

Chapter 5

Code Enforcement

Part 1

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Part 1**Construction Code****§5-101. Pennsylvania Construction Code Act; Election to Administer and Enforce.**

1. *Election.* Pursuant to §501 of the Pennsylvania Construction Code Act, 35 P.S. §7210.501, as amended, the Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 35 P.S. §7210.101, as amended.

2. *Methods for Administration and Enforcement.* The Borough shall administer and enforce the Pennsylvania Construction Code Act under one or more of the methods established in §501(b) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(b), as amended, as determined from time to time by resolution of the Borough Council; provided, that any Borough administration and enforcement of the Pennsylvania Construction Code Act through an agreement with one or more municipalities or the Pennsylvania Department of Labor and Industry shall be subject to the requirements of the Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301 *et seq.*, as amended.

(*Ord. 944, 6/16/2004, §1*)

§5-102. Uniform Construction Code; Adoption.

1. *Adoption of Uniform Construction Code.* For the purposes described in §102 of the Pennsylvania Construction Code Act, 35 P.S. §7210.102, as amended, and this Part. The Borough hereby adopts the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, as promulgated by the Pennsylvania Department of Labor and Industry, as the official Construction Code of Forest Hills Borough for regulating and governing the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure; and each and all of the regulations, provisions, penalties, conditions and terms of said Uniform Construction Code on file in the Borough office are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with any additions, insertions, deletions and changes, if any, prescribed in this Part.

2. *Existing Borough Building Codes.* Pursuant to §303(b)(1) of the Pennsylvania Construction Code Act, 35 P.S. §7210.303(b)(1), as amended, Borough building code ordinances including, but not limited to, the Borough ordinances listed below, which were originally adopted prior to July 1, 1999, or reenactments of provisions of simultaneously repealed ordinances which were originally adopted prior to July 1, 1999, which contain provisions which equal or exceed the specific requirements of the regulations promulgated under the Pennsylvania Construction Code Act shall remain in effect until such time as any such provisions fail to equal or exceed the minimum requirements of the regulations promulgated under the Pennsylvania Construction Code Act:

A. *Ord. 830*, enacted on March 18, 1992, which adopted the 1990 Edition of the BOCA Basic National Building Code, with certain modifications and revisions thereto.

(*Ord. 944, 6/16/2004, §1; as amended by Ord. 968, 3/14/2007, §1*)

§5-103. International Codes; Adoption and Modification.

1. *Adoption of International Codes.* Pursuant to §403.21 of the Uniform Construction Code, 34 Pa.Code §403.21, as amended, the Borough hereby adopts the 2006 editions of the following International Codes, as published by the International Code Council, Inc., as part of the Uniform Construction Code and each and all of the regulations, provisions, penalties, conditions and terms of the following International Codes, on file in the Borough office, 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 the Uniform Construction Code and/or this Part. [Ord. 968]

A. International Building Code, specifically including Chapters 2-29 and 31-35, Appendix E (Supplementary Accessibility Standards) and Appendix H (Signs)

B. ICC Electrical Code. [Ord. 968]

C. International Energy Conservation Code.

D. International Existing Building Code

E. International Fire Code

F. International Fuel Gas Code

G. International Mechanical Code

H. International Performance Code

I. International Plumbing Code (subject to the restrictions of §501(a.1) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(a.1), as amended). [Ord. 968]

J. International Residential Code, specifically including Appendix G (Swimming Pools, Spas and Hot Tubs) [Ord. 968]

K. International Urban-Wildland Interface Code

2. *Modifications.* The following Sections and subsections of the above-referenced International Codes, 2006 editions, are hereby added, inserted, deleted, restated or changed as set forth below: [Ord. 968]

A. *International Building Code.*

(1) *Section 1612.3:* §1612.3 is amended by inserting "Forest Hills Borough" in the first space provided, and by inserting "September 21, 2001" in the second space provided.

(2) *Section 3410.2:* §3410.2 is amended by inserting June 9, 1965 [Ord. 466] in the space provided. [Ord. 968]

B. *ICC Electrical Code.* [Ord. 968]

(1) *Section 101.1:* §101.1 is amended by inserting "Commonwealth of Pennsylvania" in the space provided.

