

ORDINANCE NO. 39

AN ORDINANCE OF THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, TO GOVERN, AND REGULATE THE CONSTRUCTION, ALTERATION, REPAIR, OCCUPATION, MAINTENANCE, MOVING, DEMOLITION, LIGHTING AND VENTILATION OF ALL BUILDINGS OR PARTS OF BUILDINGS IN THE TOWNSHIP OF AMITY, AND PROVIDING FOR THE INSPECTION OF SAID BUILDINGS, BY ADOPTING THE 1970 EDITION OF THE BASIC BUILDING CODE PREPARED BY THE BUILDING OFFICIALS CONFERENCE OF AMERICA, INC., WHICH CODE IS COMMONLY KNOWN AS "BOCA BASIC BUILDING CODE" WHICH IS A STANDARD PUBLISHED BUILDING CODE PRINTED IN BOOK FORM: AND AMENDED OR CHANGING CERTAIN OF THE SECTIONS OF THE SAID "BOCA BASIC BUILDING CODE" SO AS TO BRING THOSE SECTIONS WITHIN THE LIMITATIONS OF THE AUTHORITY CONFERRED UPON THE SUPERVISORS OF THE TOWNSHIP OF AMITY. THE SECTIONS TO BE CHANGED BY THIS ORDINANCE ARE AS FOLLOWS: SECTION 111.0- INSPECTION; SECTION 118.2 - FEES (NEW CONSTRUCTION AND ALTERATIONS); SECTION 118.3 - FEES (MOVING OF BUILDINGS); SECTION 118.4 - FEES (DEMOLITION); SECTION 122.3 - VIOLATION PENALTIES; SECTION 123.2 - STOP-WORK ORDER (UNLAWFUL CONTINUANCE); SECTION 301.0 - FIRE DISTRICT SUBDIVISIONS.

THE SECTIONS TO BE DELETED BY THIS ORDINANCE FROM SAID "BOCA BASIC BUILDING CODE" ARE AS FOLLOWS: SECTION 107.0 TO 107.9 - DEPARTMENT OF BUILDING INSPECTION; SECTION 108.0 TO 108.7 - DUTIES AND POWERS OF BUILDING OFFICIAL; SECTION 112.0 TO 112.2 - RIGHT OF ENTRY; SECTION 126.0 TO 126.52 - LIMITS; SECTION 304.0 TO 304.4 - RESTRICTIONS OF FIRE DISTRICT #2; SECTION 305.2 - RESTRICTIONS OUTSIDE FIRE LIMITS.

The Board of Supervisors of the Township of Amity does enact and ordain and provides for the repeal of the Existing Building Ordinances of Amity Township:

SECTION 1. Adoption of Building Code. There is hereby adopted by the Township of Amity for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location, lighting and ventilation, and maintenance of buildings and structures, including permits and penalties, that certain building code known as the BOCA Basic Building Code recommended by the Building Officials & Code Administrators International, Inc., being particularly the 1970 edition thereof, hereinafter called "BOCA" Code", and the whole

thereof save and except such portions as are hereinafter deleted, modified or amended, copies of which have been and are now on file in the office of the Township Manager, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the Township of Amity.

SECTION 2. Establishment of Office of Building Official.

(a) The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official. He shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Supervisors, for an indefinite term of office. During temporary absence or disability of the Building Official, the Supervisors shall designate an acting Building Official.

SECTION 3. Qualifications of Building Official. To be

eligible for appointment as Building Official, a person shall have had experience as an architect, engineer, building inspector, superintendent of building construction, contractor, or has had management and/or executive experience. He shall be in good health, capable of making the necessary examinations and inspections. The Building Official 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 or in connection with building construction, alterations, removal and/or demolition. If said appointee has had only management and/or executive experience, it

will be incumbent upon the Building Official and/or the Township Supervisors to call upon the Township Engineer as they deem necessary for technical advice and inspections and/or examinations.

SECTION 4. Duties of Building Official.

(a) The Building Official shall devote his time to the duties of his office of Building Official and any other office or position that he may hold under the government of the Township of Amity. He shall receive applications required by the code hereby adopted, issue permits and furnish the prescribed certificates. He shall examine premises for which permits shall have been issued and shall make necessary inspections to ascertain that the provisions of the law and of the said code have been complied with and that construction shall be prosecuted safely. He shall enforce the provisions of the said code. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the said code and render written reports on the same. To enforce compliance with the law and with the said code, to remove illegal or unsafe construction, or to require adequate exit facilities in buildings and structures, he shall issue such orders as may be necessary.

(b) Inspections required by the provisions of the code hereby adopted shall be made by the Building Official and/or by the Township Engineer. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the code hereby adopted shall be issued on any such report unless such report shall be in writing and certified

to by a responsible officer of such service.

(c) The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices and orders issued. He shall retain on file copies of required plans and all documents relating to building work for as long as any part of the building or structure to which they relate may be in existence.

(d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.

(e) The Building Official shall make written report to the Board of Supervisors once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

SECTION 5. Liability of Building Official. The Building Official, Township Engineer, or any employee of the Township charged with the enforcement of the code hereby adopted, acting in good faith and without malice for the Township in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damages that may accrue to any person or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Official, Township Engineer, or any such aforementioned employee, because of any such act or omission performed by him in the enforcement of the code hereby adopted, shall be defended by the Township

Solicitor until final termination of the proceedings.

SECTION 6. Right of Entry. The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises in the Township at any reasonable hour.

