

CODIFIED ORDINANCES OF THE CITY OF FRANKLIN

PART SEVENTEEN - BUILDING CODE

TITLE ONE - Building Code

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ARTICLE 1701
Adoption of BOCA Code

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CROSS REFERENCES

City Engineer: Art. 131

1701.01 TITLE

This Article shall be known as the "Franklin Building Code" and may be so cited and is hereinafter sometimes referred to as "this Code" and/or "these regulations." (Ord. 16 of 1978, Sect. 2, Passed 9-25-78)

1701.02 ADOPTION

The "BOCA National Building Code/1990" with the appendices thereto, being a standard building code published and printed in book form by Building Officials and Code Administrators International, Inc., be, and is hereby, adopted as the Franklin Building Code as if fully and at length set forth herein, with the exceptions and amendments thereof as hereinafter stated. Three (3) copies of this Ordinance and the BOCA National Building Code/1990 shall be available for public inspection at the Office of the City Clerk. (Ord. 16 of 1978, Sect. 1, Passed 9-25-78; Ord. 6 of 1982, Sect. 1, Passed 3-1-82; Ord. 12 of 1993, Sect. 1, Passed 11-01-93)

1701.03 DEFINITIONS

Unless the context clearly indicates otherwise, any and all references in this Code to:

- a.) The state" shall mean the Commonwealth of Pennsylvania;

- b.) The "municipality" or the "jurisdiction" shall mean the City of Franklin;
- c.) The "building official" shall mean the Code Enforcement Officer of the City of Franklin;
- d.) The "mechanical code" or the "mechanical code listed in Appendix A" shall mean and refer to the Franklin Mechanical Code;
- e.) The "plumbing code" or the "plumbing code listed in Appendix A" shall mean and include the Franklin Plumbing Code;
- f.) The "property maintenance code" shall mean and include the "Franklin Property Maintenance Code;" (Ord. 12 of 1993, Sect. 2, Passed 11-01-93)
- g.) The "fire prevention code" or the "fire prevention code listed in Appendix A" shall mean and include the Franklin Fire Prevention Code;
- h.) "Person" shall mean and include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violations; and
- i.) The "department of building inspection" shall mean the office of the Code Enforcement Officer of the City of Franklin.

(Ord. 3 of 1963, Sect. 3, Passed 6-3-63;
Ord. 6 of 1982, Sect. 2, Passed 3-1-82)

1701.04 STATE RULES TAKE PRECEDENCE

It is hereby declared to be the legislative intent that none of the provisions of this Code shall affect applicable rules, regulations and restrictions provided by Act of Assembly of the Commonwealth, to the extent that same preempt the provisions of this Code. (Ord. 3 of 1963, Sect. 4, Passed 6-3-63; Ord. 6 of 1982, Sect. 3, Passed 3-1-82)

1701.05 AMENDMENTS TO BOCA CODE

The BOCA National Building Code/1990, sometimes hereinafter referred to as the "BOCA Code," is hereby amended as follows:

- a.) Section 100.1, "Title" of the BOCA Code, is amended to read as follows:

100.1 Title: These regulations shall be known as the Building Code of the City of Franklin hereinafter referred to as "this Code."
(Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

- b.) Section 100.0, "Scope" of the BOCA Code, is amended to include an additional section to be designated "100.5 Buildings and Structures" to read as follows:

100.5 Buildings and Structures: For the purposes of this Code, buildings and structures shall be deemed to include, without being limited to, sidewalks, driveways and sewers.

- c.) Section 103.4 Rehabilitation is amended to read as follows:

103.4 Rehabilitation: Buildings existing prior to November 3, 1993, in which there is work involving repairs, alterations, additions, or changes of use shall be made to conform to the Code by applying the requirements of Article 32 or the provisions of Articles 2 through 31.
(Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

- g.) Section 106.0 "Moved Structures" of the BOCA Code is amended to include an additional section to be designated "106.2 Moving Buildings" to read as follows:

