
TITLE THREE - Plumbing Code
BOCA Basic Plumbing Code

Art. 1709. BOCA National Plumbing Code/1990
Art. 1711. Registration and Licensing of Plumbers and
Inspection of Plumbing Work

ARTICLE 1709
BOCA National Plumbing Code/1990

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1709.01 CITATION

This Article shall be known as the "BOCA National Plumbing Code" and may be so cited and is hereinafter sometimes referred to as "this Code" and/or "these regulations." (Ord. 9 of 1978, Sect. 2, Passed 8-21-78, Ord. 8 of 1992, Sect. 1, Passed 12-7-92)

1709.02 ADOPTION OF BOCA BASIC PLUMBING CODE

The "BOCA National Plumbing Code/1990, with the appendices thereto, being a standard plumbing code published and printed in book form by Building Officials and Code Administrators International, Inc., be, and is hereby, adopted as the Franklin Plumbing Code as if fully and at length set forth herein, with the exceptions and amendments thereof as hereinafter set forth. Three (3) copies of this Ordinance and The BOCA National Plumbing Code/1990 shall be available for public inspection at the office of the City Clerk. (Ord. 9 of 1978, Sect. 1, Passed 8-21-78; Ord. 15 of 1982, Sect. 1, Passed 7-26-82, Ord. 8 of 1992, Sect. 1, Passed 12-7-92)

1709.02.01 DEFINITIONS

Unless the context clearly indicates otherwise, any and all references in this Code to:

- a.) The 'state' shall mean the Commonwealth of Pennsylvania;
- b.) The 'municipality' or the 'jurisdiction' shall mean the City of Franklin;
- c.) The 'plumbing official' shall mean the Code Enforcement Officer of the City of Franklin;
- d.) The 'mechanical code' or 'the mechanical code listed in Appendix A shall mean and include the Franklin Mechanical Code;

- e.) The 'fire prevention code' shall mean and include the Franklin Fire Prevention Code;
- f.) The 'plumbing code' shall mean and refer to this Code;
- g.) The 'property maintenance code' shall mean and include the Franklin Property Maintenance Code'; (Ord. 8 of 1992, Sect. 2, Passed 12-7-1992)
- h.) The 'building code' shall mean and include the Franklin Building Code; (Ord. 8 of 1992, Sect. 2, Passed 12-7-1992)
- i.) 'Person' shall mean and include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word 'person' is used in any section of this Code prescribing a penalty or fine, as to partnerships, associations, organizations or other groups, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violations; and
- j.) The 'department of plumbing inspection' shall mean the office of the Code Enforcement Officer of the City of Franklin.

(Ord. 15 of 1982, Sect. 2, Passed 7-26-82)

1709.03 AMENDMENTS TO BOCA CODE

Wherever the term, The BOCA Basic Plumbing Code/1981 appears in the codified ordinances shall be deleted and shall have in substitution therefore "The BOCA National Plumbing Code/1990." (Ord. 8 of 1992, Sect. 3, Passed 12-7-1992)

- a.) Section P-100.1, "Title" of the BOCA Code is deleted in its entirety.
- b.) Section P-101.0, "Applicability" of the BOCA Code is amended to include an additional section to be designated "P-101.4 Other Regulations" and to read as follows:

"P-101.4 Other Regulations: Nothing in this Code shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by the state or jurisdiction governing the design and installation of plumbing systems specifically provided herein. When any provision of this Code is found to be in conflict with any building, zoning, safety, health or other applicable law, ordinance or code of the state or the jurisdiction existing on the effective date of this Code or thereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail."

c.) Section P-104.1, "Continuation" of the BOCA Code is amended in its entirety to read as follows:

"P-104.1 Continuation: The legal use and occupancy of any structure existing on the effective date of this Code, or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in this Code or as may be deemed necessary by the plumbing official for the general safety and welfare of the occupants and the public."

d.) Section P-109.1, "General" of the BOCA Code is amended to read as follows:

"P-109.1 General: This Code shall be enforced and administered by the Code Enforcement Officer of the City of Franklin with the assistance of such personnel as may be assigned to the office of the Code Enforcement Officer by the City Manager to effect the intents and purposes of this Code. The Code Enforcement Officer is hereby designated and herein referred to, for purposes of this Code, as the 'plumbing official'."

e.) Section P-109.2, "Appointment" of the BOCA Code is deleted in its entirety.

f.) Section P-109.3 "Relief from personal responsibility" of the BOCA Code is amended to read as follows:

"P-109.3 Relief from personal responsibility: The plumbing official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit or other legal proceeding instituted against any officer or employee because of an act performed in the lawful discharge of duties under the provisions of this Code shall be defended by or on behalf of the jurisdiction until the final termination of the proceeding. The plumbing official or any subordinates of the plumbing official shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this Code; and any official, officer or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith."

g.) Section P-110.4, "Inspections" of the BOCA Code is amended to read as follows:

