

CODIFIED ORDINANCES OF ERIE
PART FIFTEEN - UNIFORM CONSTRUCTION CODE

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CODIFIED ORDINANCES OF ERIE
PART FIFTEEN - UNIFORM CONSTRUCTION CODE

TITLE ONE - General Provisions

Art. 1501 Definitions.

Art. 1502. Fees and Licensing.

ARTICLE 1501
Definitions

1501.01 Definitions.

CROSS REFERENCES

1501.01 DEFINITIONS.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

“**Accessibility Advisory Board**” means the Department's Accessibility Advisory Board created under Section 106 of the Act (35 P. S. § 7210.106).

“**Accredited academic institution**” means a high school, technical, or vocational school, private school licensed or registered with the Department of Education, junior college, community college or university.

“**Act**” means the Pennsylvania Construction Code Act (35 P. S. §§ 7210.101-7210.1103).

“**ALI**” means the Automatic Lift Institute, P.O. Box 33116, Indialantic, Florida, 32903-3116.

“**ANSI**” means the American National Standards Institute, 11 West 42nd Street, New York, New York 10036.

“**ASME**” means the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016-5990.

“**Board of Appeals**” means a body established by The City of Erie to hear requests for variances or extensions of time, and appeals from code administrator decisions.

“**Building**” means a structure used or intended for supporting or sheltering any occupancy.

“**Building Code Official**” means a construction code official, or the building code official's designee, who manages, supervises and administers the building code enforcement activities under §401.7(a)(18) (relating to certification category specifications). Duties include but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

“**Certificate of occupancy**” means a certificate issued by a Building Code Official allowing occupancy of a building or structure under the Uniform Construction Code.

“**Certified building official**” means a classification administered by the International Code Council or its predecessor organization.

“**Chapter 11**” means Chapter 11 of the International Building Code relating to accessibility requirements adopted as part of the Uniform Construction Code.

“**Code administrator**” means a municipal code official, construction code official or third-party agency certified with the Department under the act or the Department under Section 103 of the Act (35 P.S. §7210.103). The term includes an individual certified in a category established under this chapter to perform plan review of construction documents or administer and enforce codes and regulations in that category under the Act or related acts.

“**Commercial construction**” means a building, structure or facility that is not a residential building.

“**Construction code official**” means an individual certified by the Department in an appropriate category established under Section 701 (b) of the Act (35 P.S. §7210.701 (b)) to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations in that category under the Act or related acts under Section 103 of the Act. Except that this definition shall not include Fire Code Inspectors, who are to be specifically trained members of the Erie Firefighters Union and under the supervision of the Fire Chief.

“**Conveyor**” means a horizontal, inclined or vertical device for moving or transporting bulk material, packages or objects in a path predetermined by the design of the device and having points of loading and discharge, fixed or selected, and related equipment and devices described in and governed by the ASME standards adopted in this chapter.

“Current code administrator” means an individual who performed plan review of construction documents, inspections of one-family or two-family residential property or other buildings, structures and equipment or administered and enforced a construction code program, and who was employed by or under contract with the Commonwealth or a municipality prior to the effective date of adoption of the final-form regulations for the Uniform Construction Code. The term includes an individual who performed these duties as an employee, contractor or agent of a person employed by or under contract with the Commonwealth or a municipality of this Commonwealth prior to the effective date of the final-form regulations for the Uniform Construction Code.

“Department” means the Department of Labor and Industry of the Commonwealth.

“Elevator” means hoisting and lowering devices governed by ASME standards adopted by the Department under the Uniform Construction Code and other lifting devices subject to the requirements of the Uniform Construction Code.

“Facility” means all or any portion of a building, structure, site improvement, elements and pedestrian or vehicular route located on a site.

“Filing date” means the date that the Building Code Official receives the completed permit application.

“Fire and Panic Act” means the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221 --1235), known as the Fire and Panic Act.

“Fire Code Inspectors” means a member of the Erie Firefighters Union who holds the specific position of fire inspector and who is specifically trained in fire inspection. Inspector training shall be determined by the Fire Chief, based on recommendations by the most senior inspector, to ensure a level of competency that will best provide for the citizens of the City of Erie.

“Health care facility” means a facility licensed under the Health Care Facilities Act.

“Health Care Facilities Act” means the Health Care Facilities Act (35 P. S. §§ 448.101-448.904b).

“ICC” means the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401.

“ICC Electrical Code” means the "ICC Electrical Code-Administrative Provisions 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“ICC Evaluation Services, Inc” means the ICC Evaluation Services, Inc., 5360 Workman Mill Road, Whittier, California 90601.

“ISO” means the International Organization For Standardization, 1, Rue De Varembe, Case Postale 56 Ch 1211, Geneva 20, Switzerland.

“Industrial Board” means the Department's Industrial Board established under Sections 445 and 2214 of The Administrative Code of 1929 (71 P. S. §§ 155 and 574), which hears requests for variances and extensions of time and appeals of decisions of the Department under the Uniform Construction Code.

“Industrialized Housing”, under Section 3 of the Industrialized Housing Act (35 P. S. § 1651.3), means a structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. The term does not include housing units defined as mobile homes.

“International Building Code” means Chapters 2-29 and 31--35 of the "International Building Code 2003" (first printing), issued by the ICC. The term includes all errata issued by the ICC.

“International Energy Conservation Code” means the "International Energy Conservation Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Accreditation Service, Inc.” means the International Accreditation Service, Inc., 5360 Workman Mill Road, Whittier, California 90601.

“International Existing Building Code” means the "International Existing Building Code for Buildings and Facilities 2003 (first printing) issued by The International Code Council. The term includes all errata issued by the ICC.

“International Fire Code” means the "International Fire Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Fuel Gas Code” means the "International Fuel Gas Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Mechanical Code” means the "International Mechanical Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Performance Code” means the "International Performance Code for Buildings and Facilities 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Plumbing Code” means the "International Plumbing Code 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Property Maintenance Code” means the "International Property Maintenance 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Residential Code” means the "International Residential Code for One- and Two-Family Dwellings 2003" (first printing) issued by the ICC. The term includes all errata issued by the ICC.

“International Urban - Wildland Interface Code” means the "International Urban-Wildland Code 2003" issued by the ICC. The term includes all errata issued by the ICC.

“Legally Occupied” means use or habitation of a building or facility that was occupied in accordance with all valid construction statutes and ordinances in effect before this chapter took effect.

“Manufactured housing”, under Section 901(a) of the Act (35 P. S. § 7210.901(a)), means housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 1656.1--1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401--5426).

“NSPI” means National Spa and Pool Institute, 2111 Eisenhower Avenue, Alexandria, VA 22314.

“Occupancy” means approved use of a building or a structure under the Uniform Construction Code.

“Passenger ropeway” means an aerial tramway, aerial lift, surface lift, tow, conveyor or other lifting device which carries, pulls, or pushes passengers along a level or inclined path by means of a haul rope or other flexible element which is driven by a power unit remaining essentially at a single location.

“PHRC” means the Pennsylvania Housing Research Center, 219 Sackett Building, University Park, Pennsylvania 16802.

“Pennsylvania's Alternative Residential Energy Provisions” means the "Pennsylvania Alternative Residential Energy Provisions" issued February 2003 by the PHRC.

“Permit” means a document issued by a Building Code Official authorizing the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator or equipment under the Uniform Construction Code.

“Person” includes a corporation, partnership, business trust, other association, estate, trust, foundation or natural person. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

“Personal delivery” means the date that the appeal or request for a variance or extension of time under §1503.62 (relating to appeals, variances and extensions of time) and §1503.71 (relating to accessibility advisory board) was delivered to a common carrier, or was received by facsimile transmission or hand-delivery at the office of the Building Code Official.

“Postmark” means the date of the official U.S. Postal Service postmark on the envelope containing an appeal or request for variance or extension of time under Section 1503.62 (relating to appeals, variances and extensions of time) and Section 1503.71 (relating to accessibility advisory board) or the date of a private postage meter mark on the envelope containing the appeal or request.

“Repair” means reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

“Residential building” means construction that relates to detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) that are not more than three stories in height with a separate means of egress which includes the dwellings' accessory structures.

“Secretary” means the Secretary of the Department.

“State-owned building” means a building owned by or to be constructed for Commonwealth entities consisting of the General Assembly, the Unified Judicial System, the Pennsylvania Higher Education Assistance Agency, an executive agency, independent agency, and a State-affiliated entity or State-related institution as defined in 62 Pa.C.S. § 103 (relating to definitions).

“Structure” means a combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location.

“Third-party agency” means a person, firm or corporation certified by the Department as a construction code official and contracted to perform plan review of construction documents, inspect construction or administer and enforce codes and regulations under the act or others as appointed by the Building Code Official until the Commonwealth of Pennsylvania adopts the UCC. Except that said third-party agencies shall not be permitted to conduct fire inspections within the City of Erie or certify fire safety, as these duties are reserved exclusively for City of Erie fire inspectors.

“Uniform Construction Code” means this Part Fifteen of the Codified Ordinances; "The International Building Code First Edition 2003" and the "International Residential Code For One- And Two- Family Dwellings 2003," available from [Boca International] The International Code Council, Inc., 4051 W. Flossmoor Rd., Country Club Hills, IL 60478- 5795, 1 (800) [214-4231] 786-4452; and any standards adopted by the City of Erie in this Part Fifteen of the Codified Ordinances under Section 301 of the Act (35 P.S. § 7210.301).

“Variance” means a modification of a Uniform Construction Code standard approved by a board of appeals or the Industrial Board and by the Secretary for accessibility requirements.
(Ord. 30-2004. Passed 6-2-04.)

**ARTICLE 1502
Fees and Licensing**

1502.001	State surcharge.	1502.075	Plumbing Board.
1502.01	Plan review fees.	1502.076	Licensing of master plumbers and journeymen plumbers and registration of apprentices.
1502.02	Building permit fees.		
1502.03	Electrical permit fees.	1502.077	Examinations.
1502.04	Plumbing permit fees.	1502.078	License renewal.
1502.05	Reserved.	1502.079	Retirement or change of license status.
1502.06	Electrical contractor licensing.	1502.08	Reserved.
1502.061	Definitions.	1502.09	Rooming house licensing.
1502.062	Licensing of electrical contractors and others.	1502.091	Effective date.
1502.07	Plumbing contractor licensing.	1502.092	Application.
1502.071	Definitions.	1502.093	Proof.
1502.072	General plumbing license requirements.	1502.094	Appeals.
1502.073	Temporary license.	1502.095	Licensing fee.
1502.074	License fees.	1502.096	Penalty.

CROSS REFERENCES

1502.001 STATE SURCHARGE.

A two dollar (\$2.00) State surcharge will be collected for each permit issued.
(Ord. 30-2004. Passed 6-2-04.)

1502.01 PLAN REVIEW FEES.

Preliminary Review	\$20.00/per hr. *To be credited to Full Plan Review Fee
Complete Review	
Use Groups "B", "E", "M", "R-1", "R-2", "R-3"	\$0.05/sq. ft. (up to 15,000 s.f.)
Plus	\$0.03/sq. ft. (15,001 s.f. up to Total s.f.)
Use Groups "A", "H", & "T"	\$0.05/sq. ft. (up to 12,000 s.f.)
Plus	\$0.03/sq. ft. (12,001 s.f. up to Total s.f.)
Use Groups "F", "S", & "U"	\$0.05/sq. ft. (up to 12,000)
Plus	\$0.03/sq. ft. (12,001 s.f. up to Total s.f.)
Single Family Dwelling/Townhouse	\$ 150.00/per unit
*Minimum review fee	\$ 75.00
*Review fees reflect an initial review and review of one subsequent revision. Any additional required reviews will be conducted at 50% of the original review cost.	
*Minor commercial and residential alterations 1,000 s.f. will be conducted at a rate of \$38.00/hr.	

(Ord. 30-2004. Passed 6-2-04.)

1502.02 BUILDING PERMIT FEES.

(a) Construction. Fees are based on the total cost of demolition, building, furnace installation, pools and sheds.

Construction Cost	Fees
Up to \$2,000.00	\$25.00
\$2001 and up	\$25.00 + \$6.00 per \$1,000 in excess of \$2,000

(b) Fences.

Cost of Fence	Fees
Up to \$250.00	\$10.00
\$251.00 to \$750.00	\$15.00
\$751.00 to \$2,000	\$20.00
\$2,001 and up	\$25.00 + \$6.00 per \$1,000 in excess of \$2,000

(Ord. 30-2004. Passed 6-2-04.)

