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Part 1

Building Code

§101. Adoption of Building Code. The Borough hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection and safety of buildings and structures, including administration, building permits, and penalties, the building code known as the "BOCA Basic Building Code, 1987, Tenth Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three (3) copies have been and are now filed in the office of the Borough Secretary/Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures, and in all other subjects therein contained, within the corporate limits of the Borough. (Ord. 81-5, 10/5/1981, §501.01; as revised by Ord. 88-3, 10/17/1988)

§102. Amendments Made in Building Code. The building code hereby adopted is amended as follows:

1. Borough shall be inserted wherever the words "Name of Municipality" appear in brackets therein;

Whenever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough Solicitor.

2. Section 109.1 is hereby amended to read as follows:

109.1. Building Official: The office of Code Enforcement Officer is hereby created and the executive official in charge shall be known as the building official.

3. Section 109.2 is hereby amended to read as follows:

109.2. Appointment: The Building Official shall be appointed by the Borough Council. His appointment shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges.

4. Section 109.4 is hereby amended to read as follows:

109.4. Deputy: During temporary absence or disability of the Building Official, the appointing authority shall designate an acting building official.

5. Section 109.5 shall be amended to read as follows:

109.5. Qualifications of Building Official: To be eligible for appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be of good health, physically capable of making the necessary examinations and inspections. He 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 connection with building construction, alterations, removal, and demolition.

6. Section 114.3.1 shall be amended to read as follows:

114.3.1. Fee Schedule: The fees charged by the Borough for building-related activities shall be as established from time to time by resolution of the Borough Council.

The term "estimated cost" as used in this section means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost.

There shall be required of the applicant a verification and/or correction of the cost as estimated at the time of the application for the permit, and the applicant shall file with the Code Enforcement Official a certificate showing the actual cost of construction, alteration, material change, renewal or enlargement within thirty (30) days from and after the date of completion thereof, providing that the actual cost thereof shall exceed the estimated cost by the sum of two thousand five hundred dollars (\$2,500.00), and the applicant shall pay to the Borough Secretary at the time of such filing, any additional fees which may be due and owing to the Borough of Shamokin Dam as a result of such actual cost exceeding the estimated cost.

7. Section 117.4 shall be amended to read as follows:

117.4. Violation Penalties: Any person who shall violate any provision of this code or who shall fail to comply with any requirement thereof or who shall erect, construct, alter, or repair a building or structure in violation of an approved plan or directive of the Building Official, or of a permit or certificate issued under the provisions of this code shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or to imprisonment for not more than ninety (90) days. Every day that a violation of this code continues shall constitute a separate offense.

8. Section 118.2 is hereby amended to read as follows:

118.2. Unlawful Continuance: 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 conditions, shall be liable to a fine not less than thirty dollars (\$30.00) and not exceeding three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

9. Section 123.2 is hereby deleted and replaced with the following:

123.2. Composition of the Board of Survey The Board of Survey shall consist of three persons, one of whom shall be a member of Borough of Shamokin Dam Council as designated by Council. Another shall be a member of the Borough of Shamokin Dam Planning Commission appointed by the Borough Council and third shall be a member of the Shamokin Dam Zoning Hearing Board appointed by the Borough Council.

10. Section 124.2 is hereby deleted and replaced with the following:

124.2. Council to Sit as Board of Appeals. The Shamokin Dam Borough Council shall sit as the Board of Appeals and a quorum as established by the Borough Code shall be sufficient number for Council to sit as a Board of Appeals.

11. Section 124.4 shall be deleted.

12. Section 124.5 (first line), delete "when five members are not present"; and insert "by a simple majority".

13. Section 201.0 is hereby amended to read as follows:

Alley: any public way primarily intended to provide vehicular access to the rear of lots fronting upon public streets or avenues.

Building line: a line, established by ordinance or designated upon an officially adopted lot plan, beyond which a building shall not extend.

14. Section 2906.1 is hereby amended to read as follows:

2906.1. Filing Bond. No person shall erect, install, remove, or rehang any sign for which a permit is required under the provisions of the Basic Code until an approved bond shall have been filed in the sum to be determined by Resolution.

