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**PART 1**

**CODE ENFORCEMENT OFFICE**

**§101. Establishment of Code Enforcement Office.**

1. Creation of Office of Code Enforcement. There is hereby created by Council an office to be known as the "Office of Code Enforcement." The office shall have the responsibility for the administrating and enforcing the provisions of this Part and the following Parts and/or codes: Borough of Greenville Building Code, Plumbing Code, Electrical Code, Property Maintenance Code and Fire Prevention Code. [A.O.]
2. Designation of Code Enforcement Officers. There shall be, by resolution of Council, a Building Inspector, a Fire Inspector and a Health Inspector; the Building Inspector shall be in charge of the enforcement of the Borough's Building Code, Plumbing Code and Electrical Code, the Fire Inspector shall be in charge of enforcement of the Borough's Fire Prevention Code; the Health Inspector shall be jointly in charge of the enforcement of the Greenville Property Maintenance Code along with the Building Inspector. The Code Enforcement Officers shall supervise such other employees as shall be necessary for the administration and execution of the responsibilities of said offices. The Building Inspector shall be an employee of the Borough. The aforesaid designated Code Enforcement Officers are to be appointed subject to their several qualifications and performance and until such time as a particular officer fails to perform his duties properly in connection with code enforcement. [A.O.]
3. Official Record. An official record shall be kept of all business and activities of the Office of Code Enforcement and all such records shall be open to the public for inspection at all appropriate times.

(Ord. 1004, 12/11/1973, §1; as amended by Ord. 1092, 3/11/1980, §1; by Ord. 1100, 9/9/1980; and by A.O.)

**§102. Duties and Powers of Code Enforcement Officers.**

1. Enforcement by Code Enforcement Officers. The Code Enforcement Officers shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances which establish the Office of Code Enforcement as their official administration and enforcement agency.
2. Duties of Code Enforcement Officers. The duties of the Code Enforcement Officers shall include the receipt of applications, the approving of permits, the issuance of notices, certificates and orders, the making of inspections, the undertaking of research and investigations to determine the conformance with applicable codes and

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ordinances, the keeping of records, the issuance of written annual reports and such other activities as may be required.

3. Right of Entry. In discharge of his duties as Code Enforcement Officer, he shall, upon proper identification and under limitations of the Constitution of the United States, have the authority to enter at any reasonable hour any structure or premises in the Borough to enforce the provisions of this Part and of those other applicable codes and ordinances for which a building permit has been issued, or by invitation of the owner, occupant or operator of any structure, or on the basis of a signed written formal complaint form from any person, which complaint would be made available for inspection by all parties involved therein.

(Ord. 1004, 12/11/1973, §2)

### **§103. Permits, Certificates and Fees.**

1. An application for permit shall be required in accordance with the provisions set forth in the applicable codes and ordinances which the Office of Code Enforcement has the responsibility to administer. The application shall be submitted in such form as prescribed by the Code Enforcement Officer and shall be accompanied by the required fee.
2. Action on Application. The Code Enforcement Officer shall examine the application to determine compliance with those other applicable codes and ordinances of the Borough and shall, within 30 days after filing, either approve or reject said application. If the application is rejected, the Code Enforcement Officer shall inform the applicant, in writing, stating reasons for such rejection.
3. It shall be unlawful for any property owner, agent of any property owner, contractor or any person actively engaged in a building trade to proceed with any activity requiring a permit prior to the issuance of a permit by the Code Enforcement Officer. It shall be the duty of the property owner or his agent to secure the required permit and the duty of the contractor or building tradesman to verify the issuance of the required permit before proceeding with any activity requiring a permit. A permit shall only be issued to either the property owner or the named contractor. Any and all contractors and building tradesman engaged in any activity requiring a permit shall register annually with the Borough and shall provide the Borough with a certificate of insurance that provides proof of liability coverage for the duration of the work and for a covered amount of at least \$100,000. The application for registration shall be in such form as prescribed by the Code Enforcement Officer. Failure to secure a permit shall be a violation of the applicable code or ordinance. [A.O.]
4. Owner. A permit required by any of the following applicable codes and ordinances may be issued to any person to do work in a dwelling used exclusively for living purposes, including an accessory building, in the event that such person is a bona-fide owner or agent of such dwelling.

5. Required Fees.
  - A. Applicants for permits required by any of the following applicable codes and ordinances shall pay, at the time of application, to the permit issuing agent, for use by the Borough, fees according to the following schedule and procedure:
    - (1) The fees required for permits under the International Building Code, the National Electrical Code, International Plumbing Code and International Fire Code shall be established, from time to time, by resolution of Borough Council. [A.O.]
  - B. All permits granted under any of the above applicable codes and ordinances shall be good for a maximum period of 12 months; provided, that extensions may be requested, in writing, and such extensions may be granted by the Code Enforcement Officer for good reason; except that any permit granted for demolition activities shall be valid for three months only and if such work is not completed within that time, any bond posted by the applicant shall be forfeited. [A.O.]
6. Certificates. The following certificates shall be required in accordance with the provisions of those other applicable codes or ordinances which the office of Code Enforcement has the responsibility to administer:
  - A. Certificate of Use and Occupancy. In accordance with §118.0 of the International Building Code, a certificate of use and occupancy shall be required and no new building or portion of an existing building which is enlarged or altered shall be used or occupied in whole or part, until such a certificate of use and occupancy shall have been issued by the Code Enforcement Officer.
  - B. All applicants shall within 30 days of the completion of the building, structure or premises shall be furnished with a certificate of approval from the Office of Code Enforcement.

