
TITLE FIVE - Basic Mechanical Code
BOCA Basic Mechanical Code

Art. 1713. BOCA Basic Mechanical Code
Art. 1735. Historic District Code

ARTICLE 1713
BOCA Basic Mechanical Code

1713.01	Title	1713.02.01	Definitions
1713.02	Adoption	1713.03	Amendments

1713.01 TITLE

This Article shall be known as the "Franklin Mechanical Code" and may be so cited and is hereinafter referred to as "this Code" and/or "these regulations". (Ord. 15 of 1978, Passed 9-25-78)

1713.02 ADOPTION

The "BOCA Basic Mechanical Code/1981, with the appendices thereto, being a standard mechanical code published and printed in book form by Building Officials and Code Administrators International, Inc., be, and is hereby, adopted as the Franklin Mechanical Code as if fully and at length set forth herein, with the exceptions and amendments thereof as hereinafter set forth. Three (3) copies of this Ordinance and the BOCA Basic Mechanical Code/1981 shall be available for public inspection at the office of the City Clerk. (Ord. 15 of 1978, Passed 9-25-78; Ord. 7 of 1982, Sect. 1, Passed 4-5-82)

1713.02.01 DEFINITIONS

Unless the context clearly indicates otherwise, any and all references in this Code to:

- a.) The 'state' shall mean the Commonwealth of Pennsylvania;
- b.) The 'municipality' or the 'jurisdiction' shall mean the City of Franklin;
- c.) The 'mechanical official' shall mean the Code Enforcement Officer of the City of Franklin;
- d.) The 'mechanical code' shall mean and refer to this Code;
- e.) The 'building code' or the 'building code listed in Appendix A' shall mean and include the Franklin Building Code;
- f.) The 'plumbing code' or the 'plumbing code listed in Appendix A' shall mean

and include the Franklin Plumbing Code;

- g.) The 'property maintenance code' or the 'property maintenance code listed in Appendix A' shall mean and include the Franklin Housing Code;
- h.) The 'fire prevention code' or the 'fire prevention code listed in Appendix A' shall mean and include the Franklin Fire Prevention Code;
- i.) 'Person' shall mean and include a corporation, firm, partnership, association, organization or another group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word 'person' is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violations; and
- j.) The 'department of mechanical inspection' shall mean the office of the Code Enforcement Officer of the City of Franklin.

(Ord. 7 of 1982, Sect. 2, Passed 4-5-82)

1713.03 AMENDMENTS

The BOCA Basic Mechanical Code/1981, sometimes hereinafter referred to as "the BOCA Code", is hereby amended as follows:

- a.) Section M-100.1, "Title" of the BOCA Code, is deleted in its entirety.
- b.) Section M-101.4, "Other regulations" of the BOCA Code, is amended to read as follows:

M-101.4 Other regulations: Nothing in this Code shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by the state or the jurisdiction governing the construction, alteration, addition, repair, removal, demolition, use, location and maintenance of mechanical equipment or systems specifically provided herein. When any provision of this Code is found to be in conflict with any building, zoning, safety, health or other applicable law, ordinance or code of the jurisdiction existing on the effective date of this Code or thereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.
- c.) Section M-109.1, "General" of the BOCA Code, is amended to read as follows:

M-109.1 General: This Code shall be enforced and administered by the Code Enforcement Officer of the City of Franklin with the assistance of such

personnel as may be assigned to the office of the Code Enforcement Officer by the City Manager to effect the intents and purposes of this Code. The Code Enforcement Officer is hereby designated, and hereinafter referred to, for purposes of this Code, as the "mechanical official."

- d.) Section M-109.2, "Appointment" of the BOCA Code, is deleted in its entirety.
- e.) Section M-109.3, "Relief from personal responsibility" of the BOCA Code is amended to read as follows:

M-109.3 Relief from personal responsibility: The mechanical official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit or other legal proceeding instituted against any officer or employee because of an act performed in the lawful discharge of duties and under the provisions of this Code shall be defended by or on behalf of the jurisdiction until the final termination of the proceeding. The mechanical official or any subordinates of the mechanical official shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this Code; and any official, officer or employee, 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.