1502.03 ELECTRICAL PERMIT FEES.

(a)	<u>Permit</u>	\$10.00
(b)	<u>Service and Feeders</u>	
	200 amp or less	\$50.00
	201 amp to 400 amp	\$85.00
	Over 400 amp	\$20.00 per 100 amp
	Sub-feeders or sub panels	\$25.00
	Over 600 volt	
	Additional Meter	\$10.00

(c)	<u>Residential Flat Rate Inspections</u>	
	2 Trip maximum	
	Minimum Trip to 15 devices	\$50.00
	Each additional trip	\$25.00
	Each Additional device or fixture	\$ 1.00
	Service 200 amps or less	\$ 50.00
	Each additional device	\$ 1.00
	Service 201 to 400 amps	\$ 85.00
	Each additional device	\$ 1.00
	Each disconnect	\$10.00

(d)	<u>Commercial</u>	
	Minimum trip to 15 devices only	\$ 75.00
	Each additional device or fixture	\$ 1.00
	Signaling, communication and alarm to 15 devices	\$ 75.00
	Each Additional Device	\$ 1 00
(e)	<u>Heating, Cooling, Cooking, Appliances, Equipment, Motors, Generators, Transform Capacitors, Etc.</u>	
	Less than 1/3 hp, kw, kva, or kvar use finished wiring fee	
	Over 1/3 hp, kw, kva, or kvar:	
	1/3 to 1.0	\$12.00
	1.1 to 5.0	\$15.00
	5.1 to 10.0	\$20.00
	10.1 to 30.0	\$25.00
	30.1 to 50.0	\$30.00
	50.1 to 100.0	\$35.00
	Over 100	\$100.00
	Over 600 volt	2x above fees
(f)	<u>Miscellaneous</u>	
	Temporary Pole Service	\$50.00
	Real Estate Inspection	\$75.00
	Emergencies and Weekend Call-out Inspections	\$150.00
	Pool Inspections - Two Trips	\$325.00
	Third and each additional trip	\$ 50.00

(Ord. 30-2004. Passed 6-2-04.)

1502.04 PLUMBING PERMIT FEES.

Before a permit is issued for any work governed by these regulations the permittee shall pay to the City of Erie fees of the following amounts:

- (a) Plan Fee. (for each building or site drainage included in the plan):
- | | | |
|-----|-------------------------|----------|
| (1) | 1 to 5 fixtures | \$ 45.00 |
| (2) | 6 to 100 fixtures | \$ 90.00 |
| (3) | 101 to 200 fixtures | \$375.00 |
| (4) | Over 200 fixtures | \$700.00 |
| (5) | Plan having no fixtures | No Fee |
- (b) Fixture Fee. (for each plumbing fixture and waste discharging device):
- | | | |
|-----|---|---------|
| (1) | Any fixture or waste discharging device included in a plan: | \$6.00 |
| (2) | Replacement of any existing fixture with no alteration of the Plumbing System, no plan or plan fee necessary: | \$12.00 |
- (c) Each new or reconstructed building sewer included in the plan: \$20.00
- (d) Each new or reconstructed water distribution piping system or service connection included in the plan: \$20.00
- (e) Each new or replaced water heater included in the plan: \$20.00
- (f) Alteration of any plumbing system: (Where no fixture changes are involved) PLAN FEE ONLY, per (e) above.
- (g) Plumbing/Real Estate Inspection Fee: \$50.00
(Ord. 30-2004. Passed 6-2-04.)

1502.05 RESERVED.

1502.06 ELECTRICAL CONTRACTOR LICENSING.

The licensing and installation requirements for HVACR contractors will be revised prior to May 31,2004.
(Ord. 30-2004. Passed 6-2-04.)

1502.061 DEFINITIONS.

(a) The words "electrical contractor" as used in this article means a person, firm, corporation or other legal entity who or which is engaged in contracting to install, erect or repair electrical wire or conductors to be used for the transmission of electric current for any electrical use whatsoever, or moldings, ducts, raceways or conduit for the reception or protection of such wires or conductors to electrical machinery, apparatus, devices or fixtures to be used for any electrical use whatsoever. An "electrical contractor" shall be a person having the necessary qualifications, training, experience and technical knowledge to plan, lay out and supervise the installation and repair of electrical wiring apparatus and equipment for any electrical use whatsoever in accordance with the standard rules and regulations governing such work.

(b) As used in this article, "materials", "electrical" or "electrical work", "electrical materials", "electrical appliances" and "electrical fixtures" means and includes all electrical apparatus, electrical appliances, electric wiring, electrical fixtures, and all electrical supplies of whatever kind or nature used as a part of any installation for the transmission or consumption of electrical energy, including the electrical installation and apparatus used in connection with and adjunctive to heating, cooking, plumbing, ventilating and refrigerating equipment, display and advertising signs and water heaters, provided, however, such term shall not include incandescent lamps, domestic electrical appliances severable from the freehold without material damage thereto.

(c) "Appliance installer" means any person or employee of a proprietorship, partnership or corporation who, within the City, engages in or carries on the business of installing and/or repairing air conditioning or equipment utilized or designated for the utilization of electricity for heat, and who has the final determination and the full responsibility for the manner in which the work is done, for the materials used and for the selection, supervision, and control of any persons employed on the work engaged in by such proprietorship, partnership or corporation.

Such licensed installer shall be limited to the installation only of control wiring and connection to motors rated not in excess of five horsepower, heating equipment loads not in excess of ten KW necessary to alter or increase service board equipment, service feeders and distribution to accommodate any additional light, heat or power loads, such changes shall be performed by a licensed Master Electrician.

(d) "Apprentice/helper" means any person who has not yet qualified for the classification of Journeyman. An "apprentice/helper" shall always work under the direct supervision of a Master or Journeyman Electrician until such time that qualifications for the rank of Journeyman are met, and the appropriate test is passed. An "apprentice/helper" shall not assume or be given full responsibility for any type of electrical installation.

(e) "Apprentice/helper license" means a license issued to an apprentice/helper as herein defined, and who shall always work under direct supervision of a Master or Journeyman Electrician.

(f) "Electrical appliance installer's license" means a license issued to an electrical appliance installer, who qualified as a competent person to be an electrical appliance installer and who shall have passed the required examination given by the Board.

(g) "Journeyman Electrician" means any person who shall have passed a Journeyman Electrician's examination and qualified and registered in accordance with the terms of this article and under the rules and regulations of the Examining Board, and one who is the holder of a Journeyman Electrician's license and is employed as defined in the definition of Master Electrician.

(h) "Journeyman Electrician's license" means a license issued to a Journeyman Electrician as herein defined, who, by passing the required examination and tests, has qualified as a competent person to be a Journeyman Electrician.

(i) "Master Electrician" means any person, or employee of a proprietorship, partnership or corporation who, within the City, engages in or carries on the business of installing, erecting, altering, extending, maintaining, or repairing electrical wiring, apparatus, fixtures, devices, appliances or equipment utilized or designated for the utilization of electricity for light, heat, or power purposes or for signaling systems, and who carries on such business as an independent contractor or employee of a proprietorship, partnership or corporation and who has the final determination and the full responsibility for the manner in which the work is done, for the materials used and for the selection, supervision and control of Journeyman Electricians and apprentices employed on the work engaged in by such person, proprietorship, partnership or corporation.

(j) "Master Electrician's license" means a license issued to a Master Electrician as herein defined, who by passing the required examination and tests, has qualified as a competent person to be a Master Electrician.
(Ord. 30-2004. Passed 6-2-04.)

1502.062 LICENSING OF ELECTRICAL CONTRACTORS AND OTHERS.

(a) After June 6, 1973, no person, firm, corporation or other legal entity shall enter into, engage in or work in the business as an electrical contractor for hire, unless such person or a representative of the firm or corporation has obtained a license and a certificate therefor granted by the Office of Code Enforcement on payment of the prescribed fee. A fee of forty dollars (\$40.00) shall be paid by each applicant for the electrical contractors examination, such fee to be forfeited upon failure to qualify. A period of ninety days shall intervene before qualifying for re-examination. Except as herein otherwise provided, any person before making application for a license as electrical contractor shall have been employed or engaged at the business of electrical construction and installation for a period of not less than five years preceding the time of such application, or shall otherwise establish to the satisfaction of the Office of Code Enforcement that the applicant has the necessary background and experience to satisfactorily qualify as an electrical contractor.

(1) No person, other than a licensed Master/Contractor, or a licensed Journeyman, or a licensed Apprentice in the employ of a licensed Master/Contractor shall install, renew or extend any electrical wiring, electrical device, excluding portable or plug-in type appliances. No person other than a licensed Appliance Installer shall engage in the business of installing heating or air-conditioning.

(2) No apprentice/helper shall engage in any electrical work on any job site unless a licensed Journeyman or Master Electrical Contractor is actually present on the same job site at the same time, supervising the work being performed.

(b) Every such examination shall be so designed as to establish the competence and qualifications of the applicant to perform each and all of the several types of work, for each and all of the several purposes set forth in this section.

(c) Upon payment of the prescribed fee as hereinafter set forth, any person who has been continuously employed or engaged at the business of electrical construction and installation in this City for a period of six years prior to the effective date of this section (June 27, 1973), at least two of which years immediately preceding making of application as herein provided shall be as an electrical contractor, shall be granted a license without examination; provided application shall be made to the Office of Code Enforcement within one month after the effective date of this section (June 27, 1973); upon presenting satisfactory proof to the Office of Code Enforcement of fitness to conduct such business. The application shall consist of a sworn statement.

- (1) Describing the experience of the applicant in the electrical contracting business.
- (2) Listing representative electrical contracts performed by the applicant.
- (3) Such other information as may be required by the Office of Code Enforcement.
- (4) Payment of the initial license fee.

(d) The Office of Code Enforcement shall receive all applications for license filed by persons, partners or representatives of a firm, corporation or other legal entity seeking to enter upon or continue in the electrical contracting business as herein defined within this City and upon proper qualifications of such applicant shall issue the license applied for.

(e) The Office of Code Enforcement shall prescribe the conditions of examination of, and subject to the provisions of this article, shall give examinations to all persons who are under the provisions of this article, required to take such examinations. The scope of such examination shall cover such matters as the provisions of nationally recognized electrical installation safety standards and the theoretical and practical application of the same encountered in electrical work. It shall hold a minimum of two examinations each year at such time and/or place within the City as the Office of Code Enforcement designates. Public notice shall be given of the time and place of all examinations. In the conduct of the examination the Office of Code Enforcement shall prescribe a standard form of examination which may be revised from time to time as circumstances require. Examinations shall give ample opportunity for all applicants to be thoroughly and carefully examined, may be written or oral, or both, and shall be supervised by three or more examiners, but no license shall be granted by the Office of Code Enforcement.

(f) Before a license shall be issued, fees shall be paid for same in the following amounts:

<u>Type of License</u>	<u>Initial Fee</u>	<u>2004 License Fee</u>	<u>Renewal Fee</u>
Master Electrician/Contractor	\$300.00	\$200.00	\$200.00*
Journeyman Electrician		50.00	50.00
Apprentice or Helper		20.00	20.00
Appliance Installer		50.00	50.00
Retired Master		50.00	50.00

* The escrow fee for those master electricians who have reached the age of sixty-five and are retired shall be fifty dollars (\$50.00) which shall allow the license to be held in an inactive status, with no permits whatsoever being taken out.

All licenses shall be paid by December 31 prior to the renewal year, or on the first business day after December 31 if that date falls on a weekend or holiday on which City Hall is closed. A grace period of up to 31 days will be granted, such that any license renewal payment made until January 31 of the renewal year will be effective, but such fee will be doubled if paid during the grace period. Any license renewal not paid in full by January 31 of the renewal year, or the first business day after a January 31 falling on a weekend or City holiday will be revoked automatically.

(g) No firm or corporation or other legal business entity shall be denied the privilege of continuing business as electrical contractor in the event of death, illness or other physical disability of the representative thereof who qualified the firm, corporation or other business entity for a license for at least six months following the date of such death, illness or other physical disability; provided, that such business is conducted under such qualified supervision as the Office of Code Enforcement deems adequate.

(h) No license issued under this article shall be assignable or transferable.

(i) The Office of Code Enforcement may suspend, revoke or refuse to renew any license if the holder has:

- (1) Secured such permit by misrepresentation.
- (2) Failed to maintain the qualifications required by this article.
- (3) Engaged in fraudulent business activities or in misleading advertising practices.
- (4) Violated a provision of this article, or other applicable codes or ordinances with specific reference to Article 1711.
- (5) Committed an act of gross negligence.
- (6) Failed to provide certificates of insurance for proof of liability insurance to the City in the amount of five hundred thousand dollars (\$500,000).
- (7) Failed to pay the annual license renewal fee in full by the due date.

(j) The City's Electrical Inspector may prefer charges as set forth above against any licensed electrical contractor, journeyman, apprentice or appliance installer. Such charges shall be in writing and under oath. The Inspector shall set forth on the written Notice the nature of the violation which the licensee has allegedly committed, and the sanction which is being imposed, whether revocation, non-renewal or suspension of license, and state that the licensees shall have twenty (20) calendar days after receipt to demand a hearing before the Manager of Code Enforcement to contest the existence of the violation or the Inspector's sanction. Any such notice shall be sent by regular U.S. mail to the address listed by the licensee in his or her most recent application, renewal or change of address sent to the Inspector, and will be presumed received within three days of sending. If the licensee does not respond in a timely fashion to the Inspector's Notice of Violation, then the Notice will become final and unappealable. The time and place for the hearing shall be fixed by the Manager of Code Enforcement and a notice of the time and place of hearing shall be personally served on or mailed to the last known address of the licensee at least twenty days before the date fixed for the hearing. At any hearing, the accused licensee shall have the right to appear personally and by counsel to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. No license shall be suspended or revoked unless the Manager of Code Enforcement shall determine that a preponderance of the evidence presented against the licensee justifies such action. All decisions rendered by the Manager shall be in writing, and shall contain sufficient findings of fact and conclusions of law to enable a court to review the determination on appeal. The licensee who requests a hearing shall provide one-half of the cost of an appearance fee of a court stenographer, and shall pay for the preparation of a transcript for court review in the event of the licensee's appeal from an adverse decision of the Manager of Code Enforcement.

