

## **ORDINANCE NO. 232**

### **BALLY BOROUGH PROPERTY MAINTENANCE CODE**

**AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY, PENNSYLVANIA, ADOPTING BY REFERENCE THE PROPERTY MAINTENANCE CODE OF SAID BOROUGH, ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITION AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPANCY AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE BALLY BOROUGH PROPERTY MAINTENANCE CODE.**

**Be it ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF BALLY, BERKS COUNTY, PENNSYLVANIA as follows:**

#### **SECTION 1. ADOPTION OF PROPERTY MAINTENANCE CODE.**

**That this document, copies of which are available at the Borough Office of the Borough of Bally, being marked and identified as the "BALLY BOROUGH PROPERTY MAINTENANCE CODE", are hereby adopted, by reference as and for the Property Maintenance Code of said Borough of Bally, by the Borough Council of the Borough of Bally, Berks County, Pennsylvania; for the control of buildings and structures as herein provided; and the maintenance of property in general as herein defined; and shall be know as the "Bally Borough Property Maintenance Code".**

#### **SECTION 2. INCORPORATION OF PROPERTY MAINTENANCE CODE**

**Said Property Maintenance Code is hereby incorporated into the official ordinance book of the Borough of Bally by reference and shall have the same force and effect as if the same had been duly recorded therein verbatim.**

#### **SECTION 3. INCONSISTENT ORDINANCES REPEALED.**

**That all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar as the same are inconsistent herewith.**

**DULY ENACTED AND ORDAINED** by the Borough Council of the Borough of Bally, Berks County, Pennsylvania, this 6th day of May, 1997, in lawful session duly assembled.

**BY THE BOROUGH OF BALLY**

  
\_\_\_\_\_  
**Clarence Emerich, President**

**ATTEST:**

  
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**Robert Moll, Secretary**

**APPROVED** this 6th day of May, 1997

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**Philip Ferrizzi, Mayor**

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# **CHAPTER 1**

## **ADMINISTRATION**

### **SECTION 101.0 GENERAL**

**101.1 Title:** These regulations shall be known as the Bally Borough Property Maintenance Code, hereinafter referred to as "this code".

**101.2 Scope:** This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing *premises* by establishing minimum requirements and standards for *premises*, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of *owners, operators* and *occupants*; regulating the *occupancy* of existing structures and *premises*, and providing for administration, enforcement and penalties.

**101.3 Intent:** This code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

**101.4 Referenced Standards:** The standards referenced in this code and listed in Chapter 8 shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

**101.5 Existing remedies:** The provisions of this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

**101.6 Workmanship:** All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner, and shall meet all requirements of the Borough of Bally Building Code in existence at the time.

**101.7 Application of other codes:** Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the zoning, building, plumbing and mechanical codes and NFPA 70 listed in Chapter 8.

## **SECTION 102.0 VALIDITY**

**102.1 Validity:** If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

**102.2 Saving clause:** This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

## **SECTION 103.0 MAINTENANCE**

**103.1 Required:** 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 safety systems and devices in existing structures.

## **SECTION 104.0 APPROVAL**

**104.1 Approval of materials and equipment:** All materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**104.2 Modifications:** Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code, the building official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

**104.2.1 Records:** The application for modification and the final decision of the building official shall be in writing and shall be officially recorded in the permanent records of the Borough.

**104.3 Material and equipment reuse:** materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

**104.4 Alternative materials and equipment:** The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fireresistance, durability and safety.

**104.5 Research and investigation:** Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is unsatisfactory proof of performance for the proposed installation, the building official shall approve such alternative subject to the requirements of this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

## **SECTION 105.0 DUTIES AND POWERS OF THE BUILDING OFFICIAL**

**105.1 General:** The building official shall enforce all of the provisions of this code.

**105.2 Notices and orders:** The building official shall issue all necessary notices or orders to ensure compliance with the code.

**105.3 Right of entry:** The building official, or his designate, is authorized to enter the structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise open to the general public, the building official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If requested entry is refused or not obtained, the building official shall pursue recourse as provided by law.

**105.4 Access by owner or operator:** Every occupant of a structure of premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

**105.5 Identification:** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**105.6 Coordination of enforcement:** Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the building official so charged by the Borough of Bally. Whenever inspections are necessary by any other department, the building 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 departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

**105.7 Rule-making authority:** The building official shall have power 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 climate or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

**105.8 Organization:** The building official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the Borough Council. The building official is authorized to designate an employee as deputy who shall exercise all the powers of the building official during the temporary absence or disability of the building official.