"P-110.4 Inspections: The Plumbing Officer is authorized to make, or cause to be made, the inspections required by this Code; or the plumbing official may accept reports of inspections by approved agencies or individuals, and all reports of such inspections shall be in writing and certified by a responsible

officer of such approved agency or by the responsible individual. The plumbing official may engage expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the prior approval of the City Manager." (Ord. 8 of 1992, Sect. 4, Passed 12-7-1992)

h.) Section P-110.7 "Annual report" of the BOCA Code is amended to read as follows:

"P-110.7 Reports: Upon request, the plumbing official shall submit to the City Manager and/or City Council a written statement of operations in such form and content as shall be prescribed by the City Manager and/or City Council."

i.) Section P-110.0 "Duties and Powers of the Plumbing Official" of the BOCA Code is hereby amended to add an additional section to be designated "P-110.8 Rule-making authority" and to read as follows:

"P-110.8 Rule-making authority: The plumbing official shall have the power to adopt and promulgate rules and regulations to interpret and implement the provisions of this Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this Code, or of violating approved engineering practice involving public safety."

j.) Section P-114.1, "General" of the BOCA Code is amended to read as follows:

"P-114.1 General: No permit required pursuant to Section 111.1 of this Code shall be issued until the inspection fees prescribed in this Section 114.0 shall have been paid to the office of the plumbing official or other authorized officer or department or the jurisdiction, nor shall an amendment to a permit necessitating an additional fee because of the additional work involved be issued until the additional fee shall have been so paid. Such inspection fees shall be in addition to any and all other fees required to be paid under and pursuant to any other applicable law, statute, ordinance, rule or regulation, including, but not being limited to, the Franklin Building Code.

k.) Section P-114.2 "Fee Schedule" of the BOCA Code is amended to read as follows:

"P-114.2 Fee Schedule: The inspection fees for all plumbing work for which a permit is required under and pursuant to Section P-111.1 of this Code shall be as indicated in the following schedule:

"a.) Rough-in inspection and re-inspection - \$2.00 for each drain, soil, waste, vent and other pipe inspected or to be inspected.

"b.) Final inspection and re-inspection - the amount indicated for each fixture inspected or to be inspected as set forth in the following schedule:

<u>KIND OF FIXTURE</u>		<u>FEE</u>
Water closet, individual	\$	3.00
Water closet range, each two feet additional or part thereof		2.00
Slop sink, ordinary or with trap combined		3.00
Combination sink or tray		2.00
Kitchen or pantry sink, dwelling		2.00
Kitchen or pantry sink, commercial		2.00
Urinal		2.00
Urinal range, each two feet		2.00
Floor drain or wash		2.00
Yard drain or catch basin		2.00
Laundry tray		2.00
Laundry tray range, each two feet additional or part thereof		2.00
Wash basin		2.00
Bathtub		3.00
Shower bath (floor)		2.00
Drinking fountain		2.00
Dental cuspidor		2.00
Dishwasher, motor-driven		2.00
Beer installation		2.00
Rain water leader		2.00
Floor drain		4.00
House drain		4.00
Storm sewer		4.00
Sewer between curb and building		4.00

l.) Section P-114.0, "Fees" of the BOCA Code is amended to include an additional section to be designated "P-114.3 Accounting" and to read as follows:

"P-114.3 Accounting: The plumbing official shall keep an accurate account of all fees collected, and such collected fees shall be paid daily to the Director of Finance of the City and deposited to the general unappropriated funds of the City."

m.) Section P-114.0 "Fees" of the BOCA Code is amended to include an additional section to be designated "P-114.4 Refunds" and to read as follows:

"P-114.4 Refunds: In the case of a revocation of a permit or abandonment or discontinuance of a plumbing project, no refunds of any fees collected under this Code shall be made."

n.) Section P-115.1 and Section P-115.2 of the BOCA Basic Plumbing Code/1990 shall each be amended by deleting the word "shall" in the first sentence of each of said sections and inserting in place of the said deleted word in each of the said sections the word "may." (Ord. 8 of 1992, Sect. 5, Passed 12-7-1992)

o.) Section P-115.3 "Right of entry" of the BOCA Code is amended to read as follows:

"P-115.3 Right of entry: In the discharge of his duties, the plumbing official, or his authorized representative, shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this Code; provided that if such structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the plumbing official shall have recourse to every remedy provided by law to secure entry."

p.) Section P-117.1 "Unlawful acts" of the BOCA Code is amended to read as follows:

"P-117.1 Unlawful acts: It shall be unlawful for any person to install, extend, alter, repair or maintain any plumbing system, or any portion or portions thereof, or cause same to be done, contrary to or in conflict with or in violation of, any of the provisions of this Code."

q.) Section P-117.2, "Notice" of the BOCA Code is amended to read as follows:

"P-117.2 Notice: The plumbing official shall serve written notice of violation and an order on the person responsible for the installation, extension, alteration, repair or maintenance of any plumbing system, or any portion or portions thereof, in violation of the provisions of this Code, or in violation of a statement or plan approved hereunder, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. For the purposes of this Code, the term "written notice" shall have the same meaning as set forth for that term in the building code."