(2) *Section 404.2:* §404.2 is restated as follows:

404.2 Schedule of Permit Fees. Fees for applications and permits referenced in this code shall be established, from time to time, by resolution of the Borough Council.

C. *International Energy Conservation Code.*

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

D. International Existing Building Code.

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 112*: §112 is restated in its entirety to include the following reference: “See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals. “

(3) *Section 105.1*: §105.1 is amended by inserting the following sentence: “Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.”

(4) *Section 1301.2*: §1301.2 is amended by inserting June 9, 1968 [*Ord. 466*] in the space provided. [*Ord. 968*]

E. International Fire Code.

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 105.1*: §105.1 is amended by inserting the following sentence: “Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.”

(3) *Section 108*: §108 is restated in its entirety to include the following reference: “See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals.”

(4) *Section 109.3*: §109.3 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(5) *Section 111.4*: §111.4 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(6) *Section 3204.3.1.1*: §3204.3.1.1 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 55, Standard for Storage, Use and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks, as revised.”

(7) *Section 3404.2.95.1*: §3404.2.95.1 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 30, Flammable and Combustible Liquids Code, as revised.”

(8) *Section 3406.2.4.4*: §3406.2.4.4 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 30, Flammable and Combustible Liquids Code, as revised”

(9) *Section 3804.2*: §3804.2 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) (US Standards), as revised.”

F. International Fuel Gas Code.

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 106.5.2*: §106.5.2 is restated as follows:

106.5.2 Fee Schedule. Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.

(3) *Section 106.5.3*: §106.5.3 is deleted in its entirety.

(4) *Section 108.4*: §108.4 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(5) *Section 108.5*: §108.5 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(6) *Section 109*: §109 is restated in its entirety to include the following reference: “See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals.”

G. *International Mechanical Code.*

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 106.5.2*: §106.5.2 is restated as follows:

106.5.2 Fee Schedule. Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.

(3) *Section 106.5.3*: §106.5.3 is deleted in its entirety.

(4) *Section 108.4*: §108.4 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(5) *Section 108.5*: §108.5 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(6) *Section 109*: §109 is restated in its entirety to include the following reference: “See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals.”

H. *International Plumbing Code* (subject to the restrictions of §501(a.1) of the Pennsylvania Construction Code Act, 35 P.S. §7210-501(a.1), as amended). [Ord. 968]

(1) *Section 101.1*: §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section 106.6.2*: §106.6.2 is restated as follows:

106.6.2 Fee Schedule. Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.

(3) *Section 106.6.3*: §106.6.3 is deleted in its entirety.

(4) *Section 108.4*: §108.4 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(5) *Section 108.5*: §108.5 is restated in its entirety to include the following reference: “See §5-106 of Forest Hills Borough Code of Ordinances, Violations and Penalties.”

(6) *Section 109*: §109 is restated in its entirety to include the following reference: “See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals.”

(7) *Section 305.6.1*: §305.6.1 is amended by inserting “36 inches” in the spaces provided.

(8) *Section 904.1*: §904.1 is amended by inserting “12 inches” in the space provided.

I. *International Residential Code.*

(1) *Section R101.1*: §R101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) *Section R108.1*: §R108.1 is restated as follows:

§R108.1 Payment of Fees. The fees for applications, permits and inspections referenced in this code and for the activities and services performed by the building official in carrying out his/her responsibilities under this code shall be established, from time to time, by resolution of the Borough Council. A permit shall not be valid until the required fees have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(3) *Section R108.5*: §108.5 is deleted in its entirety.

(4) *Section R112*: §R112 is restated in its entirety to include the following reference: “See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals.”

(5) *Table R301.2(1)*: Table R301.2(1), Climatic and Geographic Design Criteria, is amended by inserting the following information in the spaces provided:

- (a) Ground Snow Load: “25 inches”
- (b) Wind Speed: “90 mph”
- (c) Seismic Design Category: “B”
- (d) Subject to Damage From:
 - (i) Weathering: “Severe”
 - (ii) Frost Line Depth: “36 inches”
 - (iii) Termite: “Moderate to Heavy”
- (e) Winter Design Temperature: “7 Degrees Fahrenheit”
- (f) Ice Shield Underlayment Required: “Yes”
- (g) Flood Hazards:
 - (i) “January 15, 1975 (Ordinance No. 632)”

(ii) "September 21, 2001, as amended or revised"

(h) Air Freezing Index: "2000"

(i) Mean Annual Temperature: "50.5 Degrees Fahrenheit"

(6) *Section P2603.6.1*: §P2603.6.1 is amended by inserting "36 inches" in the spaces provided.