106.2 Moving Buildings: No person shall move, or cause to be moved, any building or other structure on the streets or public places within the limits of the City of Franklin without first obtaining a license or permit therefor. No such license or permit shall be granted until the party or parties applying therefor shall have given a bond in an amount to be established by the building official with good and sufficient surety, to be approved by the City Solicitor. The said party or parties shall pay any and all damages that may be caused to any property, either public or private, with the City, whether said damage be inflicted by said party or parties, or his or their or its contractors, agents, employees or workmen. The aforesaid bond shall protect, indemnify and save harmless the City against all liabilities, judgments, costs and expenses which may in anyway accrue against the City in consequence of granting of said license or permit, including, but not being limited to, any and all damages to City-owned property, and will in all things strictly comply with the conditions of the said license or permit. If the City Solicitor approves the bond, the said license or permit shall be issued by the building official upon payment of the fee specified in Section 114.0. The building official shall specify in the said license or permit all of the conditions to be complied with in moving said building, the route to be taken and the time limit for the said removal. (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

- h.) Section 109.1, "Code Official" of the BOCA Code, is amended to read as

follows:

109.1 Code Official: This Code shall be enforced and administered by the Code Enforcement Officer of the City of Franklin with the assistance of such personnel as may be assigned to the office of the Code Enforcement Officer by the City Manager to effect the intents and purposes of this Code. The Code Enforcement Officer is hereby designated and hereinafter referred to, for the purposes of this Code, as the "Building Official" or the "Code Official." (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

p.) Section 112.0, "Permits" of the BOCA Code, is amended to include an additional section to be designated "112.10 Notice to Assessor" to read as follows:

112.10 Notice to Assessor: Within ten (10) days after the date each building permit is issued, the building official shall deliver, or cause to be delivered, to the City Assessor of the City of Franklin a duplicate copy of each such permit.

q.) Section 114.1, "General" of the BOCA Code, is amended to read as follows:

114.1 General: A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until the fees prescribed in this section shall have been paid to the office of the building official or other authorized officer or department of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved, change in the type of work involved or otherwise, be approved until the additional fee shall have been so paid.

r.) Section 114.3.1, "Fee Schedule" of the BOCA Code, is amended to read as follows:

114.3.1 Fee Schedule: The application fees and permit fees required under this Code shall be as indicated in the following schedule:

- | | | |
|-----|---|---------|
| (a) | Application Filing Fee (except applications to which Subparagraph (b) of this provision applies): | \$5.00 |
| (b) | Application Fee for Moving Buildings and Structures pursuant to Section 106.2: | \$10.00 |

- (c) Building Permit Fees shall be calculated on the basis of actual cost, as estimated by the building official, of the construction, reconstruction, alteration, improvement, repair, enlargement, removal or other building operation to which the permit or amendment is to apply, pursuant to the following schedule:

<u>Actual Cost as Estimated by the Building Official</u>	<u>Fee</u>
\$501.00 to \$1,000.00	\$4.00
\$1,001.00 to \$2,000.00	\$6.00
\$2,001.00 to \$3,000.00	\$8.00
\$3,001.00 to \$4,000.00	\$10.00
\$4,001.00 to \$5,000.00	\$12.00
\$5,001.00 to \$6,000.00	\$14.00
\$6,001.00 to \$7,000.00	\$16.00
\$7,001.00 to \$8,000.00	\$18.00
\$8,001.00 to \$9,000.00	\$20.00
\$9,001.00 to \$10,000.00	\$22.00
\$10,001.00 to \$11,000.00	\$24.00
Plus \$1.00 for each \$1,000.00 or fraction thereof of actual cost over \$11,000.00.	

- s.) Section 114.0, "Fees" of the BOCA Code, is amended to include an additional section, to be designated "114.3.2 Actual Cost" to read as follows:

114.3.2 Actual Cost: As used in this Code, the term "actual cost" shall mean the aggregate of the costs and/or values of materials and supplies used, or to be used, and labor performed, or to be performed, including labor personally performed, or to be performed, by an owner of a building, or other structure and labor performed, or to be performed, gratuitously by any other person, persons or entity; and said costs and values shall be the then-current costs and values of said materials, supplies and labor in Venango County, Pennsylvania, all as estimated and determined by the building official.

