

Chapter 5

Code Enforcement

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Part 1**Existing Structures Code****§5-101. Adoption of Existing Structures Code.**

The Borough of Oklahoma adopts as its existing structures code, the BOCA National Existing Structures Code/1987 (Second Edition), subject to provisions in this Part amending, deleting, adding to and making insertions in that code. Copies of that code have been placed on file with the Borough Secretary, and will remain on file there. That entire existing structures code, except for those portions that are deleted, amended or modified in the following Sections of this Part, is adopted and incorporated as fully as if set out verbatim in this Part, and from the date on which this Part takes effect, shall be controlling throughout the limits of the Borough in all matters to which that code is made applicable. In this Part, the BOCA National Existing Structures Code may be referred to as “the code” or “this code.”

(*Ord. 207A, 2/13/1989, §1*)

§5-102. Modifications Made in BOCA National Existing Structures Codes.

The code is amended and modified in the following respects:

A. Whenever the words “name of jurisdiction” appear in brackets in the code, the words “Borough of Oklahoma” shall be inserted in place of those bracketed words. Likewise, the words “Borough of Oklahoma” shall be substituted for the word “jurisdiction” wherever that word appears singly in the code without being preceded by the words “under the.”

B. Wherever the term “code official” or the term “administrative authority” appears in the code, the term “building official” shall be substituted for that term.

C. Wherever the term “the legislative body of the jurisdiction” or the term “chief authority of the jurisdiction” appears in the code, the term “Borough Council” shall be substituted for that term.

D. Wherever the term “the jurisdiction’s legal representative” or the term “the jurisdiction’s attorney-at-law” appears in the code, the term “Borough Solicitor” shall be substituted for that term.

E. Section ES-100.1 of the code is amended to read as follows:

ES-100.1. Title. This code shall be known as the “Existing Structures Code of the Borough of Oklahoma,” hereinafter referred to as “the code” or “this code.”

F. Section ES-100.4 of the code is amended to read as follows:

ES-100.4. Validity of Other Laws, Regulations and Ordinances. Nothing in this code shall be construed to prevent the enforcement of other laws, State regulations and ordinances of this Borough which prescribe more restrictive or stricter requirements or limitations. When the provisions specified in this code for health, safety and welfare are more restrictive the other provisions, this code shall control, but in any case, the most rigid requirements of either this code or other laws, regulations or ordinances shall apply whenever they

may be in conflict.

G. Section ES-100.5 of the code is amended to read as follows:

ES-100.5. Application of Other Codes. Any repairs or alterations to a structure, or changes of use therein, which are caused directly or indirectly by the enforcement of this code, shall be done in accordance with procedures and provisions of the Borough's building code.

H. Section ES-101.2 of the code is amended to read as follows:

ES-101.2 Saving Clause. Nothing in this code or in the code adopting it by reference shall be construed to affect any suit or proceeding pending in any court at the time of enacting that code, or any rights acquired, liability incurred, or any cause or causes of action accrued or existing, under any ordinance repealed by that ordinance. No right or remedy of any character shall be lost, impaired or affected by that ordinance.

I. Section ES-104.1 of the code is amended to read as follows:

ES-104.1. Enforcement Officer. It shall be the duty and responsibility of the code official to enforce the provisions of this code. Where, in the course of his enforcement duties, the code official finds a violation in the strict provisions or application of this code which violation, if corrected, would not substantially serve to further the purpose of this code in protecting the public health, safety and welfare, and where the elimination of that violation would constitute a practical difficulty or unnecessary hardship, the code official shall recommend to the appeal board that a variance be granted. In considering such recommendations the appeal board shall give consideration to the special physical characteristics of existing older dwellings in the borough which would require extensive structural alterations to conform to the strict provisions or application of this code.