(Ord. 1004, 12/11/1973, §3; as amended by Ord. 1050, 8/9/1977, §2; and by A.O.

#### **§104. Violations and Penalties.**

1. Procedures In Case of Violations. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or of the other applicable codes and ordinances, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the responsible owner, operator or occupant as provided hereafter. The notice shall consist of the following:
  - A. It shall be in writing and shall be signed by the Code Enforcement Officer.

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- B. It shall include a statement of the reasons why the notice is being issued and remedial actions required.
- C. It shall allow a reasonable time for the initiation and correction of the violations alleged or of the remedial actions required except where emergency conditions exist which require immediate corrective action.
- D. Any person who fails to correct a violation or take remedial action as ordered by the Code Enforcement Officer or who violates a provision of this Part or the applicable codes or ordinances shall upon conviction thereof be subject to a fine not exceeding \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which is found to have been violated shall constitute a separate offense.

(Ord. 1004, 12/11/1973, §4; as amended by A.O.

### **§105. Code Appeals Board; Hearings; Appeals.**

- 1. Right to Appeal.
  - A. There is hereby created a Code Appeals Board consisting of five members, none of whom shall be an officer or employee of the Borough, to conduct hearing authorized by this Part or other applicable codes and ordinances. The term of office of each Appeals Board member shall be five years, except for the initial term which shall be determined on a staggered expiration basis for each member so appointed, one member to expire each year. For voting purposes, three members shall constitute a quorum.
  - B. The Code Enforcement Officer shall be present at all meeting of the Code Appeals Board. Appointments to fill vacancies shall be only for the unexpired portion of the term.
  - C. One member of said Board shall be either an architect, structural engineer, building contractor or building tradesman, one member shall be either a mechanical engineer, plumbing contractor or journeyman plumber, one member shall be from or associated with the medical or health profession, one member shall be chosen at large. In the event that members cannot be obtained with the above classification and quantity, a member need only be a resident of the Borough.
- 2. Powers of the Code Appeals Board. The Code Appeals Board shall have the following powers and duties:
  - A. Interpretation. On appeal from the determination of the Code Enforcement Officer, or on the request of any Borough official, the Code Appeals Board

shall decide any questions involving the interpretations of any provision of the Greenville International Building Code [Part 2], Greenville National Electric Coded [Part 5], Greenville International Plumbing Code [Part 3], Greenville International Property Maintenance Code [Part 6] or any other code or ordinance over which the Appeals Board is given jurisdiction. Such codes and ordinances being referred to in this Section as "applicable codes and ordinances." [A.O.]

- B. Variances. The Code Appeals Board may grant a variance where the strict application of this Part or of those other applicable code and ordinances would result in practical difficulty or unnecessary hardship and where the public health and safety shall not be jeopardized.
  - C. Decide Appeals. The Code Appeals Board shall hear all appeals made to it and depending on its findings decide whether the appeal should be granted.
3. Request for Appeals or Variances. Any person requesting a variance or aggrieved by a decision of the Code Enforcement Officer or by any other employee or official charged with the administration and enforcement of this Part or of those other applicable codes and ordinances may take an appeal to the Code Appeals Board. All appeals shall be made in writing stating the grounds upon which the appeal is based and shall be transmitted to the Office of Code Enforcement. Appeals shall be taken within 30 days of the action or of the receipt by written notice of any decision or ruling which is being appealed.
4. Appeals and Variance Procedures.
- A. Public Hearing. The Code Appeals Board shall meet and conduct a hearing within 30 days of the receipt of an appeal or request for a variance. All hearings shall be public and all persons whose interest may be affected shall be given an opportunity to be heard. A record shall be kept of all evidence and testimony presented at the hearings. The records shall be by stenographic or other means.
  - B. Decision of the Board. All decisions of the Board shall be in writing and a copy of each decision shall be sent to the applicant and to the Code Enforcement Officer. The Code Appeals Board shall also retain in its file a copy of each decision, which file shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Code Appeals Board and the findings of fact upon which the decision was based. The Code Appeals Board shall make an order on its decision and the Code Enforcement Officer shall take immediate action to carry out said order.
5. Reports by the Code Appeals Board. The Code Appeals Board shall report to Council periodically, at intervals of not later than 12 months. The reports shall summarize all applications and appeals made to it since the last preceding report and shall contain a summary of the Board's decision in each case. A copy of the report shall be filed with the Code Enforcement Officer. The Code Appeals Board

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may also submit to Council reports recommending changes and modifications in this Part or in those other applicable codes and ordinances.

(Ord. 1004, 12/11/1973, §5; as amended by Ord. 1100, 9/9/1980, §2; and by A.O.

### **§106. Short Title.**

This Part shall be known and may be cited as the "Code Enforcement Ordinance of the Borough of Greenville, Pennsylvania."