(Ord. 81-5, 10/5/1981, §501.02, as revised by Ord. 88-3, 10/17/1988)

§103. Demolition Exception. Provisions of this Part and the BOCA Basic Building Code (1984) notwithstanding, the existing Shamokin Dam Demolition Ordinance shall remain in full force and effect and where provisions of this Part and the Demolition Code conflict, the more restrictive ordinance shall take precedent and apply. (Ord. 81-5, 10/5/1981, §501.03)

§104. State Law and Regulations. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part. (Ord. 81-5, 10/5/1981, §501.04; as revised by Ord. 88-3, 10/17/1988)

§105. Validity. The invalidity of any section or part of this Part shall not affect the remaining sections. (Ord. 81-5, 10/5/1981; as revised by Ord. 88-3, 10/17/1988)

§106. Provisions to be Continuation of Existing Regulations. The provisions of this Part so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances. (Ord. 81-5, 10/5/1981; as revised by Ord. 88-3, 10/17/1988)

Part 2

Fire Prevention Code

§201. Adoption of Fire Prevention Code. The Borough hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the fire prevention code known as the "BOCA Basic Fire Prevention Code, 1987, Seventh Edition," save and except such portions as are hereinafter deleted, modified or amended, of which three (3) copies have been and now are filed in the office of Borough Secretary/Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough. (Ord. 72-4, 9/5/1972; as revised by Ord. 88-3, 10/17/1988)

§202. Amendments Made in Fire Prevention Code. The fire prevention code hereby adopted is amended as follows:

1. Borough shall be inserted wherever the words "Name of Municipality" appear in brackets therein.
2. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough Solicitor.
3. Section F-105.5.1 is hereby amended to read as follows:

F-105.5.1. Penalty for Violations.

1. Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine not less than ten dollars and not exceeding three hundred dollars (\$300.00), and/or to imprisonment for a term not to exceed ninety (90) days. Each day a violation of this code continues shall constitute a separate offense.

2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

3. Section 301.0 is hereby deleted. (See Chapter 7, Part 2, for regulations regarding Opening Burning.)

4. Section F-404.4 is deleted. (See Chapter 7, Part 1, for Smoke Detector requirements.)

(Ord. 72-4, 9/5/1972; as revised by Ord. 88-3, 10/17/1988)

§203. Enforcement. The Code hereby adopted shall be enforced by a Code Enforcement Official designated by the Borough; and anywhere in the Code where reference is made to the Chief of the Fire Department, it shall mean the Code Enforcement Official. (Ord. 72-4, 9/5/1972; as revised by Ord. 88-3, 10/17/1988)

§204. State Laws and Regulations. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the

requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part. (Ord. 72-4, 9/5/1972; as revised by Ord. 88-3, 10/17/1988)

§205. Validity. The invalidity of any section or part of this Part shall not affect the remaining sections. (Ord. 72-4, 9/5/1972; as revised by Ord. 88-3, 10/17/1988)

§206. Provisions to be Continuation of Existing Regulations. The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances. (Ord. 9/5/1972, 9/5/1972; as revised by Ord. 88-3, 10/17/1988)

Part 3

Existing Structures Code

§301. Adoption of the International Property Maintenance Code, Current Edition. That certain document, three (3) copies of which are in file in the office of the Borough Secretary of the Borough of Shamokin Dam, being marked and designated as the International Property Maintenance Code, 2009 Edition, and all future successor maintenance codes as published from time to time by the International Code Council, Inc., as hereinafter amended, be and is hereby adopted as the Property Maintenance Code of the Borough of Shamokin Dam, of Snyder County, Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that the structures are safe, sanitary and fit for occupancy and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code on file in the office of the Borough Secretary of the Borough of Shamokin Dam are hereby referred to, adopted and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §302 herein below. (Ord. 2012-2, 3/5/2012, §3)

§302. Amendments Made in the Current International Property Maintenance Code, 2009 Edition. The following sections of the current International Property Maintenance Code, 2009 Edition, and all future successor codes, are hereby revised:

Section 101.1. Insert: "the Borough of Shamokin Dam" for "[NAME OF JURISDICTION]."

Section 103.5. Replace with:

"The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as determined from time to time by Resolution of the Borough Council."

Section 106.3. Replace with:

"Any person failing to comply with a notice of violation or order served in accordance with §107 shall be deemed guilty of a summary offense, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Borough may institute appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy or the structure in violation of the provision of this code or of the order or direction made pursuant thereto. Additionally, the Borough may correct or abate the violation and charge the cost thereof, plus penalty of ten percent (10%), to the owner, and place a lien on the real estate. Any such lien shall be collectable by the Borough as provided for all municipal liens."

Section 106.4. Replace with:

"Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall, upon conviction thereof, be sentenced to pay a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00), and/or 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."

Section 106.5. Replace with:

"The imposition of penalties herein prescribed shall not preclude the Borough from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises."