(k) An applicant whose license has been revoked may become eligible not earlier than ninety days from the date of such revocation for a new license upon meeting all the requirements of this article and upon the satisfactory completion of an examination as herein provided.

(1) Electrical work or construction which is performed on the following facilities or which is by or for the following agencies shall not be included within the business of electrical contracting so as to require licensing under this article:

- (1) Minor repair work such as the replacement of lamps and fuses.
- (2) The connection of portable electrical appliances to suitable permanently installed receptacles.
- (3) The testing, servicing or repairing of electrical equipment or apparatus.
- (4) Electrical work in a single-family dwelling used exclusively for living purposes, including accessory buildings, in the event that such person is the bona fide owner of such dwelling and that the same are occupied by or designed to be occupied by such owner or members of his immediate family and such owner shall personally purchase all materials and perform all labor in connection therewith.
- (5) Electrical work in mines, on ships, railway cars or automotive equipment.
- (6) Municipal plants or any public utility organized for the purpose of constructing, maintaining and operating works for the generation, supplying, transmission and distribution of electricity for electric light, heat or power.
- (7) Repair, manufacturing and maintenance work on premises occupied by a firm or corporation, and installation work on existing buildings occupied by a firm or corporation and performed by a regular employee who is a qualified electrician.
- (8) Installation, repair or maintenance performed by regular employees of the City or a municipality, county or school district on the premises or property owned or occupied by the City, a municipality, county or school district.

(Ord. 30-2004. Passed 6-2-04.)

1502.07 PLUMBING CONTRACTORS LICENSING.

1502.071 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of these rules and regulations:

- (a) "Administrative Authority" when used in this Code means the Director of the Mayor's Office of Economic and Development or his authorized representative, including any individual official, or board, authorized by the City of Erie to administer and enforce the provisions of this Code.
- (b) "Master Plumber" means a person who had demonstrated his skills in planning, superintending or installing plumbing and who having satisfied the Plumbing Board as to his knowledge of the rules and regulations governing the same, has been granted a license by the City of Erie to engage in the plumbing business as a master plumber.
- (c) "Journeyman Plumber" means a person other than a master plumber or apprentice plumber who having satisfied the Plumbing Board as to his knowledge of the installation of plumbing, has been licensed by the City of Erie to install plumbing under the direction of a master plumber.

- (d) "Apprentice Plumber" means a person who is engaged in learning the plumbing trade by working with and assisting a journeyman or master plumber in the installation, maintenance and repair of plumbing and drainage.
- (e) "Plumbing Board" means the Board appointed by the Mayor of the City of Erie in accordance with given ordinances.
- (f) "Plumbing Business" means the investment of time, capital and labor in plumbing for private gain, profit, or purpose.
(Ord. 30-2004. Passed 6-2-04.)

1502.072 GENERAL PLUMBING LICENSE REQUIREMENTS.

(a) No person other than a licensed master plumber, shall engage in the business of plumbing or expose the sign of plumbing or any other advertisement pertaining thereto, except wholesale or retail plumbing fixture supplies.

(b) Any firm or corporation, desiring to engage in the business of plumbing shall have at least one member of said firm or corporation in possession of a master plumber's license who shall register with the Plumbing Board along with the name or names of all officers of the firm or corporation for which he is registering.

(c) No licensed master plumber shall employ any person who is not licensed as a plumber or registered as an apprentice plumber to perform plumbing work under any contract entered into by the licensed master plumber; and no registered apprentice plumber shall perform any plumbing work except when working with and assisting a licensed journeyman, or a licensed master plumber.

(d) Every registered master plumber shall have a bonafide place of business, the address of which shall be registered with the Administrative Authority. All vehicles regularly used by a master plumber in the operation his business shall bear his name or the name of his company and the words "Registered Master Plumber" together with his license number which shall be abbreviated to Lic.No. and then his number.

(e) Every licensed master plumber shall give immediate notice to the Administrative Authority of any change in his place of business; and upon the termination of his business, he shall surrender his license to the Administrative Authority where it shall be held in an inactive status until re-activation shall be requested by the license holder.

(i) No person, firm or corporation carrying on the business of plumbing shall allow his name to be used by any person, directly or indirectly, either to obtain a permit or permits, or to do any work under his license.
(Ord. 30-2004. Passed 6-2-04.)

1502.073 TEMPORARY LICENSE.

Any person desiring to do plumbing work in the City of Erie who has been licensed by another state or political subdivision not in the City of Erie may apply to the Administrative Authority for a temporary license. The Administrative Authority shall issue a temporary license provided the applicant holds a similar license issued under licensing procedures equivalent to the City of Erie which in the discretion of the Plumbing Board would merit the issuance of such a permit. The temporary license granted by the Administrative Authority or Plumbing Board shall be limited to such plumbing work included in a single project. The person shall have contracted at the time of the application for temporary permit in the case of a master plumber shall be limited to a period of one year or until the next regularly scheduled licensing examination in the case of a journeyman plumber. The applicant shall pay the fees as sets forth in this Code.
(Ord. 30-2004. Passed 6-2-04.)

1502.074 LICENSE FEES.

Before a Plumber's license is issued or is renewed for the next calendar year, the applicant shall pay to the City of Erie the following fee:

- | | | |
|-----|---|----------|
| (a) | For the issue or renewal of a Master Plumber's license: | \$200.00 |
| (b) | For the issue or renewal of a Journeyman Plumber's license: | \$50.00 |
| (c) | For the issue or renewal of a Master Escrow/Journeyman: | \$70.00 |
| (d) | Temporary Master Plumber's License: | \$300.00 |
| (e) | Temporary Journeyman's Plumber's License: | \$100.00 |
| (f) | Initial registration as an Apprentice Fee: | \$25.00 |
| (g) | Annual registration fee for Apprentices: | \$25.00 |
| (h) | Master Plumber (Retired): | \$20.00 |
| (i) | Journeyman Plumber (Retired): | \$20.00 |
- (Ord. 30-2004. Passed 6-2-04.)

1502.075 PLUMBING BOARD.

(EDITOR'S NOTE: See Article 161 for current legislation.)

1502.076 LICENSING OF MASTER PLUMBERS AND JOURNEYMEN PLUMBERS AND REGISTRATION OF APPRENTICES.

- (a) Consistent with the provisions of this Code, the Plumbing Board will recommend rules and regulations governing the licensing of master and journeymen plumbers and the registration of apprentice plumbers
- (b) All licenses shall be valid for one calendar year.
- (c) No master plumber's license shall be granted a journeyman plumber until he has at least five years of experience as a licensed journeyman plumber under the direction of a master plumber and has successfully passed the required examination.
- (d) No journeyman plumber's license shall be granted a registered apprentice plumber until he has had a minimum of three years experience as a registered apprentice plumber assisting a journeyman or master plumber licensed in the City of Erie.
- (e) All apprentice plumbers shall register with the Plumbing Board at the beginning of their apprenticeship training.
(Ord. 30-2004. Passed 6-2-04.)

1502.077 EXAMINATIONS.

The City of Erie shall conduct examinations for journeyman and master plumber at least once a year. Examinations may be administered by registration with the International Code Council at times and locations provided by the International Code Council.
(Ord. 9-2007. Passed 3-7-07.)

1502.078 LICENSE RENEWAL.

(a) A licensed master, journeyman or apprentice plumber desiring to continue in the business or work of plumbing, shall within thirty (30) days prior to the expiration of his licenses or registration, apply to the Plumbing Board for renewal of his license or registration. No examination shall be required for the renewal of a master or journeyman license, provided proper application is made in the time period specified above.

(b) Any person who applies for a license renewal after the expiration of his license may be required to undergo, at the discretion of the Plumbing Board, an examination as provided in Section 1502.076.
(Ord. 30-2004. Passed 6-2-04.)

1502.079 RETIREMENT OR CHANGE OF LICENSE STATUS.

(a) A licensed master or journeyman plumber who wishes to retire shall notify the Plumbing Board in writing that he voluntarily desires to assume retired status (see fee schedule)

(b) A licensed master plumber may assume inactive status by notifying the Plumbing Board of his desire to do so. Upon the Plumbing Board's approval of his/her request for transfer to inactive status, the master plumber's license shall be placed in escrow.

(c) When a licensed journeyman or master plumber elects to assume retired or inactive status pursuant to above paragraphs there shall be no refund due for any license fee payable during that calendar year. License fees for future calendar year shall be payable according to the fee schedule set forth.
(Ord. 30-2004. Passed 6-2-04.)

1502.08 RESERVED.

1502.09 ROOMING HOUSE LICENSING.**1502.091 EFFECTIVE DATE.**

From and after January 1, 1959, no person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, unless he holds a rooming house permit issued by the Building Code Official.
(Ord. 30-2004. Passed 6-2-04.)

1502.092 APPLICATION.

Application for permit shall be made by the operator to the Building Code Official on forms furnished by the City of Erie. The application shall include:

- (a) The name and address of the operator, and the name and address of the owner, if the operator is not the owner;
- (b) The location of the rooming house, including the street and number for each entrance;
- (c) The number of rooming units occupied or available for occupancy, and the number of persons who may be accommodated in accordance with the provisions of this Code; and
- (d) Such other information as the Building Code Official may by rule or regulation require.

(Ord. 30-2004. Passed 6-2-04.)

1502.093 PROOF.

A permit shall be issued by the Building Code Official to the operator upon reasonable proof that:

- (a) The rooming house complies with the applicable provisions of The Uniform Construction Code; and
- (b) An occupancy permit has been issued by the Building Code Official.

(Ord. 30-2004. Passed 6-2-04.)

1502.094 APPEALS.

A Building Code Official shall grant or deny a license application, in whole or in part, within 15 business days of the filing date or the application is deemed approved. Reasons for the denial shall be in writing and sent to the license applicant. The Building Code Official and the applicant may agree in writing to extend the deadline by a specific number of days. A license applicant may request extensions of time or variances or appeal a Building Code Official's action on the license application to a Board of Appeals under Section 1503.062 (relating to appeals, variances and extensions of time).

(Ord. 30-2004. Passed 6-2-04.)

1502.095 LICENSING FEE.

The annual licensing fee shall be as follows:

<u>Number of Rooms</u>	<u>Licensing Fee</u>
1 through 4	\$25.00
5 through 9	\$50.00
10 through 24	\$75.00
50 through 149	\$200.00
150 or more	\$300.00

No reduction in the fee shall be made for fractional yearly licensing. The license shall expire at the end of the calendar year in which it is issued and shall be renewed annually at the rate established.

(Ord. 30-2004. Passed 6-2-04.)

1502.096 PENALTY.

Engaging in the work of Electrical Contracting or Plumbing Contracting requiring a License hereunder without having first obtained a current License for such work is hereby declared to be a Summary Offense. Upon conviction of such offense, a penalty not to exceed \$1,000.00 and/or incarceration of not more than 90 days shall be imposed.

(Ord. 55-2008. Passed 12-3-08.)

TITLE THREE -Administration

- Art. 1503.1 Administration Generally.
- Art. 1503.2 Standards.
- Art. 1503.3 Permit and Inspection Process for Commercial Construction.
- Art. 1503.4 Permit and Inspection Process for Residential Buildings.
- Art. 1503.5 Enforcement for Noncompliance.
- Art. 1503.6 Board of Appeals.
- Art. 1503.7 Department of Labor and Industry.

**ARTICLE 1503.1
Administration Generally**

- 1503.11 Scope.**
- 1503.12 Other statutes or ordinances.**
- 1503.13 Building Code Official**

CROSS REFERENCES

1503.11 SCOPE.

(a) The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after July 8, 2004, and all existing structures that are not legally occupied.

- (b) The Uniform Construction Code does not apply to:
 - (1) New buildings or renovations to existing buildings for which an application for a permit was made to the City of Erie before July 8, 2004.
 - (2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before July 8, 2004.
 - (3) One shed with a building area 100 square feet or less, less than 13 feet in height, and is accessory to a detached one family dwelling.
 - (4) An agricultural building defined under Section 103 of the Act (35 P. S. § 7210.103).
 - (5) Manufactured or industrialized housing shipped from the factory under Section 901(a) of the Act (35 P. S. § 7210.901(a)) as provided in Section 1503.25 (relating to manufactured and industrialized housing).