- t.) Section 114.0, "Fees" of the BOCA Code is amended to include an additional section to be designated "114.3.3 Moving of Buildings" to read as follows:

114.3.3 Moving of Buildings: The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of One (\$1.00) Dollar per One Hundred (\$100.00) Dollars of the actual cost, as estimated by the building official, of moving, plus the actual cost, as estimated by the building official, of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

u.) Section 114.0, "Fees" of the BOCA Code, is amended to include an additional section to be designated "114.3.4 Demolition" to read as follows:

114.3.4 Demolition: The fee for a permit for the demolition of a building or structure shall be at the rate of Fifty (\$.50) Cents per One Hundred (\$100.00) Dollars of the actual cost, as estimated by the building official, of demolishing the building or structure.

v.) Section 114.0, "Fees" of the BOCA Code is amended to include an additional section to be designated "114.3.5 Signs" to read as follows:

114.3.5 Signs: The fee for signs, billboards and other display structures for which permits are required under the provisions of this Code shall be in accordance with the schedule of fees in Section 114.3.1(a) and 114.3.1(c).

w.) Section 114.4, "Accounting" of the BOCA Code, is amended to read as follows:

114.4 Accounting: The building official shall keep an accurate account of all fees collected; and such collected fees shall be paid daily to the Director of Finance of the City and deposited to the general unappropriated funds of the City.

x.) Section 114.5, "Refunds" of the BOCA Code, is amended to read as follows:

114.5 Refunds: In the case of a revocation of a permit or abandonment or discontinuance of a building project, no refunds of any fees collected hereunder shall be made.

y.) Section 114.0, "Fees" of the BOCA Code, is amended to include an additional section to be designated "114.6 Work Under \$500.00," to read as follows:

114.6 Work Under \$500.00: If the actual cost of any construction, reconstruction, alteration, improvement, repair, enlargement, removal, demolition or other building operation does not exceed Five Hundred (\$500.00) Dollars, no application or permit shall be required under this Code, provided that such building operation or operations otherwise comply with this Code and all other applicable statutes, ordinances and regulations.

dd.) Section 117.4, "Violation Penalties" of the BOCA Code, is amended to read as follows:

117.4 Violation Penalties: Any person who shall violate a provision of this Code or who shall fail to comply with any of the requirements hereof or shall erect, construct, reconstruct, alter, improve, enlarge, repair, move, remove, or demolish a building or structure in violation of an approved plan or directive of

the building official, or of a permit or certificate issued under the provisions of this Code, and any person aiding, abetting or assisting in any such violation, shall be guilty of a summary offense, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the costs of prosecution for each offense. Each day that a violation continues after service of written notice of said violation, or after service of a summons, or after receipt of actual notice of violation otherwise proved, whichever first occurs, shall constitute a separate offense. The provisions of this Section 117.4 shall apply whether or not any notice of violation and/or order has been issued pursuant to Section 117.2.

ee.) Section 117.0, "Violations" of the BOCA Code, is amended to include an additional section to be designated "117.6 Disposition of Fines" to read as follows:

117.6 Disposition of Fines: All fines and penalties received by the City from the enforcement of this Code shall be paid to the Director of Finance of the City and deposited to the general unappropriated funds of the City.

ff.) Section 118.2, "Unlawful Continuance" of the BOCA Code, is amended to read as follows:

118.2 Unlawful Continuance: Any person who shall continue any work in or about the building or structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a summary offense, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the costs of prosecution for each offense. Each day of such continuance after service with such stop-work order shall constitute a separate offense.

gg.) Section 119.0 "Certificate of Use and Occupancy" of the BOCA Code is amended to include an additional section to be designated "119.7 Completion Report" to read as follows:

119.7 Completion Report: In the event that a building permit has been issued and the holder thereof is not required to obtain a certificate of use and occupancy and has not obtained a certificate of use and occupancy pursuant to Sections 119.1 through 119.6, inclusive, the holder of the permit shall file a report of the completion of the work authorized by the permit with the building official, on a form furnished by the building official, within thirty (30) days after said completion. The building official shall deliver, or cause to be delivered, a duplicate copy of said report to the City Assessor of the City of Franklin within ten (10) days after the date the report is submitted to the building official.

hh.) Section 120.1 "Right of Condemnation" of the BOCA Code is amended to read as follows:

