

ORDINANCE NO. _____

#2004-01

AN ORDINANCE OF PENN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA ADOPTING THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, 35 P.S. §§7210.101-7210.1103, AS AMENDED, AND THE UNIFORM CONSTRUCTION CODE, 34 Pa. CODE, CHAPTERS 401-405, AS THE BUILDING CODE OF PENN TOWNSHIP, AND PROVIDING FOR CERTAIN METHODS OF ADMINISTRATION AND ENFORCEMENT, FEES, AND APPEAL PROCEDURES AS SET FORTH BY RESOLUTION OF THE BOARD OF SUPERVISORS FROM TIME TO TIME

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of Penn Township, Berks County, Pennsylvania ("Township") and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Penn Township, Berks County, Pennsylvania as follows:

Section 1. The Township 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.

Section 2. The Uniform Construction Code, contained in 34 Pa. Code, Chapter 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Township.

Section 3. Administration and enforcement of the Code within the Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township from time to time by resolution:

- a. By the designation of an employee of the Township to serve as the municipal code official to act on behalf of the Township;
- b. By the retention of one or more construction code officials of third-party agencies to act on behalf of the Township;

- c. By agreement with one or more other municipalities for the joint administration and enforcement of the Code through an intermunicipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of the Code of behalf of the Township;
- 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.

Section 4. A Board of Appeals shall be established by resolution of the Board of Supervisors of the Township 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.

Section 5.

a. All building code ordinances or portions of ordinances which were adopted by the Township 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.

b. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

c. All relevant ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect.

d. Climatic, geographic, and inside/outside environmental standards for the local area as required by the respective codes incorporated into the Code shall be established by the Board of Supervisors by resolution from time to time.

Section 6. Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Board of Supervisors by resolution from time to time.

Section 7. If any section, subsection, sentence, or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

Section 8. This Ordinance shall become effective five days after the date of enactment.

DULY ENACTED AND ORDAINED this 2nd day of July, 2004, by the Board of Supervisors of Penn Township in public session duly assembled.

BOARD OF SUPERVISORS OF PENN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

Scott R. Cress
Chairman

Marcia M. Stewart
Vice Chairman

Member

ATTEST:

Sharon D. Harrison
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2004-01 adopted by the Board of Supervisors of Penn Township, Berks County, Pennsylvania at a regular meeting held on July 2, 2004, pursuant to notice as required by law.

Date: July 2, 2004

Sharon D. Harrison
Township Secretary