

**OFFICIAL  
BOROUGH OF CRAFTON  
ORDINANCE NO.1665**

AN ORDINANCE OF THE BOROUGH OF CRAFTON,  
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING  
CHAPTER 90, ARTICLE I OF THE CRAFTON BOROUGH  
CODE OF ORDINANCES, "CONSTRUCTION CODE," AS  
AMENDED, IN ACCORDANCE WITH TITLE 34 SECTION  
403.21 OF THE PENNSYLVANIA CODE, 34 PA. CODE §403.21;  
REPEALING ALL ORDINANCES AND PARTS OF  
ORDINANCES IN CONFLICT THEREWITH; AND  
ESTABLISHING SEVERABILITY AND EFFECTIVE DATE  
PROVISIONS.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. §1202(5), grants the Borough of Crafton ("Borough") the specific power to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 32A02 of the Borough Code, 8 Pa.C.S. §32A02, grants the Borough the power to propose and enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code in accordance with Section 503 of the Pennsylvania Construction Code, 35 P.S. §7210.503; and

WHEREAS, Section 501(b), 35 P.S. §7210.501(b), of the Uniform Construction Code, provides for the municipal administration and enforcement of the Code through Section 501(b)(3), 35 P.S. §7210.501(b)(3), which states that two or more municipalities may provide for the joint administration and enforcement of the Code through an intermunicipal agreement pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S. §2301-2317, (the "Act") which authorizes municipalities to enter into joint cooperation agreements with other municipalities in the exercise of their respective governmental functions, powers, or responsibilities and to delegate to other municipalities the authority to exercise said governmental functions, powers, or responsibilities; and

WHEREAS, Section 501(c)(1) of the Uniform Construction Code, 35 P.S. §7210.501(c)(1), provides that municipalities which are parties to an agreement for the joint administration and enforcement of the Code shall establish an Appeals Board in accordance with 34 Pa. C.S. §403.121, to hear appeals from the decisions of the code administrator, and municipalities are free to establish an Appeals Board through an intermunicipal agreement pursuant to the Act; and

WHEREAS, on October 26, 2020, Borough Council entered into an Intergovernmental Cooperation Agreement with Carnegie Borough, Crescent Township, Green Tree borough, Ingram Borough, McKees Rocks Borough, Neville Township, North Fayette Township, and the Char West Council of Governments, to participate in the Char West Council of Governments Uniform Construction Code Board of Appeals; and

WHEREAS, Section 403.21 of Title 34 of the Pennsylvania Code, 34 Pa. Code §403.21, provides that the Pennsylvania Department of Labor and Industry adopted and incorporated by reference several standardized codes as part of the Uniform Construction Code, including certain portions of the International Building Code of 2015, the International Building Code of 2018, the International Mechanical Code of 2015, the International Fuel Gas Code of 2015, the International Performance Code of 2009, the International Plumbing Code of 2015, the International Plumbing Code of 2018, The International Residential Code of 2015, the International Residential Code of 2009, the International Residential Code of 2018, the International Fire Code of 2015, the International Energy Conservation Code of 2015, the International Energy Conservation Code of 2009, the International Energy Conservation Code of 2018, the International Existing Building Code of 2015, and the International Wildland-Urban Interface Code of 2015, hereinafter collectively referred to as the “Adopted Codes;” and

WHEREAS, the Borough Council desires to amend and restate of Chapter 90, Article I, of the Code of the Borough of Crafton, Construction Code, to adopt the Adopted Codes in accordance with Section 403.21 of Title 34 of the Pennsylvania Code, as the Borough Construction Code and to revise the regulations related thereto in order to maintain, preserve and protect the public health, safety and welfare.

**NOW, THEREFORE,** be it ordained and enacted by the Borough Council of the Borough of Crafton, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

**SECTION 1.** Chapter 90, Article I of the Code of the Borough of Crafton is amended by restating Chapter 90, Article I in its entirety as follows:

## **Article I CONSTRUCTION CODE**

### **§ 90-1. Pennsylvania Construction Code Act: election to administer and enforce.**

- A. **Election.** Pursuant to §501 of the Pennsylvania Construction Code Act, 35 P.S. §7210.501, as amended, the Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 35 P.S. §7210.1010, as amended.
- B. **Methods for Administration and Enforcement.** The Borough shall administer and enforce the Pennsylvania Construction Code Act under one or more of the methods established in 501(b) of the Pennsylvania Construction Code act, 35 P.S. 7210.501(b), as amended, as determined from time to time by resolution of the Borough Council; provided, that any Borough administration and enforcement of the Pennsylvania Construction Code Act through an agreement with one or more municipalities or the Pennsylvania Department of Labor and Industry shall be subject to the requirements of the Intergovernmental Cooperation Act, 53 Pa. C.S. A. 2301 *et seq.*, as amended.