**105.9 Restriction of 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 Section 111.0, shall not be engaged in, or directly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

**105.10 Relief from personal responsibility:** The building official, officer or employee charged with the enforcement of this code, while acting for the Borough of Bally, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an 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 solicitor of the Borough until the final termination of the proceedings. The building official or any subordinate shall not be liable for any costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, 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.

**105.11 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.

## **SECTION 106.0 VIOLATIONS**

**106.1 Unlawful acts:** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the building official, or to remove or deface a placard or notice posted under the provisions of this code.

**106.2 Penalty:** Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars ( \$1,000.00), or imprisonment for a term of not more than thirty (30) days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**106.3 Prosecution:** In case of any unlawful acts the building official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.2. Also, the building official shall ask the Borough Solicitor to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

## **SECTION 107.0 NOTICES AND ORDERS**

**107.1 Notice to owner or to person or persons responsible:** Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with Section 108.3.

**107.2 Form:** Such notice prescribed in Section 107.1 shall:

- 1. Be in Writing;**
- 2. Include a description of the real estate sufficient for identification;**
- 3. Include a statement of the reason or reasons why the notice is being issued; and**
- 4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.**

**107.3 Method of service:** Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**107.4 Penalties:** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.2.

**107.5 Transfer of ownership:** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the building official and shall furnish to the building official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **SECTION 108.0 UNSAFE STRUCTURES AND EQUIPMENT**

**108.1 General:** When a structure or equipment is found by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

**108.1.1 Unsafe structure:** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public of the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

**108.1.2 Unsafe equipment:** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairways, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.1.3 Structure unfit for human occupancy:** A structure is unfit for human occupancy whenever the building official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4 Unlawful structure:** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**108.2 Closing of vacant structure:** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the building official is authorized to post a placard of *condemnation* on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the building official shall cause the premises to be closed through any available public agency or by contact or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**108.3 Notice:** Whenever the building official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding:** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the building official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**108.5 Prohibited occupancy:** Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

**108.6 Removal of placard:** The building official shall remove the placard whenever the defect or defects upon which the condemnation and placarding action was based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the building official shall be subject to the penalties provided by this code.

## **SECTION 109.0 EMERGENCY MEASURES**

**109.1 Imminent danger:** When, in the opinion of the building official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The building official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

**109.2 Temporary safeguards:** Notwithstanding other provisions of this code, whenever, in the opinion of the building official, there is imminent danger due to

an unsafe condition, the building official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building official deems necessary to meet such emergency.

**109.3 Closing streets:** When necessary for the public safety, the building official shall temporarily close structures and close, or order the borough manager to close sidewalks, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs:** For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs:** Costs incurred in the performance of emergency work shall be paid from the treasury of the Borough on approval of the building official. The Solicitor of the Borough shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing:** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## **SECTION 110.0 DEMOLITION**

**110.1 General:** The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to raze and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

**110.2 Order:** All notices and orders shall comply with Section 107.0.

**110.3 Failure to comply:** If the owner of a premises fails to comply with a demolition order within the time prescribed, the building official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and

removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials:** When any structure has been ordered razed and removed, the Borough Council or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of the court. If such a surplus does not remain to be turned over, the report shall so state.

## **SECTION 111.0 MEANS OF APPEAL**

**111.1 Application of appeal:** Any person affected by a decision of the building official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. 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 code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of the board:** The board of appeals shall consist of three members appointed by the Borough Council of the Borough of Bally as follows: one for three years, one for two years, and one for one year. Thereafter each new member shall serve for three years or until a successor has been appointed.

**111.2.1 Qualifications:** The board of appeals shall consist of three individuals from any of the following professions or disciplines:

- 1. Registered architect; or builder or superintendent of building construction with at least five years experience in responsible charge of work.**
- 2. Structural engineer.**
- 3. Mechanical or plumbing engineer; or a mechanical or plumbing contractor with at least five years experience in a position of responsible charge of work.**
- 4. Electrical engineer; or an electrical contractor with at least five years experience in a position of responsible charge of work.**

**5. A professional with fire protection experience; or a contractor in fire protection with at least five years experience in a position of responsible charge of work.**

**111.2.2 Alternate members:** The Borough Council 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 same qualifications required by board membership, and shall be appointed for three years or until a successor has been appointed.

**111.2.3 Chairman:** The board shall annually select one of its members as chairman.

**111.2.4 Disqualification of member:** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

**111.2.5 Secretary:** The Borough Manager shall designate a qualified individual to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Borough Manager.