- (6) Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas under the propane and liquefied petroleum gas act (35 P.S. §§ 1329.1-1329.19).
 - (7) Construction of individual sewage disposal systems under 25 PA. Code, Chapter 73 (relating to onlot sewage treatment facilities).
- (c) Prior Permits and Construction.
- (1) A permit issued under construction regulations before July 8, 2004 remains valid and the construction of the building or structure may be completed in accordance with the approved permit.
 - (2) The legal occupancy of a structure existing on July 8, 2004 may continue without change except where the Uniform Construction Code provides otherwise.
- (d) The Uniform Construction Code applies to the construction of a residential building or structure governed by a homeowner's or community association under Sections 104(d)(2)(ii) of the Act (35 P. S. §§ 7210.104(d)(2)(ii)).
- (e) An electrical provision of the Uniform Construction Code does not apply to a dwelling unit utilized by a member of a recognized religious sect if a code administrator grants an exemption under Section 901 (b) of the Act (35 P. S. § 7210.901 (b)) as follows:
- (1) Permit applicant shall file an application with the code administrator stating the manner in which an electrical provision of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application shall also contain an affidavit by the applicant stating:
 - A. The permit applicant is a member of a religious sect.
 - B. The religious sect has established tenets or teachings which conflict with an electrical provision of the Uniform Construction Code.
 - C. The permit applicant adheres to the established tenets or teachings of the sect.
 - D. The dwelling unit will be used solely as a residence for the permit applicant and the applicant's household.
 - (2) The code administrator shall grant the application for the exemption if made in accordance with subsection (e)(1) hereof.
 - (3) If the permit applicant receives an exemption for a dwelling unit under Section 901 (b) of the Act and the applicant subsequently sells or leases the dwelling unit, the applicant shall bring the dwelling unit into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the dwelling unit being sold or leased unless the prospective subsequent owner or lessee files an affidavit in compliance with subsection (e)(1) hereof.
(Ord. 30-2004. Passed 6-2-04.)

1503.12 OTHER STATUTES OR ORDINANCES.

- (a) Under Section 104(d)(1) of the Act (35 P.S. § 7210.104 (d) (1)), the provisions of the Uniform Construction Code listed in Section 1503.21 (relating to Uniform Construction Code) preempt and rescind construction standards provided by a statute, local ordinance or regulation.

(b) The Department will enforce Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code until the City of Erie employs or contracts with a Code Administrator certified as an Accessibility Inspector/Plans Examiner.

(c) The City Engineer will administer storm water management under the regulations provided for in Article 945 of the Codified Ordinances of the City of Erie.

(d) The City Engineer will administer the Erosion and Sedimentation Control Ordinance and any other storm water requirements.

(e) The City Zoning Office will administer the Zoning regulations as provided in the City of Erie Zoning Ordinance.

(f) The Erie Fire Department Inspectors will administer all aspects of the City of Erie Fire Code.
(Ord. 30-2004. Passed 6-2-04.)

1503.13 BUILDING CODE OFFICIAL DELEGATION.

(a) The City of Erie adopts Chapter 401 of 34 Pa. Code, as amended from time to time, for the training and certification of Code Administrators.

(b) The City of Erie may contract with a third-party agency to enforce any or all parts of this code, except Fire Code inspections and permitting.

(c) A Building Code Official may delegate his duties to a construction code official or current code administrator.

(d) A Fire Inspector may not delegate his duties for inspections and permitting to any other person, other than another City of Erie Fire Inspector who meets the qualifications defined herein.
(Ord. 30-2004. Passed 6-2-04.)

ARTICLE 1503.2
Standards

<p>1503.21 Uniform Construction Code. 1503.22 Health care facilities. 1503.23 Child day-care facilities. 1503.24 Historic buildings, structures and sites.</p>	<p>1503.25 Manufactured and industrialized housing. 1503.26 Swimming pools. 1503.27 Applicability and use of</p>
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CROSS REFERENCES

1503.21 UNIFORM CONSTRUCTION CODE.

(a) The City of Erie adopts and incorporates by reference the following codes as the Uniform Construction Code:

- (1) The provisions of Chapters 2--29 and 31--35 of the "International Building Code 2003".
 - A. Appendix E of The International Building Code
 - B. Appendix H of The International Building Code
 - C. The following measurements shall be used as a minimum in structural design for the City of Erie:
 1. Ground Snow Loads - 40 pounds per square foot
 2. Wind Loads - 90 MPH
 3. Frost Depth - 48 inches
 - D. Specifications utilized in place of exception 5 under Section 1003.3.3.3 of the "International Building Code":
 1. The maximum riser height shall be 8-1/4 inches.
 2. The minimum tread depth shall be 9 inches.
 3. A 1-inch nosing shall be provided on all stairways with solid risers.
- (2) The "International Electrical Code 2003".
- (3) The "International Mechanical Code 2003".
- (4) The "International Fuel Gas Code 2003".
- (5) The "International Plumbing Code 2003" other than its Administrative portion.
 - A. Delete lead pipe from Table 308.5.
 - B. Delete paragraph 605.2.
 - C. Delete asbestos-cement pipe from Table 605.3
 - D. Delete polybutylene (PB) plastic pipe and tubing from Table 605.3 and 605.4.

- E. Delete asbestos-cement pipe from Table 702.2 and 702.3.
 - F. Delete paragraph 705.3
 - G. Change paragraph 1002.6, first sentence to read: Building (house) traps shall be required on all building sanitary sewers, and a clean out shall be installed on the street side of the trap.
- (6) The "International Energy Conservation Code 2003".
- (7) The "International Residential Code 2003".
- A. Appendix G of the "International Residential Code".
 - B. Sections AE501-AE503 and AE601-AE605 of Appendix E of the "International Residential Code".
 - C. Stairway specifications utilized in place of section R-314.2 of the "International Residential Code":
 - 1. The maximum riser height is 8-1/4 inches. There may be no more than a 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.
 - 2. The minimum tread depth is 9 inches measured from tread nosing to tread nosing.
 - 3. The greatest tread depth within any flight of stairs may not exceed the smallest by more than 3/8 inch.
 - 4. All treads may have a uniform projection of not more than 1½ inches when solid risers are used.
 - 5. Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.
 - 6. Handrails may project from each side of a stairway a distance of 3½ inches into the required width of the stair.
- (8) The "International Existing Building Code 2003".
- (9) The "International Performance Code 2003".
- (10) The "International Urban-Wildland Interface Code 2003".
- (11) The "International Fire Code 2003".
- A. Add the following to 307.2.2 - No person, business or other entity shall burn recyclable materials, leaf waste or grass clippings at any time in bonfires or rubbish fires. For purposes of this section, the term "recyclable materials" means all materials collected by the City of Erie under its recycling program, including but not limited to plastics, newspapers, magazines, cardboard, and all grades of paper. The term "leaf waste" means leaves, garden residues, shrubbery, tree trimmings and similar material.
 - B. Fire Escrow Insurance Fund.
 - 1. Responsibilities And Duties. The Director of Administration or his designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.
(Ord. 52-1992 Sec. 1. Passed 12-2-92; Ord. 37-2006. Passed 8-2-06.)

2. Municipal Certificate Required For Claim Payment. No insurance company, association or exchange (hereinafter the "Insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City (hereinafter the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500), unless the named insured or insuring agent is furnished by the Municipal Treasurer with a municipal certificate or verbal notification pursuant to Section 508(B) of Act 98 of 1992 and unless there is compliance with Section 508(C) and (D) of Act 98 of 1992 and Act 93 of 1994 and the provisions of this article and Act 93 of 1994. (Ord. 97-1994 Sec. 1. Passed 12-28-94.)
3. Procedures. Where pursuant to Section 508 (B) (1) (1) of Act 98 of 1992 and Act 93 of 1994, the Municipal Treasurer issues a certificate or verbal notification indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided however, that if the loss is agreed upon by the named insured and insuring agent equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures shall be followed:
 - a. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Municipality in the aggregate of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is fifteen thousand dollars (\$15,000) or less, the amount transferred to the Municipality shall be two thousand dollars (\$2,000); or
 - b. If at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, in an amount less than the amount calculated under the foregoing transfer formula the insuring agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.
 - c. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.

- d. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Municipality in excess of the estimate to the named insured, if the Municipality has not commenced to remove, repair or secure the building or other structure.
- e. Upon receipt of proceeds under this section, the Municipality shall do the following:
 - i. The designated officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Municipality. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Municipality in connection with such removal, repair or securing of the building or any proceeds related thereto; and
 - ii. It is the obligation of the insuring agent when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and
 - iii. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the designated officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and

- iv. To the extent that interest is earned on proceeds held by the Municipality pursuant to this section, and not returned to the named insured, such interest shall belong to the Municipality. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
 - f. Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.
(Ord. 97-1994 Sec. 2. Passed 12-28-94.)
 - 4. Adoption of Regulations; Fees. The City may by resolution adopt procedures and regulations to implement Act 98 of 1992 and Act 93 of 1994 and this article and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and Act 93 of 1994 and this article; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.
(Ord. 97-1994 Sec. 3. Passed 12-28-94.)
 - 5. Severability. The provisions of this article shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this article shall remain in effect.
(Ord. 52-1992 Sec. 6 Passed 12-2-92.)
 - 6. Penalty. Any owner of property, any named insured or any insuring agent who violates this article shall be subject to a penalty of up to one thousand dollars (\$1,000) per violation.
(Ord. 52-1992 Sec. 5. Passed 12-2-92.)
- (12) The "International Property Maintenance Code 2009".
(Ord. 49-2009. Passed 9-2-09.)
 - A. Add to Section 106.3. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by being posted on the main entrance of the building and published one time in two separate local publications authorized to provide service by publication.

- B. Add to Section 106.4. Any person, firm or corporation who violates any provision of this Code shall, upon conviction thereof, be subject to a fine not exceeding one per month on a single property and not more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations and not exceeding five thousand (\$5,000) for the third and subsequent continual and uncorrected violation of the same subsection of this Code, or, if the violation is found to pose a threat to public health, safety or property, a fine of not less than five hundred dollars (\$500.00) and no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations of the same subsection of this Code on the same property, and not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) for the third and subsequent continual and uncorrected violation of the same subsection on the same property, or imprisonment for a term not to exceed ninety days, or both at the discretion of the court.
- C. Insert in Section 107.3. Service may also be accomplished by leaving the notice at the usual place of abode in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof.
- D. Insert in Section 302.4. Ten (10) inches - Only one Compliance Notice will be issued to each violator per calendar year. Thereafter, a citation will be issued directly without warning. Any person, firm, or corporation who shall violate this section shall, upon conviction thereof, be subject to a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000) or imprisonment for a term not to exceed ninety days, or both at the discretion of the court.
- E. Replace Section 302.8 with the following. Except as provided for in other regulations, not more than one inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at anytime be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. No property owner shall permit a motor vehicle to be parked on their property other than on a driveway or parking lot.
- F. Insert in Section 304.14. May 1 through August 31.
- G. Insert in Section 602.3. September 1 through April 30.

(b) The code and standards adopted under subsection (a) hereof are part of the Uniform Construction Code to the prescribed extent of each code or standard. The provisions of the Uniform Construction Code apply if there is a difference between the Uniform Construction Code and the codes or standards adopted in subsection (a) hereof. This chapter's administrative provisions govern under Section 1503.27(c) (relating to applicability and use of standards) if there is a conflict with the provisions of the codes relating to administration incorporated under subsection (a) hereof.

(c) Appendices to a code or standard listed in subsection (a) hereof are not adopted in the Uniform Construction Code unless an appendix is specifically listed in subsection (a) hereof.

(d) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located.

- (1) The prescriptive methods for detached residential buildings contained in the current version of the "International Energy Conservation Code" compliance guide containing state maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (rescheck™) or "Pennsylvania's Alternative Residential Energy Provisions."
- (2) The prescriptive methods for all other buildings or structures contained in the current version of the "International Energy Conservation Code" compliance guide containing state maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (comcheck™).

(e) Construction of individual sewage disposal systems is governed under 25 PA. Code, Chapter 73 (relating to onlot sewage treatment facilities).

(f) The repair, alteration, change of occupancy, addition and relocation of existing buildings shall comply with Chapter 34 of the "International Building Code" or with the "International Existing Building Code."
(Ord. 30-2004. Passed 6-2-04.)

1503.22 HEALTH CARE FACILITIES.

(a) A health care facility shall comply with all of the following under Sections 104(d)(3) and 105(d)(1) of the Act (35 p.s. §§ 7210.104(d)(3), 7210.105(d)(1)):

- (1) The Health Care Facilities Act.
- (2) Regulations of the Department of Health in 28 Pa. Code Part IV (relating to health facilities).
- (3) Building codes and regulations set forth in the applicable licensure laws and regulations under section 105(d) of the act (35 P. S. § 7210.105(d)).
- (4) This chapter.

(b) Section 1503.72 (relating to elevators and other lifting devices) always applies to health care facilities.

(c) In addition to the requirements of this chapter, a permit applicant for a health care facility shall obtain a license from the Department of Health under the Health Care Facilities Act and its regulations and comply with the Department of Health's license application procedures and its licensing regulations.

(d) A permit applicant for construction or alteration of a health care facility shall do all of the following:

- (1) Submit construction or alteration plans to the Department of Health and obtain Department of Health approval before commencing construction or performing the alteration.
- (2) Obtain approval from the Department of Health before occupancy of a new health care facility under 28 PA. Code § 51.5 (relating to building occupancy).
- (3) Obtain approval from the Department of Health before occupancy of an altered portion of an existing health care facility.

(e) A Department of Health inspector may inspect a health care facility site before, during and after construction to monitor compliance with Department of Health's health facility regulations.

(f) A Building Code Official shall not approve plans for a health care facility under this chapter unless the Department of Health has approved the plans.