## **§ 90-2. Uniform Construction Code Adoption.**

- A. **Adoption of Uniform Construction Code.** For the purposes described in §102 of the Pennsylvania Construction Code Act, 35 P.S. §7210.102, as amended, and this Article, the Borough hereby adopts the Uniform Construction Code, 34 Pa. Code, Part XIV, as amended, and the standardized codes adopted thereunder as promulgated by the Pennsylvania Department of Labor and Industry, as the official Construction Code of Crafton Borough for regulating and governing the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure; and each and all of the regulations, provisions, penalties, conditions and terms of said Uniform Construction Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with any additions, insertions, deletions and changes, if any, prescribed in this Article.
- B. **Existing Borough Building Codes.** Pursuant to §303(b)(1) of the Pennsylvania Construction Code Act, 35 P.S. §7210.303(b)(1), as amended, Borough building code ordinances which were originally adopted prior to July 1, 1999, or reenactments of provisions of simultaneously repealed ordinances which were originally adopted prior to July 1, 1999, which contain provisions which equal or exceed the specific requirements of the regulations promulgated under the Pennsylvania Construction Code Act, shall remain in effect until such time as any such provisions fail to equal or exceed the minimum requirements of the regulations promulgated under the Pennsylvania Construction Code Act.

## **§90-3. Uniform Construction Code Modification.**

The following sections and subsections of the above-referenced Uniform Construction Code and standardized codes adopted thereunder are hereby added, inserted, deleted, restated or changed as set forth below:

### **A. 2015 International Building Code.**

- (1) **Section 1612.3:** §1612.3 is amended by inserting “Borough of Crafton” in the first space provided, and by inserting “December 19, 1980” in the second space provided.

### **B. 2015 International Mechanical Code.**

- (1) **Section 101.1:** §101.1 is amended by inserting “Borough of Crafton” in the space provided.
- (2) **Section 106.5.2:** §106.5.2 is restated as follows:
- 106.5.2 Fee schedule.** The fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.
- (3) **Section 106.5.3:** §106.5.3 is deleted in its entirety.

- (4) **Section 108.4:** §108.4 is restated in its entirety as follows:

**108.4 Violations and penalties.** See §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.

- (5) **Section 108.5:** §108.5 is amended by restating the last sentence as follows: “Any person who shall continue any work on the system 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, shall be liable for violation penalties pursuant to §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.
- (6) **Section 109** is restated in its entirety to include the following reference: “See §90-5 of the Crafton Borough Code of Ordinances, Board of Appeals.”

**C. 2015 International Fuel Gas Code.**

- (1) **Section 101.1:** §101.1 is amending by inserting “Borough of Crafton” in the space provided.

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

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

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

- (4) **Section 108.4:** §108.4 is restated in its entirety as follows:

**108.4 Violations and Penalties.** See §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.

- (5) **Section 108.5:** §108.5 is amended to restate the last sentence as follows: “Any person who shall continue to work 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, shall be liable for violation penalties pursuant to §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.
- (6) **Section 109:** §109 is restated in its entirety to include the following reference: “See §90-5 of the Crafton Borough Code of Ordinances, Board of Appeals.”

**D. 2015 International Plumbing Code** (subject to the restrictions of §501(a.1) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(a.1), as amended).

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

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

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

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

- (4) **Section 108.4:** §108.4 is restated in its entirety as follows:

**108.4 Violations and Penalties.** See §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.

- (5) **Section 108.5:** §108.5 is amended to restate the last sentence as follows: “Any person who shall continue to work 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, shall be liable for violation penalties pursuant to §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.”

- (6) **Section 109:** §109 is restated in its entirety to include the following reference: “See §90-5 of the Crafton Borough Code of Ordinances, Board of Appeals.”

- (7) **Section 305.4.1** is restated in its entirety as follows:

**305.4.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be installed in accordance with the Allegheny County Plumbing Code.

**E. 2015 International Residential Code.**

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

- (2) **Section R108.5:** §R108.5 is deleted in its entirety.

- (3) **Section R112:** §R112 is restated in its entirety to include the following reference: “See §90-5 of the Borough of Crafton Code of Ordinances, Board of Appeals.”

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

(1) Ground Snow Load: “25 inches.”

(2) Wind Design:

a. Speed: “90 mph.”

b. Topographic Effects: “No.”

(3) Seismic Design Category: “A.”

(4) Subject to Damage From:

a. Weathering: “Severe.”

b. Frost Line Depth: “36 inches.”

c. Termite: “Moderate to Heavy.”

(5) Winter Design Temperature: “7 Degrees Fahrenheit.”

(6) Ice Barrier Underlayment Required: “Yes.”

