

BOROUGH OF KOPPEL

ORDINANCE NO. 367;

ADOPTING A BUILDING CODE CONTAINING THE BOCA BASIC BUILDING CODE AND THE ONE AND TWO FAMILY DWELLING CODE, EDITIONS OF 1978, AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR THE SAME.

AND NOW, this 16th day of May, 1978, after public meeting and discussion thereon, the Council of the Borough of Koppel hereby adopts the following Ordinance:

1. This Ordinance shall be known as the Koppel Building Code.
2. The provisions, specifications and text of the 1978 edition of the Boca Basic Building Code and the One and Two Family Dwelling Code are hereby adopted, save for exceptions set forth hereafter, as the applicable Building Code for the Borough of Koppel.
3. Whereas, the aforesaid codes are revised each three (3) years, such revisions as they are published and republished from time to time shall constitute the Building Code of the Borough of Koppel from the time any such revision is published until the next following revision is made.
4. The following provisions of the Boca Basic Building Code are hereby excepted from adoption by this Ordinance:
 - A. Section 107.0 Department of Building Inspection.
 - B. Section 108.0 Duties and Powers of Building Official.
 - C. Section 109.0 Rules and Regulations.
 - D. Section 122.0 Violations.
5. The following provisions of the One and Two Family Dwelling Code are hereby excepted as follows:
 - A. Section R-106 Violations and Penalties.
6. The following provisions are hereby ordained and enacted

as means of administration and enforcement of both of the aforesaid codes.

VIOLATIONS, PENALTIES AND ENFORCEMENT

6.1 Borough Council shall appoint a Code Enforcement Officer whose duty it shall be to administer and enforce the provisions of Ordinance.

6.2 The Code Enforcement Officer may engage the services of a professional, certified engineer or architect, as well as legal counsel, to advise him and assist him in any administrative or enforcement matters arising under this Ordinance.

6.3 When the Code Enforcement Officer has reasonable grounds to believe that any structure or construction is in violation of this Ordinance he shall proceed as follows:

- A. He shall serve notice containing specification of the matters alleged and reference to the section of the foregoing codes applicable upon the person or corporation responsible for the matters complained of. Service of the notice may be made in person, by regular or registered mail or by any means allowable under the Pennsylvania Rules of Civil Procedure for service of process.
- B. Said notice may allow and specify a period of time determined to be reasonable by the Code Enforcement Officer of not less than seven (7) or more than ninety (90) days in which the violation alleged may be corrected. Immediate action may be required where the violation alleged involves serious risk or hazard to life, property or public safety. In the event that the alleged violation or violations are not corrected within the allowed period, the Code Enforcement Officer may then proceed to file civil or criminal charges under Section 6.4 hereafter.

VIOLATIONS AND PENALTIES

~~6.4 Any person, association or corporation who fails to correct a violation or institute remedial action as required by the Code Enforcement Officer, or who violates a provision or fails to comply with any of the requirements of this Ordinance shall be guilty of a summary offense and subject to a fine for each violation of not less than \$100.00 nor more than \$500.00 plus costs for prosecution or in default thereof to imprisonment not to exceed thirty (30) days. The imposition of the penalties herein provided for shall not prevent the~~

Next Page

APPEALS

7.0 Council hereby appoints a Dode Board of Appeals & Administration to consist of one member of Borough Council, one member of the Zoning Board and one resident of the Borough having practical or professional experience in residential or commercial construction, Said members are to be elected by Council for staggered three (3) year terms of office, the initial terms, however, to be for 4, 3, and 2 years respectively.

7.1 The Code Board of Appeals & Administration meet as required in public hearings, keep minutes and records, and determine the time, place and manner of hearing on appeals filed with it.

7.2 Any ruling, order or recommendation made by the Code Enforcement Officer may be appealed to said Board by any party subject to said ruling, order or recommendation according to the following:

- A. Any such appeal shall be made in writing, signed by the aggrieved party and filed with the Board within 10 days of the date of the matter appealed from.
- B. The Board, in its discretion, may revoke, modify or alter the action of the Code Enforcement Officer upon its finding that the matter appealed to it:
 - B.1 Constitutes a misinterpretation or misapplication of the Code.
 - B.2 Involves an imposition of unreasonable expenses or hardship on the appealing party not balanced by the interest of public health and safety protected by the Code.
 - B.3 Involves an abuse of discretion by the Code Enforcement Officer.
- C. The ruling of the Board upon any appeal shall be made in writing and a copy thereof delivered to the appellant and a copy retained in the files of the Board for the space of no less than one year.

7.3 Any action of the Board under this section shall be appealable to the Court of Common Pleas of Beaver County, Pennsylvania within 30 days of the date of such action.

VIOLATIONS AND PENALTIES

6.4 Any person, association or corporation who fails to correct a violation or institute remedial action as required by the Code Enforcement Officer, or who violates a provision or fails to comply with any of the requirements of this Ordinance shall be guilty of a summary offense and subject to a fine for each violation of not less than \$100.00 nor more than \$500.00 plus costs for prosecution or in default thereof to imprisonment not to exceed thirty (30) days. The imposition of the penalties herein provided for shall not prevent the municipality from initiating appropriate actions or proceeding in law equity or otherwise to effect the purpose of this Ordinance.

FUNDING

8.0 The Code Board of Appeal & Administration shall have authority to committ Borough funds for necessary expenditures of no more than \$500.00 for the year 1978.

8.1 For succeeding years, the Code Board of Appeal & Administration shall present a budget to Council by December 1st of any given year for anticipated expenses for the next succeeding year.

EFFECTIVE DATE

9.0 This Ordinance shall become effective the 18th day of May, 1978.

Alice M. Douchie
President of Borough Koppel Council

Fred Botte
Mayor of Borough of Koppel

ATTEST:

Carmella Petrandrea
Secretary (seal)