

BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, PENNSYLVANIA

Ordinance No. 804

AN ORDINANCE OF THE BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE* REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS, AS HEREIN PROVIDED; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith, AND CREATING CHAPTER 1405 "ADOPTING OF INTERNATIONAL EXISTING BUILDING CODE; FILE AND DISTRIBUTION COPIES."

WHEREAS, Borough Council is empowered under the Borough Code to enact, revise, repeal, and amend ordinances and resolutions as it deems beneficial to the Borough; and

WHEREAS, the Borough Council of Brookhaven Borough deems it necessary to adopt this ordinance regulating and governing the repair, alteration, change or occupancy, addition and relocation of existing buildings, including historic buildings in the Borough of Brookhaven;

BE IT ENACTED and it is hereby enacted and ordained by the Council of Brookhaven Borough, Delaware County, Pennsylvania, as follows:

1. CHAPTER 1405: INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION

- § 1405.01 2015 Edition Adopted; File and Distribution Copies
- § 1405.02 Conflict of Laws
- § 1405.99 Penalty

§ 1405.01 2015 EDITION ADOPTED; FILE COPIES

(A) There is hereby adopted by and for the Borough of Brookhaven, in its entirety, the *International Existing Building Code*, 2015 edition, as published by the International Code Council, for regulating and governing the repair, alteration, change or

occupancy, addition and relocation of existing buildings, including historic buildings in the Borough of Brookhaven, save and except such provisions as may be hereinafter deleted or amended.

(B) The following sections of the *International Existing Building Code*, 2015 edition, are hereby revised as follows:

Section 101.1            *Insert:* [NAME OF JURISDICTION] Brookhaven Borough.

Section 101.2            *Revise:* The provisions of the *International Existing Building Code* shall apply to the *repair, alternation, change of occupancy, addition* to and relocation of existing buildings. Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with this code of the *International Residential Code*.

Section 1401.2            *Insert:* [DATE IN ONE LOCATION] November 5, 2018.

(C) At least three copies of such Code shall be on file with the Borough Secretary for inspection by the public, and copies shall be supplied upon demand, at cost.

#### § 1405.02        CONFLICT OF LAWS

(A) In the event of a conflict between any of the provisions of the *International Existing Building Code*, 2015 edition, as adopted in § 1405.01, and a provision of any local ordinance, resolution, rule, or regulation, the local ordinance, resolution, rule, or regulation shall control.

(B) In the event of a conflict between any of the provisions of the *International Existing Building Code*, 2015 edition, as adopted in § 1405.01, and a provision of any state law, rule, or regulation, the state law, rule, or regulation shall control.

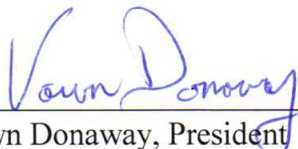
(C) In the event of a conflict between any of the provisions of the *International Existing Building Code*, 2015 edition, as adopted in § 1405.01, and a provision of any other technical code adopted by reference by the Borough, the stricter or higher standard shall control.

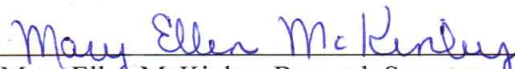
§ 1405.99 PENALTY

See § 202.99.

2. Effective Date. This Ordinance shall be effective upon its adoption by Brookhaven Borough Council and its approval by the Mayor.
3. Repealer. All Ordinances, Resolutions, or parts thereof, inconsistent herewith are repealed, rescinded, cancelled, and annulled to the extent of such inconsistency.
4. Severability. The provisions of this Ordinance and Code sections adopted hereby are severable, and if any clause, sentence, or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

DULY ENACTED THIS 5<sup>th</sup> DAY OF November,  
2018, BY THE COUNCIL OF THE BOROUGH OF BROOKHAVEN.

By:   
Vawn Donaway, President  
Brookhaven Borough Council

Attest:   
Mary Ellen McKinley, Borough Secretary

EXAMINED AND APPROVED THIS 5<sup>th</sup> DAY OF  
November, 2018.

By:   
Michael Hess, Mayor