(7) Flood Hazards:

a. “December 19, 1980”

b. “September 26, 2014”

c. “42003C0337H eff. Sept. 26, 2014”

(8) Air Freezing Index: “1,500.”

(9) Mean Annual Temperature: “50.5 Degrees Fahrenheit.”

(5) **Section P2603.5.1:** §P2603.5.1 is amended by inserting “36 inches,” into the spaces provided.

#### **F. 2015 International Fire Code.**

(1) **Section 101.1:** §1010.1 is amended by inserting “Borough of Crafton” in the space provided.

(2) **Section 108:** §108 is restated in its entirety to include the following reference: “See §90-5 of the Crafton Borough Code of Ordinances, Board of Appeals.”

(3) **Section 109.3:** §109.3 is restated in its entirety as follows:

**109.3 Violations and penalties.** “See §90-6 of the Borough of Crafton Code of Ordinances, Violations and Penalties.”

(4) **Section 111.4:** §111.4 is restated in its entirety as follows:

**111.4 Failure to Comply.** 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 perform

to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to **§90-6** of the Crafton Borough Code of Ordinances, Violations and Penalties.

- (5) **Section 1103.5.3:** §1103.5.3 is amended to include the following: The sprinkler system must be installed by December 31, 2025.
- (6) **Section 5704.2.9.6.1:** §5704.2.9.6.1 is restated in its entirety as follows:

**5704.9.6.1 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law under NFPA 30, Flammable and Combustible Liquids Code, as revised.

- (7) **Section 5706.2.4.4:** §5706.2.4.4 is restated in its entirety as follows:

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and Class II liquids in above-ground tanks is prohibited within the limits established by law under NFPA 30, Flammable and Combustible Liquids Code, as revised.

- (8) **Section 5806.2.2:** §5806.2.2 is restated in its entirety as follows:

**5806.2.2 Limitation.** Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law under NFPA 55, Standard for Storage, Use and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks, as revised.

- (9) **Section 6104.2:** §6104.2 is restated in its entirety as follows:

**6104.2 Maximum capacity within established limits.** Storage limits shall be in accordance with NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) (US Standards), as revised.

#### G. 2015 International Energy Conservation Code.

- (1) **Section 101.1:** §101.1 is amended by inserting “Borough of Crafton” in the space provided.
- (2) **Section 108.4:** §108.4 is restated in its entirety as follows:

**§108.4 Failure to comply.** 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 perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to **§90-6** of the Crafton Borough Code of Ordinances, Violations and penalties.

- (3) **Section 109:** §109 is restated in its entirety to include the following reference: “See

§90-5 of the Crafton Borough Code of Ordinances, Board of Appeals.”

**H. 2015 International Existing Building Code.**

- (1) **Section 101.1:** §101.1 is amended by inserting “Borough of Crafton” in the space provided.
- (2) **Section 112:** §112 is restated in its entirety to include the following reference: “See §90-6 of the Crafton Borough Code of Ordinances, Board of Appeals.”

**I. 2015 International Wildland-Urban Interface Code.**

- (1) **Section 101.1:** § 101.1 is amended by inserting “Borough of Crafton” in the space provided.
- (2) **Section 103:** §103 is restated in its entirety to include the following reference: “See §90-4 of the Crafton Borough Code of Ordinances, Borough Building Code Official.”
- (3) **Section 106:** §106 is restated in its entirety to include the following reference: “See §90-5 of the Crafton Borough Code of Ordinances, Board of Appeals.”
- (4) **Section 109.4.7:** §109.4.7 is restated in its entirety as follows:

**109.4.7 Violations and penalties.** See §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.

- (5) **Section 114.4:** § 114.4 is restated in its entirety as follows

**114.4 Failure to comply.** Any person who shall continue to work on the system 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, shall be liable for violation penalties pursuant to §90-6 of the Crafton Borough Code of Ordinances, Violations and Penalties.

**§90-4 Borough Building Code Official.**

The Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, and the Uniform Construction Code, 34 Pa. Code Part XIV, as amended, shall govern the Building Code Official employed and/or retained by the Borough to administer and enforce the Pennsylvania Construction Code Act and the Uniform Construction Code (the “Borough Building Code Official”), and shall be further supplemented as follows:

- A. Delegation of duties.** The Borough Building Code Official shall not, without the prior approval of the Borough Council or its designee:

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

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

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

#### **§90-5 Joint Board of Appeals.**

The Borough of Crafton entered into an Intergovernmental Cooperation Agreement by an among Carnegie Borough, Crescent Township, Green Tree Borough, Ingram Borough, McKees Rocks Borough, Neville Township, North Fayette Township, Stowe Township and the Char West Council of Governments and its member municipalities to participate in a Char West Council of Governments Uniform Construction Code Board of Appeals as authorized 35 P.S. §7210.501(c), 34 Pa. C.S. §403.121 and 53 Pa. C.S. §2301-2317.