(Ord. 1004, 12/11/1973, §6.4)

**PART 2**

**INTERNATIONAL BUILDING CODE<sup>1</sup>**

The Borough Council hereby ordains:

**§201. Adoption of Building Code.**

A certain document, three copies of which are on file in the office of the Borough Secretary of the Borough of Greenville, Commonwealth of Pennsylvania, being marked and designated as the International Building Code, including Appendix Chapters A through J, as published by the International Code Council, Inc., be and is hereby adopted as the "Building Code of the Borough of Greenville," for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said building code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in §202 of this Part.

(A.O.)

**§202. Revisions.**

The following Sections are hereby revised:

A. §101.1 is amended to read:

**§101.1. Title.** These regulations shall be known as the 'Building Code of the Borough of Greenville,' hereinafter referred to as 'this code.' "

B. §112.3 is amended to read:

**§112.3. Qualifications.** The Board of Appeals shall consist of owners of property in the Borough of Greenville, whether or not residing within the Borough of Greenville, whose tax payments are current, or non-property owners who are registered voters living within the Borough who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction."

C. §113.4 is amended to read:

**§113.4. Violation Penalties.** Any person who violates any provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the ap-

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<sup>1</sup> This Part should be in conformity with the State Uniform Construction Code, Part 8 of this Chapter.

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proved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which a violation of this Code shall continue, or each Section of this Code which shall be violated, shall constitute a separate offense."

- D. §114.3 is amended to read:

**§114.3. Unlawful Continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day of which a violation of this Part shall continue after service of the aforesaid notice shall constitute a separate offense."

- E. §1612.3 is amended to read:

**§1612.3. Establishment of Flood Hazard Areas.** To establish flood hazard areas, the [Governing Body] shall adopt a Flood Hazard Map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazards as identified by the Federal Emergency Management Agency in an engineering report entitled the 'Flood Insurance Study for the Borough of Greenville' dated; \_\_\_\_\_."

- F. §3409.2. first sentence only, is amended to read:

**§3409.2. Applicability.** Structures existing prior to [date of first adoption of BOCA Building Code].

(A.O.)

### **§203. State Law and Regulations.**

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania, or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough of Greenville as the case may be, shall control where the requirements thereof are, the same as, or in excess of the provisions of this ordinance. The Code shall control in all cases where the State requirements, or the requirements of other ordinances of this Borough, are not as strict as those contained in this Part.

(A.O.)

**§204. Provisions to be in Continuation of Existing Regulations.**

The provisions of this Part, so far as they are the same as those of ordinances and/or codes enforced immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(A.O.)

**§205. Effective Date.**

This ordinance shall become effective in accordance with law.

(A.O.)



**PART 3**

**INTERNATIONAL PLUMBING CODE<sup>2</sup>**

The Borough Council hereby ordains:

**§301. Adoption of International Plumbing Code.**

Certain documents, three copies of which are on file in the office of the Borough Secretary of the Borough of Greenville, Commonwealth of Pennsylvania, being marked and designated as the International Plumbing Code, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council be and is hereby adopted as the Code of the Borough of Greenville for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the Borough and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2000 edition, published by the International Code Council on file in the office of the Borough Secretary are hereby referred to adopted and made a part hereof as if fully set out in this Part.

(A.O.

**§302. Revisions.**

The following Sections are hereby revised:

A. §101.1 is amended to read:

**"§101.1. Title.** These regulations shall be known as the 'International Plumbing Code of the Borough of Greenville,' hereinafter referred to 'this Code.'"

B. §106.6.2 is amended to read:

**"§106.6.2. Fee Schedule.** The fees for all plumbing work shall be in such amounts as established, from time to time, by resolution of the Borough Council."

C. §106.6.3 shall be amended to insert "90%" where the words "[Specify Percentage]" in the first instance and "100%" for the second instance of "[Specify Percentage]."

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<sup>2</sup> This Part should be in conformity with the State Uniform Construction Code, Part 8 of this Chapter.

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- D. §108.4 is amended to read:

**"§108.4. Violation Penalties.** Any person who shall violate a provision of this Code, or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect, install, alter or repair plumbing work in violation of the approved construction document or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, upon conviction thereof, shall be sentenced to fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

- E. §108.5, last sentence, is amended to read:

**"§108.5. Stop Work Orders.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, upon conviction thereof, shall be sentenced to fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

- F. §109.2.1 is amended to read:

**"§109.2.1. Qualifications.** The Board of Appeals shall consist of owners of property in the Borough, whether or not residing within the Borough of Greenville, whose tax payments are current, or non-property owners who are registered voters living within the Borough, who are qualified by experience and training to pass on matters pertaining to plumbing systems and are not employees of the jurisdiction."

- G. §305.6.1 is amended to read:

**"§305.6.1. Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 36 inches below grade."

- H. §904.1 is amended to read:

**"§904.1. Roof Extension.** All open vent pipes that extend through a roof shall be terminated at least one foot above the roof, except that where a roof is to be used for any purpose other than weather protection, than extensions shall be run at least seven feet above the roof."

(A.O.)

