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Article I — In General

§ 31-101 Short Title.

This Chapter shall be known, and may be cited, as the "Building Code of the Borough of Alburtis."

§ 31-102 Adoption.

A certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of Alburtis, being marked and designated as "The BOCA National Building Code, Thirteenth Edition, 1996" as published by the Building Officials and Code Administrators International, Inc. (and incorporated herein by reference), and as modified by the additions, insertions, deletions, and changes set forth in Articles II and III, is hereby adopted as the Building Code of the Borough of Alburtis, Lehigh County, Pennsylvania.

§ 31-103 Supersession by Uniform Construction Code.

Except as otherwise provided in Chapter 30 (relating to Uniform Construction Code), the provisions of this Chapter shall not apply to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy, or change of occupancy of any building or structure which occurs on or after April 9, 2004, or any then-existing structure that is not legally occupied at that time, except—

(a) New buildings or renovations to existing buildings for which an application for a permit was made to the Pennsylvania Department of Labor and Industry or the Borough before April 9, 2004;

(b) New buildings or renovations to existing buildings on which a contract for design or construction was signed before April 9, 2004; or

(c) Construction of a building or structure in accordance with a permit issued under Borough construction regulations before April 9, 2004, so long as construction commences or commenced within two (2) years after issuance of the permit.

Article II — Modifications of National Code

§ 31-201 In General.

The 1996 BOCA National Building Code is modified for purposes of the Building Code of Borough of Alburtis as set forth in the remaining sections of this Article II (with insertions indicated by double underlining and deletions indicated by ~~stricken through~~ type).

§ 31-202 Name of Jurisdiction.

101.1 (relating to Administration—Scope—Title) is modified as follows:

> These regulations shall be known as the Building Code of ~~[NAME OF JURISDICTION]~~ the Borough of Alburtis, hereinafter referred to as "this code."

§ 31-203 Fees.

112.3.1 (relating to Administration—Fees—New construction and alterations—Fee schedule) is modified as follows:

> A fee for each plan examination, building permit and inspection shall be paid in accordance with the schedule set forth in Chapter 31, Article III of the Codified Ordinances of the Borough of Alburtis.

§ 31-204 Penalties.

116.4 (relating to Administration—Violations—Violation penalties) is modified as follows:

> Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, *alter*, or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a ~~[SPECIFY OFFENSE]~~ summary offense, punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than ~~[AMOUNT]~~ One Thousand Dollars ($1,000.00), or by imprisonment not exceeding ~~[NUMBER OF DAYS]~~ thirty (30) days, or both such fine and imprisonment, at the discretion of the court, plus costs. In default of the payment of the fine and costs, a convicted *person* shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§ 31-205 Penalties for Unlawful Continuance after Stop Work Order.

117.2 (relating to Administration—Stop Work Order—Unlawful continuance) is modified as follows:

> 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 person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than ~~[AMOUNT]~~ One Hundred Dollars ($100.00) or more than ~~[AMOUNT]~~ One Thousand Dollars ($1,000.00).

§ 31-206 Appeals.

121.2 through 121.7 (relating to Administration—Means of Appeal—Membership of the board; Notice of meeting; Open hearing; Postponed hearing; Board decision; and Court review) are deleted in their entirety and replaced with the following new 121.2:

> **121.2 Board of appeals.** The Board of Appeals under this Code shall be the Borough of Alburtis Zoning Hearing Board, which shall conduct appeals under this Code in accordance with its ordinary practices and procedures.

§ 31-207 Earthquake/Seismic Provisions.