Section 302.4. Insert: "10 inches" for "(jurisdiction to insert height in inches)."

Section 304.14. Insert: "April 1" for the first "[date]" and "October 31" for the second "[date]."

Section 602.3. Insert: "November 1" for the first "[date]" and "March 31" for the second "[date]."

Section 602.4. Insert: "November 1" for the first "[date]" and "March 31" for the second "[date]."

(Ord. 2012-2, 3/5/2012, §3)

§303. State Law and Regulations. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws, or regulations, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This Code shall control in all cases where the Commonwealth requirements are not as strict as those contained in this Part. (Ord. 2012-2, 3/5/2012, §3)

§304. Validity. If any section, subsection, sentence, clause or phrase of this Part is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. The Borough Council hereby declares that it would have passed this Part, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 2012-2, 3/5/2012, §3)

§305. Provisions to Be Continuation of Existing Regulations. Nothing in this Part or in the Property Maintenance Code hereby adopted 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 act or ordinance hereby repealed as cited in this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part. (Ord. 2012-2, 3/5/2012, §3)

Part 4

Appointment of Central Keystone Council of Governments as the
Enforcer of State Wide Building Codes for Shamokin Dam Borough

§401. Borough Joins Central Keystone Council of Government. The Shamokin Dam Borough Council hereby consents to joining the Central Keystone Council of Governments, a council of governments formed under the provisions of Act 180 for the purpose of providing various services including, but not limited to, sewage and building code enforcement. (Ord. 04-3, 4/5/2004, §1)

§402. Borough Council Authorized to Enter into Agreement with Central Keystone Council of Government.

The Council of the Borough of Shamokin Dam does hereby direct the officers of Shamokin Dam Borough to execute an agreement with such other municipalities as desire to enter into an agreement to accomplish the purposes as set forth herein. The agreement shall provide, inter alia, for the following:

A. The Council of Governments shall provide, initially for a building codes program and an on lot sewer program and may provide for such other services and programs as it deems appropriate in the future.

B. The term of the Council of Governments and the agreement shall be perpetual subject to the right to terminate upon at least twelve (12) months notice.

C. The Council of Governments shall have all the powers necessary to accomplish the intent of the agreement.

D. The Council of Governments shall be supported by contributions from its members, grants and fees for services.

E. The Council of Governments shall be governed by a Board of Directors, Officers and an Executive Committee.

F. Real and personal property may be purchased, sold or leased by the Council of Governments, in accordance with applicable law.

G. The Council of Governments shall have the power and authority to enter into contracts for group insurance and employee benefits.

(Ord. 04-3, 4/5/2004, §1)

§403. Borough Council Authorized to Enter Contracts from Time to Time for Other Services from Central Keystone Council of Government. The Council of the Borough of Shamokin Dam is hereby authorized to enter into contracts with the Central Keystone Council of Governments to provide such services, programs and joint purchases as the Council of the Borough of Shamokin Dam shall, by resolution, determine, from time to time. (Ord. 04-3, 4/5/2004, §1)

Part 5

Election to Administer and Enforce the Provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103 and Adoption of the Uniform Construction Code Contained in 34 Pa.Code, Chapter 401-405 as the Municipal Building Code of the Borough of Shamokin Dam

§501. Election to Administer and Enforce Act 45 of 1999. The Borough of Shamokin Dam hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations. (Ord. 04-4, 6/7/2004, §1)

§502. Adoption of the Uniform Construction Code as Borough Building Code. The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Shamokin Dam. (Ord. 04-4, 6/7/2004, §1)

§503. Providing Alternative for Code Administration. Administration and enforcement of the Code within the Borough shall be undertaken in any of the following ways as determined by the Borough Council of Shamokin Dam from time to time by Resolution:

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

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

C. By agreement with one 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 the Borough.

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

(Ord. 04-4, 6/7/2004, §1)

§504. Establishing a Board of Appeals. A Board of Appeals shall be established by resolution of the Borough Council of Shamokin Dam in conformity with the requirements of the relevant provisions of the 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 or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities. (Ord. 04-4, 6/7/2004, §1)

§505. Retaining and Modifying Existing Ordinances.

1. All building code ordinances or portions of ordinances which were adopted by the Shamokin Dam Borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of the Borough of Shamokin Dam not governed by the Code shall remain in full force and effect.

(Ord. 04-4, 6/7/2004, §1)

§506. Allowing Establishment of Fees for Administration and Enforcement by Resolution. Fees assessable by the Borough of Shamokin Dam for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution from time to time.
(Ord. 04-4, 6/7/2004, §1)