

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 424

(Duly Adopted June 30, 2004)

AN ORDINANCE ADDING CHAPTER 30 TO THE ALBURTIS CODIFIED ORDINANCES (RELATING TO UNIFORM CONSTRUCTION CODE), AND AMENDING CODIFIED ORDINANCES CHAPTERS 31 (RELATING TO BUILDING CONSTRUCTION) AND 32 (RELATING TO PLUMBING) TO CONFORM TO THE PENNSYLVANIA CONSTRUCTION CODE ACT AND THE REGULATIONS THEREUNDER; ELECT BOROUGH ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE WITHIN THE BOROUGH BY CONTRACT WITH CONSTRUCTION CODE OFFICIALS AND/OR THIRD-PARTY AGENCIES; CONTINUE IN FORCE AND EFFECT THOSE PROVISIONS OF THE BOROUGH'S PLUMBING CODE WHICH EQUAL OR EXCEED THE REQUIREMENTS OF THE STATEWIDE UNIFORM CONSTRUCTION CODE; AND CONTINUE IN EFFECT THE CURRENT BUILDING CONSTRUCTION AND PLUMBING FEE SCHEDULES.

WHEREAS, the Borough of Alburtis has enacted and enforced a Building Code since 1975 and a Plumbing Code since 1972, in order to promote the health, safety, and general welfare of the citizens of the Borough; and

WHEREAS, by Act 1999-45, the Pennsylvania General Assembly has adopted the Pennsylvania Construction Code Act, 35 PA. STAT. ANN. §§ 7210.101 through 7210.110, to make construction regulations more uniform throughout the Commonwealth and establish state-wide minimum requirements; and

WHEREAS, the requirements of the Pennsylvania Construction Code Act and the regulations thereunder are generally effective as of April 9, 2004; and

WHEREAS, the Borough is required to conform its ordinances to the Pennsylvania Construction Code Act and to elect among certain options concerning the Pennsylvania Construction Code Act during the period from April 9, 2004 through July 8, 2004; and

WHEREAS, the Borough desires to so conform its ordinances and make such elections at this time as set forth in this Ordinance; and

WHEREAS, on June 16, and 23, 2004, the Borough published a public notice in the *East Penn Press*, a newspaper of general circulation in the Borough of Alburdis, of its intention to consider and adopt on this Ordinance on June 30, 2004;

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

SECTION 1. The Codified Ordinances are hereby amended by adding the following new Chapter 30:

Chapter 30 — Uniform Construction Code

Article I — In General

§ 30-101 Short Title.

This Chapter shall be known, and may be cited, as the “Uniform Construction Code of the Borough of Alburdis.”

§ 30-102 Adoption.

The Uniform Construction Code as set forth in the regulations of the Pennsylvania Department of Labor and Industry at 34 PA. CODE ch. 401-405, as they may be amended from time to time, which are hereby incorporated into this Chapter by reference, and as supplemented by the provisions of this Chapter, is hereby adopted as the building code of the Borough.

§ 30-103 Continuation of Certain Borough Requirements.

(a) **In General.** The following provisions of Borough ordinances which were in effect on or before July 1, 1999 and at the adoption of this Chapter are hereby incorporated into this Chapter by reference, to the ex-

tent they equal or exceed the requirements of the Uniform Construction Code (as set forth in the regulations of the Pennsylvania Department of Labor and Industry), and shall continue in full force and effect under this Chapter:

(1) All of the following sections, and the provisions of the 1990 BOCA National Plumbing Code referred to in those sections (as modified by those sections):

- (A)** § 32-216 (relating to Availability of Public System);
- (B)** § 32-217 (relating to Protection of Pipes from Freezing);
- (C)** § 32-218 (relating to Sewer Depth);
- (D)** § 32-219 (relating to Water Service Pipe);
- (E)** § 32-220 (relating to Permitted Water Service Pipe Materials);
- (F)** § 32-221 (relating to Permitted Water Distribution Pipe Materials);
- (G)** § 32-222 (relating to Permitted Sanitary Drainage and Vent Piping Materials for Above Ground Installation);
- (H)** § 32-223 (relating to Permitted Sanitary Drainage and Vent Piping Materials for Underground Installation);
- (I)** § 32-224 (relating to Permitted Sanitary Drainage Piping Materials for the Building Sewer);
- (J)** § 32-225 (relating to Connection of the Building Sewer or Lateral to Sewer Main Pipe);
- (K)** § 32-226 (relating to Building (House) Traps);
- (L)** § 32-227 (relating to Location of Building Sewer Cleanouts);
- (M)** § 32-228 (relating to Size of Floor Drains);
- (N)** § 32-229 (relating to No Floor Drains Below Grade);

(O) § 32-230 (relating to Floor Drains in Rooms With Urinals);

(P) § 32-231 (relating to Size of Water Service Pipe).