J. Section ES-105.3.2. of the code is amended to read as follows:

ES-105.3.2. Right of Entry. If any owner, occupant or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the Borough Solicitor may initiate proper action to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

K. Section ES-105.5 of the code is amended to read as follows:

ES-105.5. Coordination of Enforcement. Inspection of premises, and the issuance and enforcement of notices and orders shall be the responsibility of the code official. Whenever, in the opinion of the code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by other department or officer of Borough government, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other department or officer for the purpose of eliminating conflicting orders before any are issued. A department or officer shall not, however, delay the issuance of any emergency orders which it determines must be issued.

L. Section ES-105.6 of the code is amended by adding the following sentence at the end of that Section:

“Furthermore, Borough Council shall have authority, at its discretion, to abrogate any rule or regulation, or part thereof, in which case that rule or regulation or part thereof shall cease to be in effect in the Borough.”

M. Section ES-105.7 of the code is amended to read as follows:

ES-105.7. Annual Report. At least once a year, and oftener if required by Borough Council, the code official shall submit to Council a written statement operations in such form and content as shall be prescribed by Council.

N. Section ES-106.1 of the code is amended to read as follows:

ES-106.1. General. When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, and the procedures prescribed by the Building Code under the heading “Unsafe Buildings and Structure” shall be found to be inadequate or unsuitable to remedy the situation, that structure or part thereof may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be re-occupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

O. Section ES-110.2 of the code is amended to read as follows:

ES-110.2. Penalty for Violation. Any person who violates any provision of this code or of the code adopting this code, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the appeal board or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance, respectively, upon conviction in a summary proceeding before a magisterial district judge under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$200 nor more than \$1,000 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 90 days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. [*Ord. 2015-04*]

P. Section ES-111.1 of the code is amended to add the following sentence at the end of that Section:

Provided, the intent of this §ES-111.1, “Demolition,” is to provide a procedure to be available for use in cases where the procedures prescribed by the Building Code under the heading “Unsafe Buildings and Structures” or under the heading “Demolition” shall be found to be inadequate or unsuitable to remedy the situation.

Q. Section ES-111.4 of the code is amended by substituting for the word

“number” enclosed in brackets, the following: “10.”

R. Section ES-112.1 of the code is amended to read as follows:

ES-112.1. Appeals. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted by authority of this code, shall have the right to appeal and shall be granted a hearing on the matter before the board of appeals established by the BOCA National Building Code, which shall be composed of the Borough Council, ex officio, and shall be the “appeal board” as referred to in this code. The appeal shall proceed in the same manner and subject to the same limitations as prescribed in the building code for appeals from the orders and decisions of the building official under that code. The appeal shall be filed with the borough, in writing, within 30 days of the rendition of the order or decision of the code official.

S. Sections 112.2.1 through ES-112.2.3 of the code are deleted.

T. Section ES-112.3 of the code is amended to read as follows:

ES-112.3. Records. The Borough Secretary shall serve as the secretary of the appeals board, and in the absence of the secretary, the assistant secretary shall so serve. The minutes of each meeting of Council, sitting as appeals board, shall clearly show the basis for each decision made by the board.

U. Section ES-200.3 of the code is amended to read as follows:

ES-200.3. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the BOCA National Building Code, the BOCA National Mechanical Code or the BOCA National Plumbing Code, each of the latter two codes containing provisions incorporated by reference into the BOCA National Building Code, they shall have the same meanings ascribed to them in those codes.

V. Section ES-200.4 of the code is amended to read as follows:

ES-200.4 Terms Not Defined. Where terms are not defined under the terms of this code or under the provisions of the building, plumbing and/or mechanical codes referred to in subsection .3, they shall have prescribed to them their ordinarily accepted meanings or such as the context herein as may apply.

W. The following definitions in Section ES-201.1 of the code are amended to read as follows:

Basement—the portion of a building which is partly or completely below grade.

Building code—the building code adopted by ordinance of this Borough, with amendments, deletions, additions and modifications incorporated into that ordinance.