(g) A Building Code Official may not issue a certificate of occupancy for the health care facility under this chapter unless the Department of Health approved occupancy under 28 PA. Code § 51.5.

(h) This section applies to construction or alteration of all health care facilities that the Department or a Building Code Official review and approve under this title. (Ord. 30-2004. Passed 6-2-04.)

1503.23 CHILD DAY-CARE FACILITIES.

(a) A dwelling unit where child day-care services are provided for less than twenty-four (24) hours for four (4) to twelve (12) children is an R-3 occupancy if the dwelling unit is used primarily as a private residence and the provision of day-care services is accessory to the principal use of the dwelling unit as a residence.

(b) A day-care facility that is a R-3 occupancy under subsection (a) hereof which provides day-care services to four (4) to six (6) children shall comply with all of the following:

- (1) Have a smoke detector on each floor and in the basement. The smoke detector may be powered by a non-replacable, lithium battery listed by Underwriters Laboratories that is warranted for ten (10) years and should sound an alarm when activated that is audible to persons in the unit's indoor child care space with all intervening doors closed. Where this type of detector is utilized, the unit owner of this detector shall keep the proof and date of purchase of the detector in the unit's fire drill logs.
- (2) Have a portable fire extinguisher rated for Class B fires in the kitchen and other cooking areas.
- (3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 PA. Code chapter 3290 (relating to family child day-care homes).

(c) A day-care facility that is an R-3 occupancy under subsection (a) hereof which provides day-care services to seven (7) to twelve (12) children shall comply with all of the following:

- (1) Have an interconnected smoke detector system.
- (2) Have a fire extinguisher rated for Class B fires in the kitchen and other cooking areas.
- (3) Meet the exiting requirements for an R-3 occupancy and licensure under 55 PA. Code Chapter - 3280 (relating to group child day-care homes).

(d) All other child day-care facilities shall be classified under Chapter 3 of the "International Building Code." The facilities shall meet all Uniform Construction Code standards for these occupancy classifications.
(Ord. 30-2004. Passed 6-2-04.)

1503.24 HISTORIC BUILDINGS, STRUCTURES AND SITES.

A Building Code Official may exclude an entire historic building or structure or part of the building or structure from compliance with the Uniform Construction Code if it meets all of the following conditions under Section 902 of the Act (35 P. S. § 7210.902):

- (a) The building or structure is an existing building or structure, or a new building or structure that is not intended for residential use on an historic site.
- (b) The building or structure is identified and classified by Federal or local government authority or the Historical and Museum Commission as an historic building or site.
- (c) A Building Code Official judges the building or structure or parts of the building and structure as safe and the exclusion is in the interest of public health, safety or welfare. The Building Code Official shall apply the Uniform Construction Code to parts of the building or structure where its exclusion is not within the interest of the public health, safety and welfare. A Building Code Official may not waive the Uniform Construction Code's accessibility requirements under this section.
(Ord. 30-2004. Passed 6-2-04.)

1503.25 MANUFACTURED AND INDUSTRIALIZED HOUSING.

(a) Manufactured housing is governed by the following under Section 901(a) of the Act (35 P. S. § 7210.901 (a)):

- (1) Except as provided in paragraph (2), the Uniform Construction Code does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (42 U.S.C.A. §§ 5401--5426).
- (2) This chapter and sections AE501-AE503 and AE601-AE605 of Appendix E of the International Residential Code adopted under the Uniform Construction Code apply to the following:
 - A. Site preparation.
 - B. Foundation construction.
 - C. Connection to utilities.
- (3) The Uniform Construction Code applies to the following:
 - A. Alteration or repair to the unit that does not fall within 24 CFR 3280.1-3280.904 (relating to manufactured home construction and safety standards) and the manufacturer's installation instructions after assembly and shipment by the manufacturer.
 - B. Additions to the unit after delivery to the site.
 - C. Construction, alteration, repair or change of occupancy if the manufactured housing is resold to a subsequent purchaser.
 - D. Construction, alteration, repair or change of occupancy if the original purchaser relocates the manufactured housing.

- Act:
- (b) Industrialized housing is governed by the following under Section 901(a) of the Act:
- (1) Except as provided in subsection (b)(2), the Uniform Construction Code does not apply to industrialized housing assembled by and shipped from the manufacturer.
 - (2) The Uniform Construction Code applies to all of the following:
 - A. Site preparation.
 - B. Foundation construction.
 - C. Utilities connection.
 - D. Construction, alteration or repair to the industrialized housing unit after installation.
 - E. Construction, alteration, repair or occupancy if industrialized housing is resold to a subsequent purchaser.
 - F. Construction, alteration, repair or occupancy if industrialized housing is relocated.

(c) The Department of Community and Economic Development may enforce and take action under the Industrialized Housing Act (35 P. S. §§ 1651.1--1651.12) and the Manufactured Housing Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1--1656.9).
(Ord. 30-2004. Passed 6-2-04.)

1503.26 SWIMMING POOLS.

- (a) A swimming pool, hot tub and spa which is accessory to a one- or two- family dwellings shall comply with all of the following:
- (1) Chapter 41 of the "International Residential Code."
 - (2) Appendix G of the "International Residential Code."
 - (3) Section 2406.2, Paragraph 9 Of The International Building Code (Glazing in Walls and Fences Enclosing Indoor and Outdoor Swimming Pools, Hot Tubs and Spas).
 - (4) Section 3109.4 of the International Building Code (Residential Swimming Pool Enclosures).

(b) A swimming pool that is not accessory to a one and two family dwelling shall comply with this chapter, The American National Standards for Public Pools issued by ANSI and NSPI (ANSI/NSPI-1 1991) and The Public Bathing Law (35 P.S. §§ 672-680d).

(c) A hot tub or spa that is not accessory to a one or two family dwelling shall comply with this article and the "American National Standard for Public Spas" issued by ANSI and NSPI (ANSI/NSPI-2 1999).
(Ord. 30-2004. Passed 6-2-04.)

1503.27 APPLICABILITY AND USE OF STANDARDS.

- (a) Portions of this article designate and incorporate portions of the following ICC 2003 copyrighted works:
- (1) The "International Building Code."
 - (2) The "International Residential Code."
 - (3) The "ICC Electrical Code."
 - (4) The "International Plumbing Code."
 - (5) The "International Mechanical Code."

(b) The "International Residential Code" and the "International Existing Building Code" apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings no more than three (3) stories in height with a separate means of egress and their accessory structures.

(c) The ICC owns the copyrighted works in subsection (a) hereof. Reproduced with permission. All rights reserved.

(d) If different sections of this article specify different materials, method of construction or other requirements, the most restrictive material, method of construction or other requirement shall govern. The specific requirement of this part applies if there is a conflict between a general requirement and a specific requirement.

(e) This article governs if there is a conflict between this article and the provisions of the codes relating to administration incorporated under Section 1503.21 (a) (relating to Uniform Construction Code).

(f) A provision of the "International Mechanical Code" does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1-1331.9). (Ord. 30-2004. Passed 6-2-04.)

ARTICLE 1503.3
Permit and Inspection Process for Commercial Construction

1503.31	Permit requirements and exemptions.	1503.34	Alternative construction materials and methods.
1503.32	Permit application.	1503.35	Inspections.
1503.33	Grant, denial and effect of permits.	1503.36	Certificate of occupancy.
		1503.37	Public utility connections.
		1503.38	Boilers.

CROSS REFERENCES

1503.31 PERMIT REQUIREMENTS AND EXEMPTIONS.

(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the Uniform Construction Code shall first apply to the Building Code Official and obtain the required permit under Section 1503.32 (relating to permit application).

(b) Emergency repairs or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the Building Code Official within three (3) business days of the repair or replacement.

(c) A permit is not required for the exceptions listed in Section 1503.11 (b) (relating to scope) and the following construction as long as the work does not violate a law or ordinance:

- (1) Building construction for the following:
 - A. "Deleted".
 - B. Oil derricks.
 - C. Retaining walls, which are not over four (4) feet in height measured from the lowest level of grade to the top of the wall, unless it is supporting a surcharge or impounding Class I, II or III-A liquids.
 - D. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
 - E. Sidewalks and driveways not more than thirty (30) inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.
 - F. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.

- G. Temporary motion picture, television, and theater stage sets and scenery.
 - H. Prefabricated swimming pools accessory to a Group R-3 occupancy which are less than twenty-four (24) inches deep, do not exceed 5,000 gallons and are installed entirely aboveground.
 - I. Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.
 - J. Swings and other playground equipment accessory to one- or two-family dwellings.
 - K. Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches from the exterior wall and do not require additional support of Group R-3 as applicable in the "International Building Code," and Group U occupancies.
 - L. Movable cases, counters and partitions that are not over five (5) feet nine (9) inches in height.
 - M. Window replacement without structural change.
- (2) Electrical work for the following:
- A. Minor repair and maintenance work that includes the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - B. Electrical equipment used for radio and television transmissions. The provisions of the Uniform Construction Code apply to equipment and wiring for power supply and the installation of towers and antennas.
 - C. The installation of a temporary system for the testing or servicing of electrical equipment or apparatus.
- (3) The following gas work:
- A. A portable heating appliance.
 - B. Replacement of a minor part that does not alter approval of equipment or make the equipment unsafe.
- (4) The following mechanical work or equipment:
- A. A portable heating appliance.
 - B. Portable ventilation equipment.
 - C. A portable cooling unit.
 - D. Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.
 - E. Replacement of any part that does not alter its approval or make it unsafe.
 - F. A portable evaporative cooler.
 - G. A self-contained refrigeration system containing ten (10) pounds or less of refrigerant and placed into action by motors that are not more than 1 horsepower.
- (5) The following plumbing repairs:
- A. Stopping leaks in a drain and a water, soil, waste or vent pipe. The Uniform Construction Code applies if a concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and is removed and replaced with new material.
 - B. Clearing stoppages or repairing leaks in pipes, valves or fixtures, and the removal and installation of water closets, faucets and lavatories if the valves, or pipes are not replaced or rearranged.

(d) An ordinary repair does not require a permit. The following are not ordinary repairs:

- (1) Cutting away a wall, partition or portion of a wall.
- (2) The removal or cutting of any structural beam or load-bearing support.
- (3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
- (4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as defined in 66 PA.c.s. § 102 (relating to the definition of public utility).

(f) A Building Code Official may issue an annual permit instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation. All of the following are required:

- (1) The applicant shall employ licensed electrical, mechanical, and/or plumbing contractors and/or a qualified gas contractor.
- (2) The applicant shall submit an application in accordance with Section 1503.32(m).
- (3) An annual permit holder shall keep detailed records of alterations made in accordance with the annual permit. The permit holder shall provide access to these records to the Building Code Official.
(Ord. 30-2004. Passed 6-2-04.)

1503.32 PERMIT APPLICATION.

(a) Applications for a permit required under Section 1503.31(relating to permit requirements and exemptions) shall be submitted to the Building Code Official in accordance with this section.

(b) A permit applicant shall submit an application to the Building Code Official and attach construction documents, including plans and specifications, and information concerning special inspection and structural observation programs, Department of Transportation highway access permits and other data required by the Building Code Official with the permit application. The applicant shall submit three sets of documents.

(c) A licensed architect or licensed professional engineer shall prepare the construction documents under the Architects Licensure Law (63 P. S. §§ 34.1--34.22), or the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148--158.2). An unlicensed person may prepare design documents for the remodeling or alteration of a building if there is no compensation and the remodeling or alteration does not relate to additions to the building or changes to the building's structure or means of egress.

(d) A Building Code Official may require submission of additional construction documents in special circumstances.

(e) The permit applicant shall submit construction documents in a format approved by the Building Code Official. Construction documents shall be clear, indicate the location, nature and extent of the work proposed, and show in detail that the work will conform to the Uniform Construction Code.

(f) All of the following fire egress and occupancy requirements apply to construction documents:

- (1) The permit applicant shall submit construction documents that show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the Uniform Construction Code.
- (2) The construction documents for occupancies other than Groups R-2 and R-3 shall contain designation of the number of occupants to be accommodated on every floor and in all rooms and spaces.
- (3) The permit applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code in accordance with the following:
 - A. The shop drawings shall be approved by the Building Code Official before the start of the system installation.
 - B. The shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the "International Building Code."

(g) Construction documents shall contain the following information related to the exterior wall envelope:

- (1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.
- (2) Flashing details.
- (3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.

(h) Construction documents shall contain a site plan that is drawn to scale. The Building Code Official may waive or modify the following site plan requirements if the permit application is for an alteration or repair or if waiver or modification is warranted. Site plan requirements include all of the following:

- (1) The size and location of new construction and existing structures on the site.
- (2) Accurate boundary lines.
- (3) Distances from lot lines.
- (4) The established street grades and the proposed finished grades.
- (5) If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot.
- (6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

(i) A permit applicant shall submit certifications required in the "International Building Code" for construction in a flood hazard area to the Building Code Official.

(j) A permit applicant shall identify, on the application, the name and address of the licensed architect or engineer in responsible charge of the construction. The permit applicant shall notify the Building Code Official in writing if another licensed architect or engineer assumes responsible charge.

(k) The permit applicant shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if Section 1704 or 1709 of the "International Building Code" requires special inspections or structural observations for the construction.

