

ORDINANCE NO. 1994- 2

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 1993 (TWELFTH) EDITION OF THE BOCA NATIONAL BUILDING CODE; ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, CONVERSION, USE, AND MAINTENANCE OF BUILDINGS AND STRUCTURES; PROVIDING FOR ISSUANCE OF PERMITS, COLLECTION OF FEES AND MAKING OF INSPECTIONS; AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, and it is hereby Enacted and Ordained by the authority of the same as follows:

**Section 1. Adoption of Building Code.** The Board of Supervisors of Marion Township, Berks County, Pennsylvania, hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, equipment, fire protection, and safety of buildings and structures, including administration, building permits, and penalties, the building code known as the "BOCA National Building Code, Twelfth Edition, 1993," as published by the Building Officials and Code Administrators International, Inc., save and except such portions as are hereinafter deleted, modified, or amended, of which three (3) copies have been and are now filed in the office of the Marion Township Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures, and in all other subjects therein contained, within the corporate limits of the Township of Marion, Berks County, Pennsylvania.

**Section 2. Amendments Made in Building Code.** The building code hereby adopted is amended as follows:

A. Section 101.1, "Title", is amended to read as follows:

101.1. Title: These regulations shall be known as the Building Code of the Township of Marion, Berks County, Pennsylvania, hereinafter referred to as "this code".

- B. Section 104.3, "Organization", is deleted in its entirety.
- C. Section 104.4, "Deputy", is amended to read as follows:
- 104.4 Deputy: The code official is authorized to seek assistance from the Marion Township Engineer who shall exercise all the powers of the code official during the period of such request or during the temporary absence or disability of the code official.
- D. Section 105.8, "Annual report", is amended to read as follows:
- 105.8 Annual report: At least annually, the code official shall submit to the Board of Supervisors of Marion Township a written statement of operations in the form and content as shall be prescribed by such Board. The code official shall also provide a monthly report to the Board of Supervisors of Marion Township.
- E. Section 107.1, "Permit application", is amended to read as follows:
- 107.1 Permit application: An application shall be submitted to the code official for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 108.0.
1. Construct or alter a structure.
  2. Construct an addition.
  3. Demolish or move a structure.
  4. Make a change of occupancy.
  5. Install or alter any equipment which is regulated by this code.
- F. Section 112.3.1, "Fee Schedule", is amended to read as follows:
- 112.3.1 Fee Schedule: A fee for each plan examination, building permit and inspection shall be paid in accordance with the schedule of fees as established, from time to time, by resolution of the Marion Township Board of Supervisors.

- G. Section 112.4, "Accounting", is deleted in its entirety.
- H. Section 112.5, "Refunds", is deleted in its entirety.
- I. Section 113.2.2, "Plant inspection", is deleted in its entirety.
- J. Section 114.0, "Professional Architectural and Engineering Services", is deleted in its entirety.
- K. Section 116.4, "Violation Penalties", is amended to read as follows:

116.4 Violation penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be liable to a fine and penalty not exceeding \$1,000.00 which may be collected by suit or summary proceeding brought in the name of Marion Township before a District Justice. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county jail or a workhouse for a period not exceeding thirty days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- L. Section 117.2, "Unlawful Continuance", is amended to read as follows:

117.2 Unlawful continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine and penalty not exceeding \$1,000.00 which may be collected by suit or summary proceeding brought in the name of Marion Township before a District Justice. Upon judgment against any person by summary conviction,

or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county jail or a workhouse for a period not exceeding thirty days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- M. Section 121.2, "Membership of board", is amended to read as follows:  
  
121.2 Membership of board: The board of appeals shall consist of the Marion Township Board of Supervisors.
- N. Section 121.2.1, "Qualifications", is deleted in its entirety.
- O. Section 121.2.2, "Alternate members", is deleted in its entirety.
- P. Section 121.2.3, "Chairman", is deleted in its entirety.
- Q. Section 121.2.5, "Secretary", is deleted in its entirety.
- R. Section 121.2.6, "Board of decision", is deleted in its entirety.
- S. Section 121.3, "Notice of meeting", is deleted in its entirety.
- T. Section 121.5, "Postponed hearing", is deleted in its entirety.
- U. Section 121.6, "Board decision", is deleted in its entirety.
- V. Chapter 32, "Construction in the Public Right-of-Way", is deleted in its entirety.
- W. Section 3408.2, "Applicability", is amended to read as follows:

3408.2 Applicability: Structures existing prior to the effective date of this ordinance in which there is

work involving additions, alterations, or changes of occupancy, shall be made to conform to the requirements of this section of the provisions of Sections 3403.0 through 3407.0.2.

The provisions in sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.

**Section 3. State Law and Regulations.** In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Township of Marion, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The code shall control in all cases where the State requirements, or the requirements of other ordinances of this Township, are not as strict as those contained in this ordinance.

**Section 4. Provisions to be Continuation of Existing Regulations.** The provisions of this ordinance so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

**Section 5. Severability.** If any sentence, clause, section, or part of this ordinance 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, sections, or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of Marion Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

**Section 6. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective five days after the date of its enactment.

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF MARION, BERKS COUNTY,  
PENNSYLVANIA

*Richard C. Mebber*

Chairman

*Harold E. Zelman*

Supervisor

*Kenneth L. Keppley*

Supervisor

Attest:

*Doris E. Zuberger*  
Secretary

ADOPTED AUG. 25, 1994