120.1 Right of Condemnation: All buildings or structures that are or hereafter shall become unsafe, unsanitary or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe buildings or structures shall be taken down and removed or made safe and secure, as the building official may deem necessary and as provided in this Code. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this Code. All buildings or structures deemed unsafe in accordance with this Code shall be deemed, and are hereby declared to be, nuisances.

ii.) Section 120.3 "Notice of Unsafe Structure" of the BOCA Code is amended to read as follows:

120.3 Notice of Unsafe Structure: If an unsafe condition is found in a building or structure, the building official shall serve on the owner, agent or person in control of the building or structure a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished, within such time as may be therein specified by the building official. Such notice may require the person thus notified to immediately declare to the building official acceptance or rejection of the terms of the order.

kk.) Section 120.6 "Disregard of Unsafe Notice" of the BOCA Code is amended to read as follows:

120.6 Disregard of Unsafe Notice: If the terms of the written notice provided for in Section 120.3 are not complied with within the time therein specified:

- (a) The building official may request the legal counsel of the jurisdiction to institute appropriate proceedings at law or in equity to restrain, correct or abate such unsafe condition.
- (b) Such failure shall constitute violation of this Code and be subject to the provisions of Section 117.4. Imposition of such penalties as therein prescribed shall not preclude the legal counsel of the jurisdiction from instituting or continuing appropriate proceedings to restrain, correct or abate such unsafe condition.
- (c) Notwithstanding anything herein to the contrary, or the availability of other remedies, penalties or course of action, the building official may,

with the prior approval by resolution of City Council, employ and/or acquire the necessary labor and materials to take down and remove the unsafe building or structure. Not less than seven (7) days prior to the meeting of City Council at which such matter is to be considered, written notice thereof shall be given to the owner of the subject premises. Written notice of the decision of City Council shall be given to the owner of the subject premises, and the taking down and removal of the unsafe building or structure in accordance with this section may be commenced on or after the thirtieth (30th) day after the date on which written notice is so given.

The City may recover all costs and expenses of so taking down and removing such unsafe building or structure in the manner provided by law for the collection of municipal claims.

ll.) Section 121.1, "Vacating Structures" of the BOCA Code, is amended to read as follows:

121.1 Vacating Structures: When, in the opinion of the building official, there is actual and immediate danger of failure or collapse of a building or structure, or any part thereof, which would endanger life, or when any building or structure, or any part thereof, has fallen and live is, in the opinion of the building official, endangered by the occupation of the building or structure, the building official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading substantially as follows: "Condemned. This building has been declared unfit for human habitation in that it fails to meet minimum requirements of the Building and Housing Codes of the City of Franklin." It shall be a violation of this Code for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same. It shall also be a violation of this Code for any person to remove, deface, destroy or otherwise tamper with any notice posted in accordance with this section. All buildings or structures which are posted as unsafe pursuant to this Section 121.1 shall be deemed, and are hereby declared to be, nuisances. It shall also be a violation of this Code for any person to remove, deface, destroy, or otherwise tamper with any notice posted in accordance with this Section. All buildings or structures which are posted as unsafe pursuant to this Section 121.1 shall be deemed, and are hereby declared to be, nuisances. (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

mm.) Section 121.2 "Temporary Safeguards" of the BOCA Code is amended to read as follows:

121.2 Temporary Safeguards: When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or

structure or any part thereof which would endanger life, the building official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the procedures specified in Section 120.0 have been instituted. All buildings or structures deemed to be in actual and immediate danger of collapse or failure (or when any part thereof has been so deemed) shall be deemed, and are hereby declared to be, nuisances.

oo.) Section 121.4 "Emergency Repairs" of the BOCA Code is amended to read as follows:

121.4 Emergency Repairs: The building official, with the approval of the City Manager, shall employ and/or acquire the necessary labor and materials to perform the work required pursuant to Section 121.2 as expeditiously as possible.

pp.) Section 121.5, "Costs of Emergency Repairs" of the BOCA Code, is amended to read as follows:

121.5 Costs of Emergency Repairs: Costs incurred in the performance of emergency work shall be paid from the Treasury of the City of Franklin on certificate of the Code Official and approved by the City Manager. The City may recover all costs and expenses of the work required and done pursuant to Section 121.2 and 121.4 in the manner provided by law for the collection of municipal claims or by such appropriate action instituted against the owner of the premises as elected by the City Solicitor. (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

rr.) Section 123.0, "Board of Survey" of the BOCA Code, is deleted in its entirety.