**§303. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinance of the Borough, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The Code shall control in all cases where there are State requirements, or the requirements of the ordinances of this Borough are not as strict as those contained in this Part.

(A.O.)

**§304. Provisions to be in Continuation of Existing Regulations.**

The provisions of this Part so far as they are the same as those of ordinances and/or codes enforced immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactment. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(A.O.)

**§305. Effective Date.**

This Part shall become effective in accordance with law. (A.O.)



**PART 4**

**INTERNATIONAL FIRE CODE<sup>3</sup>**

The Borough Council hereby ordains:

**§401. Adoption of Fire Prevention Code.**

Certain documents, three copies of which are on file in the office of the Borough Secretary of the Borough of Greenville, Commonwealth of Pennsylvania, being marked and designated as International Fire Code, including all Appendices, as published by the International Code Council be and is hereby adopted as the Code of the Borough of Greenville] for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Borough and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2006 edition, published by the International Code Council, on file in the office of the Borough Secretary are hereby referred to, adopted and made a part hereof as if fully set out in this Part.

(A.O.)

**§402. Revisions.**

The following Sections are hereby revised:

A. §101.1 is amended to read:

**"§101.1. Title.** These regulations shall be known as the 'Fire Code of the Borough of Greenville,' hereinafter referred to as 'this Code.'

B. §105.1.1 is amended to read:

**"§105.1.1. Permits Required.** Permits required by this Code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall readily be available for inspection by the code official. Permit fees and inspection fees to be charged by the [Municipality] shall be in such amounts as established from time to time, by resolution of the [Governing Body]."

C. §108.1 is amended to read:

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<sup>3</sup> This Part should be in conformity with the State Uniform Construction Code, Part 8 of this Chapter.

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**"§108.1.Board of Appeals Established.** The Board of Appeals shall consist of owners of property in the Borough, whether or not residing within the Borough, whose tax payments are current, or non-property owners who are registered voters living with the Borough who are qualified by experience and training to pass on matters pertaining to safeguarding life and property from fire and explosion hazards and are not employees of the jurisdiction."

D. §109.3 is amended to read:

**"§109.3. Violation Penalties.** Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under provisions of this Code, upon conviction thereof, shall be sentenced to a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

E. §307.6 is added to read:

**"§307.6. Other Open Burning.** Except as otherwise provided in this Code or prohibited by the Department of Environmental Protection at 25 Pa. Code §129.14, open burning shall be permitted when the open burning operations result from:

- §307.6.1. A fire set to prevent or abate a fire hazard, when approved by the Borough and set by or under the supervision of a public officer.
- §307.6.2. Any fire set for the purpose of instructing personnel in fire-fighting, when approved by the Borough.
- §307.6.3. A fire set for the prevention or control of disease or pests, when approved by the Borough.
- §307.6.4. No burning of refuse – only yard waste, twigs and branches. Burning days need changed to the last full (consecutive) Friday and Saturday of each month.
- §307.6.5. A fire set solely for recreational or ceremonial purposes.
- §307.6.6. A fire set solely for cooking food.
- §307.6.7. A fire set for land clearings or demolition materials, provided that such burning is done on site or at an approved burning area in accordance with a permit issued by the Fire Chief.

(Ord. 1227, 4/10/1990; amended by Ord. 1233, 9/11/1990; and by A.O.)

**§403. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations or other ordinances of the Borough, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The Code shall control in all cases where there are State requirements, or the requirements of the ordinances of this Borough are not as strict as those contained in this Part.

(A.O.)

**§404. Provisions to be in Continuation of Existing Regulations.**

The provisions of this Part so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactment. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

(A.O.)

**§405. Effective Date.**

This Part shall become effective in accordance with law.

(A.O.)



**PART 5**

**NATIONAL ELECTRICAL CODE<sup>4</sup>**

The Borough Council hereby ordains:

**§501. Adoption of Electrical Code.**

The Borough of Greenville hereby adopts, for the purposes of establishing rules and regulations for the installation, renewal, extension and reception of electric wiring and electric apparatus in existing buildings, structures or outdoor electrical displays or signs, or in the construction, reconstruction, alteration or repair, of buildings, structures or outdoor electrical displays or signs, the electrical code know as the National Electrical Code, 1999 edition, as recommended and published by the National Fire Protection Association, of which not less than three copies have been and now are filed in the office of the Borough Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling for all existing and future electrical wiring and apparatus in building, structures or outdoor electrical displays or signs within the corporate limits of the Borough.

(A.O.)

**§502. Enforcement.**

The National Electrical Code adopted in §501, hereof, shall be enforced by the code official. The code official shall, upon the installation, removal, extension and reception of any electrical wiring and electric apparatus pursuant to this ordinance cause an inspection or inspections to be made by himself or his duly authorized agents to determine that the electrical work conforms with the National Electrical Code, this ordinance and other ordinances of the Borough and the statutes of the Commonwealth of Pennsylvania.

(A.O.)

**§503. Prohibition Without Permit.**

No person, co-partnership, firm, association, corporation or other legal entity shall hereafter install, receive, renew or extend electrical wire or conductors to be used for the transmission of electrical current for electric light, heat or power purposes in existing buildings, structures or outdoor electrical displays or signs or in the construction, recon-

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<sup>4</sup> This Part should be in conformity with the State Uniform Construction Code, Part 8 of this Chapter.