Code official—the building official, who is designated as the official charged with the administration and enforcement of this code, or any duly authorized representative.

X. Section 301.6 of the code is deleted.

Y. Section ES-301.10, ES-301.10.1 and ES-301.10.2 of the code are amended to read as follows:

ES-301.10. Motor Vehicles. Motor vehicles shall be subject to the following requirements of Section ES-301.10.1 and ES-301.10.2.

ES-301.10.1. Residential Areas. Except as provided in other regulations, not more than one presently inoperable motor vehicle shall be parked on any property used or intended to be used primarily for the residential purposes and that parked vehicle shall not at any time be in a state of major disassembly, disrepair nor shall it be in the process of being stripped or dismantled. A vehicle of any type shall not at any time undergo major overhaul, including body work, in any such residential area.

ES-301.10.2. Nonresidential Areas. Except as provided in other regulations and approved by the building official, not more than two inoperable motor vehicles shall be permitted on any property used or intended to be used primarily for non-residential purposes, and any vehicle shall not at any time be in a state of major disassembly, disrepair nor shall it be in the process of being stripped or dismantled.

Z. Section ES-302.4.7 of the code is amended to read as follows:

ES-302.4.7. Guards for Basement Windows. Where the building official has evidence which leads him to believe that a rodent infestation problem exists in a building, every basement or cellar window in that building that is openable shall be supplied with corrosion-resistive rodent-proof shields of not less than No. 22 U.S. gauge perforated steel sheets, or No. 20 B & S gauge aluminum, or No. 16 U.S. gauge expanded metal or wire mesh screens, with not more than ½-inch mesh openings; or with other material affording equivalent protection against the entry of rodents, including storm windows.

AAA. Section ES-303.8.1 of the code is amended to read as follows:

ES-303.8.1 Handrails and Guardrails. Where the code official has evidence which leads him to believe that a handrail is required for safety purposes, every stairwell and every flight of stairs, which is more than two risers high, shall have handrails or railings located in accordance with the provisions of the Building Code. Every handrail or guardrail shall be firmly fastened and must be maintained in good condition. Properly balustraded guardrails, capable of bearing normally imposed loads as required by the Building Code, shall be placed on the open portions of stairs, balconies, landings and stairwells.

BBB. The following new Section is added to the code directly after Section ES-303.8.1:

Section ES-304-0 Protective Coating for Surfaces. All exterior and interior surfaces of a structure that are not of a species inherently resistant to decay, rust, tarnish or other form of deterioration shall be treated periodically with paint, preservative or other suitable protective coating to prevent or control such forms of deterioration. Surfaces shall be deemed to be in need of such a protective coating if there is evidence of excessive peeling of paint, chipping or scaling of plaster, or weathering or deterioration of any protective coating previously applied.

CCC. Section ES-502.2 of the code is amended to read as follows:

ES-502.2. Location of Bath and Second Sleeping Room. Wherever possible,

without creating a practical difficulty or unnecessary hardship, in the opinion of the code official, no residence building or dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. No bathroom shall be so located that access thereto is solely through a kitchen.

DDD. Section ES-701.2 of the code is amended by adding the following at the end of the Section:

Every dwelling unit shall have one or more approved means of egress, with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level and every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress with minimum head room of 6 feet 6 inches, leading to safe and open space at ground level, as required by the laws of this State and this Borough.

(*Ord. 207A, 2/13/1989, §2; as amended by Ord. 2015-04, 12/14/2015*)

§5-103. Validity.

The Council of the Borough of Oklahoma declares that should any Section, paragraph, sentence, clause or word of this Part, or of the code adopted by this Part, be declared to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Part or of that code. It is declared as a legislative intent that the code and this Part would have been adopted had that unconstitutional, illegal or otherwise invalid provision not been included therein.

