

ORDINANCE NO. 2023- 284

**AN ORDINANCE OF THE BOROUGH OF NEW STANTON, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, ADOPTING AND INCORPORATING, BY REFERENCE, AS THE BOROUGH'S BUILDING CODE, THE UNIFORM CONSTRUCTION CODE, AS DESIGNATED AND DEFINED BY THE PENNSYLVANIA CONSTRUCTION CODE ACT AND THE REGULATIONS PROMULGATED BY THE DEPARTMENT OF LABOR AND INDUSTRY, PURSUANT TO SAID ACT; ELECTING TO ADMINISTER AND ENFORCE SAID BUILDING CODE, ACT AND REGULATIONS BY THE DESIGNATION, BY RESOLUTION, OF AN INDIVIDUAL TO SERVE AS THE BOROUGH'S BUILDING CODE OFFICIAL, AND BY THE DESIGNATION, BY RESOLUTION OF CERTIFIED THIRD PARTY AGENCIES, TO ISSUE BUILDING, OCCUPANCY AND OTHER PERMITS AND APPROVALS, AND TO DO AND CARRY OUT ANY AND ALL OTHER FUNCTIONS AND DUTIES PERMITTED AND AUTHORIZED OF SUCH AN OFFICIAL AND AGENCIES WITH REGARD TO BUILDINGS, USES AND STRUCTURES UNDER THE CODE, THE ACT AND REGULATIONS; ESTABLISHING A BOARD OF APPEALS; RETAINING ALL UNAFFECTED OR UNMODIFIED ORDINANCES, RESOLUTIONS, REGULATIONS OR POLICIES OF THE BOROUGH NOT REPEALED BY THE ACT, REGULATIONS, CODE OR THIS ORDINANCE; PROVIDING FOR THE IMPOSITION AND ASSESSMENT OF THE COSTS, EXPENSES AND FEES FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE AND SAID CODE, ACT AND REGULATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS INCONSISTENT WITH THIS ORDINANCE, SAID CODE, ACT OR REGULATIONS; AND PROVIDING PENALTIES, COSTS AND FEES FOR VIOLATIONS OF THIS ORDINANCE, THE CODE, THE ACT AND THE REGULATIONS.**

**WHEREAS**, the Borough Council desires to provide for the protection of life, health, property and the environment and for the safety and welfare of the owners and occupants of buildings and structures within the Borough and the general public; and

**WHEREAS**, the Borough Council is of the opinion that to accomplish said purposes, it is best to insure uniform, modern construction standards for buildings and structures to be built, remodeled, constructed, occupied, repaired, renovated, altered or modified within the Borough; and

**WHEREAS**, the Borough Council finds that standardized building and construction requirements, based on nationally recognized standards, provides economy in the construction,

building, remodeling, repair, renovation, alteration or modification of buildings and structures in the Borough; and

**WHEREAS**, the Borough Council desires to permit to the fullest extent reasonably possible the use of state of the art technical devices and improvements consistent with the reasonable requirements for the health, safety and welfare of occupants and owners of buildings and structures and the general public in the construction, building, repair, renovation, remodeling, alteration and modification of buildings and structures in the Borough.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Borough Council of the Borough of New Stanton, Westmoreland County, Pennsylvania, pursuant to the authority of the Pennsylvania Construction Code Act, as amended and supplemented, and the Regulations promulgated thereunder by the Department of Labor and Industry, and pursuant to the provisions of the Borough Code, made and provided, as follows:

**SECTION I: Adoption of Code.**

**A. Uniform Construction Code.**

The Borough of New Stanton hereby adopts the Uniform Construction Code (hereinafter referred to as "Code"), as designated and defined by the Pennsylvania Construction Code Act (hereinafter referred to as "Act"), as amended and supplemented, and the Regulations promulgated by the Department of Labor and Industry thereunder (hereinafter referred to as "Regulations"), as amended and supplemented from time to time, as provided in said Act and Regulations, as the

Borough of New Stanton Building Code. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, consists of the following:

- (1) The provisions of Chapters 2-29 and 31-35 of the "International Building Code 2018" (First Printing). This includes all errata issued by the International Code Council;
- (2) The "ICC Electrical Code - Administrative Provisions 2018" (First Printing) This includes all errata issued by the International Code Council;
- (3) The "International Mechanical Code 2018" (First Printing). This includes all errata issued by the International Code Council;
- (4) The "International Fuel Gas Code 2018" (First Printing), and its Appendices. This includes all errata issued by the International Code Council;
- (5) The "International Plumbing Code 2018" (First Printing), and its Appendices. This includes all errata issued by the International Code Council;
- (6) The "International Residential Code 2018" (First Printing), Chapter 43 and Appendices A, B, C, D, and L. This includes all errata issued by the International Code Council;
- (7) The "International Fire Code 2018", and Appendices B, C, D, E, F, and G (First Printing). This includes all errata issued by the International Code Council;
- (8) The "International Energy Conservation Code 2018", and the Appendix (First Printing). This includes all errata issued by the International Code Council;
- (9) Sections AE 501-AE 503 and AE 601-AE 605 of Appendix E of the "International Residential Code 2018"; (First Printing). This includes all errata issued by the International Code Council;
- (10) The "International Existing Building Code for Buildings and Facilities 2018" (First Printing), and the Appendix. This includes all errata issued by the International Code Council;
- (11) The "International Urban-Wildlife Interface Code 2018", and Appendices, A, B, C, D, E, F, G and H (First Printing). This includes all errata issued by the International Code Council;