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struction, alteration or repair of buildings, structures or outdoor electrical displays or signs, without first applying for and obtaining a permit to do so pursuant to this Part.

- A. All such applications for a permit shall be made to the code official in writing on forms supplied by said code official.
- B. Any person making false answers to any questions or items set forth in such application form shall forfeit and surrender any permit issued pursuant thereto.
- C. Such application form shall contain questions designed to elicit information to determine whether or not said proposed electric wiring and electric apparatus complies with the National Electrical Code, any other ordinances of the Borough and statutes of the Commonwealth of Pennsylvania.
- D. Each such application form shall be accompanied by a fee in an amount as established by resolution, from time to time, by the Borough Council.
- E. Each applicant for a permit shall furnish to the code official proof in writing that an application for inspection of the proposed electric wiring and electric apparatus has been made to a local area inspection agency that specializes in such inspections, to determine that the electrical work conforms with the provision of the National Electrical Code and this ordinance. The payment of all inspection fees and charges of the local area inspection agency shall be borne by the applicant.
- F. Each applicant for a permit shall cause the premises covered by the applications to be open for inspection or inspections by the code official and his agents and the representative or representatives of the local area inspection agency at all reasonable times.
- G. Upon the determination of the code official that the proposed electric wiring and electric apparatus comply with the National Electrical Code, this and other ordinances of the Borough and the statutes of the Commonwealth of Pennsylvania, a permit shall be issued.
- H. All permits shall expire one year from the date of issuance by the code official.

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### **§504. Inspection of Work Under Permit.**

1. All inspections shall be made to ensure that the proposed electrical work complies with the National Electrical Code. No electric wiring shall be concealed unless inspected and approved by the code official and his agents and the representative or representative of the local area inspection agency, but such inspection or re-

inspection shall be made within a reasonable time after notice of completion of the electrical work sought to be inspected for approval. A duplicate record of each written approval made by the local area inspection agency shall be filed with the code official.

2. All decisions made to determine whether or not the proposed electrical work complies with the provisions of the National Electrical Code shall be made by the code official.
3. The code official shall have the power to stop electrical work and order the removal thereof, when he determines that such work is being installed not in conformity with the National Electrical Code, this and other ordinances of the Borough and the statutes of the Commonwealth of Pennsylvania.
4. The code official may waive his inspection to determine compliance with the National Electrical Code and this ordinance of all or that portion of the proposed electrical work for which he shall have received a duplicate record of approval by the local area inspection agency. The code official shall give notice so that the approved work may be concealed.

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#### **§505. Inspection of Existing Electrical Wiring and Apparatus.**

In order to safeguard persons and property against the hazards and perils incident to defective electric wiring and apparatus that are or may now be in existence within the corporate limits of the Borough the code official is hereby given the duty to inspect with his agents and their representative or representatives of the local area inspection agency, when requested by proper authority, or when public interest so requires, any premises within the Borough at reasonable times to ensure that the existing electric wiring system and apparatus is not defective and unsafe.

- A. All decisions that the existing electric wiring system and apparatus is defective shall be made by the code official in writing on notice to the owner of the premises served forthwith personally or by regular mail addressed to the address shown on the latest tax records, with reasons for his decision.
- B. Upon the decision the code official that the existing electric wiring is defective and unsafe as aforesaid, the system or portions of the system which are defective and unsafe shall be discontinued until it is corrected and made to comply with the provisions of the National Electrical Code in accordance with this Part

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## CODE ENFORCEMENT

### **§506. Hearing.**

Every applicant and owner of the premises and other parties in interest shall have the right to demand in writing a hearing before the Borough Council to contest any decision or order made by the code official. Such demand for a hearing shall be signed by the contesting party within 10 days of denial of permit stating what portions of the decision or orders are contested and his, or her or their interest in the premises.

- A. The code official shall fix a time and place for the hearing to be held not more than 30 days after receiving such demand for a hearing and cause a notice of the hearing to be served personally or by regular mail on the contestant, owner of the premises, other parties in interest and the Borough Council.
- B. The contestant, owner of the premises and other parties in interest shall have the right to appear in person, or otherwise and give testimony at the hearing. Rules of evidence prevailing in the courts shall not be controlling.
- C. The Borough Council, within a reasonable time after such hearing, shall make their decision in writing with a finding of the facts and the reasons for its decision, and serve a copy of its decision personally or by regular mail on the contestant, owner of the premises and other parties in interest.

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### **§507. Approved Materials.**

Only materials, fittings and devices enumerated in the "List of Inspected Appliances" of the Underwriters Laboratories, Inc., as revised from time to time, shall be used in the electrical work regulated by the National Electrical Code and this Part.

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### **§508. Supplements.**

The National Electrical Code herein adopted is supplemented by adding thereto the following, which is made a Part thereof:

- A. Whenever a permit is required under the terms of this Part for electrical wiring and apparatus to be done in connection with a gas or oil burner installation in any existing building or structure or in the construction, reconstruction, alteration or repair of buildings or structures, there shall be installed an emergency shut off switch with a red plate thereon marked "oil burner" or "gas burner," as the case may be, at the entrance to the basement or heating room.