(2) Chapter 32, Article III (relating to Plumbing—DRBC Minimum Water Conservation Performance Standards), and the provisions of the 1990 BOCA National Plumbing Code referred to in that Article (as modified by that Article).

(3) Chapter 32, Article IV (relating to Plumbing—Additional Borough Requirements).

(b) **Supersession.** If, at any time, the applicable requirements of the Uniform Construction Code (as set forth in the regulations of the Pennsylvania Department of Labor and Industry, as they may be amended from time to time) (“**State Requirements**”) shall exceed any requirement of any provision under subsection (a) (“**Borough Requirement**”) in any given situation with respect to any given building or structure, then the State Requirements shall supersede the Borough Requirement in that situation and the Borough Requirement shall be deemed amended to conform to the comparable minimum State Requirements in that situation.

(c) **Property Maintenance Code.** The state Uniform Construction Code does not adopt a property maintenance code, and thus has no effect on the Borough’s Property Maintenance Code. Accordingly, the provisions of Chapter 35 (relating to Property Maintenance) continue in full force and effect and are not affected by this Chapter 30.

§ 30-104 Effective Date; Application.

This Chapter applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy, or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all then-existing structures that are not legally occupied at that time, except as otherwise provided in 34 PA. CODE § 403.1. That provision excludes, without limitation—

(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; and

(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.

§ 30-105 Administration and Enforcement.

(a) **By Borough.** The Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 PA. STAT. ANN. §§ 7210.101 through 7210.1103, as amended from time to time, and the regulations thereunder, 34 PA. CODE ch. 401-405, as amended from time to time.

(b) **Method.** The Borough shall contract with one or more construction code officials and/or third-party agencies (within the meaning of the Pennsylvania Construction Code Act and the regulations thereunder) to act on behalf of the Borough in the administration and enforcement of this Chapter.

§ 30-106 Notification of Department of Labor and Industry.

The Borough Secretary and President of Council shall notify the Pennsylvania Department of Labor and Industry of the initial adoption of this Chapter, in the form provided by that Department, by July 30, 2004.

Article II — Fees

§ 30-201 Fees.

A fee for each plan examination, building permit, plumbing permit, license, and inspection under this Chapter by the Borough or its designated officials and/or agencies shall be paid in accordance with the schedules set forth in Chapter 31, Article III (relating to Building Code—Fees) and in § 32-208 (relating to Plumbing—Modifications of National Code—Fee Schedule), which are incorporated herein by reference. Those provisions are specifically continued in effect under this Chapter and saved from repeal. In addition, the definition of “plumbing fixture” contained in § 32-214 (relating to Plumbing—Modifications of National Code—Definition of Plumbing Fixture) is also incorporated herein by reference, continued in effect, and saved from repeal to the extent the term is utilized for purposes of § 32-208 (relating to Plumbing—Fee Schedule).

Article III — Board of Appeals

§ 30-301 Establishment.

A Board of Appeals, in conformance with the requirements of the Uniform Construction Code (as set forth in regulations of the Department of Labor and Industry) and for the purposes set forth therein, shall be established by joint action of the Borough and one or more nearby municipalities. If such a joint Board is not created or terminates, the Borough shall establish its own Board of Appeals.

SECTION 2. Chapter 31, Article I of the Codified Ordinances (relating to Building Construction—In General) is amended by adding the following new § 31-103:

§ 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.

SECTION 3. Chapter 32, Article I of the Codified Ordinances (relating to Plumbing—In General) is amended by adding the following new § 32-103:

§ 32-103 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.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 30th day of June, 2004, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 30th day of June, 2004, the above Ordinance is hereby **APPROVED**.

Russell J. Afflerbach, Mayor