The following provisions are deleted in their entirety (including all subsections and other component provisions):

(a) 1610.0 (relating to Structural Loads—Earthquake Loads);

(b) 1705.3.3.2.1 (relating to Structural Tests and Inspections—Special Inspections—Steel construction—Erection—Welding—Welding of the structural seismic-resisting system);

(c) the second sentence of 1705.4.2 (relating to Structural Tests and Inspections—Special Inspections—Concrete construction—Installation of reinforcing and prestressing steel—welding of reinforcing of the structural seismic-resisting system);

(d) 1705.4.5.1 (relating to Structural Tests and Inspections—Special Inspections—Concrete construction—Inspection during prestressing—Inspection during grouting);

(e) the second sentence of 1705.6 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—structural seismic-resisting system);

(f) 1705.9 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—Pier foundations);

(g) 1705.10 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—Wall panels and veneers);

(h) 1705.11 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—Mechanical and electrical components);

(i) 1802.1.1 (relating to Foundations and Retaining Walls—Foundation Investigations—Where required; Seismic investigation);

(j) 1805.3 (relating to Foundations and Retaining Walls—Allowable Foundation Loads—Soil seismic lateral pressure);

(k) 1810.2.1 (relating to Foundations and Retaining Walls—Concrete Footings—Design—Footing seismic ties);

(l) 1815.2 (relating to Foundations and Retaining Walls—Pier Foundations—Pier foundation seismic ties);

(m) 1816.3 (relating to Foundations and Retaining Walls—Pile Foundations—Pile bending seismic design);

(n) 1816.11.1 (relating to Foundations and Retaining Walls—Pile Foundations—Pile Caps—Pile cap seismic connection);

(o) 1816.11.2 (relating to Foundations and Retaining Walls—Pile Foundations—Pile Caps—Pile foundation seismic ties);

(p) 1816.11.2 (relating to Foundations and Retaining Walls—Pile Foundations—Pile Caps—Pile foundation seismic ties);

(q) 1818.3 (relating to Foundations and Retaining Walls—Structural Steel Piles—Pile cap seismic connection);

(r) 1819.3 (relating to Foundations and Retaining Walls—Concrete-filled Steel Pipe and Tube Piles—Seismic reinforcement);

(s) 1820.1.2.1 (relating to Foundations and Retaining Walls—Cast-in-place Concrete Piles—General—Material—Reinforcement—Seismic reinforcement);

(t) 1820.5.4.1 (relating to Foundations and Retaining Walls—Cast-in-place Concrete Piles—Reinforcement—Seismic reinforcement);

(u) 1821.3.5 (relating to Foundations and Retaining Walls—Precast Concrete Piles—Prestressed piles—Pile cap seismic connection);

(v) 1821.3.6 (relating to Foundations and Retaining Walls—Precast Concrete Piles—Prestressed piles—Spiral seismic reinforcing);

(w) 1824.3 (relating to Foundations and Walls—Caisson Piles—Seismic reinforcement);

(x) 1903.0 (relating to Concrete—Seismic Requirements for Reinforced Concrete);

(y) 1904.0 (relating to Concrete—Seismic Requirements for Plain Concrete);

(z) 2101.1.2.1.1 (relating to Masonry—General—Scope—Empirical masonry design—Limitations—Seismic Performance Category D or E);

(aa) 2101.2 (relating to Masonry—General—Seismic requirements);

(bb) 2203.2 (relating to Steel—Structural Steel Construction—Structural steel seismic requirements);

(cc) 2204.0 (relating to Steel—Seismic Requirements for Structural Steel);

(dd) 2205.2 (relating to Steel—Open-web Steel Joist Construction—Seismic requirement);

(ee) 2206.3 (relating to Steel—Formed Steel Construction—Cold-formed steel structural member seismic requirements);

(ff) 2207.2.1 (relating to Steel—Special Steel and Steel Cable Structural Systems—Steel cable seismic requirements);

(gg) 2305.8 (relating to Wood—Wood Frame Construction—Seismic bracing); and

(hh) 2306.0 (relating to Wood—Seismic Requirements for Wood and Timber).

§ 31-208 Compliance Alternatives for Older Structures.

3408.2 (relating to Existing Structures—Compliance Alternatives—Applicability) is modified as follows:

> Structures existing prior to ~~[DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RFECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION]~~ March 17, 1975, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.
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> * * *

Article III — Fees

§ 31-301 Base Fees.