J. *International Urban-Wildland Interlace Code*.

(1) *Section 101.1*: §101.1 is amended by inserting "Commonwealth of Pennsylvania" in the space provided.

(2) *Section 104*: §104 is restated in its entirety to include the following reference: "See §5-105 of Forest Hills Borough Code of Ordinances, Board of Appeals."

(*Ord. 944, 6/16/2004, §1; as amended by Ord. 968, 3/14/2007, §2*)

§5-104. Borough Construction Code Official.

The Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, and the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, shall govern the construction code official employed and/or retained by the Borough to administer and enforce the Pennsylvania Construction Code Act and the Uniform Construction Code (the "Borough Construction Code Official"), and shall be further supplemented as follows: [*Ord. 976*]

A. *Delegation of Duties*. The Borough Construction Code Official shall not, without the prior approval of the Borough Council or its designee: [*Ord. 976*]

(1) Appoint, retain or otherwise employ a deputy building official, related technical officers, inspectors, plan examiners or other employees.

(2) Delegate his/her duties to a construction code official or current code administrator.

B. *Records*. The Borough Construction Code Official shall keep official records of applications received, permits and certifications issued, fees collected, reports of inspections, and notices, modifications and orders issued. Such records shall be maintained as official records of the Borough and shall only be disposed of in accordance with applicable law. [*Ord. 976*]

(*Ord. 944, 6/16/2004, §1; as amended by Ord. 976, 1/16/2008*)

§5-105. Board of Appeals.

The Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, and the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, shall govern the Borough Board of Appeals established pursuant to §501(c) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(c), as amended, and shall be further supplemented as follows:

A. *Application for Appeal*. Any applicant or person aggrieved by a decision of a Borough official related to the Uniform Construction Code or a notice or order issued under the Uniform Construction Code shall have the right to appeal to the Board of Appeals of Forest Hills Borough established under this Section, provided that a written application for an appeal is filed within 10 days after receipt of said

decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Borough Council. An application for appeal shall be based on a claim that the true intent of the Pennsylvania Construction Code Act, or the Uniform Construction Code, or this Part, or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of the Pennsylvania Construction Code Act, or the Uniform Construction Code, or this Part do not fully apply, or an equivalent form of construction is to be used. Failure to submit an application for appeal within the time limit established by this Section shall constitute acceptance of the Borough official's decision and/or a waiver of the individual's right to appeal.

B. *Establishment.* In order to hear and decide appeals of orders, decisions or determinations made by Borough officials relative to the application and interpretation of the Pennsylvania Construction Code Act and the Uniform Construction Code, as well as requests for variances or extensions of time thereunder, there shall be and is hereby created a Board of Appeals for Forest Hills Borough pursuant to §501(c) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(c), as amended.

C. *Membership.* The Borough Board of Appeals shall consist of three persons appointed by the Borough Council to hold office at the pleasure of the Borough Council. Each member of the Board of Appeals shall be appointed for a term of 3 years or until his/her successor is appointed and qualified, which term shall expire on the first Monday of January of the year designated for the expiration of his/her term, except that the terms of the members first appointed pursuant to this Part shall be so fixed so that the term of office of one member shall expire each year. An appointment to fill a vacancy shall be only for the unexpired term.

D. *Alternate Members.* The Borough Council shall appoint two alternate members who shall be called to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for a term of 2 years or until his/her successor is appointed and qualified, which term shall expire on the first Monday of January of the year designated for the expiration of his/her term, except that the terms of the alternate members first appointed pursuant to this Part shall be so fixed so that the term of office of one alternate member shall expire each year. An appointment to fill a vacancy shall be only for the unexpired term.

E. *Qualifications.* Each member or alternate member of the Board of Appeals shall satisfy the following qualifications:

(1) A member of the Board of Appeals shall be qualified pursuant to the requirements of §403.121(c)(1) of the Uniform Construction Code, 34 Pa.Code §403.121(c)(1), as amended.

