

CHAPTER 4

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§§101-104 Repealed in its entirety

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PART 1
BUILDING CODE

§§101-104 Repealed in its entirety. Ord. 1284, 8/23/2008, §1)

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PART 2
PLUMBING CODE

§§201-209 Repealed in its entirety. (Ord. 1284, 8/12/2008, §1).

PART 3

REQUEST FOR PROPOSALS POLICY

§301. Procedure for Requests for Proposals.

The Borough hereby adopts the following guidelines for the implementation of an “RFP Solicitation Policy” (the “policy”):

- A. If in the course of preparing an RFP for a specific building, construction or other Borough project (the “project”), the architect or other similarly qualified person engaged by the Borough to perform the design phase services of a project advises the Borough in writing that the engineering services required to prepare the specifications for that portion of the project referred to within the construction trades as mechanical, HVAC, plumbing and electrical, as to one, some or all of such portions of the project, are estimated to cost \$35,000 or more; then and in such event, whether upon the advice of the Borough’s architect or if the Council on its own motion elects, the staff and other Borough representatives shall be directed by the Council to prepare and solicit responses to RFPs for the performance of such engineering services.
- B. It is a cardinal principal of these guidelines that: (1) there is no statutory requirement that professional services be solicited and/or bid: and (2) in the course of the implementation of these guidelines, the RFPs seeking responses for the performance of engineering services will provide unequivocally and in bold type that the Borough is not required to let the contract for the performance of such engineering services to the “the lowest responsible bidder.”
- C. Footnote. There are three situations which can arise during the design and construction phases of a specific project affecting the cost of the engineering required to prepare and receive RFPs for the mechanical, HVAC, plumbing and electrical portions of a specific project, which this footnote seeks to address: (1) there is the situation described in the body of the policy; (2) there is the situation where during the design phase of a specific project the scope of the required engineering for the preparation of the RFPs for whatever reason exceeds the \$35,000 threshold; and (3) there is the situation where during the construction phase of a specific project, the engineering which during the design phase did not exceed the threshold does for whatever reason exceed the threshold.

As to those three situations; (1) is within the purview of the policy (2) and (3), if either should occur, the staff will be expected to advise and discuss with Council the facts giving rise to: (1) the increase in the engineering costs in respect of the preparation of the RFPs during the design phase, or, (2) the increase in the engineering costs in respect of the work performed and to be

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performed during the construction phase as provided for in the contract(s) let in response to the RFPs prepared and solicited for a specific project, exceeds the threshold.

- D. This policy shall not apply to engineering services related to or associated with the Borough's infrastructure including, but not limited to, work involving streets, bridges, traffic, water, sewer, subdivision planning or review, land development, zoning, property or other surveying, mapping, stormwater management, etc., or work commonly associated with or performed in the local community by civil engineers.

(Res. 12/12/1995-F)

PART 4
ELECTRICAL CODE

§§401-402 Repealed in its entirety. (Ord. 1284, 8/12/2008, §1)

PART 5
CONSTRUCTION CODE

§501. Adoption of Code.

This Borough of Wyomissing hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations; by adopting The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, as the municipal building code of this Borough. Notwithstanding the provisions of §505 of this Part, this Part shall apply to all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, demolition of every building and/or structure occurring in the Borough of Wyomissing on or after July 1, 2004.

(Ord. 1247, 6/8/2004, §1)

§502. Completion of Code.

The internal construction codes which collectively comprise the Code, contain provisions which must be completed by the municipality adopting the Code. The Borough of Wyomissing hereby adopts the following to complete the Code:

- A. At any provision of the Code which requires the insertion of “Name of Jurisdiction” or “Insert Name of Jurisdiction,” there shall be inserted “the Borough of Wyomissing, Berks County, Pennsylvania.”
- B. At any provision of the Code which requires the insertion of “Jurisdiction to Insert Appropriate Schedule,” there shall be inserted “Fees shall be paid in accordance with the schedule of fees established, from time to time, by resolution of Borough Council.”
- C. At any provision of the Code which requires the insertion of “Specify Offense,” “Dollar Amount” and “Number of Days,” in the same subsection, there shall be inserted “Summary Offense,” “90 days” and “\$1,000” respectively.
- D. At any provision of the Code which requires the insertion of “Specify Percentage” there shall be inserted “75%.”
- E. At any provision of the Code which requires the insertion of “Amount” in two parts of the same subsection there shall be inserted “\$600” in the first to appear and “\$1,000” in the second to appear.