- A. **Application for appeal.** Any applicant or person aggrieved by a decision of a Borough official related to the Uniform Construction Code shall have the right to appeal to the Char West Council of Governments Uniform Construction Code Board of Appeals, provided that a written application for an appeal is filed within 10 days after receipt of said decision, notice or order, along with payment of an appeal hearing fee in an amount set from time to time by the Char West Council of Governments Uniform Construction Code Board of Appeals. An application for appeal shall be based on a claim that the true intent of the Pennsylvania Construction Code Act, or the Uniform Construction Code, or this article do not fully apply; or an equivalent form of construction is to be used. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of the Borough official's decision and/or a waiver of the individual's right to appeal.
- B. **Regulations and procedures.** The Char West Council of Governments Uniform Construction Code Board of Appeals may establish policies and procedures necessary to carry out its duties as long as any such policies and procedures do not conflict with the provisions of the Pennsylvania Construction Code Act, the Uniform Construction Code, this article or any other ordinance of the Borough.**Jurisdiction and powers.** The Char West Council of Governments Uniform Construction Code Board of Appeals shall have the powers and duties as provided by the Pennsylvania Construction Code Act, 35 P.S. §7210.101 et seq., as amended; the Uniform Construction Code, 34 Pa. Code Part XIV, as amended; this article and any other ordinances adopted from time to time by the Borough Council.
- C. **Assignment of additional duties and responsibilities.** The Char West Council of Governments Uniform Construction Board of Appeals shall have such other duties and responsibilities as may be assigned to it from time to time by appropriate action of the Char West Council of Governments, the General Assembly of the Commonwealth of Pennsylvania or the Borough Council.

## **§90-6 Violations and penalties.**

- A. **General.** Any person who violates a provision of the Uniform Construction Code or the codes adopted thereunder, or this article, or who fails to comply with any of the requirements thereof, or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under provisions of the Uniform Construction Code or the codes adopted thereunder, or this article, shall be guilty of a summary offense and subject to such penalties and costs as established in §903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, as amended, including reasonable attorney fees incurred by the Borough. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Uniform Construction Code, or the codes adopted thereunder, or this article, found to have been violated. The Borough may also commence appropriate actions in equity, at law or otherwise to prevent, restrain, correct, enjoin, or abate violations of the Uniform Construction Code, the codes adopted thereunder, or this article. Any action taken by the Borough in the prosecution of a violation of the Uniform Construction Code, the codes adopted thereunder, or this article and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.
- B. **Stop-work order.** Any person who continues any work after having been served with a stop-work order under the Uniform Construction Code, or the codes adopted thereunder, or this article, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a summary offense and subject to such penalties as established in §903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, as amended. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the Uniform Construction Code, or the codes adopted thereunder, or this article, found to have been violated. Any action taken by the Borough in the prosecution of a violation of the Uniform Construction Code, the codes adopted thereunder, or this article, and any costs incurred by the Borough related thereto shall be charged against the real estate upon which the violation exists and shall be a municipal lien upon such real estate.

## **§90-7 Permit hours.**

The operation of heavy construction or excavation machinery (including but not limited to bulldozers, highlifts, backhoes, trucks, power shovels, pumps and jack hammers) and the use of construction equipment such as saws, drills or other types of machinery used outside a structure in conjunction with work requiring a building permit shall be prohibited when it is determined by the Borough Building Code Official that the noise is sufficient to disturb the peace and tranquility of the general public. This restriction shall be enforced throughout the entire Borough between the hours of 7:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday and federally designated legal holidays, except in cases of emergencies involving life or property as designated by emergency personnel.

**§90-8 More restrictive provisions to apply.**

Unless otherwise provided in the Pennsylvania Construction Code Act, or the Uniform Construction Code, or otherwise stated herein, when the provisions of this article are in conflict with other ordinances of the Borough or any other applicable Codes, the more stringent code or ordinance shall apply.

**§90-9 Severability.**

If any section, subsection, sentence, clause or provision of this article or the Codes adopted hereunder is found to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this article or the remaining portions of the Codes adopted hereunder.

**SECTION 2.** That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Borough Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 4.** That nothing in this Ordinance or in the Codes 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 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 5.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect in accordance with applicable law.

**ORDAINED AND ENACTED** into law by Borough Council of the Borough of Crafton, Allegheny County, Pennsylvania, at its meeting held on the 23rd day of November, 2020.

ATTEST:

**BOROUGH OF CRAFTON**

\_\_\_\_\_  
Russell McKibben  
Borough Manager/ Secretary

By: \_\_\_\_\_  
Phillip Levasseur  
President, Borough Council

Approved by me this 23rd day of November, 2020

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James Bloom, Mayor