- (12) Appendix E, G and H of the "International Building Code 2018" (First Printing). This includes all errata issued by the International Code Council;

**B.** The hereinafter set forth sections of the above referenced Codes, which form a part of the Uniform Construction Code, are hereby completed, modified or revised as follows:

- (1) References to Jurisdiction or Municipality shall mean the Borough of New Stanton.
- (2) The International Building Code: §1612.3, insert: March 17, 2011
- (3) The ICC Electrical Code: § 404.2, insert: "as set forth in a separate resolution adopted by the Borough Council."
- (4) International Mechanical Code: § 106.5.2, insert: "as set forth in a separate resolution adopted by the Borough Council."
- (5) International Mechanical Code: § 106.5.3(2) insert "0%" and 106.5(3)(3), insert: 75%.
- (6) International Mechanical Code: §108.4, insert: "summary offense" in the specific offense portion; insert "up to \$500.00" for the amount of fine; and insert "thirty (30) days" for the term of imprisonment."
- (7) International Mechanical Code: § 108.5, insert: "a fine of not less than \$10.00 nor more than \$1,000.00."
- (8) International Fuel Gas Code: § 106.5.2, insert: "as set forth in a separate resolution adopted by the Borough Council."
- (9) International Fuel Gas Code: § 106.5.3(2) insert "0%" and 106.53 (3), insert: 75%.
- (10) International Fuel Gas Code: § 108.4, insert: "summary offense" in the specific offense portion; insert "up to \$500.00" for the amount of fine; and insert "thirty (30) days" for the term of imprisonment."

- (11) International Fuel Gas Code: § 108.5, insert: "not less than \$10.00 nor more than \$1,000.00."
- (12) International Plumbing Code: § 106.6.2, insert: "as set forth in a separate resolution adopted by the Borough Council."
- (13) International Plumbing Code: § 108.4, insert: "summary offense" in the specific offense portion; insert "up to \$1,000.00" for the amount of the fine; and insert "thirty (30) days" for the term of imprisonment."
- (14) International Plumbing Code: § 106.6.3 (2) insert "0%" and 106.6.3 (3), insert: 75%.
- (15) International Plumbing Code: § 108.5, insert: "not less than \$10.00 nor more than \$1,000.00."
- (16) International Plumbing Code: § 305.4.1, insert: forty (40) inches in both locations.
- (17) International Plumbing Code: § 904.1, insert: twenty-four (24) inches.
- (18) International Residential Code: Table R 301.2(1), insert the following:
  - (a) Ground Snow Load: 30 lbs.
  - (b) Wind Speed (mph): 90.
  - (c) Seismic Design Category: C.
  - (d) Weathering: severe.
  - (e) Frost Line Depth: thirty-six inches 36".
  - (f) Termite: moderate to heavy.
  - (g) Decay: slight to moderate.
  - (h) Winter Design Temp.: 5° f.
  - (i) Ice Shield Underlayment: Yes.
  - (j) Flood Hazard Map dated March 17, 2011 and numbered 42129C0607F, 42129C0609F, 42129C0626F, 42129C0627F, 42129C0628F, 42129C0629F).
- (19) International Residential Code § P2603.5.1 insert: forty (40") inches in both places.
- (20) International Residential Code § P3103.1 insert: twenty-four (24") inches in both places.
- (21) International Fire Code § 109.3 insert: "summary offense in the (specific offense) portion; insert up to \$500.00 for the amount of the fine; and insert thirty (30) days for the term of imprisonment."

(23) International Fire Code § 111.4 insert: Three Hundred (\$300.00) Dollars and One Thousand (\$1,000.00) Dollars.

(24) International Fire Code § 3204.3.1.1, § 3404.2.9.5.1, § 3406.2.4.4 and § 3804.2 insert: Any area mapped on the current FEMA Flood Mapping as a flood area (Maps are dated March 17, 2011 and numbered 42129C0607F, 42129C0609F 42129C0626F, 42129C0627F, 42129C0628F, 42129C0629F).

(25) International Existing Building Code §1201.2 insert: November 6, 2023.