(*Ord. 207A, 2/13/1989, §3*)

Part 2**Smoke Detector Installations in Certain Buildings****§5-201. Occupancies Required to Install Smoke Detectors.**

In all occupancies listed in §5-202, below, unless otherwise stated therein, it shall be mandatory to have not less than one automatic Underwriters Laboratories listed smoke detection device, properly installed and maintained, which, when activated provides an audible alarm adequate to warn the occupants therein of a possible fire emergency.

(Ord. 185, 9/12/1983, §1)

§5-202. Mandatory Installations.

The following occupancies shall have mandatory installations:

A. *Residential Occupancies.* Each dwelling unit or individual apartment within buildings used as multiple dwellings, or in any other dwelling units which are not owner occupied.

B. *Mercantile Occupancy.* All buildings or portions thereof used for commercial purposes shall have not less than one smoke detection device installed for each floor, including the basement.

C. *Assembly Occupancy.* The occupancy or use of a building or structure or any portion thereof by a gathering of persons shall have not less than one smoke detection device installed for each floor, including the basement.

D. *Business Occupancy.* Occupancy or use of a building or structure or any portion thereof for the transaction of business or the rendering or receiving of professional services shall have not less than one smoke detection device installed for each floor, including the basement.

E. In all other occupancies and existing buildings upon change of ownership of the real estate upon which the building is erected.

F. In all newly constructed buildings occupied subsequent to the enactment of the herein Part.

(Ord. 185, 9/12/1983, §2)

§5-203. Owner Occupied Dwelling Units.

It is recommended that in residential occupancies consisting of a dwelling unit occupied by the owner or owners on the date of the enactment of the herein Part that not less than one automatic Underwriters Laboratories listed smoke detection device be properly installed and maintained, which when activated sounds an audible alarm adequate to warn the occupants therein of a possible fire emergency.

(Ord. 185, 9/12/1983, §3)

§5-204. Installation Requirements.

All installations shall be in accordance with manufacturer's recommendations and latest applicable standards including the current editions of the National Fire Codes

issued by the National Fire Protection Association.

(Ord. 185, 9/12/1983, §4)

§5-205. Responsibility.

It shall be the responsibility of the owner to purchase, install and maintain each mandated smoke detection device.

(Ord. 185, 9/12/1983, §5)

§5-206. Register Device.

Within 10 days after the mandated, and/or recommended installation, it shall be the responsibility of the owner or his agent to register such devices and installation with the Building Official at his office. The registration date shall become the anniversary date for annual re-certification as authorized in §5-207 herein.

(Ord. 185, 9/12/1983, §6)

§5-207. Annual Certification.

Annual certification of the operability of each smoke detection device in any of the occupancies listed in §5-202 shall be made by the owner or his agent. Such certification shall be in card form, executed by both the owner or his agent and the tenant of the occupancy, said card to be registered with the Building Official for the Borough of Oklahoma at his office at the Borough Building, Thorn Street, Oklahoma, Pennsylvania, within 10 days of the anniversary date of the registration date of the original installation. Said registration must be accomplished each and every year.

(Ord. 185, 9/12/1983, §7)

§5-208. Periodic Tests.

It shall be the duty of a tenant in each occupancy or unit thereof to periodically test the smoke detection device to insure its operability. In the event of malfunctions, it shall be the responsibility of the tenant of the occupancy to immediately inform the owner or his agent or representative of said malfunction. The owner shall be responsible for restoring the smoke detection device to reliable operation.

(Ord. 185, 9/12/1983, §8)

§5-209. Remedies.

Nothing in this Part shall be construed to prevent the enforcement of State laws and regulations and/or other ordinances and codes of the Borough of Oklahoma which prescribe more restrictive or stricter requirements or limitations.

(Ord. 185, 9/12/1983, §9)

§5-210. Penalties.

All persons being owners of real estate upon which a building is erected who violates any provision of this Part with the exception of §5-203, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 185*, 9/12/1983, §10; as amended by *Ord. 204A*, 2/13/1989, §3; and by *Ord. 2015-04*, 12/14/2015)

