

ARTICLE 1701
BOCA National Building Code

1701.01	Adoption and file copies.	1701.03	Saving clause.
1701.02	Amendments to adopted code.	1701.04	Enforcement powers.

CROSS REFERENCES

Adoption by reference - see 3rd Class Charter Law Sec. 608(a) (53 P.S. Sec. 41608(a)); 3rd Class Sec. 2403(67) (53 P.S. Sec. 37403(67))
Building ordinances - see 3rd Class Sec. 4130 et seq. (53 P.S. Sec. 39130 et seq.)
Zoning permits and certificates - see P. & Z. Art. 1310

1701.01 ADOPTION AND FILE COPIES.

There is hereby adopted by the City for the purposes of establishing rules and regulations for the construction, alteration, removal, repair, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building code known as the BOCA National Building Code, fourteenth edition, 1999, of the Building Officials and Code Administrators International, Inc., except such portions that are hereinafter deleted, modified or amended. Not less than three copies have been and now are filed in the office of the City Clerk; the same is hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section takes effect, the provisions thereof shall be controlling in the construction of all buildings and other subjects therein contained within the corporate limits of the City.
(Ord. 1-2000. Passed 1-18-00.)

1701.02 AMENDMENTS TO ADOPTED CODE.

Chapter 1 - Administration

- (1) Section 101.1 Title is amended to read as follows:
These regulations shall be known as the Building Code of the City of York, hereinafter referred to as this "Code".
- (2) Section 104.3 Organization is hereby amended by deleting the existing text and adding the following section to read as follows:
The Code Official shall supervise such other employees or assistants as shall be necessary for the administration and execution of the responsibilities of such office. Other personnel may be known as Assistant Code Official(s).

- (3) Section 104.4 Deputy is hereby amended by deleting the existing text and adding the section to read as follows:
The Council of the City of York, Pennsylvania may designate an employee as the deputy to the Code Official who shall exercise all the powers of the Code Official during the temporary absence or disability of the Code Official.
- (4) Section 105.1.1 Enforcement Powers is added to read as follows:
Section 105.1.1 Enforcement Powers. The Code Official and the Chief of the Department of Fire/Rescue Services or their designees shall have the authority to enforce the provisions of this Code. When acting within the scope of their employment thereunder, they shall have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power to arrest. (Ord. 1-2000. Passed 1-18-00.)
- (5) Section 107.0 Application for Permit is hereby amended by adding the following section to read:
Section 107.10 Historic District. In addition to the work covered by this Code, it shall be unlawful within the area designated as the Historic York District under the provisions of the Historic Architectural Review Board ordinance to perform any of the following exterior work upon any building, structure or sign located within such Historic District without first filing for and obtaining a permit therefore, to wit: (i) the installation of storm windows or doors, shutters, exterior window boxes, sheds, fences, or any and all kinds of exterior appurtenances affecting an appearance change, or (ii) performing repairs which would effect an exterior appearance change. Work for which a permit is required by this section shall be exempt from the permit fee requirements of this Code as set forth in Section 112.3.1.
(Ord. 26-2012. Passed 8-21-12.)
- (6) Section 112.3.1 Fee Schedule is hereby amended by deleting the existing text and adding the following section to read:
A fee for each plan examination, building permit and inspection shall be paid in accordance with the fee schedule as set forth from time to time by resolution of the Council of the City of York, Pennsylvania.
(Ord. 1-2000. Passed 1-18-00.)
- (7) Section 116.4 Violation Penalties is hereby amended by deleting the existing text and adding the following section to read:
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 guilty of a summary offense, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) and the costs of prosecution, and in default of the payment thereof, shall be imprisoned for not more than ninety days (90 days). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (8) Section 121.0 Means of Appeal is hereby amended by deleting all existing text and adding the following section to read:
Section 121.0 Means of Appeal. Any person shall have the right to appeal a decision by York County Uniform Construction Code Board of Appeals as is otherwise established by the ordinances of the City of York, Pennsylvania. (Ord. 26-2012. Passed 8-21-12; Ord. 26-2015. Passed 10-20-15.)

Chapter 9 Fire Protection Systems

- (1) Section 904.7 Use Groups M, S-1 and F-1 is hereby amended by deleting all existing text and adding the following section to read:
Section 904.7 Use Groups B, M, S-1 and F-1. Throughout all buildings with a Use Group B, M, S-1 or F-1, an automatic fire suppression system shall be provided as follows:
1. Where any Use Group B, M, S-1 or F-1 fire area exceeds 12,000 square feet (1116 m²);
 2. Where the total combined area of all Use Group B, M, S-1 and F-1 fire areas on all floors exceeds 24,000 square feet (2232 m²); or
 3. Where any Use Group B, M, S-1 or F-1 fire area is more than three stories or thirty feet above the lowest level of Fire Department access.
- Exception: Public garages shall conform to Section 408.0.
- (2) Section 904.11 Windowless story is hereby amended by adding the following section to read:
- (3) When the area of any basement, in any Use Group except R4 exceeds 2,000 square feet, an automatic fire suppression system is required.
- (3) Section 906.3.1 Designer Qualifications is added to read as follows:
All fire sprinkler plans shall be prepared by an individual holding a valid NICET Level 3 certification in automatic fire sprinkler design.
Exception: Professional qualifications equal to or better than NICET Level 3 as determined by the Construction Board of Adjustment and Appeals.