(l) A Building Code Official may waive or modify the submission of construction documents, that are not required to be prepared by a licensed architect or engineer, or other data if the nature of the work applied for does not require review of construction documents or other data to obtain compliance with the Uniform Construction Code. The Building Code Official may not waive the submission of site plans that relate to accessibility requirements.

(m) An applicant for an annual permit under Section 1503.31(f) shall complete an application and provide information regarding the system that may be altered and the date that approval was previously provided for the approved electrical, gas, mechanical or plumbing installation.

(n) A permit applicant shall comply with the permit, certification or licensure requirements of the following laws applicable to the construction:

- (1) The Boiler and Unfired Pressure Vessel Law (35 P.S. §§ 1331.1--1331.19).
- (2) The Propane and Liquefied Petroleum Gas Act (35 P.S. §§ 1329.1-1329.19).
- (3) The Health Care Facilities Act.
- (4) The Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1 -1511.22).

(o) Insurance for Demolition Work.

- (1) No demolition permit shall be issued for the demolition of a building or structure within the City unless a certificate or other proof is submitted showing that public liability insurance in the amount of three hundred thousand dollars (\$300,000) has been obtained by the applicant. The certificate shall name the City as an additional insured at no cost to the City. Demolition permits or the demolition of commercial structures shall only be issued to demolition contractors.
- (2) Exemptions. The provisions set forth in subsection (o)(1) hereof shall not apply to the wrecking or demolition of any single family residence or garage within the City, provided the demolition is done entirely by the owner.
(Ord. 30-2004. Passed 6-2-04.)

1503.33 GRANT, DENIAL AND EFFECT OF PERMITS.

(a) A Building Code Official shall grant or deny a permit application, in whole or in part, within thirty (30) business days of the filing date. Reasons for the denial shall be in writing and sent to the applicant. The Building Code Official and the permit applicant may agree in writing to extend the deadline by a specific number of days. A Building Code Official may establish a different deadline to consider applications for a permit in an historic district.

(b) A Building Code Official shall examine the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.

(c) A Building Code Official shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The Building Code Official shall clearly mark any required nondesign changes on the construction documents. The Building Code Official shall return a set of the construction documents with this notation and any required changes to the applicant. The permit holder shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.

(d) A Building Code Official may not issue a permit for any property requiring access to a highway under the Department of Transportation's jurisdiction unless the permit contains notice that a highway occupancy permit is required under Section 420 of the State Highway Law (36 P. S. § 670-420) before driveway access to a Commonwealth highway is permitted.

(e) A Building Code Official may issue a permit for the construction of the foundations or other parts of a building or structure before the construction documents for the whole building or structure are submitted if the permit applicant previously filed adequate information and detailed statements for the building or structure under the Uniform Construction Code. Approval under this section is not assurance that the Building Code Official will issue a permit for the entire building or structure.

(f) Issuance of a permit does not bar prosecution or other legal action for violations of the Act, the Uniform Construction Code, or a construction ordinance. A Building Code Official may suspend or revoke a permit issued under the Uniform Construction Code when the permit holder does not make the required changes directed by the Building Code Official under subsection (c) hereof, when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the Uniform Construction Code.

(g) A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The Building Code Official may grant extensions of time to commence construction in writing. A permit may be valid for no more than five (5) years from its issue date.

(h) The permit holder shall keep a copy of the permit on the work site until the completion of the construction.

(i) A permit applicant may request extensions of time or variances or appeal a Building Code Official's action on the permit application to a Board of Appeals under Section 1503.62 (relating to appeals, variances and extensions of time).

(j) A Board of Appeals may not rule on requests for extensions of time, variances or appeals relating to this title's accessibility requirements. The secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Section 1503.71 (relating to the Accessibility Advisory Board).

(k) A Building Code Official may allow deferred submittals of portions of the design of the building and structure from the time of the application until a specified time set by the Building Code Official. All of the following apply to deferred submittals:

- (1) The Building Code Official shall provide prior approval of the deferral of any submittal items.
- (2) A licensed architect or professional engineer in responsible charge shall list the deferred submittals on the construction documents for review by the Building Code Official.
- (3) A licensed architect or professional engineer shall first review submittal documents for deferred submittal items and place a notation on the documents that the architect or engineer reviewed the documents and that the documents are in general conformance with the design of the building or structure.
- (4) Deferred submittal items may not be installed until the Building Code Official approves the design and submittal documents for the deferred submittal items.

(l) Work shall be installed in accordance with the approved construction documents. The permit holder shall submit a revised set of construction documents for approval for changes made during construction that are not in accordance with the approved construction documents.

(m) A permit is not valid until the required fees are collected under Article 1502 (relating to Department fees; City of Erie and third-party agency fees). (Ord. 30-2004. Passed 6-2-04.)

1503.34 ALTERNATIVE CONSTRUCTION MATERIALS AND METHODS.

(a) Materials, products, and methods of construction that were evaluated as meeting codes enumerated in Section 1503.21 (relating to Uniform Construction Code) by the ICC Evaluation Service, Inc. or an evaluation service accredited under the "general requirements for bodies operating product certification systems" issued by the ISO (ISO guide 65) are approved for use. The use shall conform with the evaluation.

(b) Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Service, Inc. or another agency accredited under the "Calibration and Testing Laboratory Accreditation Systems General Requirements for Operation and Recognition" issued by ISO (ISO guide 58) are approved for use if:

- (1) The testing laboratory or quality assurance agency deemed the material as meeting Uniform Construction Code-required standards.
- (2) The scope of accreditation is applicable to Uniform Construction Code-required standards.

(c) A new building or remodeling, alteration, addition or change of use and occupancy of an existing building which complies with the International Performance Code shall also be in compliance with the Uniform Construction Code. (Ord. 30-2004. Passed 6-2-04.)

1503.35 INSPECTIONS.

(a) A construction code official employed or under contract with the City of Erie shall perform inspections to insure that the construction complies with the approved permit and the Uniform Construction Code, except that Fire Code inspections shall be conducted, and permits issued, by a qualified Fire Code Inspector as defined in Article 1501 of this code.

(b) Before issuing a permit, a Building Code Official and/or Fire Inspector may examine, or cause to be examined, buildings, structures, facilities or sites related to the permit application.

(c) The permit holder or an authorized agent shall notify the construction code official and/or Fire Inspector when work is ready for inspection and provide access for the inspection. The work shall remain accessible and exposed for inspection. A construction code official may inspect the construction and equipment only during normal hours at the construction site unless the permit holder or agent requests or agrees to another time. Inspections may be conducted under Section 1503.56 (relating to right of entry to inspect)

(d) A construction code official and Fire Inspector shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

(e) A construction code official and Fire Inspector shall conduct a final inspection of the completed construction and work file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under §401.7 (6) (Relating to certification category speculation for Building Inspector).
- (2) Electrical under §401.7 (7).
- (3) Plumbing under §401.7 (9).
- (4) Accessibility under §401.7 (11).
- (5) Fire protection under §401.7 (6). (Inspected by Fire Inspectors only, as defined in Article 1501 of this code.)
- (6) Mechanical under §401.7 (8).
- (7) Energy conservation under §401.7 (10).
(Ord. 30-2004. Passed 6-2-04.)

1503.36 CERTIFICATE OF OCCUPANCY.

(a) A building, structure or facility may not be used or occupied without a certificate of occupancy issued by a Building Code Official.

(b) A Building Code Official shall issue a certificate of occupancy within five (5) business days after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain the following information:

- (1) The permit number and address of the building, structure or facility.
- (2) The permit holder's name and address.
- (3) A description of the portion of the building, structure or facility covered by the occupancy permit.
- (4) The name of the Building Code Official who issued the occupancy permit.
- (5) The applicable construction code edition applicable to the occupancy permit.

- (6) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.
- (7) The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.
- (8) Special stipulations and conditions relating to the permit and Board of Appeals decisions and variances for accessibility requirements granted by the Secretary.
- (9) The date of the final inspection.
- (10) Compliance with the City of Erie Zoning Ordinance.

(c) A Building Code Official may issue a certificate of occupancy for a portion of a building, structure or facility if the portion independently meets the Uniform Construction Code.

(d) A Building Code Official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the Board of Appeals under Section 1503.62 (relating to appeals, variances and extensions of time).

(e) A Fire Inspector shall be the only person that may issue any permits or compliance notices relating to fire inspections and the Fire Code.
(Ord. 30-2004. Passed 6-2-04.)

1503.37 PUBLIC UTILITY CONNECTIONS.

(a) A Building Code Official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this article.
(Ord. 30-2004. Passed 6-2-04.)

1503.38 BOILERS.

(a) The Boiler and Unfired Pressure Law (35 P. S. §§ 1331.1-1331.19) and Chapter 3 (relating to boilers and unfired pressure vessels) govern the new installation, repair or replacement of a boiler or other pressure vessel.

(b) A permit under this article is required for the installation, repair or replacement of a boiler or unfired pressure vessel under subsection (a) hereof. The building or structure containing the boiler or unfired pressure vessel shall comply with the Uniform Construction Code or the regulation or ordinance in effect at the time of its legal occupancy.
(Ord. 30-2004. Passed 6-2-04.)

ARTICLE 1503.4
Permit and Inspection Process for Residential Buildings

<p>1503.41 Permit requirements and exemptions.</p> <p>1503.42 Permit application.</p> <p>1503.43 Grant, denial and effect of permits.</p>	<p>1503.44 Inspections.</p> <p>1503.45 Certificate of occupancy.</p> <p>1503.46 Public utility connections.</p>
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CROSS REFERENCES

1503.41 PERMIT REQUIREMENTS AND EXEMPTIONS.

(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a residential building or erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the Uniform Construction Code shall first apply to the Building Code Official and obtain the required permit under Section 1503.42 (relating to permit application).

(b) An emergency repair or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the Building Code Official within three (3) business days of the repair or replacement.

(c) A permit is not required for the exceptions listed in Section 1503.11 (b) (relating to scope) and the following construction if the work does not violate a law or ordinance:

- (1) The following building construction, replacement or repairs:
 - A. "Deleted".
 - B. Retaining walls that are not over four (4) feet in height measured from the lowest level of grade to the top of the wall unless the wall supports a surcharge.
 - C. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
 - D. Sidewalks and driveways that are thirty (30) inches or less above adjacent grade and not placed over a basement or story below it.
 - E. Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, counter tops and similar finishing work.
 - F. Prefabricated swimming pools that are less than twenty-four (24) inches deep.

- G. Swings and other playground equipment accessory to a one or two family dwelling.
 - H. Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches from the exterior wall and do not require additional support.
 - I. Replacement of glass in any window or door. The replacement glass shall comply with the minimum requirements of the International Residential Code.
 - J. Installation and replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions or framing of the original opening are not altered. The installation and means of egress and emergency escape windows may be made in the same opening without altering the dimensions or framing of the original opening if the required height, width or net clear opening of the previous window or door assembly is not reduced.
 - K. Replacement of existing roof material that does not exceed twenty-five percent (25%) of the total roof area performed within any twelve (12) month period.
 - L. Replacement of existing siding.
 - M. Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.
 - N. Installation of an additional roll or batt insulation.
 - O. Replacement of exterior rain water gutters and leaders.
 - P. Installation of an uncovered deck where the floor of the deck is no more than thirty (30) inches above grade.
- (2) Minor electrical work for the following:
- A. Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - B. Replacement of a receptacle, switch or lighting fixture rated at twenty (20) amps or less and operating at less than 150 volts to ground with a like or similar item. This shall not include replacement of receptacles in locations where ground-fault circuit interrupter protection is required.
 - C. Replacement of installed electrically operated equipment such as doorbells, communication systems and any motor operated device.
 - D. Installation, alteration or rearrangement of communications wiring.
 - E. Replacement of dishwashers.
 - F. Replacement of kitchen range hoods.
 - G. Installation of battery-powered smoke detectors.
- (3) The following gas work:
- A. Portable heating, cooking or clothes drying appliances.
 - B. Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.
 - C. A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.
- (4) The following mechanical work or equipment:
- A. A portable heating appliance.
 - B. Portable ventilation appliances.
 - C. Portable cooling units.

- D. Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.
 - E. Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
 - F. Self-contained refrigeration systems containing ten (10) pounds or less of refrigerant or that are put into action by motors one (1) horsepower.
 - G. Portable evaporative cooler.
 - H. A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.
- (5) The following plumbing work:
- A. Replacement of bib valves if the replacement hose bib valves are provided with an approved atmospheric vacuum breaker.
 - B. Refinishing of existing fixtures.
 - C. Replacement of ball cocks.
 - D. Repair of leaks.
 - E. Clearance of stoppages.
 - F. Replacement of faucets or working parts of faucets.
 - G. Replacement of valves other than shower or combination shower/bath valves.
 - H. Replacement of traps.
 - I. Replacement of a water closet, lavatory or kitchen sink.
 - J. Replacement of domestic clothes washers and dishwashers.
- (6) The following heating, ventilation and air conditioning work:
- A. Replacement of motors, pumps and fans of the same capacity.
 - B. Repair and replacement of heating, supply and return piping and radiation elements which do not require rearrangement of the piping system.
 - C. Repair and replacement of duct work.
 - D. Repair and replacement of air conditioning equipment and systems.
 - E. Repair and replacement of control devices for heating and air conditioning equipment.
 - F. Replacement of kitchen range hoods.
 - G. Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.
 - H. Replacement of stoves and ovens if there is no change in fuel type, location or electrical characteristics.
- (d) An ordinary repair does not require a permit. The following are not ordinary repairs:
- (1) Cutting away a wall, partition or portion of a wall.
 - (2) The removal or cutting of any structural beam or load-bearing support.
 - (3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
 - (4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

(e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as defined in 66 PA.C.S. § 102 (relating to the definition of public utility).
(Ord. 30-2004. Passed 6-2-04.)