(2) Members of the Borough Council and its code administrators shall not serve on the Board of Appeals pursuant to §403.121(c)(3) of the Uniform Construction Code, 34 Pa. Code §403.121(c)(3), as amended.

(3) A qualified person who resides outside of the Borough may be appointed as a member of the Board of Appeals when the Borough Council cannot find a person residing within the Borough who satisfies the requirements of Section 403.121(c) of the Uniform Construction Code, 34 Pa.Code

§403.121(c), as amended.

F. *Regulations and Procedures.* The Board of Appeals is authorized to establish policies and procedures necessary to carry out its duties as long as any such policies and procedures do not conflict with the provisions of the Pennsylvania Construction Code Act, the Uniform Construction Code, this Part or any other ordinance of the Borough.

G. *Organization of Board.*

(1) The Board of Appeals shall elect from its own membership a Chairperson, Vice-Chairperson and such other officers as it deems appropriate, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing or meeting and the taking of any action, a quorum shall be not less than a majority of all the regular members of the Board.

(2) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairperson of the Board of Appeals shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis.

(3) The Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested.

H. *Hearing Procedures.* All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Borough's representative and any applicant or person aggrieved pursuant to paragraph .A above shall be given the opportunity to be heard. The Chairperson of the Board of Appeals, or its counsel, shall have the power and duty to direct the meeting, rule upon the acceptance of evidence and oversee the record of all proceedings. These hearing procedures shall not require compliance with the strict rules of evidence, but shall mandate that only relevant information be received.

I. *Jurisdiction and Powers.* The Board of Appeals shall have the powers and duties as provided by the Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, the Uniform Construction Code, 34 Pa.Code, Part XIV, as amended, this Part and any other ordinances adopted from time to time by the Borough Council.

J. *Assignment of Additional Duties and Responsibilities.* The Board of Appeals shall have such other duties and responsibilities as may be assigned to it from time to time by appropriate action of the General Assembly of the Commonwealth of Pennsylvania or the Borough Council.

(Ord. 944, 6/16/2004, §1)

§5-106. Violations and Penalties.

1. *General.* Any person who violates a provision of the Uniform Construction Code or the codes adopted thereunder, or this Part, or who fails to comply with any of the

requirements thereof, or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under provisions of the Uniform Construction Code of the codes adopted thereunder, or this Part, shall be guilty of a summary offense and subject to such penalties and costs as established in §903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, as amended, including reasonable attorney fees incurred by the Borough. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Uniform Construction Code, or the codes adopted thereunder, or this Part, found to have been violated. The Borough may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of the Uniform Construction Code, the codes adopted thereunder, or this Part. Any action taken by the Borough in the prosecution of a violation of the Uniform Construction Code, the codes adopted thereunder, or this Part and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.

2. *Stop-work Order.* Any person who continues any work after having been served with a stop-work order under the Uniform Construction Code, or the codes adopted thereunder, or this Part, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a summary offense and subject to such penalties as established in §903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, as amended. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Uniform Construction Code, or the codes adopted thereunder, or this Part, found to have been violated. Any action taken by the Borough in the prosecution of a violation of the Uniform Construction Code, the codes adopted thereunder or this Part and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.

(*Ord. 944, 6/16/2004, §1*)

§5-107. Permit Hours.

The operation of heavy construction or excavation machinery (including but not limited to bulldozers, highlifts, backhoes, trucks, power shovels, pumps and jack hammers) and the use of construction equipment such as saws, drills or other types of machinery used outside a structure in conjunction with work requiring a building permit shall be prohibited when it is determined by the Borough Construction Code Official that the noise is sufficient to disturb the peace and tranquility of the general public. This restriction shall be enforced throughout the entire Borough between the hours of 7 p.m. to 7 a.m., Monday through Saturday and all day Sunday and Federally designated legal holidays, except in cases of emergencies involving life or property as designated by emergency personnel.

(*Ord. 944, 6/16/2004, §1; as amended by Ord. 976, 1/16/2008*)

§5-108. More Restrictive Provisions to Apply.

Unless otherwise provided in the Pennsylvania Construction Code Act, or the Uniform Construction Code, or otherwise stated herein, when the provisions of this Part are in conflict with other ordinances of the Borough or any other applicable codes, the

more stringent code or ordinance shall apply.