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**§509. Modification on Application.**

The Borough Council shall have the power to modify any of the provisions of this Part, upon application in writing by the owner of a premises or his agent, when there are practical difficulties in the way of carrying out the strict letter of this Part, provided that the spirit of this Part shall be observed, public safety secured and substantial justice done.

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**§510. Records.**

All records of the code official pursuant to this Part shall be open to public inspection for good and sufficient reason during office hours, but shall not be removed from the office of the code official without his written consent.

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**§511. Exemption.**

No permit shall be required under this ordinance for the following electrical work:

- A. Minor repair work such as the replacement of lamps and fuses.
- B. The connection of portable electrical appliances to suitable permanently installed appliances.
- C. Equipment installed or work performed by or for a public utility operating under authority granted by the Pennsylvania Public Utility Commission.
- D. Equipment installed or work performed by a railway utility in the exercise of its function as a utility and located in or on its right-of-way.
- E. Equipment used in connection with commercial radio and television transmission.
- F. Repair, manufacturing and maintenance work on premises occupied by a firm or corporation and performed by a regular employee who is a qualified journeyman electrician.

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## CODE ENFORCEMENT

### **§512. Fees.**

Fees for permits or renewals thereof required by this ordinance shall be in such amounts established, from time to time, by resolution of the Borough Council.

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### **§513. Penalties.**

Any person who shall violate any provision of this ordinance or of the National Electrical Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall do or cause to be done electrical work in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the code official within the time fixed therein, shall be, upon conviction thereof, sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues, following notice thereof, shall constitute a separate offense.

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### **§514. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Borough, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. The Code shall control in all cases where there are State requirements, or the requirements of the ordinances of this Borough are not as strict as those contained in this Part.

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### **§515. Provisions to be Continuation of Existing Regulations.**

The provisions of this Part so far as they are the same as those of ordinances and/or codes enforced immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactment. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

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**§516. Effective Date.**

This Part shall become effective in accordance with law.

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**PART 6**

**INTERNATIONAL PROPERTY MAINTENANCE CODE**

**§601. Adoption of Property Maintenance Code.**

A certain document three copies of which are on file in the office of the Borough Secretary of the Borough of Greenville, Commonwealth of Pennsylvania, being marked and designated as the 2006 International Property Maintenance Code, as published by the International Code Council, Inc. be and is hereby adopted as the property maintenance code of the Borough; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in §602 of this Part.

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**§602. Revisions.**

The following Sections are hereby revised:

A. §101.1 is amended to read:

**"§101.1. Title.** These regulations shall be known as the 'Property Maintenance Code of the Borough of Greenville,' hereinafter referred to 'this Code.'"

B. §103.5 is amended to read:

**"§103.5. Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be in such amounts as established, from time to time, by resolution of the Borough Council."

C. §106.4 is amended to read:

**"§106.4. Violation Penalties.** Any person who shall violate a provision of this Code, or who shall fail to comply therewith or with any of the requirements thereof, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

D. §111.2, first paragraph, is amended to read:

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**"§111.2. Membership of Board.** Membership of the Board shall be in accordance with §105 of Chapter 5, "Code Enforcement" of the Code of Ordinances of Greenville Borough."

- E. §303.14, first sentence, is amended to read, in pertinent part:

**"§303.14. Insect Screens.** During the period of May 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms . . . . ."

- F. §602.3, first paragraph, is amended read:

**"§602.3. Heat Supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period of October 1 to June 1, to maintain a temperature not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms."

- G. §602.4, first paragraph, is amended to read:

**"§602.4. Occupiable Work Spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to June 1 to maintain a temperature of not less than 65°F (18°C) during the time these spaces are occupied."

- H. §302.4, insert:

"...growth in excess of six (6) inches."

- I. §110.5, insert:

**"§110.5 Unreasonable Repairs.** Unreasonable repairs: Whenever the code official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which shall be ordered razed without option on the part of the owner or repair."

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**§603. State Law and Regulations.**

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinance of the Borough, as the case may be,

shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The Code shall control in all cases where there are State requirements, or the requirements of the ordinances of this Borough are not as strict as those contained in this Part.

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**§604. Provisions to be in Continuation of Existing Regulations.**

The provisions of this Part so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactment. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

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**§605. Effective Date.**

This Part shall become effective in accordance with law.

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**PART 7**  
**LIFE SAFETY CODE**

The Borough Council hereby ordains:

**§701. Adoption of Life Safety Code.**

The Borough of Greenville hereby adopts, for the purpose of establishing minimum requirements that will provide a reasonable degree of safety from fire in buildings and structures, the life safety code known as the 2003 NFPA 101 "Life Safety Code", as published by the National Fire Protection Association, of which three copies have been and now are filed in the office of the Borough Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the Borough.

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**§702. Construction.**

The Life Safety Code adopted hereby is not intended to replace or repeal the Building Code and/or International Fire Code of the Borough, but is intended to be a supplement thereto in all matters contained in §1-2 through §1-5, thereof.

