BOROUGH OF FORTY FORT

LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024--___

(AMENDED FORTY FORT BOROUGH CONSTRUCTION CODE ORDINANCE)

AN ORDINANCE AMENDING ORDINANCE No. 2006-13

WHEREAS, the Borough of Forty Fort enacted its Borough of Forty Fort Construction Code Ordinance, No. 2004-5 on June 7, 2004; amended by Ordinance No. 2006-13, on December 18, 2006,and

WHEREAS, certain terms, conditions, and requirements of the said Ordinance are outdated and require an amendment to more efficiently and effectively enforce the same in order to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the Borough of Forty Fort has determined that it is in the best interest of the Borough to amend the Borough of Forty Fort Construction Code Ordinance to conform to those aforementioned needs and for more effective operations by the Borough Fire Department.

NOW THEREFORE, the Borough of Forty Fort, Luzerne County, Pennsylvania does hereby AMEND, ENACT and ORDAIN the Borough of Forty Fort Construction Code Ordinance as follows. The amended terms are italicized for ease of reference.

1. By Act 45 of 1999, the Pennsylvania Legislature provided for the adoption of a Pennsylvania Uniform Construction Code and directed the Department of Labor and Industry to promulgate regulations for the Uniform Construction Code. In 2002, the Department of Labor and Industry adopted final regulations. The Department of Labor and Industry issued final regulations for administration of the Uniform Construction Code on January 10, 2004, which required all municipalities within the Commonwealth to determine whether the municipality would elect to administer and enforce the Uniform Construction Code by enacting an ordinance on or before July 8, 2004. On June 7, 2004, the Council Members enacted Ord. 2004-5, the Borough of Forty Fort Construction Code Ordinance [Part 1A].

2. The Borough of Forty Fort Construction Code Ordinance incorporated Department of Labor and Industry regulations which required permits for accessory structures exceeding 500 square feet and for numerous specifically identified repairs and alterations of residential structures. By Act 92 of 2004, which was signed in the Pennsylvania House and Pennsylvania Senate on July 4, 2004, the Legislature amended Act 45 of 1999, to completely exempt accessory residential structures and repairs to residential buildings and alterations to residential buildings which do not make structural changes or changes to means of egress. Act 92 of 2004, authorized municipalities to enact ordinances to require permits for such structures, repairs, and alterations. The Council Members desire to amend the Borough of Forty Fort Construction Code Ordinance to require permits for certain accessory structures and certain repairs and alterations.

Requirement for Permit.

1. The Borough of Forty Fort Construction Code Ordinance, Ord. 2004-5, Administration and Enforcement of the Borough of Forty Fort Construction Code, is hereby amended by adding a section which shall provide as follows:

   A. In addition to all types of construction, placement of structures, repairs and alterations for which the Uniform Construction Code requires a permit, the Borough, pursuant to the authorization of Act 92 of 2004, shall require persons to obtain permits under the Borough of Forty Fort Construction Code for all of the following:

(1) The construction, erection, or placement of any accessory structure which is equal to or greater than 120 square feet, whether or not such accessory structure is connected to any utility.

(2) The construction, erection, or placement of any accessory structure which is less than 120 square feet if such accessory structure is provided with any utility service. The applicant shall obtain a permit only for the purpose of inspection for the utility or utilities being installed or provided to the accessory structure.

(3) All alterations or repairs to residential building which are exempt from the UCC by Act 92 of 2004; provided, however, that the following types of alterations and repairs shall continue to be exempt, and no permit will be required.

Building

a. Fences not over 6 feet high.
b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
c. Sidewalks and driveways.
d. Painting, papering, tiling, and carpeting.
e. Prefabricated swimming pools that are less than 24 inches deep.
f. Swings and other playground equipment.

Electrical

a. Listed cord-and-plug connected temporary decorative lighting.
b. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
c. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas

a. Portable heating, cooking, or clothes drying appliances.
b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
c. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
d. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical

a. *Portable heating appliances.*
b. *Portable ventilation appliances*
c. *Portable cooling units.*
d. *Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.*
e. *Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.*
f. *Portable evaporative coolers.*
g. *Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.*
h. *Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.*

Plumbing

a. *The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in the code.*
b. *The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.*

Effective Date.
This Part shall take effect and be in force immediately after its approval by Pennsylvania Department of Labor and Industries, subsequent to enactment by the Council Members of the Borough of Forty Fort as provided by law.