**111.2.6 Compensation of members:** Compensation of members shall be determined by law.

**111.3 Notice of meeting:** The board shall meet upon notice from the chairman, within ten days of the filing of an appeal, or at stated periodic meetings.

**111.4 Open hearing:** All hearings before the board shall be open to the public. The appellant, the appellant's representative. The building official, and any person whose interest are affected shall be given an opportunity to be heard.

**111.4.1 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 require compliance with strict rules evidence but shall mandate that only relevant information be received.

**111.5 Postponed hearings:** When three members are not present to hear an appeal, either the applicant or the applicant's representative shall have the right to request a postponement of the hearing.

**111.6 Board decision:** The board shall modify or reverse the decision of the building official by a concurring vote of two members.

**111.6.1 Resolution:** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the building

**official.**

**111.6.2 Administration: The building official shall take immediate action in accordance with the decision of the board.**

**111.7 Court review: Any party aggrieved by any action of the Board of Appeals shall have the right of appeal from the decision of the Board in accordance with provisions of the Pennsylvania Local Agency Law.**

## **CHAPTER 2**

### **DEFINITIONS**

#### **SECTION 201.0 GENERAL**

**201.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings shown in this chapter.

**201.2 Interchangeability:** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**201.3 Terms defined in other codes:** Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Chapter 8, or in the Zoning or Subdivision Ordinances of the Borough, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined:** Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts:** Whenever the words "*dwelling unit*," "*dwelling*," "*premises*," "*building*," "*rooming house*," "*rooming unit*," "*story*," or "*structure*," are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".

#### **SECTION 202.0 GENERAL DEFINITIONS**

***Approved:*** Approved by the building official.

***Basement:*** See Section 302.0.

***Bathroom:*** See Section 502.0.

***Building:*** Any structure occupied or intended for supporting or sheltering any occupancy.

***Building Code:*** The Building Code officially adopted by the Borough Council of the Borough of Bally, or any other codes or ordinances designated by the Borough Council for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

***Building Official:*** The official designated by Borough Council who is charged with the administration and enforcement of this code, or any duly authorized representative.

***Condemn:*** To adjudge unfit for occupancy.

***Construction documents:*** All the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

***Dwellings:*** [See Section 201.5]

***Dormitory:*** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

***Dwelling Unit:*** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

***Hotel:*** Any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

***One-family dwelling:*** A building containing one dwelling unit with not more than two lodgers or boarders.

***Rooming house:*** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

***Rooming unit:*** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

***Two-family dwelling:*** A building containing two dwelling units with not more than two lodgers or boarders per family.

***Exterior property:*** See Section 302.0.

***Extermination:*** See Section 302.0.

***Family:*** One or more persons related by blood, marriage, or adoption; or a group of not more than two unrelated persons living together in a single dwelling

unit and functioning as a single household. For the purpose of this definition, foster children and any similar court-directed, non-penal living arrangement shall be considered related persons.

*Garbage:* See Section 302.0.

*Habitable space:* See Section 402.0.

*Infestation:* See Section 302.0.

*Let of occupancy or let:* See Section 302.0.

*Occupancy:* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant:* See Section 302.0.

*Openable area:* See Section 302.0.

*Operator:* See Section 302.0.

*Owner:* See Section 302.0.

*Person:* See Section 302.0.

*Plumbing:* See Section 502.0.

*Plumbing fixture:* See Section 502.0.

*Premises:* See Section 302.0.

*Public nuisance:* See Section 302.0.

*Rubbish:* See Section 302.0.

*Structure:* That which is built or constructed or a portion thereof.

*Toilet room:* See Section 502.0.

*Ventilation:* See Section 402.0.

*Workmanlike:* Executed in a skilled manner; i.e., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

*Yard:* See Section 302.0.

## **CHAPTER 3**

### **GENERAL REQUIREMENTS**

#### **SECTION 301.0 GENERAL**

**301.1 Scope:** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**301.2 Responsibility:** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 306.0 and 307.0. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

**301.3 Vacant structures and land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health and safety.

#### **SECTION 302.0 DEFINITIONS**

**302.1 General:** The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.

***Basement:*** A story partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

***Exterior property:*** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

***Extermination:*** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

***Garbage:*** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

***Infestation:*** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

***Let for occupancy or let:*** To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

***Occupant:*** Any person living or sleeping in a building; or having possession of a space within a building.

***Operator:*** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

***Owner:*** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

***Person:*** An individual, corporation, partnership or any other group acting as a unit.

***Premises:*** A lot, plot or parcel of land including any structures thereon.

***Public nuisance:*** Includes the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises that has unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation; or

5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

***Rubbish:*** Combustible or noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

***Yard:*** An open space on the same lot with the structure.

## **SECTION 303.0 EXTERIOR PROPERTY AREAS**

**303.1 Sanitation:** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**303.2 Grading and drainage:** All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** Water retention areas and reservoirs approved by the building official, and/or the Borough.