- F. In Section 305.6.1 of the International Plumbing Code where the insertion of "Number" is required in two places, there shall be inserted "36" in both locations.
- G. In Section 904.1 of the International Plumbing Code where the insertion of "Number" is required, there shall be inserted "7."
- H. In Section 1201.2 of the International Existing Building Code where the insertion of "Date to be Inserted by Jurisdiction" is required, there shall be inserted "February 8, 1977."
- I. In Section 1612.3 of the International Building Code where the insertion of "Insert Date of Issuance" is required, there shall be inserted "December 5, 1997."
- J. In Section 3410.2 of the International Existing Building Code where the insertion of "Date to be Inserted by Jurisdiction" is required, there shall be inserted "February 8, 1977."
- K. In Section P2603.6.1 of the International Residential Code where the insertion of "Number" is required in two places, there shall be inserted "36" in both places.
- L. In Section 3103.1 of the International Residential Code where the insertion of "Number" is required in two places, there shall be inserted "7" in both locations.
- M. In Table R301.2(1) of the International Residential Code the following shall be inserted in the table:

1. Ground snow load	25 p.s.f.
2. Wind Speed (mph)	90
3. Seismic design category	C
4. Weathering	Severe
5. Frost line depth	36 inches
6. Termite	Heavy-moderate
7. Decay	Slight to moderate
8. Ice shield underlament required	Yes
9. Flood Hazard	November, 1997 Ord. #1198-FEMA Map December 5, 1997

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10.	Air freezing index	700
11.	Mean annual temperature	51° F.
N.	In Sections 3204.3.1.1, 3404.2.9.5.1, 3406.2.4.4 and 3804.2.4.4 of the International Fire Code, where the municipality is required to specify the geographical limits for the storage of various potentially dangerous liquids, the Code shall state “Storage is prohibited in all zoning districts except zones I-1 and I-2.”	

(Ord. 1247, 6/8/2004, §1; as amended by Ord. 1301, 3/9/2010, §1; and by Ord. 1362, 6/10/2015, §3)

§502(A). Issuance of Building and Demolition Permits.

Before any one or two family dwelling is demolished or removed on any property located in the Borough of Wyomissing, the owner of the property shall simultaneously apply for a demolition permit and a new building permit and new zoning permit. The applications for the demolition permit, building permit and zoning permit shall be completed and submitted to the code official of the borough for review and approval. Demolition shall be complete only after the property has been graded and seeded, unless new construction begins within fifteen (15) days after demolition. The only exceptions to this provision are for the following:

- 1) A nuisance structure which is required to be demolished for the public welfare and safety of the residents of the Borough;
- 2) A structure which is required to be demolished due to fire damage, and;
- 3) Demolition of the structure is being done to convert the lot to use as a yard in conjunction with an adjoining lot where a principal structure is located. For this exception, annexation of the lot to the adjoining lot where the principal structure is located is required.

(Ord. 1282, 8/12/2008, §2)

§502(B). Reserved.

§502(C). Amendments.

1. Reserved. [Ord. 1382]
2. Chapter 5 of the 2015 International Fire Code entitled “Fire Service Features” is hereby adopted in its entirety as amended herein.

3. Sections 2401 and 2402 of Chapter 24 of the 2009 International Fire Code entitled "Tents, Canopies and Membrane Structures" are hereby adopted in their entirety.
4. The International Building Code as adopted by the Commonwealth of Pennsylvania and the Borough of Wyomissing, Chapters 9 entitled "Fire Protection Systems", Sections 902 entitled "Definitions", Subsection 902.1 entitled "Definitions" of the International Building Code shall be amended to delete the definition of manual wet standpipe.
5. The International Building Code as adopted by the Commonwealth of Pennsylvania and Borough of Wyomissing, Chapters 9 entitled "Fire Protection Systems", Sections 905 entitled "Standpipe Systems", Subsections 905.2 entitled "Installation Standard" shall be amended to read in its entirety as follows:

Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Fire department connections for standpipe systems shall be in accordance with Section 912.

Exception

All standpipe systems shall be designed, maintained, tested and operated as an automatic wet standpipe systems. Automatic standpipe systems shall be attached to an approved water supply capable of supplying water flow rate at a minimum residual pressure of 100 PSI at the outlet of the hydraulically most remote 2 $\frac{1}{2}$ inch hose connected and 65 PSI at the outlet of the hydraulically most remote 1 $\frac{1}{2}$ inch hose connection independent of any fire department connection. An auxiliary water supply consisting of high level water storage with additional pumping equipment, fire pump or other means acceptable to the authority having jurisdiction, shall be provided.

6. The International Building Code as adopted by the Commonwealth of Pennsylvania and Borough of Wyomissing, Chapters 9 entitled "Fire Protection Systems", Sections 903 entitled "Automatic Sprinkler Systems", Subsection 903.2 entitled "Where Required" to add a new Subsection 903.2.A to be entitled "Safety Factor" Subsection 903.3 entitled "Installation

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Requirements", Subsection 903.3.1 entitled "Standards", Subsection 903.3.1 entitled "NFPA 13 Sprinkler System" shall be amended to add Subsection 903.3.1.A to be entitled "Safety Factor" and Subsection 903.3.5 entitled "Water Supplies", to add a new Subsection 903.3.5.A to be entitled "Safety Factor" which shall read in their entirety as follows:

903.2.A Safety Factor

Where an automatic sprinkler system is required it shall be designed and installed to meet the applicable minimum system demand performance residual pressure provided for in the Code and NFPA plus a safety factor of five pounds per square inch (5 PSI) or ten percent (10%) whichever is greater above the minimum system demand performance requirements of the Code at the design area.