1503.42 PERMIT APPLICATION.

(a) Applications for a permit required under Section 1503.41 (relating to permit requirements and exemptions) shall be submitted to the Building Code Official in accordance with this section.

(b) A permit applicant shall submit an application to the Building Code Official and attach construction documents with plans and specifications.

(c) A Building Code Official may waive the submission of construction documents if the nature of the construction does not require the review of the construction documents to determine compliance with the Uniform Construction Code.

(d) A permit applicant for a building or structure located in a flood hazard area under the National Flood Insurance Program shall submit the following information with the construction documents:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
- (2) The elevation of the proposed lowest floor including basement and the height of the proposed lowest floor including basement above the highest adjacent grade is to be included in the documents if the building or structure is located in areas of shallow flooding (Zone AO).
- (3) Design flood elevations contained on the municipality's Flood Insurance Rate Map produced by the Federal Emergency Management Agency. The Building Code Official and the applicant shall obtain and reasonably utilize design flood elevation and floodway data available from other sources if this information is not contained on the municipality's Flood Insurance Rate Map.

(e) The application shall contain a site plan showing the size and location of the new construction and existing structures on the site and the structures distance from lot lines. If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot. A Building Code Official may waive or modify the site plan requirement when the permit application is for an alteration or a repair or if the waiver is warranted for other reasons.

(f) Insurance for Demolition Work.

- (1) No demolition permit shall be issued for the demolition of a building or structure within the City unless a certificate or other proof is submitted showing that public liability insurance in the amount of three hundred thousand dollars (\$300,000) has been obtained by the applicant. The certificate shall name the City as an additional insured at no cost to the City. Demolition permits for the demolition of commercial structures shall only be issued to demolition contractors.

- (2) Exemptions. The provisions set forth in subsection (f)(1) hereof shall not apply to the wrecking or demolition of any single family residence or garage within the City, provided the demolition is done entirely by the owner.
(Ord. 30-2004. Passed 6-2-04.)

1503.43 GRANT, DENIAL AND EFFECT OF PERMITS.

(a) A Building Code Official shall grant or deny a permit application, in whole or in part, within fifteen (15) business days of the filing date or the application is deemed approved. Reasons for the denial shall be in writing and sent to the permit applicant. The Building Code Official and the applicant may agree in writing to extend the deadline by a specific number of days.

(b) A Building Code Official shall examine the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.

(c) A Building Code Official shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The Building Code Official shall clearly mark any required nondesign changes on the construction documents. The Building Code Official shall return a set of the construction documents with this notation and any required changes to the applicant. The applicant shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.

(d) A Building Code Official may not issue a permit for any property requiring access to a highway under the Department of Transportation's jurisdiction unless the permit contains notice that a highway occupancy permit is required under Section 420 of the State Highway Law (36 p. S. § 670-420) before driveway access to a Commonwealth highway is permitted.

(e) A Building Code Official may issue a permit for the construction of the foundations or other parts of a building or structure before the construction documents for the whole building or structure are submitted if the permit applicant previously filed adequate information and detailed statements for the building or structure under the Uniform Construction Code. Approval under this section is not assurance that the Building Code Official will issue a permit for the entire building or structure.

(f) Issuance of a permit does not bar prosecution or other legal action for violations of the Act, the Uniform Construction Code, or a construction ordinance. A Building Code Official may suspend or revoke a permit issued under the Uniform Construction Code when the owner does not make the required changes directed by the Building Code Official under subsection (c) hereof, when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the Uniform Construction Code.

(g) A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The Building Code Official may grant extensions of time to commence construction in writing. A permit may be valid for no more than five (5) years from its issue date.

(h) The permit holder shall keep a copy of the permit on the work site until the completion of the construction.

(i) A permit applicant may request extensions of time or variances or appeal a Building Code Official's action on the permit application to a Board of Appeals under Section 1503.62 (relating to appeals, variances and extensions of time).

(j) Work shall be installed in accordance with the approved construction documents. The permit holder shall submit a revised set of construction documents for approval for changes made during construction that are not in accordance with the approved construction documents.

(k) A permit is not valid until the required fees are collected under Article 1502 (relating to City of Erie and third-party agency fees).
(Ord. 30-2004. Passed 6-2-04.)

1503.44 INSPECTIONS.

(a) A construction code official employed or under contract with the City of Erie shall inspect all construction for which a permit was issued. However, all inspections for Fire Code compliance and permit issuance shall be conducted by Fire Inspectors as defined in Article 1501 of this code. The permit holder shall insure that the construction is accessible for inspection. An inspection does not bar prosecution or other legal action for violation of the Uniform Construction Code.

(b) The permit holder or an authorized agent shall notify the construction code official and Fire Inspector when work is ready for inspection and provide access for the inspection.

(c) The construction code official and Fire Inspector shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

(d) A construction code official shall make the following inspections and file inspection reports relating to Uniform Construction Code compliance in all of the following areas:

- (1) Foundation inspection.
- (2) Plumbing, mechanical and electrical system inspection.
- (3) Frame and masonry inspection.
- (4) Wallboard inspection.

(e) The construction code official may conduct other inspections to ascertain compliance with the Uniform Construction Code or municipal ordinances, except with regard to Fire Code inspections, which shall be conducted by Fire Inspectors.

(f) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report that indicates compliance with the Uniform Construction Code, except that any final Fire Code inspections shall be conducted by Fire Inspectors.
(Ord. 30-2004. Passed 6-2-04.)

1503.45 CERTIFICATE OF OCCUPANCY.

(a) A residential building may not be used or occupied without a certificate of occupancy issued by a Building Code Official.

(b) A Building Code Official shall issue a certificate of occupancy after receipt of a final inspection report that indicates compliance with the Uniform Construction Code within five (5) business days. The certificate of occupancy shall contain all of the following information:

- (1) The permit number and address of the residential building.
- (2) The name and address of the owner of the residential building.
- (3) A description of the portion of the residential building covered by the occupancy permit.
- (4) A statement that the described portion of the residential building was inspected for compliance with the Uniform Construction Code.
- (5) The name of the Building Code Official who issued the occupancy permit.
- (6) The construction code edition applicable to the occupancy permit.
- (7) If an automatic sprinkler system is provided.
- (8) Any special stipulations and conditions relating to the building permit.
- (9) Compliance with the City of Erie Zoning Ordinance.

(c) A Building Code Official may issue a certificate of occupancy for a portion of a residential building if the portion independently meets the Uniform Construction Code.

(d) A Building Code Official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant, or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the Board of Appeals in accordance with Section 1503.62 (relating to appeals, variances and extensions of time).

(e) A Fire Inspector shall be the only person who can issue permits or compliance notices concerning fire inspections or the Fire Code.
(Ord. 30-2004. Passed 6-2-04.)

1503.46 PUBLIC UTILITY CONNECTIONS.

(a) A Building Code Official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this article.

ARTICLE 1503.5
Enforcement for Noncompliance

1503.51 Working without permits. 1503.52 Stop work order. 1503.53 Notice of violations. 1503.54 Order to show cause/order to vacate. 1503.55 Unsafe building, structure or equipment.	1503.56 Release, retention and sharing of commercial construction records. 1503.57 Right of entry to inspect. 1503.58 Rent withholding.
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CROSS REFERENCES

1503.51 WORKING WITHOUT PERMITS.

Where construction is started or when a premises is occupied without first obtaining the permits required by this Code, the fees specified in the Permit Fee Schedule shall be doubled. However payment of such double fee shall not relieve any person and/or company from fully complying with all the provisions of the Uniform Construction Code in the execution of the work nor from any other penalties prescribed in the Uniform Construction Code.
(Ord. 30-2004. Passed 6-2-04.)

1503.52 STOP WORK ORDER.

(a) A Building Code Official or Fire Inspector may issue a written stop work order when the official determines that construction violates the Uniform Construction Code or is being performed in a dangerous or unsafe manner. The stop work order is to contain the reasons for the order and list the required conditions for construction to resume.

(b) The Building Code Official or Fire Inspector shall serve the stop work order on the permit owner or the owner's agent by certified mail or personal service.

(c) A person who continues construction after service of a stop work order, except for construction work that is necessary to remove a violation or an unsafe condition, may be subject to the penalties under Section 903 of the Act (35 P. S. § 7210.903). A Building Code Official may seek enforcement of a stop work order in a court of competent jurisdiction.
(Ord. 30-2004. Passed 6-2-04.)

1503.53 NOTICE OF VIOLATIONS.

A Building Code Official or Fire Inspector shall follow the following procedures if an inspection reveals a violation of the Uniform Construction Code:

- (a) A construction code official or Fire Inspector shall discuss the inspection results with the permit holder at the completion of the inspection.
- (b) The Building Code Official or Fire Inspector may issue a written notice of violations to the permit holder. The notice is to contain a description of the violations and an order requiring correction of the violations within a reasonable period determined by the Building Code Official. When a violation relates to an unsafe building structure or equipment, a Building Code Official shall act in accordance with Section 1503.55 (relating to unsafe building, structure or equipment).
- (c) After the compliance date contained in the order, the Building Code Official or Fire Inspector shall inspect the building, structure or equipment to determine whether the violation was corrected. The Building Code Official shall close the order if the violation was corrected. The Building Code Official may issue an order to show cause under Section 1503.54 (relating to order to show cause/order to vacate) to the owner for a violation that was not corrected.
(Ord. 30-2004. Passed 6-2-04.)

1503.54 ORDER TO SHOW CAUSE/ORDER TO VACATE.

(a) A Building Code Official or Fire Inspector may initiate action to vacate or close a building, structure or equipment for violations of the Uniform Construction Code by issuing an order to show cause to the owner or owner's agent of a building or structure.

(b) The order to show cause shall contain a statement of the grounds for the action, the alleged violations of the Uniform Construction Code and notification that the building, structure or equipment may be closed or vacated. The order to show cause shall contain notification that the owner or owner's agent shall submit a written answer within thirty (30) days. The Building Code Official shall serve the order to show cause upon the owner or owner's agent by certified mail or personal service.

(c) The owner or owner's agent may file a written answer to the order to show cause with the Building Code Official within thirty (30) days following service of the order to show cause. The answer shall contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or Uniform Construction Code interpretation relied upon by the owner. The answer may contain a request for a variance or an extension of time for compliance. The Building Code Official shall forward all requests for variances, extensions of time or appeals regarding interpretations of the Uniform Construction Code to the Board of Appeals within five (5) business days. The Building Code Official shall send a request for variance, extension of time or appeals regarding interpretation of the Uniform Construction Code's accessibility requirements to the Department within five (5) business days.

(d) If the owner or owner's agent files an appeal, the Board of Appeals or Department will assume jurisdiction and consolidate the answer with any pending request for variance, extension of time or appeal filed by the owner with the Board of Appeals.

(e) The Building Code Official shall consider the pending request for variance or extension of time or appeal as a stay to an enforcement action.

(f) After receipt of the answer, the Building Code Official or Fire Inspector may take the following actions if the owner or owner's agent did not previously file an appeal or request for variance or extension of time:

- (1) Issue a stop work order.
- (2) Vacate or close the building or structure or place equipment out of operation.
- (3) Abate or modify the alleged violation.
- (4) Order other action to protect persons or property.

(g) A construction code official or Fire Inspector shall inspect the construction at the expiration of an extension of time or other time period granted for compliance under this section. If the building, structure or equipment violates the Uniform Construction Code following inspection, the Building Code Official may issue an order vacating or closing the building or structure or placing equipment out of operation. The Building Code Official shall serve this order upon the owner or owner's agent by certified mail or personal service.

(h) Where an unsafe condition exists, a Building Code Official shall act in accordance with Section 1503.55 (relating to unsafe building, structure or equipment). (Ord. 30-2004. Passed 6-2-04.)

1503.55 UNSAFE BUILDING, STRUCTURE OR EQUIPMENT.

(a) A Building Code Official or Fire Inspector may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance. A vacant building or structure that is not secured against entry is unsafe under this section.

(b) When a Building Code Official or Fire Inspector determines the existence of an unsafe condition, the Building Code Official or Fire Inspector shall order the vacating of the building or structure.

(c) A Building Code Official or Fire Inspector shall serve a written notice on the owner or owner's agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail or personal service to the owner or to the owner's agent's last known address or on the owner, agent or person in control of the building, structure or equipment. A Building Code Official shall post the written notice at the entrance of the structure or on the equipment if service cannot be accomplished by certified mail or personal service.

