

OFFICIAL**BOROUGH OF FOREST HILLS  
ORDINANCE NO. 1104**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 5, CODE ENFORCEMENT, AND CHAPTER 8, FLOODPLAINS, TO AMEND CERTAIN REFERENCES TO INTERNATIONAL OR STANDARDIZED CODES IN ORDER TO REMOVE CERTAIN INCONSISTENCIES AND TO IMPROVE CONFORMITY WITH THE STANDARDS MODIFIED BY AND INCORPORATED WITHIN THE UNIFORM CONSTRUCTION CODE, AS AMENDED.

WHEREAS, the Pennsylvania Construction Code Act, 35 P.S. §7210.101 *et seq.*, as amended, establishes uniform statewide construction standards for the construction, alteration, repair, movement, equipment, removal, renovation, demolition, location, maintenance and occupancy of all buildings and structures, with certain exceptions, through regulations adopted by the Pennsylvania Department of Labor and Industry, 34 Pa. Code Part XIV, as amended (the "Uniform Construction Code" or "UCC"); and

WHEREAS, through Chapter 5, Part 1 of the Forest Hills Borough Code of Ordinances, Construction Code, as amended (the "Borough Construction Code") the Council of the Borough of Forest Hills (the "Borough") elected to administer and enforce the Uniform Construction Code and the Pennsylvania Construction Code Act within the Borough and promulgated related regulations pursuant to the requirements of the same; and

WHEREAS, the UCC adopts, modifies, and incorporates by reference certain codes including International Code Council copyrighted works ("ICC Codes"); and

WHEREAS, the UCC Review and Advisory Council ("RAC") has reviewed and modified certain ICC Codes for adoption and incorporation into the UCC with such changes being effective February 14, 2022; and

WHEREAS, the Council of the Borough of Forest Hills desires to amend certain references within its Code of Ordinances related to ICC Codes which may conflict with those modified and adopted by the RAC under the UCC, and to make additional amendments as necessary to avoid any inconsistencies with the UCC or Pennsylvania Construction Code Act; and

NOW, THEREFORE, the Council of the Borough of Forest Hills hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1.** Section 5-103 of the Borough Code of Ordinances, Uniform Construction Code Modification, is amended as follows by inserting the underlined text and deleting the stricken text:

1. The following sections and subsections of the above-referenced Uniform Construction Code and standardized codes adopted thereunder are hereby added, inserted, deleted, restated or changed as set forth below
  - A. **International Building Code.**
    - (1) **Section 1612.3:** §1612.3 is amended by inserting "Forest Hills Borough" in the first space provided, and by inserting "September 21, 2001" in the second space provided.
    - (2) ~~Section 3412.2:~~ §3412.2 is amended by inserting "March 18, 1992 [Ord. 830]" in the space provided.
  - B. **International Energy Conservation Code.**

- (1) **Section C101.1:** §C101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.
- (2) **Section C108.4:** §C108.4 is restated in its entirety as follows:
 

108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Forest Hills Borough Code of Ordinances (Violations and Penalties).
- (3) **Section C109:** §C109 is restated in its entirety as follows: “See §5-105 of the Forest Hills Borough Code of Ordinances (Board of Appeals).”

**B. International Existing Building Code.**

- (1) **Section 101.1:** §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.
- (2) **Section 112:** §112 is restated in its entirety as follows: “See §5-105 of the Forest Hills Borough Code of Ordinances, (Board of Appeals).”
- ~~(3) **Section 1301.2:** §1301.2 is amended by inserting “March 18, 1992 [Ord. 830]” in the space provided.~~

**C. International Fire Code.**

- (1) **Section 101.1:** §101.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.
- ~~(2) **Section 106.6.2:** §106.6.2 is restated as follows: “Fee Schedule. Fees for applications, permits and inspections referenced in this code shall be established, from time to time, by resolution of the Borough Council.~~
- ~~(3) **Section 106.6.3:** §106.6.3 is deleted in its entirety.~~
- ~~(24) **Section 108.4:** §108.4 is restated in its entirety to include the following reference: “See §5-105 of the Forest Hills Borough Code of Ordinances, (Board of Appeals).” See §5-106 of the Forest Hills Borough Code of Ordinances, (Violations and Penalties).”~~
- ~~(45) **Section 108.5 109.3:** §108.5109.3 is restated in its entirety as follows:
 

~~109.3 Violation penalties. See §5-106 of the Forest Hills Borough Code of Ordinances, (Violations and Penalties). 108.5 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Forest Hills Borough Code of Ordinances (Violations and Penalties).~~~~
- ~~(56) **Section 109111.4:** §109111.4 is restated in its entirety as follows to include the following reference:
 

~~“See §5-105 of the Forest Hills Borough Code of Ordinances, (Board of Appeals).” 111.4 Failure to comply. Any person who~~~~

shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for violation penalties pursuant to §5-106 of the Forest Hills Borough Code of Ordinances (Violations and Penalties).