- f.) Section M-110.4, "Inspections" of the BOCA Code, is amended to read as follows:

M-110.4 Inspections: The mechanical officer shall make, or cause to be made, the inspections required by this Code; or the mechanical official may accept reports of inspections by approved agencies or individuals, and all reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The mechanical official may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the City Manager.

- g.) Section M-110.6 "Rule-making authority" of the BOCA Code is amended to read as follows:

M-110.6 Rule-making authority: The mechanical official shall have the power 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 climatic or other conditions; but such

rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Code, or of violating approved engineering practice involving public safety.

- h.) Section M-110.8 "Annual Report" of the BOCA Code is amended to read as follows:

M-110.8 Reports: Upon request, the mechanical official shall submit to the City Manager and/or City Council a written statement of operations in such form and content as shall be prescribed by the City Manager and/or City Council.

- i.) Section M-114.2, "Periodic Inspections" of the BOCA Code, is amended to read as follows:

M-114.2 Periodic Inspections: The fee for periodic inspection shall be \$5.00 per inspection.

Section M-114.3, "Fee schedule" of the BOCA Code, is amended to read as follows:

M-114.3 Fee schedule: The permit fees required under this Code shall be as set forth in the following schedule:

<u>Actual Cost as Estimated by the Mechanical Official</u>	<u>Fee</u>
\$1.00 to \$500.00	\$3.00
\$501.00 to \$1,000.00	\$4.00
\$1,001.00 to \$2,000.00	\$6.00
\$2,001.00 to \$3,000.00	\$8.00
\$3,001.00 to \$4,000.00	\$10.00
\$4,001.00 to \$5,000.00	\$12.00
\$5,001.00 to \$6,000.00	\$14.00
\$6,001.00 to \$7,000.00	\$16.00
\$7,001.00 to \$8,000.00	\$18.00
\$8,001.00 to \$9,000.00	\$20.00
\$9,001.00 to \$10,000.00	\$22.00
\$10,001.00 to \$11,000.00	\$24.00

Plus \$1.00 for each \$1,000.00 or fraction thereof of actual cost over \$11,000.00.

As used in this Code, the term 'actual cost' shall mean the aggregate of the costs and/or values of materials and supplies used, or to be used, and labor performed, or to be performed, including labor personally performed, or to be performed, by an owner of a building or other structure and labor performed,

or to be performed, gratuitously by any other person, persons or entity; and said costs and values shall be the then-current costs and values of said materials, supplies and labor in Venango County, Pennsylvania, all as estimated and determined by the mechanical official.

- k.) Section M-114.0 "Fees" of the BOCA Code is amended to include an additional section to be designated "M-114.4 Accounting" to read as follows:

M-114.4 Accounting: The mechanical official shall keep an accurate account of all fees collected; and such collected fees shall be paid daily to the Director of Finance of the City and deposited to the general unappropriated funds of the City.

- l.) Section M-114.0, "Fees" of the BOCA Code is amended to include an additional section to be designated "M-114.5 Refunds" to read as follows:

M-114.5 Refunds: In the case of the revocation of a permit or abandonment or discontinuance of a mechanical project, no refunds of any fees collected hereunder shall be made.

- m.) Section M-117.1, "Unlawful acts" of the BOCA Code, is amended to read as follows:

M-117.1 Unlawful acts: It shall be unlawful for any person to erect, construct, reconstruct, alter, improve, extend, repair, remove, enlarge, demolish, use or operate any mechanical equipment or system 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.

- n.) Section M-117.2, "Notice" of the BOCA Code, is amended to read as follows:

M-117.2 Notice: The mechanical officer shall serve written notice of violation and an order on the person responsible for the erection, construction, reconstruction, alteration, improvement, extension, repair, removal, enlargement, demolition, use or operation of any mechanical equipment or system in violation of the provisions of this Code, or in violation of a statement or plan approved hereunder, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. For the purposes of this Code, the term "written notice" shall have the same meaning as set forth for that term in the building code.