**SECTION II: Administration and Enforcement.**

**A.** The Borough of New Stanton hereby elects to administer and enforce this Ordinance, the Code, the Act and Regulations, pursuant to the authority and procedures of said Code, Act and Regulations, by any and all of the means and manner as set forth in said Code, Act and Regulations, and by the means and manner as hereinafter set forth.

**B.** The administration and enforcement of this Ordinance, the Code, the Act and the Regulations shall be undertaken and carried out in the following manner:

1. By the designation of an individual , registered or certified as a "Building Code Official" by the Department of Labor and Industry, to serve as the Municipal Building Code Official, to administer and enforce this Ordinance, the Code, the Act and the Regulations in the Borough of New Stanton, to issue building, occupancy and other permits and approvals, and to do and carry out any and all other functions and duties permitted and authorized of such an official with regard to buildings, uses and structures, under the Building Code, the Act and

Regulations and by the following additional means, methods and manner:

2. By designating one or more certified third party agencies, as that term is defined in the Regulations, to perform plan reviews, approvals and inspections, (but not the issuance of building, compliance or occupancy permits), so long as any designated certified third party agency, under contract with the Borough, meets and maintains the following standards and criteria:

- a. Is certified as a third party agency by the Department of Labor and Industry and provides proof of such certification, satisfactory to the Borough;
- b. Registers as a Certified Uniform Construction Code third party agency with the Borough, providing the name, address, contact person(s), phone and fax numbers, and e-mail addresses for such agency and contact person; and further providing the specific certifications held by any and all persons performing services.
- c. Obtains, maintains in effect and provides to the Borough proof of all insurance required by the Department of Labor and Industry to be certified as a third party agency, adding or including the Borough as an additional insurer on said policy.
- d. Provides, in a proper and timely fashion, any and all reviews, approvals, inspections, denials, disapprovals

and/or comments, made, undertaken or communicated to any person requesting such agency's services.

e. Immediately informs the Borough, in writing, if any person within, employed by or engaged by the agency, or the agency itself, loses any certification or registration otherwise is precluded, prevented or directed to cease performing services by any department or agency having jurisdiction over such person or agency.

**SECTION III: Board of Appeals.**

A. A Board of Appeals consisting of three (3) members is hereby established, as provided for and required by said Code, Act and Regulations, whose members shall be qualified and appointed as provided by and in accord with the requirements of said Code, Act and Regulations, as amended from time to time, for the purposes, and with the duties and powers as set forth in said Code, Act and Regulations, and whose members shall be appointed by Resolution of the Borough Council with the compensation, if any, as set forth in said Resolution.

B. The terms of the members of the Board of Appeals shall be for three (3) years, except that the terms of the initial members of the Board of Appeals shall be for a period of one (1), two (2) and three (3) years and shall be staggered so that the term of not more than one (1) member of the Board shall expire in any given year.

**SECTION IV: Matters remaining in effect.**

All Ordinances, Resolutions, Regulations and policies of the Borough of New



Stanton not affected, modified or repealed by this Ordinance, the Code, Act or Regulations, shall remain in full force and effect. In furtherance, but not limitation of this Section, the standards, requirements and regulations of the Borough and the Hempfield Township Municipal Authority with regard to sanitary sewer facilities remain in full force and effect as to those standards, requirements and regulations that are greater or more restrictive than those found in the Code.

**SECTION V: Fees and Costs.**

The Borough of New Stanton hereby imposes and assesses fees and costs for the administration and enforcement of said Code, Act and Regulations and this Ordinance, which fees and costs shall be established by the Borough Council, by Resolution, from time to time.

**SECTION VI: Penalties.**

Any person, firm or corporation that violates any provision of this Ordinance, the Codes, Act and/or Regulations for which a penalty is not otherwise set forth herein, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.00 and costs incurred by the Borough in enforcement of said violation. Each day that a violation exists and continues shall be a separate violation.

**SECTION VII: Severability.**

If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby

declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

**SECTION VIII: Repealer.**

Any other Ordinance or parts of Ordinances in conflict with this Ordinance are hereby specifically repealed.

**ORDAINED AND ENACTED** by The Council of The Borough of New Stanton, this 6th day of November, 2023.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:

  
Secretary

BOROUGH OF NEW STANTON

By:   
President

ATTEST:

  
Secretary

APPROVED


By:   
Mayor

**CERTIFICATION**

I, Jeffrey McLaughlin, duly qualified Secretary-Treasurer of the Borough Council of the Borough of New Stanton, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 2023-284 is a true and correct copy of the original Ordinance No. 2023-284 duly passed and adopted by a majority vote of the Borough Council of the Borough of New Stanton at a duly advertised and convened regular meeting held on the 6th day of November, 2023, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

**IN WITNESS WHEREOF**, I affix my hand and attach the seal of the Borough of New Stanton, this 6th day of November, 2023.

Certified to by:

  
\_\_\_\_\_  
Jeffrey McLaughlin  
Secretary-Treasurer