(Ord. 944, 6/16/2004, §1)

Part 2**Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

The Borough hereby adopts the International Property Maintenance Code, 2006 Edition, as published by the International Code Council, Inc., as the Property Maintenance Code of Forest Hills Borough 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 structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupation and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Borough Office 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 §5-202 of this Part.

(Ord. 969, 3/14/2007, §1)

§5-202. Modifications of Standards.

The following sections and subsections of the 2006 International Property Maintenance Code are hereby added, inserted, deleted, restated or changed as set forth below:

A. **Section 101.1:** §101.1 is amended by inserting “Forest Hills Borough” in the space provided.

B. **Section 102.3:** §102.3 is restated as follows:

102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 5, Part 1 of the Forest Hills Borough Code of Ordinances, “Construction Code,” as amended. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Chapter 27 of the Forest Hills Borough Code of Ordinances, “Zoning,” as amended.

C. **Section 103:** §103 is amended by changing the title of the Section to “Department of Code Administration/Building Inspection.”

D. **Section 103.1:** §103.1 is restated as follows:

103.1 General. The Department of Code Administration/Building Inspection is hereby created by the Borough Council and is charged with the implementation, administration and enforcement of the provisions of this code.

E. **Section 103.2:** §103.2 is restated as follows:

103.2 Appointment. The Borough Council shall appoint a Code Official/Building Inspector who shall be in charge of the Department of Code Administration/Building Inspection. For the purposes of this code, the Code Official/Building Inspector shall also be referred to as the “Code Official.” The

Borough Council may appoint and contract with outside persons and entities to serve as subcontractors for the performance of such portions of the inspection or other duties of the Code Official as the Borough Council may deem appropriate.

F. **Section 103.5:** §103.5 is restated as follows:

103.5 Fees. The fees for applications and permits referenced in this code and for the activities and services performed by the code official in carrying out his/her responsibilities under this code shall be established, from time to time, by resolution of the Borough Council.

G. **Section 106.3:** §106.3 is amended by restating the last sentence of the Section as follows: “Any action taken by the Borough in the prosecution of a violation of this code and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.”

H. **Section 106.4:** §106.4 is restated as follows:

106.4 Violation Penalties. Any person, firm or corporation who shall violate any provision of this code, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before the district magistrate judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Borough, and, in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the code found to have been violated. The Borough may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of this code. All fines and penalties collected for violation of this code shall be paid to the Borough Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Borough Manager, the Police Chief, the Code Official/Building Inspector, the Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council shall deem appropriate.

I. **Section 111:** §111, “Means of Appeals,” is deleted in its entirety and restated as follows:

SECTION 111 MEANS OF APPEALS

111.1 Application for Appeal. Any applicant or person aggrieved by a decision of the Code Official or a notice or order issued under this code shall have the right of appeal to the Board of Appeals established under Chapter 5, Part 1 of the Forest Hills Borough Code of Ordinances, “Construction Code,” as amended, provided that a written application for an appeal is filed within 10 days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by resolution of the Borough Council. An application for appeal shall be based on a claim that the

true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Regulations and Procedures for Appeals. All appeals under this code shall proceed under the regulations and procedures established under Chapter 5, Part 1 of the Forest Hills Borough Code of Ordinances, “Construction Code,” as amended.

J. **Section 112:** A new §112, “Rental Property Inspection Permit,” is hereby inserted as follows:

SECTION 112

RENTAL PROPERTY INSPECTION PERMIT

112.1 General. A rental property inspection permit, certifying that the use and structure is in compliance with this code and all other ordinances of the Borough, shall be obtained before any change of occupancy may occur in a residential property let for occupancy, as defined in §202 of this code. Prior to occupying the building in which the change in occupancy is established, the property owner or lessee shall be required to make application for a rental property inspection permit.

112.2 Permit Application. Applications for a rental property inspection permit shall be submitted to the Code Official. This application shall include, among other things, the current address and telephone number of the property owner and the property manager, if any.

112.3 Issuance of Permit and Inspection. Prior to the issuance of a permit under this Section, and as a condition precedent thereto, the Code Official, or his/her designee, shall inspect the premises and structure that is the subject of the change in occupancy. The Code Official shall issue a permit under this Section once it has been determined that the subject premises and structure are in compliance with this code and all other ordinances of the Borough.

