

CHAPTER 5

CODE ENFORCEMENT

Part 1

Fire Prevention Code

- §101. Adoption of Fire Prevention Code
- §102. Intent
- §103. Application to New and Existing Conditions
- §104. Authority to Enter Premises
- §105. Inspections of Buildings and Premises
- §106. Orders to Eliminate Dangerous or Hazardous Conditions
- §107. Service or Orders
- §108. Automobile Wrecking Yards, Junkyards and Waste Material Handling
Plants
- §109. General Precautions Against Fire
- §110. Enforcement

Part 2

Construction Codes, Uniform

- §201. Local Enforcement Option
- §202. Adoption of Standards
- §203. Administration and Enforcement
- §204. Board of Appeals
- §205. Effect on Prior Provisions
- §206. Fees

Part 1
Fire Prevention Code

§101. Adoption of Fire Prevention Code. There is hereby adopted by the Elizabethville Borough for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain portions of the code known as the Fire Prevention Code recommended by the National Board of Fire Underwriters, which are hereinafter set forth, the same are hereby adopted from the date on which this Part shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Elizabethville. (Ord. 206, 2/8/1971, §1)

§102. Intent. It is the intent of this Part to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of building or premises. Compliance with standards of the National Board of Fire Underwriters or other approved nationally recognized safety standards shall be deemed to be prima facie evidence of compliance with this intent. (Ord. 206, 2/8/1971, §2.2)

§103. Application to New and Existing Conditions. The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Chief of the Fire Department. (Ord. 206, 2/8/1971, §2.2)

§104. Authority to Enter Premises. The Chief of the Fire Department, or any inspector thereof, may at all reasonable hours, enter any building or premises for the purpose of making any inspection, or investigation which, under the provisions of this code, he or they may deem necessary to be made. (Ord. 206, 2/8/1971, §2.3)

§105. Inspections of Buildings and Premises.

1. It shall be the duty of the Chief of the Fire Department to inspect all buildings and premises except the interiors of dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard.

2. The Chief of the Fire Department, or an inspector upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect any buildings and premises within their jurisdiction.

(Ord. 206, 2/8/1971, §2.4)

§106. Orders to Eliminate Dangerous or Hazardous Conditions. Whenever inspectors of the Fire Department as mentioned in §105 shall find in any building or upon any premises dangerous or hazardous conditions or

materials as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the Chief of the Fire Department.

A. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.

B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.

C. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials.

D. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts.

E. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.

F. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age of dilapidated condition, or from any other cause, creates a hazardous condition.

(Ord. 206, 2/8/1971, §2.5)

§107. Service of Orders.

1. The service of orders for the correction of violations of this code shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the said premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the said person a copy of the said order or, if such owner is absent from the jurisdiction of the officer making the order, by sending such copy by registered mail to the owner's last known post office address.

2. If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this code shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(Ord. 206, 2/8/1971, §2.6)

§108. Automobile Wrecking Yards, Junkyards and Waste Material Handling Plants. Storage of large quantities of waste paper, rags or other combustible materials shall not be in a building of wood frame or ordinary construction unless approved by the Fire Department. (Ord. 206, 2/8/1971, §3.2; as amended by Ord. 252, 6/13/1983; and by Ord. 288, 8/8/1994)

§109. General Precautions Against Fire.

1. Kindling of Fire on Land of Others Restricted. No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.

2. Hot Ashes and Other Dangerous Materials. No person shall deposit hot ashes or cinders, or smoldering coals or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within ten (10) feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two (2) feet away from any combustible wall or partition or exterior window opening.

3. Accumulation of Waste Materials. Accumulations of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

4. Storage of Readily Combustible Materials.

A. Permit Required. No person shall store in any building or upon any premises in excess of three thousand five hundred (3,500) cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a permit.

B. Storage Requirements. Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located with respect to adjacent buildings as not to constitute a hazard, and shall be compact and orderly.

5. Chimneys and Heating Appliances to Be Maintained in Safe Conditions. All chimneys, smoke stacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, restaurant type cooking equipment, incinerators, fire boxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a hazardous condition. [Ord. 252]

(Ord. 206, 2/8/1971, §§4.2-4-4.6; as amended by Ord. 252, 6/13/1983)

§110. Enforcement. The Fire Prevention Code shall be enforced by the Chief of the Fire Department, or any duly sworn law enforcement officer. (Ord. 206, 2/8/1971, §6.2; as amended by Ord. 325, 11/12/2007, §2)

Part 2

Construction Codes, Uniform

§201. Local Enforcement Option. The Borough of Elizabethville hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999 (35 P.S. §§7210.101 to 7210.1103), as amended from time to time, and its regulations. (Ord. 327, 5/12/2008, §1)

§202. Adoption of Standards. The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Elizabethville. (Ord. 327, 5/12/2008, §1)

§203. Administration and Enforcement. Administration and enforcement of the Uniform Code within the Borough of Elizabethville shall be undertaken in any of the following ways as determined from time to time by resolution of the Borough Council:

A. By the designation of an employee of the Borough of Elizabethville to serve as the municipal code official to act on behalf of the Borough of Elizabethville.

B. By the retention of one (1) or more construction code officials or third-party agencies to act on behalf of the Borough of Elizabethville.

C. By agreement with one (1) or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this the Borough of Elizabethville.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one (1) family or two (2) family dwelling units and utility and miscellaneous use structures.

(Ord. 327, 5/12/2008, §1)

§204. Board of Appeals. A Board of Appeals shall be established by resolution of the Borough Council in conformity with the requirements of the relevant provisions of the Uniform Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one (1) or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities. (Ord. 327, 5/12/2008, §1)

§205. Effect on Prior Provisions. All relevant ordinances, regulations and policies of the Borough of Elizabethville not governed by the Uniform Code shall remain in full force and effect. (Ord. 327, 5/12/2008, §1)

§206. Fees. Fees assessable by the Borough of Elizabethville for the

administration and enforcement undertaken pursuant to this Part and the Uniform Code shall be established from time to time by resolution of the Borough Council. (Ord. 327, 5/12/2008, §1)