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**§703. Penalties.**

The administration, enforcement and penalties for violation of the Life Safety Code adopted hereby shall be as provided in the Building Code of the Borough of Greenville.

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**§704. Revisions.**

The following Sections are hereby added as follows:

**§1.8. Enforcement Authority.**

**§1.8.1. Fire Marshal.** It shall be the duty of the designated fire marshal to enforce the provisions of this Code.

## CODE ENFORCEMENT

**§1.8.2. Appointment.** The Fire Marshal shall be appointed by the chief appointing authority of the jurisdiction and the Fire Marshal shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

**§1.8.3. Organization.** The Fire Marshal shall appoint such number of officers, technical assistants, inspectors and others as shall be necessary for the administration of this Code and as authorized by the appointing authority.

**§1.8.4. Deputy.** The Fire Marshal is authorized to designate a deputy who shall exercise all the powers of the fire marshal during the temporary absence or disability of the Fire Marshal.

**§1.8.5. Restriction on Employees.** An official or employee connected with the enforcement of this Code, except one whose only connection is that of a member of the Board of Appeals established under the provisions of §1.14, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a structure or the preparation of construction documents thereof, unless that person is the owner of the structure, nor shall such officer or employee engage in any work which conflicts with official duties of the department.

**§1.8.6. Relief from Personal Responsibility.** The Fire Marshal, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accrued to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final determination of the proceedings. The Fire Marshal or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any official, officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

**§1.8.7. Jurisdictional Liability.** The jurisdiction shall not be liable under this Code for any damage to persons or property by reason of the inspection or re-inspection of structures or equipment authorized herein, or failure to inspect or re-inspect such structures or equipment, or by reason of the approval or disapproval of any structure or equipment authorized herein.

**§1.8.8. Official Records.** An official record shall be kept of all business and activities of the department specified in the provisions of this Code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

**§1.9. Duties and Powers of the Code Official.**

**§1.9.1. General.** The Fire Marshal shall enforce all of the provisions and shall act on any question relative to the mode or manner of construction and the materials to be utilized in the location, occupancy and maintenance of all structures, except as otherwise specifically provided for by statutory requirements.

**§1.9.2. Building Notices and Orders.** The Fire Marshal shall issue all necessary notices or orders to ensure compliance with this Code.

**§1.9.3. Inspections.** The Fire Marshal shall make all of the required inspection or the Fire Marshal shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The fire marshal is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**§1.9.4. Identification.** The Fire Marshal shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

**§1.9.5. Rules and Regulations.** The Fire Marshal shall have the authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and regulations, to interpret and implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local and climatic or other conditions. Such rules shall not have the effect or waiving any fire or other safety requirements specifically provided for in this Code, or of violating accepted engineering practice involving public safety.

**§1.9.6. Department Records.** The Fire Marshal shall keep records of certificates issued, reports of inspections and notices and orders issued. Such records shall be retained in the official records as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

**§1.9.7. Annual Report.** At least annually, the fire marshal shall submit to the chief authority of the jurisdiction a written statement of operations in the form and content as shall be prescribed by such authority.

**§1.10. Inspection.**

**§1.10.1. Inspection.** The Fire Marshal shall inspect all structures and premises for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions or intent of this Code or any other ordinance affecting fire safety.

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**§1.10.2. Coordination of Inspections.** Whenever, in the enforcement of this Code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting order. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the finding to the code official having jurisdiction.

**§1.10.3. Right of Entry.** The Fire Marshal is authorized to enter the structure or premises at any reasonable time to inspect subject to constitutional restriction on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**§1.10.4. Jurisdictional Cooperation.** The assistance and cooperation of police, building and health department officials and other officials shall be available as required in the performance of duties.

**§1.11. Unsafe Conditions.**

**§1.11.1. General.** Whenever the fire marshal shall find in any structure or upon any premises dangerous or hazardous conditions or materials as provided herein, the fire marshal shall order such hazardous conditions or materials to be removed or remedied in accordance with the provisions of this Code.

**§1.11.2. Maintenance.** All equipment, systems, devices and safeguards required by this Code, or a previous statute or code, for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and life safety systems and devices in existing structures.

**§1.11.2.1. Occupants Responsibility.** If an occupant of a structure creates conditions in violation of this Code by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant shall be held responsible for the abatement of such hazardous conditions.

**§1.11.3. Unsafe Conditions.** All structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress facilities, or that constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe. Unsafe structures or equipment shall be reported to the building code official who shall take appropriate action as deemed necessary under the provisions of the appropriate code.

**§1.12. Emergency Measures.**

**§1.12.1. Imminent Danger.** When, in the opinion of the Fire Marshal, there is imminent danger to the occupants or those in the proximity of any structure or premises because of unsafe conditions, or inadequacy of any means of egress, the presence of immediate evacuation of said structure or premises. All occupants so notified shall immediately leave the structure or premises and persons shall not enter or re-enter until authorized to do so by the Fire Marshal.

**§1.12.2. Unlawful Continuance.** Any person who refuses to leave, interferes with the evacuation of other occupants or continues any operation after having been given an evacuation order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of an offense.