**303.3 Sidewalks and driveways:** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 304.10 and 702.9. Public sidewalks shall not be allowed to deteriorate to the point where they become a safety hazard for walkers.

**303.4 Weeds:** Any person, firm or corporation owning any property within the Borough, shall as provided in this code, trim or cut all grass and weeds or other vegetation whatsoever, not planted or used for some agricultural or ornamental purpose. No such person, firm or corporation shall permit to grow upon property owned by it any grass, weeds, or other vegetation which does emit any unpleasant or noxious odor or which does conceal any filthy deposit. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any provisions of this code, is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.

**303.4.1** The owner of a property shall remove, trim or cut to a height of 4 inches or less, all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of this code in accordance with the following minimum schedule: at least one time prior to May 31st of each year; at least one time between July 16th and August 31st of each year; at least one time between September 1st and the end of the growing season. Provided however, that no owner shall at any time permit any grass, weeds or other vegetation to grow on his property to a height in excess of 8 inches.

**303.4.2** Borough Council shall give notice by publication in a local news paper, at least one time during the months of April or May of each year, of the dates established for cuttings. Borough Council or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, by United States Mail, or by posting the property, to the owner or occupant of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this code, directing and requiring such owner or occupant to remove, trim or cut such grass, weeds or other vegetation, so as to conform to the requirements of this code, within five days after the issuance of such notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice, within the period of time stated therein, the Borough authorities may remove, trim or cut such grass, weeds or other vegetation, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm or corporation, in the manner provided by this code.

**303.5 Rat harborage:** All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**303.6 Exhaust vents:** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or

particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**303.7 Accessory structures:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**303.8 Motor vehicles:** Except as provided for in other regulations, not more than one currently unregistered or un-inspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Nor shall any parts thereof be stored or deposited on any premises.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similar enclosed area designed and approved for such purposes. This section shall not apply to licensed auto dealers

**303.9 Snow and ice removal:** Any person, firm or corporation owning property within the Borough shall remove all accumulations of snow and/or ice from the sidewalk within twenty-four (24) hours after the ceasing of the snowfall or ice storm, or the formation of the ice. No person, firm or corporation shall deposit or cause to be deposited any snow, ice, hail or sleet upon any plowed portion of a borough street or road. The Borough Council or any officer or employee of the borough designated thereby for the purpose, is hereby authorized to give notice, by personal service, United States Mail, or by posting the property, to the owner of any premises informing the owner that he is in violation of the provision of this code, and ordering said owner to immediately comply with such notice. The Borough authorities may clear the premises of all snow or ice, and the cost thereof, together with any additional penalty authorized by law, may be collected by the Borough from such person, firm or corporation, in the manner herein provided.

## **SECTION 304.0 EXTERIOR STRUCTURE**

**304.1 General:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Street numbers:** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and 1/2 inch (13 mm) stroke.

**304.3 Structural members:** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**304.4 Foundation walls:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

**304.5 Exterior walls:** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.6 Roofs and drainage:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance. Roof drains, downspouts or leaders shall not be connected to the public sewer in any manner.

**304.7 Decorative features:** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.8 Overhang extensions:** All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.9 Chimneys and towers:** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Handrails and guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.11 Window and door frames:** Every window, door and frame shall be kept in sound condition, good repair and weather tight.

**304.12 Insect screens:** During the period from April 1st to September 30th, every door, window and other outside opening utilized or required for ventilation

purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

**Exception:** Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

**304.13 Doors:** All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

**304.14 Basement hatchways:** Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

**304.15 Basement windows:** Basement windows shall be maintained in good condition and tight enough to prevent the entrance of rats or other rodents.

## **SECTION 305.0 INTERIOR STRUCTURE**

**305.1 General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared and public areas of the structure and exterior property.