- (4) Section 906.5 Sprinkler Alarms is hereby amended by deleting all existing text and adding the following section to read:
Section 906.5 Sprinkler Alarms. Approved audible or visual indicating appliances shall be connected to every water sprinkler system. Such indicating appliances shall be activated by water flow and shall be located in an approved location on the exterior of the building. Additional indicating appliances shall be installed within the building to provide notification of all occupants.
Exception #1: Sprinkler systems designed and installed in accordance with NFPA 13D.
Exception #2: Limited area sprinkler systems (see Section 907.5).
- (5) Section 916.1 Required is hereby amended by deleting all existing text and adding the following section to read:
Section 916.1 Required. All water sprinkler systems and standpipe systems shall be provided with a Fire Department connection in accordance with the applicable standards. Standpipes in buildings under construction or demolition shall conform to Section 3305.3.
Exception #1: Sprinkler systems designed and installed in accordance with NFPA 13D.
Exception #2: Limited area sprinkler systems (see Section 907.5).
- (6) Section 924.2 Fire Alarm Systems is hereby amended by deleting all existing text and adding the following section to read:
Section 924.2 Fire Alarm Systems. All required fire alarm systems shall transmit alarm signals by connection to the Municipal Alarm System of the City of York.
Exception #1: Where connection to the Municipal Alarm System of the City of York is not available, the fire alarm system shall be connected to a central station approved by the Chief of the Department of Fire/Rescue Services.
Exception #2: Smoke detectors in occupancies Use Group I-3 (see Section 918.7.1).
Exception #3: Smoke detectors in patient sleeping rooms in occupancies in Use Group I-2 (see Section 409.5.1).

- (7) Section 925.0 Key Boxes is hereby added to read as follows:
Section 925.1 General. A key box, approved by the Chief of the Department of Fire/Rescue Services or designee, shall be provided on all buildings, except R4 - single family dwellings. Such key box shall be installed in an location approved by the Chief of the Department of Fire/Rescue Services or designee and shall contain all keys and/or access codes as may be required.
- (8) Section 3408.2 Applicability is hereby amended by deleting all existing text and adding the following section to read:
Section 3408.2 Applicability. Structures existing prior to 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 or the provisions of Sections 3403.0 through 3407.0.
The provisions of 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, I or an R residential care facility.

Chapter 31 Special Construction.

- (1) Section 3101.1.2 Permits is hereby added to read as follows:
- (a) No sign or other device for advertising purposes or any canopy or awning shall be constructed or erected upon or across any sidewalk, driveway, alleyway or highway of the City until a permit has been issued by the Zoning Official. The fee for such permit shall be established by resolution of City Council.
 - (b) The applicant shall agree to hold the City harmless for any damages arising by reason of the erection or maintenance of any such sign, canopy or awning.
- (2) Section 3102.10.5 Additional Clearances is hereby added to read as follows:
Projecting sign structures shall not extend outward from the building line of a building more than four feet. If a sign structure extends more than six inches from the building line, such sign must be at least ten feet above the surface of any sidewalk or driveway.
- (3) Section 3105.6 Attachment and Placement is added to read as follows:
- (a) No fixed awning or canopy shall project more than five feet from the building line of a highway outward over a sidewalk, driveway or highway of the City.
 - (b) All fixed awnings and canopies shall be supported without posts extending from the awning or canopy to the sidewalk and shall be firmly attached to the building so as to leave the sidewalk wholly unobstructed.
 - (c) Where there is no sidewalk between the exterior wall of a building and a street, highway, or public way, every fixed awning or canopy constructed over such street, highway or public alley shall be at least thirteen feet above such street, highway or public alley at its lowest point.

Chapter 33 Site Work, Demolition and Construction.

(1) Section 3311.0 Retaining Walls and Partition Fences is hereby amended by adding the following new section to read:

Section 3311.2 Limitations. No fence of any type shall be erected on a manufacturing, industrial or commercial site or boundary which upon completion is more than eight feet in height. For the purposes of this section, the height shall be measured from the top of the fence to normal ground level immediately below the fence.

(Ord. 1-2000. Passed 1-18-00.)

1701.03 SAVING CLAUSE.

Nothing in this article or in the BOCA National Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance hereby repealed. Nor shall any right or remedy of any character be lost, impaired or affected by this article.

(Ord. 1-2000. Passed 1-18-00.)

1701.04 ENFORCEMENT POWERS.

The Code Inspectors of the Fire Department, as well as the Building Official and/or the Deputy Building Official, shall have the authority to institute summary criminal proceedings as a means of enforcement of this article and shall, when acting within the scope of their employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power to arrest.

(Ord. 6-1984 §1. Passed 3-6-84; Ord. 1-2000. Passed 1-18-00.)