(5) ~~Section 3404.2.9.6.1:~~ §3404.2.9.6.1 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 30, Flammable and Combustible Liquids Code, as revised.”

(6) ~~Section 3406.2.4.4:~~ §3406.2.4.4 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 30, Flammable and Combustible Liquids Code, as revised.”

(7) ~~Section 3506.2:~~ §3506.2 is amended by inserting the following text as the last sentence: “Storage limits shall be in accordance with NFPA 55, Standard for Storage, Use and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks, as revised.”

(8) ~~Section 3804.2:~~ §3804.2 is amended by inserting the following text in the space provided: “Storage limits shall be in accordance with NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) (US Standards), as revised.”

E. **International Fuel Gas Code.**

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F. **International Mechanical Code.**

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G. **International Plumbing Code** (subject to the restrictions of §501(a.1) of the Pennsylvania Construction Code Act, 35 P.S. §7210.501(a.1), as amended).

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(7) **Section 305.64.1:** §305.64.1 is amended by inserting “36 inches” in the spaces provided.

(8) **Section 9043.1:** §9043.1 is amended by inserting “12 inches” in the space provided.

H. **International Residential Code.**

(1) **Section R8101.1:** §R102.1 is amended by inserting “Commonwealth of Pennsylvania” in the space provided.

(2) **Section R108.5:** §R108.5 is deleted in its entirety.

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(5) **Section P2603.65.1:** §P2603.65.1 is amended by inserting “36 inches” in the spaces provided.

I. **International Wildland-Urban Interface Code.**

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**SECTION 2.** Chapter 8 of the Borough Code of ordinances, Floodplains, is amended as follows by inserting the underlined text and deleting the stricken text:

**Part 1 GENERAL PROVISIONS**

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**§8-106 Definitions.**

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and plural the singular, and the word "shall" is mandatory and not directory.

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**UNIFORM CONSTRUCTION CODE (UCC)**

The statewide building code adopted by the Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether administered by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings, the Uniform Construction Code adopted ~~the~~ International Residential Code (IRC) and the International Building Code (IBC) ~~of 2006~~ by reference, as amended and modified thereunder, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

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**Part 2 ADMINISTRATION**

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**§8-203 Application Procedures and Requirements.**

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4. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Borough Code Enforcement Officer, or such other official as designated from time to time by Council, to make the above determination:

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- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:

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- (5) Supplemental information as may be necessary under 34 Pa. Code, Chapters 401 – 405, as amended, and any relevant provisions of the International Building Code and International Residential Code as amended, modified, and adopted thereunder.  ~~§§ 1612.5.1, 104.7, and 109.3 of the 2006 IBC and §§ R106.1.3 and R104.7 of the 2006 IRC~~

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**§8-208 Inspection and Revocation.**

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6. The requirements of 34 Pa. Code, Chapters 401 — 405, and any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder.  ~~the 2006 IBC, §§ 109.3.3, 1612.5.1, 104.7 and 103.8, and the 2006 IRC, §§ R106.1.3, R109.1.3, and R104.7, or latest revisions thereof pertaining to elevation certificates and record retention, shall be considered.~~

**Part 4 TECHNICAL PROVISIONS**

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**§8-403 Elevation and Floodproofing Requirements, Residential Structures.**

Within any identified flood plain area, the lowest floor (including basement) of any new construction or substantial improvement of a residential structure shall be at least 1 1/2 feet above the one-hundred-year flood elevation. The design and construction standards and specifications contained in the Uniform Construction Code, 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder, 2006 IBC, §§ 1612.4, 1603.1.6, and 3403.1, and in the 2006 IRC, §§ R323.1.4, R323.2.1, and R323.2.2, and ASCE 24, §§ 2.4, 2.5, chapter 5, and 34 Pa. Code, Chapters 401 — 405, shall be utilized.