**305.2 Structural members:** The supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Lead-based paint:** Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

**305.4 Stairs and railings:** All interior stairs and railings shall be maintained in sound condition and good repair.

**305.5 Handrails and guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

## **SECTION 306.0 RUBBISH AND GARBAGE**

**306.1 Accumulation of rubbish and garbage:** All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish and garbage.

**306.2 Disposal of rubbish:** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**306.2.1 Rubbish storage facilities:** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**306.3 Disposal of garbage:** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

**306.3.1 Garbage facilities:** The owner of multiple dwelling unit shall provide adequate containers of a size and type necessary to service the needs of the occupants of the premises. Owners of non-residential structures shall provide the necessary garbage containers adequate for the garbage and rubbish generated within the structures involved. These containers shall be located as inconspicuously as possible without interfering with public activities on the premises.

**306.3.2 Containers:** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, leakproof approved containers provided with close-fitting covers for the storage of such materials until removal from the premises for disposal.

## **SECTION 307.0 EXTERMINATION**

**307.1 Infestation:** All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**307.2 Owner:** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**307.3 Single occupancy:** The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for extermination on the premises.

**307.4 Multiple occupancy:** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

**307.5 Occupant:** The occupant of any structure shall be responsible for the continued ratproof condition of the structure, and if the occupant fails to maintain the ratproof condition, the cost of extermination shall be the responsibility of the occupant.

## **CHAPTER 4**

### **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

#### **SECTION 401.0 GENERAL**

**401.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for the occupancy of a structure.

**401.2 Responsibility:** The owner of a structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy any premises that do not comply with the requirements of this chapter.

**401.3 Alternate devices:** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code listed in Chapter 8 shall be permitted.

#### **SECTION 402.0 DEFINITIONS**

**402.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein:

***Habitable space:*** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

***Openable area:*** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

***Ventilation:*** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

#### **SECTION 403.0 LIGHT**

**403.1 Habitable spaces:** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total

window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the building code listed in Chapter 8. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**403.2 Common halls and stairways:** Every common hall and stairway, other than on one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m<sup>2</sup>) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior stairway shall be illuminated with a minimum of 1 foot-candle (11 lux) at floors, landings and treads.

**403.3 Other spaces:** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## **SECTION 404.0 VENTILATION**

**404.1 Habitable spaces:** Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 403.1.

**404.2 Bathrooms and toilet rooms:** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 404.1, except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following:

- 1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the exterior and shall not be recirculation to any space, including the space from which such air is withdrawn.**
- 2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.**

**404.3 Cooking facilities:** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a

cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the building official.

**404.4 Process ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated in any space.

**404.5 Clothes dryer exhaust:** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

## **SECTION 405.0 OCCUPANCY LIMITATIONS**

**405.1 Privacy:** Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**405.2 Access from sleeping rooms:** Sleeping rooms shall not constitute the only means of access to other sleeping rooms or habitable spaces.

Exception: Dwelling units that contain fewer than two bedrooms.

**405.3 Area for sleeping purposes:** Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (7 m<sup>2</sup>) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (5 m<sup>2</sup>) of floor area for each occupant thereof.

**405.4 Water closet accessibility:** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.

**405.5 Overcrowding:** dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of table 405.5.

**Table 405.5  
MINIMUM OCCUPANCY AREA REQUIREMENTS**

Space	Minimum occupancy area in square feet <sup>b</sup>		
	1-2 occupants	3-5 occupants	6 or more
Living room <sup>a</sup>	No requirements	120	150
Dining room <sup>a</sup>	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with Section 405.3		

Note a. See Section 405.6 for combined living room/dining room spaces.

Note b. 1 square foot = 0.093 m<sup>2</sup>.

**405.6 Combined spaces:** Combined living room and dining room spaces shall comply with the requirements of Table 405.5 if the total area is equal to that required for separate rooms and if space is located so as to function as a combination living room/dining room.

**405.7 Prohibited occupancy:** Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

**405.8 Minimum ceiling heights:** Habitable spaces, other than kitchens, shall have a clear ceiling height of not less than 7 feet 4 inches (2235 mm). Hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exceptions:**

1. Beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 7 feet (2134 mm) in height.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms,

only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

4. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

**405.9 Minimum room widths:** A habitable room, other than a kitchen, shall not be less than 7 feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**405.10 Food preparation:** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## **CHAPTER 5**

### **PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

#### **SECTION 501.0 GENERAL**

**501.1 Scope:** The provisions of this chapter shall govern the minimum plumbing facilities and plumbing fixtures to be provided.

