Borough of Seven Fields

Ordinance #60

AN ORDINACE OF THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, PENNSYLVANIA, ESTABLISHING A BOARD OF APPEALS TO DECIDE AND DETERMINE APPEALS CONCERNING THE REGULATIONS CONTAINED IN THE BUILDING CODES.

WHEREAS, the Borough of Seven Fields wishes to form a Board of Appeals under the authority of the BOCA National Building Code adopted by reference; and

WHEREAS, the Council of the Borough of Seven Fields believes that the formal establishment by ordinance of a Board of Appeals would result in more effective administration of the BOCA National Building Code and the CABO One and Two Family Dwelling Code (hereinafter referred to collectively as the "Building Codes") as adopted by the Borough,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Seven Fields, and it is hereby ordained and enacted by and with the authority of the same as follows:

Section 1. Title

The Borough of Seven Fields hereby establishes a Board of the Borough to be known as the "Building Codes Appeals Board of the Borough of Seven Fields", hereinafter referred to as the "Board" who shall decide appeals concerning the Building Codes.

Section 2. Membership, Qualifications, and Terms

The membership of the Board shall consist of five (5) members who shall be qualified by experience and training to rule on matters pertaining to building construction and two (2) alternates. The terms of office shall be three (3) years, except that the membership of the Board first appointed : one (1) members shall serve until the thirty-first (31) day of December following adoption of this ordinance; two (2) members shall serve until the thirty-first (31) day of the second December following the adoption of this ordinance; and two shall serve until the thirty-first (31) day of the third December following the adoption of this ordinance.

Section 3. Powers, Duties and Appeals

The Building Codes Appeals Board shall be responsible for hearing appeals on rulings by the Building Official in enforcing the Building Codes of the Borough.

A. The Building Codes Appeals Board shall perform the following duties:
    1. Duties relative to errors – To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of the Building Codes.
    2. Duties relative to code modification – The Board may vary or modify the application of the Building Codes when it has been demonstrated by a fair preponderance of evidence or evidence that the provisions of the code in question should not fully apply due to unusual conditions or circumstances (provided, however, that financial hardship shall not constitute unusual conditions or circumstances) or that an equally good or better form of construction or method of construction can be used.
    3. Upon request of the Council, or upon its own initiative, make recommendations to the Council concerning amendments to the Building Codes.

1. Upon request of the Council, or upon its own initiative, prepare and present to the Borough Council proposed amendments to the Building Codes.

B. The Local Agency Law, 2 PA.C.S.A Section 105 ET Seq., shall govern the practices and procedures of the Building Code Appeals Board, provided, however, nothing in this subsection shall prohibit the Appeals Board from adopting reasonable rules of practice and procedure.

Section 4. Required Fees
Appeals to the Building Code Appeals Board shall be heard by the Board and shall be contingent upon payment of the required fees at the time an appeal application is filed with the Borough. Fees are established from time to time by resolution by the Borough Council.

Section 5. Any ordinance or part of an ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED INTO LAW BY THE COUNCIL OF THE BOROUGH OF SEVEN FIELDS THIS 12TH day of JANUARY, 1998.

Christine Wells
Christine Wells, Borough Manager/Sec.

REVIEWED AND APPROVED BY ME THIS 12th DAY OF January, 1998.

Bruce Richards, Mayor