112.4 Notice of Change in Occupancy to Borough. In order to facilitate the inspection required by this Section, the property owner shall notify the Code Official at least 30 days prior to any change in occupancy.

112.5. Notice of Change in Ownership. The current property owner shall notify the Code Official at least 30 days prior to any change in ownership or ownership structure of the subject property, and at that time provide the Code Official with the new/proposed property owner’s address and telephone number. This notice of change of ownership shall be a condition of any permit issued under this Section.

112.6 Notice of Property Owner Change of Address. The property owner shall notify the Code Official at least 30 days prior to property owner’s change of address or telephone number, and shall at that time provide the Code Official with the property owner’s new address or telephone number. This notice of change of address shall be a condition of any permit issued under this Section.

112.7 Display of Permit. Any permit issued under this Section shall be

exhibited at any time on request of the Code Official, or his/her designee.

112.8 Revocation of Permit. Any property owner or lessee violating this Section shall be subject to immediate revocation of his/her rental property inspection permit.

112.9 Enforcement Remedies. Any person who violates a provision of this Section shall be subject to the violation penalties set forth in §106 of this code. Additionally, the Borough may direct the municipal water agency, authority or company or public authority providing public water service in the Borough to cease water service to the subject property until compliance with this code and all other applicable Borough ordinances is achieved.

K. **Section 201.3:** §201.3 is amended by deleting the reference to the “International Zoning Code” in the Section.

L. **Section 202:** §202 is amended by adding the following definition:

JUNK VEHICLE. Any vehicle which is without a currently valid license plate or State registration and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition, and/or for which the certificate of title has been returned to the Pennsylvania Department of Transportation in accordance with the provision of the State Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*, and/or which by its appearance is unsightly and not in repairable condition, and/or which had been declared abandoned according to the provisions of the State Vehicle Code. Where a certificate of junk has been issued by the Pennsylvania Department of Transportation, such certificate shall be conclusive evidence that the subject vehicle is a junk vehicle; however, where no such certificate has been issued or applied for, the failure to have the vehicle licensed shall be prima facie evidence that the subject vehicle is a junk vehicle.

M. **Section 301:** §301 is amended by inserting §301.4 as follows:

301.4 Lead-Based Paint. Lead-based paint with a lead content of more than 0.5% shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain lead paint with a lead content of more than 0.5% shall be removed or covered with paneling or other suitable covering approved by the Code Official.

N. **Section 302.4:** §302.4 is amended by restating the first paragraph of the Section as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches and shall be landscaped so as to have either grass or other form of approved ground cover, growing or artificial or maintained in its natural state. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

O. **Section 302.8:** §302.8 is amended by adding the following sentences at the end of the first paragraph: “No junk vehicle shall be stored outside any private or

public property, including vacant lots, streets or alleys in the Borough.”

P. **Section 304.14:** §304.14 is amended by inserting “June 1 to September 30” in the space provided.

Q. **Section 307.1:** §307.1 is amended and restated as follows:

307.1 Accumulation of Rubbish, Garbage or Other Materials. All exterior property and premises, including accessory buildings, shall be free from the accumulation or storage of the following:

A. Rubbish or garbage, including any such accumulation or storage in the interior of any structure.

B. Commercial, industrial or building materials, except when such materials are for the purpose of rehabilitating any building or structure on the subject premises.

C. Scrap material of any kind, any old scrapped or used appliances, fixtures, automobile parts, machinery and machinery parts and/or other similar material or any other form of discarded or unused or unusable materials (including building materials) which by their appearance are unsightly.

R. **Section 602.3.** Section 602.3 is amended by inserting “October 1 to May 1” in the space provided.

S. **Section 602.4.** Section 602.4 is amended by inserting “October 1 to May 1” in the space provided.

(Ord. 969, 3/14/2007, §502)

§5-203. More Restrictive Provisions to Apply.

When the provisions of this Part are in conflict with other sections of the Forest Hills Borough Code of Ordinances or any other ordinances of the Borough or any other applicable codes, the more stringent code, ordinance, or regulation shall apply.

(Ord. 969, 3/14/2007, §503)