**501.2 Responsibility:** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

#### **SECTION 502.0 DEFINITIONS**

**502.1 General:** The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

***Bathroom:*** A room containing plumbing fixtures including a bathtub or shower.

***Plumbing:*** The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code listed in Chapter 8.

***Plumbing fixture:*** A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the sewer system of the premises; or which requires both a water supply connection and a discharge to the sewer system of the premises.

**Note:** For the purpose of this Section, sump pumps are not considered plumbing fixtures.

***Toilet room:*** A room containing a water closet or urinal but not a bathtub or shower.

## **SECTION 503.0 REQUIRED FACILITIES**

**503.1 Dwelling units:** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

**503.2 Rooming houses:** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**503.3 Hotels:** Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**503.4 Employee's facilities:** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**503.4.1 Drinking facilities:** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

## **SECTION 504.0 TOILET ROOMS**

**504.1 Privacy:** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

**504.2 Location:** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**504.3 Location of employee facilities:** Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

## **SECTION 505.0 PLUMBING FIXTURES**

**505.1 General:** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. Plumbing fixtures and piping shall be installed and maintained in compliance with the Borough Plumbing Code, and all applicable Ordinances of the Borough.

**505.2 Fixture clearances:** Plumbing fixtures shall have adequate clearances for usage and cleaning.

## **SECTION 506.0 WATER SYSTEM**

**506.1 General:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Borough of Bally Water System. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

**506.2 Contamination:** The water supply shall be maintained free from contamination, and all water inlets from plumbing fixtures shall be located above the flood level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**506.3 Supply:** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**506.4 Water heating facilities:** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F. (43 degrees C.) a gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**SECTION 507.0 SANITARY DRAINAGE SYSTEM**

**507.1 General:** All plumbing fixtures shall be properly connected to the Borough of Bally Sewer System according to all regulations in affect at the time.

**507.2 Maintenance:** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstruction, leaks and defects.

**SECTION 508.0 STORM DRAINAGE**

**508.1 General:** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **CHAPTER 6**

### **MECHANICAL AND ELECTRICAL REQUIREMENTS**

#### **SECTION 601.0 GENERAL**

**601.1 Scope:** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility:** The owner of the structures shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

#### **SECTION 602.0 HEATING FACILITIES**

**602.1 Facilities required:** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential buildings:** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required by the Borough by the mechanical code listed in Chapter 8.

**602.2.1 Heat supply:** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1st to March 31st to maintain the room temperature specified in Section 602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. (16 degrees C.) during other hours.

**602.2.2 Room temperature exception:** When the outdoor temperature is below the outdoor design temperature required for the Borough by the mechanical code listed in Chapter 8, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

**602.3 Nonresidential structures:** Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1st to March 31st to maintain a temperature of not less than 65 degrees F. (18 degrees C.) during all working hours.

**Exceptions**

- 1. Processing, storage and operation areas that require cooling or special temperature conditions.**
- 2. Areas in which persons are primarily engaged in vigorous physical activities.**

**602.4 Room temperature measurement:** The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

**SECTION 603.0 MECHANICAL EQUIPMENT**

**603.1 Mechanical equipment:** All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Cooking and heating equipment:** All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

**603.3 Flue:** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**603.4 Clearances:** All required clearances to combustible materials shall be maintained.

**603.5 Safety controls:** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.6 Combustion air:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

**603.7 Energy conservation devices:** Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line

thereof, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## **SECTION 604.0 ELECTRICAL FACILITIES**

**604.1 Facilities required:** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605.0.

**604.2 Service:** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in Chapter 8. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

**604.3 Electrical system hazards:** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the building official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 605.0 ELECTRICAL EQUIPMENT**

**605.1 Installation:** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**605.2 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle. Every bathroom shall contain at least one receptacle.

**605.3 Lighting fixtures:** Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

## **SECTION 606.0 ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General:** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards.

**606.2 Elevators:** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## **CHAPTER 7**

### **FIRE SAFETY REQUIREMENTS**

#### **SECTION 701.0 GENERAL**

**701.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**701.2 Responsibility:** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

#### **SECTION 702.0 MEANS OF EGRESS**

**702.1 General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

**702.2 Exit capacity:** The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code listed in Chapter 8.

**702.3 Number of exits:** In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits, in stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits.

**Exception:** A single exit is acceptable under any one of the following conditions:

- 1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.**

2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.
3. Where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit.
4. Where permitted by the building code listed in Chapter 8.