r.) Section P-117.3, "Prosecution" of the BOCA Code is amended to read as follows:

"P-117.3 Prosecution: If the notice of violation and order are not complied with within ten (10) days of service thereof, the plumbing official may request the legal counsel of the jurisdiction to institute appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or the order or direction made pursuant thereto."

s.) Section P-117.4, "Penalties" of the BOCA Code is amended to read as follows:

"P-117.4 Penalties: Any person who shall violate a provision of this Code or who shall fail to comply with any of the requirements hereof or who shall install, extend, alter, repair or maintain any plumbing system, or any portion or portions thereof, in violation of an approved plan or directive of the plumbing official, or of a permit or certificate issued under the provisions of this Code, and any person aiding, abetting or assisting in any such violation, shall be guilty of a summary offense, punishable by a fine of not less than One Hundred (\$100.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the costs of prosecution for each offense. Each day that a violation continues after service of written notice of said violation, or after service of a summons, or after receipt of actual notice of violation otherwise proved, whichever first occurs, shall constitute a separate offense. The provisions of this Section P-117.4 shall apply whether or not any notice of violation and/or order has issued pursuant to Section P-117.2. All fines and penalties received by the City from enforcement of this Code shall be paid to the Director of Finance of the City and deposited to the general unappropriated funds of the City."

(Ord. 6 of 1981, Sect. 1, Passed 5-18-81;
Ord. 15, Sect. 3, Passed 7-26-82)

t.) Section P-118.2, "Unlawful Continuance" of the BOCA Code is amended to read as follows:

"P-118.2 Unlawful Continuance: Any person who shall continue any work in or about the structure 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 conditions, shall be guilty of a summary offense punishable by a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, together with the costs of prosecution for each offense. Each day of such continuance after service with such stop-work order shall constitute a separate offense."

(Ord. 6 of 1981, Sect. 2(a), Passed 5-18-81;
Ord. 15 of 1982, Sect. 3, Passed 7-26-82)

u.) Section P-120.1 "General" of the BOCA Code is amended to read as follows:

"P-120.1 General: All plumbing installations, regardless of type, which are unsanitary or which constitute a hazard to human life, health or welfare, shall be deemed, and are hereby declared to be, nuisances and illegal, and same

shall be abated by repair, rehabilitation or removal."

v.) Section P-121.1, "Vacating Structures" of the BOCA Code is amended to read as follows:

"P-121.1 Vacating Structures: When, in the opinion of the plumbing official, there is actual and immediate danger of contamination or sanitation hazard which would endanger life, the plumbing official is hereby authorized and empowered to order and require the inmates and occupants to vacate a structure forthwith. He shall cause to be posted at each entrance to such building a notice reading substantially as follows: 'Condemned. This building has been declared unfit for human habitation in that it fails to meet the minimum requirements of the building and housing codes of the City of Franklin.' It shall be a violation for any person to enter such building or structure, except for the purpose of making the required repairs or demolishing the same. It shall also be a violation of this Code for any person to remove, deface, destroy or otherwise tamper with any notice posted in accordance with this section. All buildings or structures which are posted as unsafe pursuant to this Section P-121.1 shall be deemed, and are hereby declared to be, nuisances."

w.) Section P-122.1 "Application for appeal" of the BOCA Code is amended to read as follows:

"P-122.1 Application for appeal: The owner of a building or structure or any other party in interest may appeal to the Board of Appeals from any decision or order of the plumbing official made under the provisions of this Code. A written application for appeal must be submitted to the Board of Appeals within ten (10) days of the date of the decision or order of the plumbing official appealed from."

x.) Section P-122.2 Membership of Board:

The Board of Appeals for appeals under and pursuant to this Code shall be the same Board of Appeals constituted, appointed, qualified, and acting under and pursuant to the Franklin Building Code. This Section shall replace all of Section P-122.2 and all the subdivision thereof in the BOCA National Plumbing Code/1990. (Ord. 8 of 1992, Sect. 6, Passed 12-7-1992)

y.) Section P-122.3 Operation of Board of Appeals:

Upon submission of the written application for appeal in accordance with Section P-122.1 of this Code, the appeal shall thereafter be treated in all respects as if it were an appeal under and pursuant to the Franklin Building Code. (Ord. 8 of 1992, Sect. 7, Passed 12-7-1992)

1709.04 CONFLICTS WITH LOCAL AND STATE CODES

1709.05 CONFLICTS WITH STATE LAW

Repealed in their entirety.

(Ord. 9 of 1978, Passed 8-21-78; Ord. 15 of 1982,
Sect. 4, Passed 7-26-82)

1709.06 BOARD OF APPEALS

1709.07 CONSTITUTION OF THE BOARD OF APPEALS

1709.08 LAWS OF BOARD OF APPEALS

1709.99 PENALTY

Repealed in their entirety.

(Ord. 9 of 1978, Passed 8-21-78)