

ORDINANCE NO. 228

AN ORDINANCE OF THE BOROUGH OF MILESBURG ADOPTING THE BOCA BASIC PLUMBING CODE, 1987 EDITION; PROVIDING FOR VIOLATION OF THE SAME; SETTING PENALTIES FOR VIOLATIONS APPOINTING A PLUMBING OFFICIAL; AND PROVIDING FOR THE ADOPTING OF LATER EDITIONS OF THE AFORESAID CODE.

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Milesburg and it is hereby ordained by authority of the same:

SECTION 1.

A. There is hereby adopted by the Borough, that certain plumbing code known as the BOCA Basic Plumbing Code, 1987 edition for the purpose of establishing rules and regulations relating to the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, plumbing appliances and plumbing appurtenances in connection with sanitary drainage or storm drainage facilities, venting systems and public or private water supply systems within or adjacent to any building or structure including permits and penalties. Such Code including its adopted by reference in its entirety, save and except such portions as are hereinafter deleted or amended. Copies of which Code and Amendments have been and now are on file in the office of the Secretary of the Borough. The Code is hereby adopted and incorporated as fully as if set forth herein, and from the date on which this section takes effect the provisions thereof shall be controlling in the practice of plumbing within the corporate limits of the Borough.

B. The purpose of the Plumbing Code is to protect the safety, health and welfare of the public from hazard incident to the design, construction, alteration, removal, repair, installation and extension of pipes and piping defined as the practice of plumbing.

(a) Whenever the word "Municipality" is used in the Plumbing Code it shall be held to mean the Borough of Milesburg.

(b) Whenever the term "corporation counsel" is used in the Plumbing Code it shall be held to mean the Borough Solicitor.

(c) Whenever the term Plumbing Code or Code is used it shall mean the BOCA Basic Plumbing Code LATEST EDITION.

(d) Whenever the word Council is used it shall mean the Borough Council of Milesburg.

C. The Code adopted in Section 1A is hereby amended and changed in the following respects:

1. Scope of Code.

The provisions of this Code shall apply to all future designs of facilities, buildings or structures for which a building permit may be necessary to construct under the rules, regulations and ordinances of the Borough.

2. This Code shall not supersede any provision of any law of the Commonwealth of Pennsylvania or of any regulation promulgated by any department or agency of the Commonwealth, promulgated under the authority of law, if such law or regulation is in conflict with or identical to any provision of this Code. However, any provision of this Code that is stricter than, or in addition to, any law or regulation of the Commonwealth, governing a particular subject or activity, it shall remain in full force and effect and shall be enforced within the Borough, subject to the penalties hereinafter prescribed for a violation of this Code. Further, where this Code refers to any specific use of property or any business or industry, this reference shall not, in and of itself, authorize establishment of any such use or of any such business or industry in the Borough.

3. The effective date of this Code shall be June 8th, 1992.

4. Fees established by this Code shall be charged and paid before any permit which may be granted hereunder shall be issued. A schedule of fees shall be posted in a conspicuous location in the Borough Office. Permit fees may be changed from time to time by Council by resolution provided notice of such amendment is posted in a conspicuous place at the Borough Office at least fourteen (14) days before such amendment is made. Thereafter the revised schedule of fees shall be posted at such place in the Borough Office.

5. On neglect or refusal to comply with the provisions of the within Ordinance or to obtain a permit required hereunder, the Plumbing Official shall send written notification of the violation to the property owner and/or occupier. The violating property owner and/or occupier shall be given thirty (30) days in which to correct said violation. The failure of the property owner and/or occupier to act shall be a violation of this Ordinance.

In the event any property owner and/or occupier fails to correct the cited violation, the property owner and/or occupier shall upon conviction of such default pay a fine of not less than Fifty (\$50.00) Dollars, nor more than Three Hundred (\$300.00) Dollars to be collected as provided by the laws of the Commonwealth of Pennsylvania. Providing further that each day said property owner and/or occupier shall be in violation as provided herein shall constitute a separate offense.

6. For the purposes of this Ordinance, a public sewer system and/or public water system shall be deemed to be available for use if premises which are used or may be used for human occupancy are located within one hundred fifty (150) feet measured from a street, alley or easement of either a public water supply or sewer system and connections may physically be made thereto.

7. Water service piping or sewer(s) should be installed below recorded frost penetration but in no instance less than three (3) feet (36 inches) below the undisturbed surface of the ground.

8. It shall be unlawful to commence, undertake, or continue any plumbing work without first filing with the plumbing official a written application for the work, paying all fees connected therewith, and obtaining a written permit as required by the Code.

9. The Council may from time to time appoint the plumbing official by Resolution said plumbing official to serve at the pleasure of the Council. All parts of the Code inconsistent herewith are expressly deleted from this Ordinance. The plumbing official or any other official of the Borough, acting in good faith in the discharge of his duties, under the provisions of this Plumbing Code and within the scope of his official duties as an authorized official of the Borough, shall not become personally liable to any person, absent a showing of malice on the part of such official, for any act, omission or occurrence resulting from the discharge by such official of the duties prescribed under this chapter. The Borough shall defend any such official in any suit, proceeding, case or action brought against such official as a result of any act, occurrence or omission resulting from the exercise of such officials duties under this Plumbing Code as may be required by law.

10. The decision of the Plumbing Official shall be final. Any person aggrieved may appeal such decision to the Council of the Borough of Milesburg. Procedures relating to such appeal(s) and any subsequent appeal to the Court of Common Pleas of Centre County which shall have exclusive jurisdiction over such appeals shall be made in accordance with the "Local Agency" Law of the Commonwealth of Pennsylvania.

11. Copies of the Code may be obtained at the Borough Office for the cost of reproduction. Sections of the Code are available from the Borough Secretary at the Borough Office for the cost of reproduction.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith, shall be and the same expressly are repealed.

Section 3. SEPARABILITY OF PROVISIONS. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Ordinance would have been adopted independently on such section or part of a section so held to be invalid.

ENACTED INTO AN ORDINANCE this 8th day of June, 1992 by the Council of the Borough of Milesburg in lawful session assembled.

ATTEST:

Paula J. Hall
SECRETARY

BOROUGH OF MILESBURG:

By: Robert B. Paul

AND NOW, to wit this 8th day of June, 1992, the within and above Ordinance is approved.

Walter E. Fodan
MAYOR