**702.4 Arrangement:** Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

**702.5 Exit signs:** All means of egress shall be indicated with approved "Exit" signs where required by the building code listed in Chapter 8. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

**702.6 Corridor enclosure:** All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

**Exceptions:**

1. Corridors in occupancies in other than Use Group H which are equipped throughout with an automatic sprinkler system.
2. Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the fire prevention code listed in Chapter 8, are not required to be self-closing.
3. Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.
4. Corridors that are in compliance with the building code listed in Chapter 8.

**702.7 Dead-end travel distances:** All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 mm) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

**702.8 Aisles:** Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Groups A, E and I-2 shall be maintained in accordance with the requirements of the building code listed in Chapter 8. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

**702.9 Stairways, handrails and guards:** Every interior and exterior flight of stairs having more than four risers, except those located in one- and two-family dwellings, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony.

**702.10 Information signs:** A sign shall be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be marked with approved signs in accordance with the requirements for new buildings in the building code listed in Chapter 8.

**Exception:** The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the building code listed in Chapter 8.

**702.11 Locked doors:** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section 702.11.1

**702.11.1 Locks permitted:** Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.
2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surface-molded flush bolts are prohibited.

3. Where the door hardware conforms to that permitted by the building code listed in Chapter 8.

**702.12 Emergency escape:** Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

**Exception:** Buildings equipped throughout with an automatic fire suppression system.

#### **SECTION 703.0 ACCUMULATIONS AND STORAGE**

**703.1 Accumulations:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

**703.2 Hazardous material:** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code listed in Chapter 8.

#### **SECTION 704.0 FIRERESISTANCE RATINGS**

**704.1 General:** The fireresistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

**704.2 Maintenance:** All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

#### **SECTION 705.0 FIRE PROTECTION SYSTEMS**

**705.1 General:** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

**705.2 Fire suppression system:** Fire suppression systems shall be in proper operating condition at all times.

**705.2.1 Valves:** Control valves shall be in the fully open position.

**705.2.2 Sprinklers:** Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

**705.2.3 Piping:** Piping shall be properly supported and shall not support any other loads.

**705.3 Standpipe system:** Standpipe systems shall be in proper operating condition at all times.

**705.3.1 Valves:** Water supply control valves shall be in the fully open position.

**705.3.2 Hose connections:** Hose connections shall be identified and have ready access thereto.

**705.3.3 Hose:** Where provided, the hose shall be properly packed, dry and free from deterioration.

**705.4 Fire extinguishers:** All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

**705.5 Smoke detectors:** A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Group R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use group R-2 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

**705.5.1 Installation:** All detectors shall be installed in accordance with the building code listed in Chapter 8. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

**705.5.2 Power source:** The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

**705.5.3 Tampering:** Anyone tampering or interfering with the

effectiveness of a smoke detector shall be in violation of this code.

**705.6 Fire protection signaling systems:** Fire protection signaling systems shall be in proper operating condition at all times.

**705.6.1 Control panel:** The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

**705.6.2 Manual fire alarm boxes:** All manual fire alarm boxes shall be operational and unobstructed.

**705.6.3 Automated fire detectors:** All automated fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke detectors.

**705.7 Records:** A complete written record of all tests and inspections of fire protection systems shall be maintained on the premises by the owner or occupant in charge of said premises.

## **SECTION 706.0 ELEVATOR RECALL**

**706.1 Required:** All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access for emergency fire-fighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1 listed in Chapter 8.

## **SECTION 707.0 MECHANICAL EQUIPMENT CONTROL**

**707.1 Smoke and heat detection:** Approved smoke and heat detectors shall be installed in return air ducts or plenums in each recirculating air system with a capacity of more than 2,000 cfm and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code listed in Chapter 8. Actuation of the detector shall stop the fan(s) automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

## **CHAPTER 8**

### **REFERENCED STANDARDS**

This Chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, title, and section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 101.4 of this code.

**ASME**      **American Society of Mechanical Engineers**  
**345 East 47th Street**  
**New York, NY 10017**

**Standard Reference No.      A17.1**  
**Title: Safety Code for Elevators and Escalators.**

**Referenced in this code in Section No.**

**706.1**

**BOCA**      **Building Officials and Code Administrators International, Inc.**  
**4051 West Flossmoor Road**  
**Country Club Hills, IL 60478-5795**