**§1.13. Violations.**

**§1.13.1. Notice of Violation.** Whenever the Fire Marshal observes an apparent or actual violation of a provision of this Code or other codes or ordinances under the code official's jurisdiction, the Fire Marshal shall prepare a written notice of violation describing the condition deemed unsafe and specifying time limitations for the required repairs or improvements to be made to render the structure or premises safe and secure.

**§1.13.1.1. Service of Notice.** The written notice of violation of this Code shall be served upon the owner or occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such person by ordinary mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises or, in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access, and such procedure shall be deemed the equivalent of personal notice.

**§1.13.2. Failure to Correct Violations.** If the notice of violation is not complied within the time specified by the Fire Marshal, the Fire Marshal shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of any order or direction made pursuant thereto. The Police Department of the jurisdiction shall be requested by the Fire Marshal to make arrests for any offense against this Code or orders of the fire marshal affecting the immediate safety of the public.

**§1.13.3. Penalty for Violations.** Any person who shall violate any provision of this Code or shall fail to comply with any order issued pursuant to any Section hereof shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of

## CODE ENFORCEMENT

imprisonment not to exceed 30 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**§1.13.4. Abatement of Violation.** The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrict, correct or abate a violation; or prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

### **§1.14. Means of Appeal.**

**§1.14.1. Application for Appeal.** Any person shall have the right to appeal a decision of the fire marshal to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this do not fully apply if an equally good or better method of fire prevention is proposed. The application shall be filed on a form obtained from the fire marshal official within 30 days after notice was served.

**§1.14.2. Members of the Board.** The Board of Appeals shall consist of five members appointed by the chief appointing authority as follows:

- A. One for five years.
- B. One for four years.
- C. One for three years.
- D. One for two years.
- E. One for one year.

Thereafter, each new member shall serve for five years or until a successor has been appointed.

**§1.14.2.1. Qualifications.** The Board of Appeals shall consist of owners of property in the Borough whether or not residing within the Borough, whose tax payments are current, or nonproperty owners who are registered voters living within the Borough.

**§1.14.2.2. Alternate Members.** The chief appointing authority shall appoint two alternate members who shall be called by the Board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership and shall be appointed for five years or until a successor has been appointed.

**§1.14.2.3. Chairman.** The Board shall annually select one of its members to serve as chairman.

**§1.14.2.4. Disqualification of a Member.** A member shall not hear an appeal which that member has any personal, professional or financial interest.

**§1.14.2.5. Secretary.** The chief administrative office shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**§1.14.2.6. Compensation of Members.** Compensation of members shall be determined by law.

**§1.14.3. Notice of Meeting.** The Board shall meet upon notice from the chairman within 10 days of the filing of an appeal or at stated periodic meetings.

**§1.14.4. Open Hearing.** All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Fire Marshal and any person whose interests are affected shall be given an opportunity to be heard.

**§1.14.4.1. Procedure.** The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not required compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**§1.14.5. Postpone Hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request and receive a postponement of the hearing. A new hearing shall be held within five days.

**§1.14.6. Board Decision.** The Board shall modify or reverse the decision of the fire marshal by a concurring vote of three members.

**§1.14.6.1. Resolution.** The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and the code official.

**§1.14.6.2. Administration.** The Fire Marshal shall take immediate action in accordance with the decision of the Board.

**§1.14.6.7. Court Review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law after the filing of the decision in the office of the chief administrative officer.

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CODE ENFORCEMENT

**§705. Effective Date.**

This Part shall become effective in accordance with law.

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**PART 8**

**UNIFORM CONSTRUCTION CODE**

**§801. Election to Administer and Enforce.**

The Borough of Greenville hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999.

(Ord. 1431, 5/11/2004, §1)

**§802. Adoption of Uniform Construction Code.**

The Uniform Construction Code, contained in 34 PA. Code, Chapter 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Greenville.

(Ord. 1431, 5/11/2004, §2)

**§803. Administration and Enforcement.**

Administration and enforcement of the Code within this municipality shall be undertaken in any of the following ways as determined by the governing body of this municipality from time to time by resolution:

- A. By the designation of an employee of the municipality to serve as a municipal code official to act on behalf of the municipality;
- B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Borough of Greenville;
- C. By agreement with one or more municipalities for the joint administration and enforcement of this ordinance through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this ordinance on behalf of the Borough of Greenville;
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one family or two family dwelling units and utility and miscellaneous use structures.

(Ord. 1431, 5/11/2004, §3)

## CODE ENFORCEMENT

### **§804. Board of Appeals.**

A Board of Appeals shall be established by resolution of the Borough of Greenville in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more municipalities, said board of appeals shall be established by joint action of the participating municipalities.

(Ord. 1431, 5/11/2004, §4)

### **§805. Prior Enactments.**

1. All building code ordinances which were adopted by the Borough of Greenville on or before July 1, 1999 and which equal or exceed the requirements of this Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
3. All relevant ordinances, regulations and policies of this municipality not governed by the Code shall remain in full force and effect.

(Ord. 1431, 5/11/2004, §§5-7)

### **§806. Fees.**

Fees assessable by the Borough of Greenville for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body of the resolution from time to time.

(Ord. 1431, 5/11/2004, §8)