ss.) Section 124.1 "Application for Appeal" of the BOCA Code is amended to read as follows:

124.1 Application for Appeal: The owner of a building or structure or any other party in interest may appeal to the Board of Appeals from any decision or order of the building official made under the provisions of this Code. A written application for appeal must be submitted to the Board of Appeals within ten (10) days of the date of the decision or order of the building official appealed from.

tt.) Section 124.2, "Membership of Board" of the BOCA Code, is amended to read as follows:

124.2 Membership of Board: The Board of Appeals shall consist of five (5) members appointed by the Mayor of the City, subject to the advice and approval of the City Council, one member to be appointed for five (5) years,

one for four (4) years, one for three (3) years, one for two (2) years, and one to serve one (1) year; and thereafter each new member to serve for five years and until a successor has been appointed. This provision shall be deemed a re-enactment and continuation of Section 1701.05 (11) of the Codified Ordinances of the City of Franklin, Pennsylvania, 1977, hereby amended, and the members of the Board of Appeals thereunder shall continue in office in accordance therewith.

uu.) Section 124.2.1, "Qualifications of Board Members" of the BOCA Code, is amended to read as follows:

124.1 Qualifications of Board Members: Each member shall be a resident of the City of Franklin. There shall be no more than two (2) members of the Board employed by the same employer.

vv.) Section 124.2.2, "Absence of Members" of the BOCA Code is deleted in its entirety.

ww.) Section 124.2.3, "Chairman of the Board" of the BOCA Code, is amended to read as follows:

124.2.3 Chairman of Board: The Board shall select one of its members to serve as Chairman and one of its members to serve as Secretary. The Secretary shall keep a detailed record of all proceedings of the Board, and a copy of such record shall also be kept on file in the office of the building official.

xx.) Section 124.2.6, "Compensation of Members" of the BOCA Code, is amended to read as follows:

124.2.6 Compensation of Members: Compensation, if any, of members of the Board shall be as determined by the City Council. (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

ddd.) Section 124.7, "Court Review" of the BOCA Code, is amended to read as follows:

124.7 Court Review: Appeal from a decision of the Board of Appeals shall be within the time and in the manner provided by the "Local Agency Law". (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

fff.) The definition of the term "written notice" in Section 201.0 "General Definitions" of the BOCA Code is amended to read as follows:

Written notice: A notification in writing.

- (a) Written notice shall be deemed to have been given or served when such notice, or a true copy thereof, has been (1) delivered in person to the individual or parties intended; or (2) delivered at, or sent by certified or registered mail to, the last known residence or business address of the person to whom the notice is directed.
- (b) In lieu of supplementation of giving or serving written notice in accordance with Subparagraph (a) of this definition, such written notice, or a true copy thereof, may be posted in a conspicuous place on the subject premises, and such posting shall be deemed the equivalent of written notice in accordance with Subparagraph (a) of this definition.
- (c) Written notice may be given to persons whose identities or whereabouts are unknown by publication of such notice one (1) time in a newspaper of general circulation in the jurisdiction. Such publication shall be deemed the equivalent of written notice in accordance with Subparagraph (a) of this definition.
- (d) In lieu or supplementation of giving or serving written notice in accordance with the foregoing subparagraphs of this definition, service may be made in accordance with the Pennsylvania Rules of Civil Procedure applicable to the service of a writ of summons in equity.

hhh.) Section 602.1 "Applicability" of the BOCA Code is amended to read as follows:

602.1 Applicability: The provisions of this section shall apply to all buildings having floors used for human occupancy located more than fifty feet above the lowest level of Fire Department vehicle access. (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)

kkk.) Section 2906.1, "Filing" of the BOCA Code, is amended to read as follows:

2906.1 Filing: A person shall not erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this Code until an approved bond has been filed in the amount of \$500,000.00 as herein required or until an insurance policy has been filed for

public liability in the amount of \$500,000.00 per accident and for property damage in the amount of \$100,000.00 as herein required or a combined single limit coverage in the amount of \$500,000.00. (Ord. 12 of 1993, Sect. 3, Passed 11-01-93)