**Standard Reference No.      NBC**  
**Title: BOCA National Building Code**

**Referenced in this code in Section No.**

**101.7, 201.3, 401.3, 403.1, 702.2, 702.3, 702.5,**  
**702.6, 702.8, 702.10, 702.11 703.2, 705.5.1**

**Standard Reference No.      NMC**  
**Title: BOCA National Mechanical Code**

**Referenced in this code in Section No.**

**101.7, 201.3, 602.2, 602.2.2, 707.1**

**Standard Reference No.        NPC**  
**Title: BOCA National Plumbing Code**

**Referenced in this code in Section No.**

**101.7, 201.3, 502.1**

**Standard Reference No.        NFPC**  
**Title: BOCA National Fire Prevention Code**

**Referenced in this code in Section No.**

**702.6, 703.2**

**NFiPA        National Fire Protection Association**  
**Batterymarch Park**  
**Quincy, MA 02269**

**Stand reference No.        70**  
**Title: National Electrical Code**

**Referenced in this code in Section No.**

**101.7, 604.2**

## **CHAPTER 10**

### **ADOPTION**

#### **SECTION 1001.1            CONFLICTS**

Whenever there is a difference between the minimum standards specified herein and those included in other Borough Ordinances or regulations the more stringent requirements shall apply.

#### **SECTION 1001.2            REPEALER**

All existing ordinances or regulations or parts thereof which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effort.

#### **SECTION 1001.3            SEVERABILITY**

Should any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.

#### **SECTION 1001.4            EFFECTIVE DATE**

This Ordinance shall become effective on the date first enacted by Borough Council.

## **CHAPTER 9**

### **STRUCTURES EXEMPT FORM THIS CODE**

#### **SECTION 901.0                    GENERAL**

**901.1 Scope:** It is not the intent of this code to place undue hardships on certain existing, occupied older structures erected in accordance with the standards and design generally in use at the time each such structure was erected. So long as such structure is not determined to be an unsafe structure, an unlawful structure, one unfit for human occupancy, or one containing unsafe equipment no immediate repairs or alterations will be required of such structures merely to bring such structure into compliance with this code. However, should repairs, renovations, expansion, changes in Use Group or other similar actions be undertaken regarding any such structures in the future, the structure to be renovated, repaired, etc. Shall be brought into compliance with this code, to the extent practical. **NOTHING IN THIS SECTION SHALL BE DEEMED TO EXEMPT ANY EXISTING STRUCTURE FROM REPAIRS TO BRING IT INTO COMPLIANCE WITH THE TERMS OF THIS CODE IF THE STRUCTURE IS DETERMINED TO BE UNSAFE, UNLAWFUL, UNFIT FOR HUMAN OCCUPANCY, OR TO CONTAIN UNSAFE EQUIPMENT.**

#### **SECTION 902.0                    EXISTING STRUCTURES EXEMPT**

**902.1 Exemption List:** Existing one- and two-family dwelling unit structures at the time of the adoption of this code shall be exempt from forced compliance with the following Sections of this code:

- 1. Section 403.1**
- 2. Section 404.1, 404.2**
- 3. Section 405.1, 405.2, 405.4, 405.8**
- 4. 605.2**



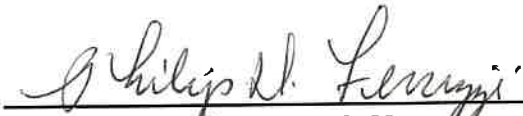
**Clarence L. Emerich, President**

**ATTEST:**



**Robert Moll, Secretary**

**Approved as an Ordinance this 6th day of May, 1997**



**Philip D. Ferrizzi, Mayor**

**ORDINANCE NO. 233****AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS  
COUNTY, PENNSYLVANIA, FIXING THE TAX RATE FOR  
THE FISCAL YEAR 1998**

**BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Bally, Berks County, Pennsylvania:

**SECTION 1.** That a Tax be and the same is hereby levied on all property within said Borough subject to taxation for Borough purposes for the fiscal year 1998, as follows:

- A. Tax Rate for General Purposes, the sum of 1.8 mills on each dollar of assessed valuation.

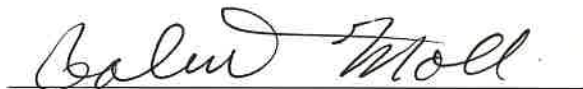
**SECTION 2.** Any Ordinance, or part of any Ordinance, conflicting with this Ordinance is hereby repealed as the same affects this Ordinance.

**ADOPTED** this 2nd day of December, 1997.



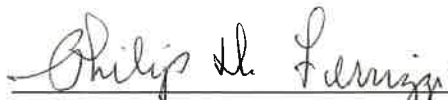
Clarence Emerich, President

**ATTEST:**



Robert Moll, Secretary

**APPROVED** this 2nd day of December, 1997



Philip Ferrizzi, Mayor