

# CHAPTER 99: CONSTRUCTION CODES, UNIFORM

[HISTORY: Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Dangerous buildings - See Ch. 92.

Property maintenance - See Ch. 173.

Subdivision and land development - See Ch. 222.

Zoning - See Ch. 250.

## Article I. Fire Prevention Code

[Adopted by Ord. No. 191A; amended in its entirety 4-9-1985 by Ord. No. 238 (Ch. 5, Part 1, of the 1985 Code)]

§ 99-1. Adoption of Fire Prevention Code.

[Amended 1-8-2013 by Ord. No. 348] The Borough of Newport hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the current fire prevention code known as the "BOCA Basic Fire Prevention Code, 1984 Edition," save and except such portions as are hereinafter deleted, modified or amended, of which one copy has been and now is filed in the office of Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this article shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough.

§ 99-2. Amendments made in Fire Prevention Code.

The fire prevention code hereby adopted is amended as follows:

- A. Borough of Newport shall be inserted wherever the words "Name of Municipality" appear in brackets therein.
- B. Wherever the term "legal officer" or "legal representative" is used in this code, it shall be held to mean the Borough Solicitor.

C. Section F-105.1 is hereby amended to read as follows:[Amended 1-8-2013 by Ord. No. 348]  
F-105.1. 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 exceeding \$600, and/or to imprisonment for a term not to exceed 30 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.

§ 99-3. 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 article. The code shall control in all cases where the state requirements are not as strict as those contained in this article.

§ 99-4. Provisions to be continuation of existing regulations.

The provisions of this article, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this article, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this article 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.

## **Article II. Construction Code**

[Adopted 4-6-2004 by Ord. No. 318 (Ch. 5, Part 2, of the 1985 Code)]

§ 99-5. Election to administer.

This Borough 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.

§ 99-6. Adoption.

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 this Borough.

§ 99-7. Administration and enforcement.

Administration and enforcement of the code within this Borough shall be undertaken in any of the following ways as determined by the Borough Council 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 this Borough.
- 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 family or two-family dwelling units and utility and miscellaneous use structures.

§ 99-8. 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 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.

§ 99-9. Effect on other provisions.

- A. All building code ordinances or portions of ordinances which were adopted by this 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.
- B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this article and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
- C. All relevant ordinances, regulations, and policies of this Borough not governed by the code shall remain in full force and effect.

§ 99-10. Fees.

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this article and the code shall be established by the Borough Council by resolution from time to time.