SECTION 7. Definitions.

(a) Wherever the word "municipality" is used in the code hereby adopted, it shall be held to mean the Township of Amity.

(b) Wherever the term "corporation counsel" shall be used in the code hereby adopted, it shall be held to mean the Township Solicitor of the Township of Amity.

SECTION 8. Fire Limits Established. The fire limits of the Township of Amity are hereby established as the entire area encompassed within the boundaries of the Township and shall be known as Fire District #1.

SECTION 9. Amendments Made in the BOCA Code. The portions of the BOCA Code hereby adopted are hereby amended and changed in the following respects:

(1) Section 111.0 is hereby amended as follows: "111.0 Inspection". The following section shall be added:

Section 111.6 Frequency of Inspections. There shall be at least three inspections on all buildings: (1) Foundation before backfilled; (2) Under roof before plastered or lathed; (3) Completion.

(2) Section 118.2, 118.3, 118.4 and 118.5 are deleted and the following shall be added in place of the aforesaid sections: Permit fees for new work, alterations, repairs, demolition, moving of

structures and sign erection will be as follows, based on the physical value of the work as determined by the Building Inspector

<u>Value of Work</u>	<u>Fee Schedule</u>
Under \$50	\$2.00
\$50 to \$500	3.00
\$501 to \$1000	4.00
\$1,001 to \$10,000	(\$4.00 for the first \$1,000.00 plus \$2.00 for each additional one thousand dollars or part thereof up to \$10,000.00)
\$10,001 and over	(\$22.00 plus \$1.00 for each additional one thousand dollars or part thereof over \$10,000.00)

(3) Section 122.3. Violation Penalties is hereby amended by inserting the following:

. "punishable by a fine of not more than \$300.00 dollars or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment"

(4) Section 123.2. Stop-Work Order (Unlawful Continuance) is hereby amended by inserting the following:

. "shall be liable to a fine of not less than \$500.00 dollars or more than \$1000.00 dollars."

(5) Section 301.0 as follows is substituted therefor:

"For the purpose of control of use and construction of buildings, the township has established one fire district designated as Fire District No. 1."

(6) Section 425.21 - "The minimum height of habitable spaces in mobile homes shall be not less than seven and one-half (7½) feet."

SECTION 10. Deletions from the BOCA Code. The portions of the BOCA Code hereby deleted are as follows:

(1) Section 107.0 to 107.9 inclusive - Department of Building

Inspection.

(2) Section 108.0 to 108.7 inclusive - Duties and Powers of Building Official.

(3) Section 112.0 to 112.2 inclusive - Right of Entry.

(4) Section 126.0 to 126.52 inclusive - Board of Survey.

(5) Section 127.0 to 127.6 inclusive - Board of Appeals.

(6) Section 301.2 - Fire District #2.

(7) Section 301.3 - Outside Fire Limits

(8) Section 304.0 to 304.4 inclusive - Restrictions of Fire District #2.

(9) Section 305.0 to 305.2 inclusive - Restrictions Outside Fire Limits.

SECTION 11. Appeals. Whenever the Building Official shall disapprove an application or refuse to authorize a permit applied for, or when it is claimed that the provisions of the code hereby adopted do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant or claimant may appeal from the decision of the Building Official to the Board of Supervisors within thirty (30) days from the date of the decision appealed. The decision of the Board of Supervisors shall be handed down within thirty (30) days from the date of the appeal. Any person, firm, partnership or corporation aggrieved by a decision of the Board of Supervisors, may obtain review of such decision. Application for such review shall be made to the proper court having jurisdiction of such matters within thirty (30) days after the filing of the Board of Supervisors decision in the office of the Building Official.

SECTION 12. Saving Clause. Nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action accrued or existing, under any ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance or by the code adopted hereby.

SECTION 13. Interpretation. In interpreting any of the provisions of the code hereby adopted, the following principles shall be governing:

(a) The said code shall not supersede any provision of any law of the Commonwealth of Pennsylvania or of any regulation promulgated by any department or agency of the Commonwealth by authority of law, where such law or regulation is in conflict with or identical to a provision of the said code. Provided, however: any provision of the said code that is stricter than or in addition to any State Law or regulation governing a particular subject or activity shall be in effect and shall be enforced within the Township of Amity, subject to the penalties prescribed in the code hereby adopted for a violation of said code.

(b) Mention in or regulation by the code hereby adopted of any specific use of property, or of any business or industry, shall not in itself authorize such use of property or establishment or carrying on of such business or industry in the Township. It is hereby declared the intent of the Board of Supervisors that permitted or prohibited uses of land and buildings within the Township shall be governed by the Zoning Ordinance of the Township, and

its amendments and supplements.

SECTION 14. Repeal of Existing Building Ordinance and any Provisions Inconsistent Herewith. The existing building code dated February 2, 1957, Ordinance No. 6 and all other Township Ordinances inconsistent herewith and hereby repealed.

SECTION 15. Effective Date. This Ordinance shall become effective five days after adoption as required by law.

Enacted and Ordained into an Ordinance this 7th day of January, 1972.

THE TOWNSHIP OF AMITY

By s/ Harold D. Haas
Chairman, Board of Supervisors

Attest:

Board of Township Supervisors
of Amity Township

s/ John C. Karst
Secretary, Board of Supervisors

Approved:

s/ D. Gene Hafer

s/ Charles F. Fitzpatrick
Township Solicitor

s/ Jacob S. Oxenford

Williamson, Miller, Murray
and Linton
