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Borough of Freeport Ordinance No. 164

AN ORDINANCE PROVIDING FOR THE ADOPTION BY REFERENCE OF THE NATIONAL BUILDING CODE, 1955 EDITION ABBREVIATED, AS AMENDED AND SUPPLEMENTED, PROVIDING FOR FIRE LIMITS AND REGULATIONS GOVERNING THE CONSTRUCTION, ALTERATION, REMOVAL, DEMOLITION, EQUIPMENT USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES, PROVIDING FOR THE APPOINTMENT OF A BUILDING OFFICIAL, DESCRIBING HIS DUTIES, PROVIDING FOR TERM PERMIT FEES AND PROVIDING FOR PENALTIES

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE BOROUGH OF FREEPORT, AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME.

Section 1. The National Building Code, 1955 Edition Abbreviated, together with the January 1958 amendments, hereinafter referred to as "Building Code", as recommended by the National Board of Fire Underwriters is hereby adopted by the Borough of Freeport by reference under the provisions of the Borough Code, except such portions as are in this ordinance deleted, modified or amended, of which said Building Code no less than three copies have been and now are filed in the office of the Borough Secretary, and the provisions of the said Building Code are hereby adopted and incorporated as fully as if set out at length herein to take effect on and after the effective date of this ordinance, and the said provisions shall be controlling in the construction of all buildings and other structures within the limits of the Borough of Freeport.

Section 2. In addition to the provisions in the said Building Code, there is hereby enacted the following provisions which shall be considered as amendments to the said Building Code and as part of the Building Code of the Borough of Freeport:

A. Sidewalk sheds and walkways. Whenever a building or structure within ten feet of a street line is to be erected or raised to exceed 40 feet in height, or whenever such a building or structure more than 25 feet in height

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is to be demolished, unless the street is officially closed during the construction or demolition, the owner or the person doing or causing such work to be done shall erect and maintain during such work adjacent to the street lines, sheds of sufficient strength and stability to sustain safely the weight of materials that may be placed thereon and to withstand the shocks incident to the handling of such materials or their preparation for use and to the accidental jars from trucks delivering material. Said sidewalk sheds shall be constructed to afford an unobstructed walkway for pedestrians, not less than eight feet high and four feet wide.

B. Temporary fence or barricade. During a building operation the owner or person doing or causing such work to be done, shall, unless released by the building official, erect and maintain a substantial fence not less than eight feet high. The fence shall be erected along the street line for the entire length of the building and each end shall be turned and extended to the building line. Said fence may extend not more than eight feet from the street line into the street, and shall be built solid for its full length except for such openings, provided with sliding doors or doors swinging inward, as may be necessary for a proper prosecution of the work.

Section 3. The said Building Code as adopted herein is amended by deleting Section 7.1 Noncompliance and substituting therefor the following provision:

A person who shall violate a provision of this ordinance and the Building Code adopted hereby or who fails to comply therewith or with any of the requirements thereof or who shall erect, construct, alter or repair or who has erected, constructed, altered or repaired a building or structure or a portion thereof in violation of a detailed statement or plan submitted and approved hereunder or of a permit or certificate issued hereunder shall be guilty of a summary offence punishable by a fine not to exceed \$100.00 and in default of payment thereof by confinement to the county jail for a period not to exceed thirty days or both. Also, the owner of a building or structure or

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portion thereof or of the premises where anything in violation of this Code shall be placed or shall exist and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall be guilty of a separate offence and upon conviction thereof shall be punishable by a fine not to exceed \$100.00 and in default thereof to confinement in the county jail for a period not to exceed thirty days or both.

Section 4. Definitions. Wherever the following words are used in the Building Code, they shall be held to have the meanings as set forth as follows:

- A. "Municipality" shall mean the Borough of Freeport.
- B. "Corporation Counsel" shall mean the Borough Solicitor to the Borough of Freeport.

Section 5. There is hereby created the office of Building Official who shall be appointed by the Town Council in the manner of the appointment of other officials and employees of the Borough. His duties, subject to the provisions of the Borough Code and subject to the rights and duties of the Burgess, shall be to enforce all laws relating to the construction, alteration, removal, demolition of buildings and structures. The building official in the discharge of his official duties and upon proper identification shall have the authority to enter any building, structure or premises at any reasonable hour for the purpose of inspection or enforcement and any purpose as provided for under the provisions of the said Building Code.

Section 6. Fire Limits. Fire Limits for the Borough of Freeport are hereby established as follows:

Beginning at a point at the center line of Fourth Street and Mulberry Way; thence by Fourth Street South 17 degrees 30 minutes East 370 feet more or less to Pennsylvania Railroad; thence by the Pennsylvania Railroad North 72 degrees 30 minutes East 300 feet more or less; thence South 17 degrees 30 minutes East 200 feet more or less to Riverside Drive; thence by Riverside Drive North 72 degrees 30 minutes East 220 feet more or less to a point; thence North 17 degrees

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30 minutes West 160 feet more or less to Walnut Way; thence by same South 72 degrees 30 minutes West 150 feet more or less to Fifth Street; thence by Fifth Street North 17 degrees 30 minutes West 40 feet more or less to Pennsylvania Railroad; thence by line of Pennsylvania Railroad 370 feet more or less to Sixth Street; thence by same North 17 degrees 30 minutes West 100 feet more or less to Market Street; thence by same South 72 degrees 30 minutes West 150 feet more or less to a point; thence North 17 degrees 30 minutes West 170 feet more or less to Mulberry Way; thence by same North 72 degrees 30 minutes East 150 feet more or less to Sixth Street; thence by same North 17 degrees 30 minutes West 200 feet more or less to High Street; thence by same North 72 degrees 30 minutes East 180 feet more or less to a point in High Street; thence North 17 degrees 30 minutes West 190 feet more or less to Cherry Way; thence by same South 72 degrees 30 minutes West 330 feet more or less to a point; thence North 17 degrees 30 minutes West 120 feet more or less to Franklin Street; thence by Franklin Street South 72 degrees 30 minutes West 350 feet more or less to a point; thence South 17 degrees 30 minutes West 140 feet more or less to Cherry Way; thence North 72 degrees 30 minutes East by Cherry Way 40 feet more or less to a point; thence South 17 degrees 30 minutes East 400 feet more or less to Mulberry Way; thence by Mulberry Way South 72 degrees 30 minutes West 280 feet more or less to the center line of Fifth Street, the place of beginning.

Section 7. Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding nor pending in any Court or any rights acquired or liability incurred nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 8. Construction. If any section, clause or sentence or part of this ordinance or the Building Code adopted hereby is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this ordinance. It is hereby declared as the intent of the Council that this ordinance would have adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 9. Permit Fee. The person applying for a permit under the provisions of the code shall pay a permit fee in an amount to be established by Council by resolution.

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Section 10. The Pennsylvania Building Regulations for Protection from Fire and Panic will take precedence over this code where applicable.

Section 11. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 12. Effective Date. This ordinance shall become effective upon approval by the Burgess.

DONE, ORDAINED AND ENACTED at a regular meeting of the Town Council of the Borough of Freeport this 4th day of May, 1960.

ATTEST:

Clara A. Lohrath
Borough Secretary

Joseph B. Deeney
President of Council

Examined and approved this 16 day of May, 1960.

Roger Ruppberg
Burgess

feet

feet in height