903.3.1.A Safety Factor

Where an automatic sprinkler system is required it shall be designed and installed to meet the applicable minimum system demand performance residual pressure provided for in the Code and NFPA plus a safety factor of five pounds per square inch (5 PSI) or ten percent (10%) whichever is greater above the minimum system demand performance requirements of the Code at the design area.

Exception

Section 903.3.1.A Safety Factor shall not be required for 13D sprinkler systems.

903.3.5.A Safety Factor

Where an automatic sprinkler system is required it shall be designed and installed to meet the applicable minimum system demand performance residual pressure provided for in the Code and NFPA plus a safety factor of five pounds per square inch (5 PSI) or ten percent (10%) whichever is greater above the minimum system demand performance requirements of the Code at the design area.

Exception

Section 903.3.5.A Safety Factor shall not be required for 13D sprinkler systems.

(Ord. 1362, 6/10/2014, §§1-3; as amended by Ord. 1382, 1/10/2017, §1; as amended by Ord. 1410-2020, 11/10/2020, §§1-5)

§503. Administration and Enforcement.

Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the governing body of this Borough from time to time by resolution:

- A. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough.
- B. By the retention of one or more construction code officials or third party agencies to act on behalf of the Borough.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Borough.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 1247, 6/8/2004, §1)

§504. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of this Borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 1247, 6/8/2004, §1)

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§505. Prior Ordinances.

1. All building code ordinances or portions of ordinances which were adopted by this Borough on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.
2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

(Ord. 1247, 6/8/2004, §1)

§506. Fees.

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the governing body by resolution from time to time.

(Ord. 1247, 6/8/2004, §1)

PART 6
UCC BOARD OF APPEALS

§601. Reference to Agreement with Berks County.

The Borough Council hereby approves entering into the Agreement, a copy of which is attached hereto and incorporated herein by reference (and which shall be filed with the minutes of the meeting at which this Ordinance was enacted), with the intent and effect that the Borough shall be bound by the Agreement.

(Ord. 1266, 5/9/06)

§602. Authorization to Execute Agreement with Berks County.

President of the Borough Council is hereby authorized and directed on behalf of the Borough: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement and the transactions to be effected under the Agreement, including payment of the participation fee to Berks County on behalf of the UCC Board of Appeals, as may be due from the Borough under the Agreement.

(Ord. 1266, 5/9/06)

§603. Prior Actions.

All actions of any officer, agent or other representative of the Borough heretofore taken in pursuit of the establishment of the UCC Board of Appeals and/or the Borough's participation therein are hereby ratified and approved in all respects.

(Ord. 1266, 5/9/06)

§604. Future Actions.

The Borough Council is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

(Ord. 1266, 5/9/06)

§605. Compliance with the Pennsylvania Intergovernmental Cooperation Agreement.

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As required by the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:

(a) The conditions of the Agreement are set forth in the Agreement.

(b) The Borough shall utilize the UCC Board of Appeals for all appeals filed from application of the Borough's Construction Code of Ordinance, as set forth in Chapter 4, Part 5, of the Borough's codified ordinances, for the term as set forth in the Agreement.

(c) The purpose and objectives of the Agreement are as set forth in the Background of this Ordinance and in the Agreement.

(d) The manner and extent of financing the Agreement are that: (i) no borrowing will be required by the Borough; (ii) funds to implement the Borough's obligations under the Agreement shall come from normal and usual budgeted amounts for such matters; and (iii) other provisions governing the manner and extent of the financing of the UCC Board of Appeals shall be as set forth in the Agreement;

(e) The UCC Board of Appeals shall be administered by the Board of Commissioners of Berks County, or its designee.

(f) All property, real or personal, of the UCC Board of Appeals shall be acquired, managed, licensed or disposed of by the UCC Board of Appeals in accordance with the terms of the Agreement and the rules and procedures as may be adopted by the UCC Board of Appeals.

(g) The UCC Board of Appeals will not be entering into any contracts.

(Ord. 1266, 5/9/06)

§606. Severability.

The provisions of this Ordinance are severable and if any section, sentence, clause,, or part or provision hereof shall be held to be illegal, invalid or unconstitutional by and the court of competent jurisdiction such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

(Ord. 1266, 5/9/06)

§607. Repeater.

All ordinances and resolutions or parts of ordinances and resolutions conflicting herewith are hereby repealed.

(Ord. 1266, 5/9/06)

§608. Construction.

Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior to the enactment of this Ordinance.

(Ord. 1266, 5/9/06)

§609. Effective Date.

This Ordinance shall be effective on the earliest date permitted by law after enactment.

(Ord. 1266, 5/9/06)