shall be controlling in the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures within the corporate limits of the Borough of Ambler.

(Ord. 877, 10/21/1991, §1)

§5-802. Amendment Made In Dwelling Code. The Dwelling Code hereby adopted is amended as follows:

- A. Section R-104 is amended to read as follows:

§R-104. Authority. This Code shall be administered by the Code Enforcement Officer appointed by the Borough Council pursuant to Ord. 872 adopted on even date herewith and such persons in his department as shall be assigned that function, including the Building Inspector. Such persons may be referred to as code officials or building officials.

- B. Section R-106, last paragraph is amended to read as follows:

§R-106. Penalty. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 877, 10/21/1991, §2; as amended by A.O.)

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§5-803. State Laws and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The Code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 877, 10/21/1991, §3)

§5-804. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provision of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(Ord. 877, 10/21/1991, §4)

PART 9

PENNSYLVANIA CONSTRUCTION CODE

§5-901. Adoption of Uniform Construction Code.

1. The Borough of Ambler hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 – 7210.1103, as amended, from time to time, and its regulations.
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended, from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of this Borough, and this includes each of the various International Codes incorporated into the Code Act.
3. Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways, as determined by the Borough Council of this Borough, from time to time, by resolution:
 - A. By the designation of an employee of the Borough to serve as the Municipal Code Official to act on behalf of the Borough;
 - B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;
 - C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
 - D. By entering into a contract with another Borough for the administration and enforcement of this Act on behalf of this Borough;
 - E. By 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 miscellaneous use structures.
4. A Board of Appeals shall be established by resolution of the Borough Council of this Borough in conformity with the requirements of the relevant provisions of the Code, as amended, from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.
5. Pre July 1, 1999, Ordinances or Portions of Ordinances.
 - A. All building code ordinances or portions of ordinances which were adopted by this Borough on or before July 1, 1999, and which equal or exceed the re-

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quirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended, from time to time. The following Sections, all of which constitute amendments to National Building Codes made by the Borough prior to July 1, 1999, shall be considered in excess of the requirements of the Code Act and are expressly reserved and shall remain in full force and effect; however, this list may not be exhaustive and any other provision which meets or exceeds the requirements of the Code and which was adopted by the Borough prior to July 1, 1999, shall also be considered as continuing in full force and effect:

- (1) Ordinance 873, §2, regarding local changes made to the 1990 BOCA National Building Code;
 - (2) Ordinance 689 and Ordinance 711, requiring smoke detectors in all structures by a particular date;
 - (3) Ordinance 656, regulating electrical contractors doing work in the Borough;
 - (4) Ordinance 872, establishing procedures for permit issuance, appeals and related procedures, and duties of the Code Enforcement Officer;
 - (5) Ordinance 876, making certain administrative amendments to the BOCA Mechanical Code;
 - (6) Ordinance 877, amending CABO for One and Two Family Dwellings by making the Code Enforcement Official and the Building Inspector both responsible for enforcement;
 - (7) Ordinance 874, regarding fire prevention, making enforcement the duty of the Fire Marshall and Code Enforcement Officer, rather than the Fire Chief;
 - (8) Ordinance 875, making amendments to the BOCA Plumbing Code.
- B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended with the comparable provisions of the Code.
- C. All relevant ordinances, regulations and policies of this Borough not governed by the Code shall remain in full force and effect.
- D. The Code Act permit certain Sections to be modified. The Borough hereby removes the following types of work/construction from the list of exemptions set forth in §§403.42 and 403.62 of the Act, and accordingly, a permit will still be required for the following;

- (1) Commercial.
 - (a) Sidewalks and driveways not more than 30 inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.
 - (b) Tiling, cabinets, counter-tops and similar finish work.
 - (c) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3 as applicable in the “International Building Code” and Group U occupancies.
 - (d) Window replacement without structural change.
 - (e) Stopping leaks in a drain and a water, soil, waste or vent pipe.
 - (f) The removal and installation of water closet, lavatories and sinks if the valves or pipes are not replaced or rearranged.
- (2) Residential.
 - (a) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.
 - (b) Tiling, flooring, cabinets, counter-tops and similar finishing work.
 - (c) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
 - (d) Installation and replacement of a window, door, garage door, storm window and door in the same opening if the dimensions or the framing of the original opening are not altered. This installation of means of egress and emergency escape windows may be made in the same opening, without altering the dimensions or framing of the original opening if the required height, width or net clear opening of the previous window or door assembly is not reduced.
 - (e) Replacement of existing roofing material that does not exceed 25% of the total roof area performed within any 12 month period.
 - (f) Replacement of existing siding.

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- (g) Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.
 - (h) Installation of an uncovered deck where the floor of the deck is no more than 30 inches above grade.
 - (i) Replacement of dishwashers.
 - (j) Replacement of kitchen hoods.
 - (k) Replacement of bib valves if the replacement hose valves are provided with an approved atmospheric vacuum breaker.
 - (l) Repair of leaks in a drain and a water, soil, waste or vent pipe.
 - (m) Replacement of traps.
 - (n) Replacement of water closet, lavatory or sink.
 - (o) Repair and replacement of heating, supply and return piping and radiation elements which do not require rearrangement of the piping system.
 - (p) Repair and replacement of duct work.
 - (q) Repair and replacement of air conditioning equipment and systems.
 - (r) Repair and replacement of control devices for heating and air conditioning equipment.
 - (s) Replacement of kitchen range hoods.
6. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution, from time to time.
7. This Part shall be effective five days after the date of passage of this Part.
8. If any Section, subsection, sentence or clause of this Part is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this part.

(Ord. 986, 6/21/2004)