(a) In General. The base fee for a building permit shall be Thirty Dollars ($30.00) for each required regular inspection, plus twenty cents ($0.20) per square foot of building area (including the area of sheds and decks). For special structures without square footage (such as radio towers, fences, etc.), the base fee shall be Thirty Dollars ($30.00) for each required regular inspection.

(b) Alterations. In the case of residential or commercial alterations which do not increase the square footage of building area, the base fee for a building permit shall be Five Dollars ($5.00) for every One Thousand Dollars ($1,000.00) of the labor and material costs of the alterations (rounded up to the next multiple of $1,000.00), but in no event less than Fifty Dollars ($50.00). If both alterations and new construction are proposed, the base fee shall be the sum of the separate base fees for the alterations and the new construction.

(c) Calculation and Payment. After the Building Code official receives an application for a building permit, he/she shall inform the applicant of the number of regular inspections which will be required under the permit, and shall calculate the base fee. All base fees must be paid before the building permit is issued.

§ 31-302 Additional Fees.

In addition to the base fees, the Borough shall recover from the applicant all properly-chargeable engineering and legal costs incurred by the Borough in connection with the work covered by the permit.

§ 31-303 Escrow.

If any engineering or legal costs are foreseeable (in the reasonable opinion of the Borough Secretary) or required by law or ordinance in connection with the work covered by any permit, the applicant shall deposit with the Borough the amount of Two Hundred Dollars ($200.00) before the permit is issued as security for the payment of additional fees under § 31-302, and shall replenish any sums drawn against the escrow upon demand.

§ 31-304 No Special Footer/Foundation Permits.

All building permits and fees for building permits are required before any work commences, including any footers and foundations.

§ 31-305 Additional Inspection Fees.

If additional inspections are required with respect to the work covered by any building permit because the permittee failed any regular inspection, the permittee shall pay the cost of the additional inspection at the prevailing rate paid by the Borough to the inspector(s) for the inspection.

Appendix

¶ 31-A Disposition of Ordinance 340.

Ordinance 340 was never codified to the 1981 Code.

Ordinance 340	2003 Codified Ordinances
§ 1	§ 31-102
§ 2 (intro)	§ 31-201
§ 2(a)	§ 31-202
§ 2(b)	§ 31-203
§ 2(c)	§ 31-204
§ 2(d)	§ 31-205
§ 2(e)	§ 31-206
§ 2(f)	§ 31-207
§ 2(g)	§ 31-208
§ 3 (repealer)	

¶ 31-B Disposition of Ordinance 342, § 8, as amended.

Ordinances 342, 357, and 397 were never codified to the 1981 Code.

Ordinance 342, as amended	2003 Codified Ordinances
§ 8(a)	§ 31-301
§ 8(b)	§ 31-302
§ 8(c)	§ 31-303
§ 8(d)	§ 31-304
§ 8(e)	§ 31-305

¶ 31-C Source Ordinances.

Ordinance 340	09-25-1996
Ordinance 342	12-30-1996
Ordinance 357	03-11-1998
Ordinance 397	05-29-2002
Ordinance 415	10-29-2003
Ordinance 424	06-30-2004

¶ 31-D Prior Ordinances Concerning Related Subject Matter.

Ordinance 174	03-12-1975
Ordinance 215	11-11-1981

¶ 31-E Disposition of Ordinance 174 to Chapter 59 of the 1981 Code (before Ord. 340).

Chapter 59 of the 1981 Code was superseded by Ordinance 340. A copy of Chapter 59 as in effect before Ordinance 340 is included with the CD-ROM and online versions of the Codified Ordinances.

Ordinance 174	1981 Code, before Ord. 340
§ 1	§ 59-1
§ 2	§ 59-2
§ 3	§ 59-3
§ 4 (supplement Plumbing Code)	Not included.
§ 5 (repealer)	
§ 6	§ 59-4
§ 7	§ 59-5
§ 8	§ 59-6