



*See Ordinance # 34
Amended*

ORDINANCE NO. 10

AN ORDINANCE ESTABLISHING A BUILDING CODE PROVIDING STANDARDS FOR CONSTRUCTION, ALTERATION, REMOVAL, DEMOLITION, EQUIPMENT, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES WITHIN THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA; REQUIRING AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND PROVIDING A BOARD OF APPEALS FROM ACTIONS OF ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The Borough of Indian Lake hereby ordains as follows:

SECTION 1: CITATION OF ORDINANCE. This Ordinance may be cited as the "Building Code of the Borough of Indian Lake."

SECTION 2: APPLICABILITY. This Ordinance shall apply to any new construction or alterations commenced on or after the effective date of this Ordinance, and shall also apply to any new construction or alterations commenced prior to the effective date of this Ordinance and for which a new building permit has become necessary by reason of the elapsed time. It shall also apply to all structures within the Borough of Indian Lake insofar as the building restrictions which are covenants running with the land as hereinbelow defined are effective.

see Ord. # 34

→ SECTION 3. BUILDING CODE. There is hereby adopted by the Borough of Indian Lake, Somerset County, Pennsylvania, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties that certain building code known as the National Building Code, Abbreviated Edition, recommended by the American Insurance Association, successor to the National Board of Fire Underwriters, being particularly the 1967 edition thereof, of which not less than three (3) copies have been and now are filed at the meeting place of Borough Council of Indian Lake Borough, and the same are hereby adopted and incorporated as fully as if set out at length

herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the Borough of Indian Lake, Somerset County, Pennsylvania. There is also incorporated herein by reference thereto, all of the covenants contained in the various deeds and indentures to individual lots within the said Borough of Indian Lake which run with the land and which affect the construction of buildings, set backs or service connections, and said covenants become a part of this Ordinance as fully as if reproduced in full herein; PROVIDED, HOWEVER, that in the event of a conflict between the National Building Code, Abbreviated Edition, adopted herein, and the covenants running with the land, particularly, when the aforesaid National Building Code regulates construction for purposes of fire and other safety considerations, the National Building Code, Abbreviated Edition, shall prevail.

SECTION 4: BUILDING OFFICIAL. (a) The office of building official is hereby created, and the executive official in charge shall be known as the building official.

(b) The building official shall be appointed by the President of the Council and approved by the majority of the Council. His appointment shall continue during good behavior and satisfactory service.

(c) During temporary absence or disability of the building official, the President of Council shall designate an acting building official.

(d) It shall be the duty of the building official, in addition to the duties outlined in the National Building Code, Abbreviated Edition, to review plans submitted prior to construction or to cause them to be reviewed for compliance with all laws and the Building Code; to perform continuing inspections to insure compliance with the approved plans and Building Code; and to issue permits, both for building and for occupancy following completion of satisfactory inspection. It is hereby declared that the function of the building official is a part of the police power of the Borough of Indian Lake, and the building

official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

(e) The building official or any employee charged with the enforcement of this Building Code, acting in good faith and without malice for the Borough in the discharge of his duties, shall not thereby render himself liable personally and he 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 by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee, because of such act or omission performed by him in the enforcement of any provisions of this Building Code, shall be defended by the Borough until final termination of the proceedings.

SECTION 5: PERMIT FEES. (a) No permit as required by the Building Code shall be issued until the fee prescribed in this Ordinance shall have been paid. Such permit shall be issued to the contractor constructing or demolishing said building or structure upon payment of the fee prescribed in this Ordinance and compliance with all requirements hereof.

(b) For a permit for the construction of a building or structure, the fee shall be One Hundred Dollars (\$100.00), except that the fee payable for a permit for the construction of auxiliary buildings and structures, other than main buildings such as a dwelling house and commercial building, shall be Five Dollars (\$5.00); and provided further, that no fee shall be required when estimated cost does not exceed Two Hundred Dollars (\$200.00).

(c) For a permit for the removal of a building or structure from one lot to another, the fee shall be One Hundred Dollars (\$100.00).

(d) For a permit for the demolition of a building or structure, the fee shall be Five Dollars (\$5.00).

SECTION 6: TIME LIMIT ON PERMITS. If any work authorized by any permit issued under this Ordinance shall not have commenced within nine (9) months after the issuance of such permit, the building official shall require the permit holder to relinquish such unused permit, which shall thereupon become invalid; and neither the permit fee nor any part thereof shall be returned to any such permit holder, and if at any time in the future such permit holder shall make application for a new permit for the same work, he shall follow the same procedure and pay the same fee as if no previous permit had been issued.

SECTION 7: APPEALS FROM BUILDING CODE. (a) The owner of a building or structure or any other person who is aggrieved hereby may appeal from a decision of the building official refusing to grant a modification of the provisions of the Building Code to the Board of Appeals. Application for appeal may be made when it is claimed that the true intent of the Building Code has been incorrectly interpreted, the provisions of the Building Code do not fully apply, or an equally good or better form of construction can be used.

(b) The Board of Appeals shall consist of five (5) members appointed by the President of the Council of the Borough of Indian Lake, a majority of whom shall be elected officials of the Borough of Indian Lake or members of the Council. Other members appointed to the Board need not be residents of the Borough of Indian Lake but must be qualified in the building professions or trades. Any member of the Board who shall have an interest in the outcome of a hearing shall disqualify himself and in such event, the President of the Council may appoint another member of the Board for said hearing.

SECTION 8: COMPLETION AND OCCUPANCY. Upon completion of the work of erection, demolition or alteration of any building under a permit granted hereunder, the holder of such permit shall report such completion to the building official or to the Secretary of the Borough. The building official shall cause an inspection of such building to be made, and the fact of the completion of such work shall be noted upon the original application for such permit which shall be kept on file,

and before the holder of such permit shall be permitted to allow the said building constructed to be occupied, a Certificate of Occupancy must be obtained from the building official certifying that the erection of such building has been completed in accordance with the laws or ordinances applicable to same.

SECTION 9: ENFORCEMENT. Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine or not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and costs or imprisonment in the County Jail for a period of not less than five (5) days nor more than thirty (30) days, or both.

SECTION 10: CONSTITUTIONALITY. Each section of this Ordinance shall be considered severable from the others, and if one of them shall be found by the Courts to be unconstitutional, it shall not affect the others.

SECTION 11: REPEAL. Ordinance No. 2 regulating the erection, alteration and demolition of all buildings and/or structures in the Borough of Indian Lake adopted by the Borough of Indian Lake on the 5th day of May, 1967, is hereby repealed effective upon the effective date of this Ordinance, and any other ordinances or parts thereof in force at the time that this Ordinance shall take effect and inconsistent herewith are repealed.

SECTION 12: Wherever any provision or requirement of the regulations of the Department of Labor and Industry of the Commonwealth of Pennsylvania is more stringent or stricter than a provision of this Ordinance, the applicable provision or requirement of the regulations of the said Department of Labor and Industry shall supersede any such provision or requirement of this Ordinance.

ORDAINED AND ENACTED into law this 18th day of October, 1968.

ATTEST:

BOROUGH OF INDIAN LAKE

/s/ Lucille P. Garman

BY /s/ Edward A. Specht

Secretary

President of Council

(SEAL)

EXAMINED AND APPROVED this 18th day of October, 1968.

BOROUGH OF INDIAN LAKE

BY /s/ Theron H. Wider
Mayor

I hereby certify that the foregoing Ordinance is Ordinance No 10
approved October 18, 1968, duly advertised and transcribed.

Lucille P. Garman
/s/ Lucille P. Garman
Secretary, Borough of Indian Lake