#### §8-404 Elevation and Floodproofing Requirements, Nonresidential Structures.

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3. The design and construction standards and specifications contained in the UCC, 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder, 2006 IBC, §§ 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1, and 3403.1, and ASCE 24, § 2.4 and Chapter 7, and 34 Pa. Code, Chapters 401 — 405, shall be utilized.

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#### §8-406 Design and Construction Standards.

1. The following standards shall apply for all construction and development proposed within any identified floodplain area:

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F. With regard to water and sanitary sewer sewage facilities and on-site sewage systems the design and construction provisions of the UCC, ~~and 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder and contained in the 2006 IBC, Appendix G, §§ 401.3 and 401.4, the 2006 IRC § R323.1.6, the ASCE 24-98, § 8.3, FEMA #348, "Protecting Building Utilities from Flood Damages," and the International Private Sewage Disposal Code, Chapter 3, shall be utilized.~~

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L. With regard to anchoring of buildings, the design and construction requirements of the UCC as referred to in 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder and contained in the 2006 IBC, §§ 1605.2.2, 1605.3.1.2, 1612.4, and Appendix G501.3, the 2006 IRC, §§ R301.1, R323.1.1, and ASCE 24-98, § 5.6, shall be utilized.

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Q. With reference to floors, walls and ceilings, the provisions of the UCC and referred to in 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder and contained in the 2006 IBC, §§ 801.1.3, 1403.2, 1403.4, 1403.6, and 1404.2, the 2006 IRC, §§ R323.1.7 and R501.3, and ASCE 24-98, Chapter 6, shall apply.

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T. With reference to paints and adhesives, the standards and specifications contained in 34 Pa. Code, Chapters 401 — 405, as amended,



any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder ~~the 2006 IBC, §§ 801.1.3, 1403.7, and Appendix G, and the 2006 IRC, § R323.1.7,~~ shall apply.

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V. With reference to electrical components, the provisions referenced in the UCC and 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder ~~and contained in the 2006 IBC, § 1612.4, the 2006 IRC, § R323.1.5, the 2000 IFGC, §§ R301.5 and R1601.3.8 and ASCE 24, Chapter 8,~~ shall be utilized.

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X. With reference to mechanical equipment, the provisions referenced in the UCC and 34 Pa. Code, Chapters 401 — 405, as amended, any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder ~~and contained in the 2006 IBC, § 1612.4, the 2006 IRC, § R323.1.5, the 2000 IFGC, §§ R301.5 and R1601.3.8,~~ and ASCE 24, Chapter 8, shall be utilized.

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Z. Uniform Construction Coordination. The standards and specifications contained in 34 Pa. Code, Chapters 401 — 405, as amended, and any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder and not limited to the following provisions, shall apply to the above and all other Parts and sections of this chapter, to the extent that they are more restrictive and/or implement the requirements of this chapter.:

(1) ~~International Building Code (IBC) 2006, or the latest edition thereof: §§ 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.~~

(2) ~~International Residential Building Code (IRC) 2006, or the latest edition thereof: §§ R104, R105, R109, R323, Appendix AE101, Appendix E, and Appendix J.~~

## Part 6 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS

### §8-601 Existing Structures.

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2. The above activity shall also address the requirements of 34 Pa. Code, Chapters 401 -- 405, as amended, and any relevant provisions of the International Building Code and International Residential Code, as amended, modified, and adopted thereunder ~~and the 2006 IBC, §§ 3402.1 and 1612.4, and the 2006 IRC, §§ R105.3.1.1 and R323.1.4.~~

**SECTION 3.** All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

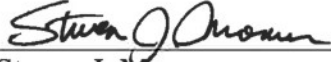
**SECTION 4. Severability.** Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

**SECTION 5.** This Ordinance shall take effect in accordance with applicable law.

**ORDAINED and ENACTED** this 16th day of November, 2022, by the Council of Forest Hills Borough in lawful session duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS



\_\_\_\_\_  
Steven J. Morus  
Borough Manager/Secretary  
(SEAL)

By:



\_\_\_\_\_  
Markus Erbedinger  
President, Borough Council

**EXAMINED** and **APPROVED** this 16th day of November, 2022.



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Frank Porco  
Mayor