- o.) Section M-117.3, "Prosecution" of the BOCA Code, is amended to read as follows:

M-117.3 Prosecution: If the notice of violation and order are not complied with within ten (10) days of service thereof, the mechanical official may request the legal counsel of the jurisdiction to institute appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

- p.) Section M-117.4, "Penalties" of the BOCA Code, is amended to read as follows:

M-117.4 Penalties: Any person who shall violate a provision of this Code or who shall fail to comply with any of the requirements hereof or who shall erect, construct, reconstruct, alter, improve, enlarge, repair, move, remove, demolish, use or operate any mechanical equipment or system in violation of an approved plan or directive of the mechanical official, or of a permit or certificate issued under the provisions of this Code, and any person aiding, abetting or assisting in any such violation, shall be guilty of a summary offense, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the costs of prosecution for each offense. Each day that a violation continues after service of written notice of said violation, or after service of a summons, or after receipt of actual notice of violation otherwise proved, whichever first occurs, shall constitute a separate offense. The provisions of this Section M-117.4 shall apply whether or not any notice of violation and/or order has issued pursuant to Section M-117.2. All fines and penalties received by the City for enforcement of this Code shall be paid to the Director of Finance of the City and deposited to the general unappropriated funds of the City.

- q.) Section M-118.2, "Unlawful continuance" of the BOCA Code, is amended to read as follows:

M-118.2 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 conditions, shall be guilty of a summary offense, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the costs of prosecution for each offense. Each day of such continuance after service with such stop work order shall constitute a separate offense.

- r.) Section 120.1 "General" of the BOCA Code is amended to read as follows:

M-120.1 General: All mechanical materials and equipment, regardless of type, which are worn, damaged, defective or constructed as to constitute a hazard to health, safety or welfare shall be deemed, and are hereby declared to be, nuisances and illegal, and same shall be abated by repair, rehabilitation or removal.

- s.) Section M-121.1, "Vacating structures" of the BOCA Code, is amended to read as follows:

M-121.1 Vacating structures: When, in the opinion of the mechanical official, there is actual and immediate danger to life, the mechanical official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading substantially as follows: "Condemned. This building has been declared unfit for human habitation in that it fails to meet minimum requirements of the Building and Housing Codes of the City of Franklin." It shall be a violation of this Code for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same. It shall also be a violation of this Code for any person to remove, deface, destroy or otherwise tamper with any notice posted in accordance with this section. All buildings or structures which are posted as unsafe pursuant to this Section M-121.1 shall be deemed, and are hereby declared to be, nuisances.

- t.) Section M-122.1 "Application for appeal" of the BOCA Code is amended to read as follows:

M-122.1 Application for appeal: The owner of a building or structure or any other party in interest may appeal to the Board of Appeals from any decision or order of the mechanical official made under the provisions of this Code. A written application for appeal must be submitted to the Board of Appeals within ten (10) days of the date of the decision or order of the mechanical official appealed from.

- u.) Section M-122.0 "Means of Appeal" of the BOCA Code is amended to include an additional section to read as follows:

M-122.1.1 Board of Appeals: The Board of Appeals for appeals under and pursuant to this Code shall be the same Board of Appeals constituted, appointed, qualified and acting under and pursuant to the Franklin Building Code.

- v.) Section M-122.0 "Means of Appeal" of the BOCA Code is amended to include an additional section to read as follows:

M-122.1.2 Operation of Board of Appeals: Upon submission of the written application for appeal in accordance with Section M-122.1 of this Code, the appeal shall thereafter be treated in all respects as if it were an appeal under and pursuant to the Franklin Building Code.

- w.) Section M-122.2 "Membership of Board" through M-122.8 "Court Review", inclusive, of the BOCA Code are deleted in their entirety.
- x.) The definitions of the terms "building code" and "person" contained in Section M-201.0 "General Definitions" of the BOCA Code are deleted in their entirety.
- y.) Article 5 of the BOCA Code is deleted in its entirety.
- z.) The dollar amount to be, and which is hereby, inserted in the fourth line of Section M-900.3 of the BOCA Code is "Five (\$5.00) Dollars".
- aa.) Article 11 of the BOCA Code is deleted in its entirety.

(Ord. 15 of 1978, Passed 9-25-78; Ord. 7 of 1982, Sect. 3, Passed 4-5-82)