(d) When a building or structure is ordered vacated under this section, the Building Code Official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

(e) A Building Code Official or Fire Inspector may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

(f) The Department may seal an elevator for an unsafe condition under Section 105(c)(1) of the Act (35 P. S. § 7210.105(c)(1)). The Department is the only entity that may remove or authorize the removal of a seal if an owner abates or corrects the unsafe condition. (Ord. 30-2004. Passed 6-2-04.)

1503.56 RELEASE, RETENTION AND SHARING OF COMMERCIAL CONSTRUCTION RECORDS.

(a) A Building Code Official shall keep records of all applications received, permits issued, reviewed building plans and specifications, certificates issued, fees collected, reports of inspections, notices and orders issued for all commercial buildings and structures under the Uniform Construction Code. A Building Code Official shall retain these records as long as the related building, structure or equipment remains in existence.

(b) A Building Code Official shall reproduce records kept in an electronic format to a hard-copy format upon request. A Building Code Official may charge for the reproduction costs.

(c) A municipality that discontinues enforcing the Uniform Construction Code shall keep records of previous Uniform Construction Code enforcement. A municipality shall make these records available to the Department.

(d) The Department will make its records available to a municipality that elects to enforce the Uniform Construction Code under Section 501 of the Act (35 P. S. § 7210.501).

(e) The Department, the City of Erie and a third-party agency acting on behalf of the City of Erie may prohibit release of applications received, building plans and specifications, inspection reports and similar documents to the public under the Right To Know Law (65 P.S. §§ 66.1-66.9). The Department, the City of Erie or the third-party agency may release these documents to the building owner of record, the permit holder, the design professional of record or a third party authorized by the building owner in writing to receive the documents upon presentation of valid identification.

(f) The Department, the City of Erie and a third-party agency acting on behalf of the City of Erie may release any document obtained under this article to the following:

- (1) The Department.
- (2) The Department of General Services of the Commonwealth.
- (3) Law enforcement or emergency response entities.
- (4) Federal, state or local health entities.

(Ord. 30-2004. Passed 6-2-04.)

1503.57 RIGHT OF ENTRY TO INSPECT.

(a) A construction code official and Fire Inspector may enter a building, structure or premises during normal business hours or at a time agreed to by the owner or owner's agent to perform inspections under the Uniform Construction Code, to enforce Uniform Construction Code provisions or if there is reasonable cause to believe a condition on the building, structure or premises violates the Uniform Construction Code or which constitutes an unsafe condition.

(b) A construction code official and Fire Inspector may enter a building, structure or premises when the official presents credentials to the occupant and receives permission to enter.

(c) A construction code official may not enter a building, structure or premises that is unoccupied or after normal business hours without obtaining permission to enter from the owner or the owner's agent. However, a Fire Inspector may enter a building, structure or premises anytime he/she deems it necessary to insure public safety.

(d) A construction code official and Fire Inspector may seek the assistance of a law enforcement agency to gain entry to enforce the Uniform Construction Code where the construction code official has reasonable cause to believe that the building, structure or premises is unsafe.

(e) This section shall be used in conjunction with the Fire and Panic Act.
(Ord. 30-2004. Passed 6-2-04.)

1503.58 RENT WITHHOLDING.

(a) Special Definition of Dwelling. As used in this article "dwelling" means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

(b) Special Definition of Dwelling Unfit for Human Habitation. As used in this article, "dwelling unfit for human habitation" means any dwelling, which, by reason of serious deficiency or inadequacy in plumbing, water supply, light, heat, ventilation, floor area, room area, fire safety, and rodent and pest control, or by reason of damage, deterioration or disrepair to the building, the dwelling is unsanitary or unsafe and constitutes a serious hazard to the health, safety or general welfare of the occupants of the dwelling.

(c) Determining Factors. The standards which shall be followed by the Code Official, in determining whether the dwelling shall be certified to be unfit for human habitation, are as follows: Existence of deficiency or inadequacy in plumbing, water supply, light, heat, ventilation, floor area, room area, fire safety, rodent or pest control, as represented by the terms and provisions of this Code; or which by reason of damage, deterioration or disrepair to the building, the dwelling is unsanitary or unsafe according to the terms of this Code.

(d) Suspension of Duty to Pay Rent. When the Code Official certifies a dwelling unfit for human habitation, the duty of any tenant of such dwelling to pay, and the right of the landlord to collect rent, shall be suspended without affecting any other terms or conditions of the landlord-tenant relationship, until the dwelling is certified as fit for human habitation by the Code Official, or until the tenancy is terminated for any reason other than the nonpayment of rent.

(e) Escrow Account. During any period when the duty to pay rent is suspended and the tenant continues to occupy the dwelling, the rent withheld shall be deposited by the tenant in an escrow account, as hereinafter designated, and shall be paid to the landlord when the dwelling is certified as fit for human habitation at any time within six months from the date on which the dwelling was certified as unfit for human habitation.

(f) Disbursement of Escrow Account Funds. If, at the end of six months after certification of a dwelling as unfit for human habitation, such dwelling has not been certified as fit for human habitation, any moneys deposited in escrow on account of continued occupancy shall be payable to the depositor.

Except that any funds deposited in escrow may be used for the purpose of making such dwelling fit for human habitation and for the payment of utility services for which the landlord is obligated but which he refuses or is unable to pay. No tenant shall be evicted for any reason whatsoever while rent is deposited in escrow.

(g) Designated Escrow Agent. The Mayor, City Controller and Code Official are hereby authorized and directed to enter into an agreement on behalf of the City and a Local Bank, for the Bank to act as the aforesaid escrow agent.

(h) Saving Clause. Nothing in this article or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending 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 Section 1901.02; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(i) Fee For Requested Inspection. Any individual, person or agency requesting the Bureau of Housing to inspect any residence or structure for the purpose of securing a Certificate of Code Compliance shall be liable for a fee in accordance with the following fee schedule:

<u>Number of Units</u>	<u>Inspection Fee</u>
1 thru 4	\$ 50.00
5 thru 9	75.00
10 thru 24	100.00
25 thru 49	125.00
50 thru 149	225.00
150 or more	325.00

(Ord. 30-2004. Passed 6-2-04.)

**ARTICLE 1503.6
Board of Appeals**

1503.61 Board of Appeals.

1503.62 Appeals, variances and extensions of time.

CROSS REFERENCES

1503.61 BOARD OF APPEALS.

(a) The Board of Appeals shall consist of nine (9) members with one from each of the following:

- (1) A registered architect.
- (2) A structural engineer.
- (3) A mechanical/plumbing engineer.
- (4) An electrical engineer.
- (5) A trained fire protection engineer or technician.
- (6) A registered industrial or chemical engineer.
- (7) A general building contractor.
- (8) A representative of business or industry.
- (9) A member of the general public.
(Ord. 30-2004. Passed 6-2-04.)

(b) In addition, the Board will have two (2) alternative members with any of the above qualification and one Master Plumber. City Council shall appoint such members to serve on the Board with an initial term of three (3) years for three (3) members and an alternate, two (2) years for three (3) members and an alternate, and one (1) year for three (3) members and an alternate. Subsequent appointments shall be for a term of three (3) years or the remaining term in the case of an early resignation. (Ord. 38-2006. Passed 8-2-06.)

(c) The members of the Board shall serve without compensation, but shall be reimbursed for any expenses actually incurred. The Board shall elect its own Chairman, Vice-Chairman and Secretary. A quorum shall consist of a majority of the voting members of the Board. At the beginning of each year, the Board shall schedule and provide public notice of the dates of monthly meetings.

(d) The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the ordinance or Uniform Construction Code has been incorrectly interpreted, or they do not fully apply or an equivalent form of construction is to be used. The Board may not act upon appeals, request for variance or request for extension of the time relating to accessibility under the act. Accessibility issues should be sent to the Department's Accessibility Advisory Board.

(e) A Board member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.
(Ord. 30-2004. Passed 6-2-04.)

1503.62 APPEALS, VARIANCES AND EXTENSIONS OF TIME.

(a) An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the Building Code Official or other person designated by the Board of Appeals on a form provided by the City of Erie.

(b) The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.

(c) An appeal or request for variance or extension of time to the Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under Section 1503.55 (relating to unsafe building, structure or equipment) may not be stayed.

(d) The Board of Appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.

(e) The Board of Appeals shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.

(f) The Board of Appeals shall only consider the following factors when deciding an appeal under Section 501 (c)(2) of the Act:

- (1) The true intent of the Act or Uniform Construction Code was incorrectly interpreted.
- (2) The provisions of the Act do not apply.
- (3) An equivalent form of construction is to be used.

(g) The Board of Appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

- (1) The reasonableness of the Uniform Construction Code's application in a particular case.
- (2) The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.
- (3) The availability of professional or technical personnel needed to come into compliance.
- (4) The availability of materials and equipment needed to come into compliance.
- (5) The efforts being made to come into compliance as quickly as possible.
- (6) Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.

(h) If the owner or owner's agent requests a hearing, the Board of Appeals shall schedule a hearing and notify the owner or owner's agent and Building Code Official of the date, time and place of the hearing.

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- (i) The Board of Appeals may:
 - (1) Deny the request in whole or in part.
 - (2) Grant the request in whole or in part.
 - (3) Grant the request upon certain conditions being satisfied.

 - (j) The Board of Appeals shall provide a written notice of its decision to the owner and to the Building Code Official.

 - (k) An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with the Accessibility Advisory Board under Section 1503.71 (relating to Accessibility Advisory Board).
(Ord. 30-2004. Passed 6-2-04.)

ARTICLE 1503.7
Department of Labor and Industry

1503.71 Accessibility Advisory Board.

1503.72 Elevators and other lifting

CROSS REFERENCES

1503.71 ACCESSIBILITY ADVISORY BOARD.

(a) The Secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code for individual projects under Section 301(a)(3) of the Act (35 P.S. § 7210.301(a)(3)).

(b) The Accessibility Advisory Board is created with the following powers and duties under Section 106 of the Act (35 P. S. § 7210.106):

- (1) Review all proposed regulations under the Act and offer comment and advice to the Secretary on all issues related to accessibility by persons with physical disabilities and enforcement of accessibility requirements.
- (2) Review all applications for modifications or variances of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code. The Accessibility Advisory Board will advise the Secretary whether modification or variance should be granted or whether compliance is technically feasible.
- (3) Hear appeals from decisions of Building Code Officials; recommend modifications or variances or extensions of time. An appeal of a decision of a Building Code Official shall be based on a claim that the true intent of the Act or the Uniform Construction Code was incorrectly interpreted, the Act does not apply or an equivalent form of construction is to be used.

(c) The Accessibility Advisory Board will schedule meetings and provide public notice of meetings in accordance with 65 PA.C.S. §§ 701-716 (relating to the Sunshine Act).

(d) The Accessibility Advisory Board will hear requests for variances or modification, requests for extensions of time and appeals in accordance with the following procedure:

- (1) An owner or owner's agent shall file an appeal with the Accessibility Advisory Board on a Department-provided form.
- (2) The postmark date or the date of personal service will establish the filing date of the appeal.
- (3) An appeal to the Accessibility Advisory Board will automatically suspend an action to enforce an order to correct except where there is an unsafe building, structure or equipment under Section 1503.55 (relating to unsafe building, structure or equipment).
- (4) The Accessibility Advisory Board will make recommendations based upon documents and written brief unless the owner requests a hearing.
- (5) If the owner or owner's agent requests a hearing, the Accessibility Advisory Board will schedule a hearing and will provide written notification to the owner or owner's agent and the Building Code Official of the date, time and place of the hearing. The notification will be made no less than five (5) days prior to the hearing unless the owner waives this period.
- (6) The Accessibility Advisory Board may consider the following factors when a request for an extension of time or a variance or other appropriate relief is reviewed:
 - A. The reasonableness of the regulations or Uniform Construction Code as applied in the specific case.
 - B. The extent to which an extension of time or a variance will subject occupants of the building or structure to conditions which do not comply with the Uniform Construction Code.
 - C. The availability of professional or technical personnel needed to comply with the Uniform Construction Code.
 - D. The availability of materials and equipment needed to comply with the Uniform Construction Code.
 - E. The efforts made to safeguard occupants.
 - F. The efforts made to comply with the Uniform Construction Code.
 - G. Compensatory features that will provide an equivalent degree of compliance with the intent of the Uniform Construction Code.
- (7) The Accessibility Advisory Board will recommend that the Secretary take one of the following actions:
 - A. Deny the request in whole or in part.
 - B. Grant the request in whole or in part.
 - C. Grant the request upon certain conditions being satisfied.
 - D. Grant other appropriate relief.
- (8) The Secretary will make a final decision on the request and will issue written notice of the decision to the owner or the owner's agent and the Building Code Official.

(e) An individual, partnership, agency, association or corporation who reasonably believes there is a violation of the accessibility provisions of the Act or the Uniform Construction Code by a governmental entity or private owner may file a complaint with the body responsible for enforcement of the Uniform Construction Code under Section 501(f) of the Act (35 P.S. § 7210.501(f))
(Ord. 30-2004. Passed 6-2-04.)

1503.72 ELEVATORS AND OTHER LIFTING DEVICES.

The Uniform Construction Code, contained in 34 Pa. Code, Chapter 405, as amended from time to time is adopted by the City of Erie, however will be administered by the Department of Labor and Industry.
(Ord. 30-2004. Passed 6-2-04.)

