

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 340

(Duly Adopted September 25, 1996)

AN ORDINANCE ADOPTING “THE BOCA® NATIONAL BUILDING CODE/1996”, WITH CERTAIN MODIFICATIONS, AS THE BUILDING CODE OF THE BOROUGH OF ALBURTIS, SUPERSEDING THE 1970 EDITION AND 1973 ACCUMULATIVE SUPPLEMENT OF THE BOCA® CODE; REESTABLISHING AND AMENDING THE MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND MAKING OF INSPECTIONS; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough of Alburdis is empowered to enact, amend, and repeal building codes under Section 1202(24) of the Borough Code, 53 PA. STAT. ANN. § 46202(24) *et seq.*; and

WHEREAS, Borough Council adopted the 1970 edition and 1973 accumulative supplement of the BOCA® Basic Building Code, with certain modifications, on March 17, 1975 by Ordinance No. 174; and

WHEREAS, BOCA® has recently issued the 1996 edition of its National Building Code; and

WHEREAS, Borough Council desires to update the Borough’s Building Code by adopting the 1996 edition of the BOCA® National Building Code, with certain modifications;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

§ 1. Adoption of Building Code. A certain document, three (3) copies of which are on file in the office of the Secretary of the Borough of Alburdis, 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, and changes set forth in Section 2 of this Ordinance, is hereby adopted as the Building Code of the Borough of Alburdis, Lehigh County, Pennsylvania.

§ 2. Additions, Insertions, and Changes. The 1996 BOCA National Building Code is modified as follows for purposes of the Building Code of the Borough of Alburdis (with insertions indicated by double underlining and deletions indicated by ~~stricken-through~~ type):

(a) **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 Alburdis, hereinafter referred to as “this code.”

(b) **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 adopted, from time to time, by Ordinance of Borough Council. Until the first such fee schedule Ordinance is adopted after the adoption of this 1996 code, the fees shall be as set forth in Resolution No. 4 of 1990, adopted June 27, 1990, provided that if additional inspections are required due to failures to satisfy applicable requirements upon previous inspections, an additional inspection fee equal to the amount of the fee established for such project shall be imposed and collected for each additional inspection.

(c) **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.

(d) 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).

(e) 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 Alburdis Zoning Hearing Board, which shall conduct appeals under this Code in accordance with its ordinary practices and procedures.

(f) Earthquake/Seismic Provisions. The following provisions are deleted in their entirety (including all subsections and other component provisions):

(1) 1610.0 (relating to Structural Loads—Earthquake Loads);

(2) 1705.3.3.2.1 (relating to Structural Tests and Inspections—Special Inspections—Steel construction—Erection—Welding—Welding of the structural seismic-resisting system);

(3) 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);

(4) 1705.4.5.1 (relating to Structural Tests and Inspections—Special Inspections—Concrete construction—Inspection during prestressing—Inspection during grouting);

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

(6) 1705.9 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—Pier foundations);

(7) 1705.10 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—Wall panels and veneers);

(6) 1705.11 (relating to Structural Tests and Inspections—Special Inspections—Wood construction—Mechanical and electrical components);

(7) 1802.1.1 (relating to Foundations and Retaining Walls—Foundation Investigations—Where required; Seismic investigation);

(8) 1805.3 (relating to Foundations and Retaining Walls—Allowable Foundation Loads—Soil seismic lateral pressure);

(9) 1810.2.1 (relating to Foundations and Retaining Walls—Concrete Footings—Design—Footing seismic ties);

(10) 1815.2 (relating to Foundations and Retaining Walls—Pier Foundations—Pier foundation seismic ties);

- (11) 1816.3 (relating to Foundations and Retaining Walls—Pile Foundations—Pile bending seismic design);
- (12) 1816.11.1 (relating to Foundations and Retaining Walls—Pile Foundations—Pile Caps—Pile cap seismic connection);
- (13) 1816.11.2 (relating to Foundations and Retaining Walls—Pile Foundations—Pile Caps—Pile foundation seismic ties);
- (14) 1816.11.2 (relating to Foundations and Retaining Walls—Pile Foundations—Pile Caps—Pile foundation seismic ties);
- (15) 1818.3 (relating to Foundations and Retaining Walls—Structural Steel Piles—Pile cap seismic connection);
- (16) 1819.3 (relating to Foundations and Retaining Walls—Concrete-filled Steel Pipe and Tube Piles—Seismic reinforcement);
- (17) 1820.1.2.1 (relating to Foundations and Retaining Walls—Cast-in-place Concrete Piles—General—Material—Reinforcement—Seismic reinforcement);
- (18) 1820.5.4.1 (relating to Foundations and Retaining Walls—Cast-in-place Concrete Piles—Reinforcement—Seismic reinforcement);
- (19) 1821.3.5 (relating to Foundations and Retaining Walls—Precast Concrete Piles—Prestressed piles—Pile cap seismic connection);
- (20) 1821.3.6 (relating to Foundations and Retaining Walls—Precast Concrete Piles—Prestressed piles—Spiral seismic reinforcing);
- (21) 1824.3 (relating to Foundations and Walls—Caisson Piles—Seismic reinforcement);
- (22) 1903.0 (relating to Concrete—Seismic Requirements for Reinforced Concrete);
- (23) 1904.0 (relating to Concrete—Seismic Requirements for Plain Concrete);

(24) 2101.1.2.1.1 (relating to Masonry—General—Scope—Empirical masonry design—Limitations—Seismic Performance Category D or E);

(25) 2101.2 (relating to Masonry—General—Seismic requirements);

(26) 2203.2 (relating to Steel—Structural Steel Construction—Structural steel seismic requirements);

(27) 2204.0 (relating to Steel—Seismic Requirements for Structural Steel);

(28) 2205.2 (relating to Steel—Open-web Steel Joist Construction—Seismic requirement);

(29) 2206.3 (relating to Steel—Formed Steel Construction—Cold-formed steel structural member seismic requirements);

(30) 2207.2.1 (relating to Steel—Special Steel and Steel Cable Structural Systems—Steel cable seismic requirements);

(31) 2305.8 (relating to Wood—Wood Frame Construction—Seismic bracing); and

(32) 2306.0 (relating to Wood—Seismic Requirements for Wood and Timber).

(g) **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 RECOMMENDED 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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§ 3. **Repealer; Continuation.** Ordinance No. 287 (adopted September 11, 1991), Chapter 123 of the Code of the Borough of Alburtis (as adopted by Ordinance No.

287), and any other ordinances or parts of ordinances in conflict with this Ordinance are repealed. However, nothing in this Ordinance (including the material incorporated herein by reference) shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance or provision repealed by this Ordinance. To the extent the provisions of the Property Maintenance Code of the Borough of Alburdis, as enacted by this Ordinance, are the same as the provisions of the Property Maintenance Code of the Borough of Alburdis as in effect immediately before the adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of the pre-existing ordinance and Code provisions and not as a new enactment.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburdis, this 25th day of September, 1996, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURDIS**

Steven R. Hill, President

Attest:

Louise Stahley, Secretary

AND NOW, this 25th day of September, 1996, the above Ordinance is hereby
APPROVED.

Ronald J. DeIaco, Mayor

*{The full text of the 1996 BOCA® National Building Code
is on file in the Office of the Secretary of the Borough of Alburdis.}*