

WEST MEAD TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004 -1

AN ORDINANCE TO ADOPT THE UNIFORM CONSTRUCTION CODE IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT

Whereas, by Act 45 of 1999, known as the Pennsylvania Construction Code Act, Pennsylvania adopted a Uniform Construction Code which becomes effective April 9, 2004; and

Whereas, townships have authority under the Act to adopt the Uniform Construction Code (UCC) and to administer and enforce the UCC on a local government level; and

Whereas, the Township Supervisors believe it is in the best interest of the Township citizens to have all building construction in the Township conform with the UCC requirements and to have the Township administer and enforce the UCC.

Now, Therefore, be it ordained and enacted by the Board of Supervisors of West Mead Township as follows:

Section 1. Adoption of Uniform Construction Code. The Uniform Construction Code as defined in this Ordinance and as established from time to time by the Pennsylvania Department of Labor and Industry or its successor, in accordance with the provisions of the Pennsylvania Construction Code Act, as amended, is adopted by reference as and for the Building Code of and for West Mead Township.

Section 2. Authority. The authority for the adoption of the Uniform Construction Code is found in Section 501 of the Pennsylvania Construction Code Act and Section 1601 of the Second Class Township Code.

Section 3. Contents of Uniform Construction Code. The Uniform Construction Code hereby adopted by reference shall consist of the following identified codes as adopted by regulation of the Pennsylvania Department of Labor and Industry and as published by the International Code Council, Inc. and such other codes and successive and replacement codes as may be designated and adopted, from time to time, by regulation of the Pennsylvania Department of Labor and Industry, or its successor, as part of the Uniform Construction Code in accordance with the Pennsylvania Construction Code Act. The current codes comprising the Uniform

edition; International Plumbing Code, 2003 edition; International Fire Code, 2003 edition; International Residential Code, 2003 edition; the International Energy Conservation Code, 2003 edition; Sections AE501-AE503 and AE601-AE605 of Appendix E of the International Residential Code; International Existing Building Code; International Urban-Wildland Interface Code, Appendix E of the International Building Code; Appendix H of the International Building Code; and Appendix G of the International Residential Code. The Codes designated and adopted from time to time by the Pennsylvania Department of Labor and Industry or its successors shall automatically become the Uniform Construction Code for West Mead Township upon adoption by the Department of Labor and Industry and shall be incorporated herein by reference without further action of the Township unless otherwise required by law.

Section 4. Definitions. The definitions set forth in the Pennsylvania Construction Code Act, the regulations of the Pennsylvania Department of Labor and Industry and the Uniform Construction Code, as amended from time to time, are hereby incorporated as definitions applicable to the administration and enforcement of the Uniform Construction Code. In addition, when used in this Ordinance, the following words and terms shall have the following meaning:

- *Building Code Official* shall have the same meaning ascribed in the Pennsylvania Construction Code Act and Department of Labor and Industry regulations who is qualified under the Pennsylvania Construction Code Act and Department of Labor and Industry regulations to perform the required administrative, inspection and enforcement responsibilities, who is appointed, employed or hired under contract by the Township.
- *Department of Labor and Industry* or *L&I* shall mean the Pennsylvania Department of Labor and Industry or its successors.
- *Pennsylvania Construction Code Act* shall mean Act 45 of November 10, 1999, P.L. 491, as amended, found in 35 P.S. §7210.101, *et seq.*, as same shall be amended from time to time.
- *Person* shall mean any corporation, partnership, business trust, other association, estate, trust, foundation, natural person, governing authority for a county or municipality or any governmental entity other than the Commonwealth. In any provisions of this Code prescribing a fine or penalty, the term person shall include the officers and directors of any corporation or other legal entity with officers and directors.
- *Township* shall mean West Mead Township, its Board of Supervisors, and its duly appointed and authorized representatives.
- *Uniform Construction Code* or *UCC* shall be the Code and Codes identified in Section 3 above and such other Code and Codes adopted and established by the

Pennsylvania Department of Labor and Industry, from time to time, in accordance with the provisions of the Pennsylvania Construction Code Act, as amended.

Section 5. Supplemental Standards. In the event a standard to be applied in the Township has not been established in a provision of a Code comprising the Uniform Construction Code or in the regulations of the Department of Labor and Industry, the Township may by Resolution adopt and designate an appropriate standard approved by the Township engineer. Such standards, when adopted, shall be the UCC standards of the Township.

Section 6. Administration and Enforcement. The Uniform Construction Code shall be administered and enforced in the Township in accordance with the applicable provisions of the Pennsylvania Construction Code Act and regulations established from time to time by the Pennsylvania Department of Labor and Industry. The Board of Supervisors may provide for the administration and enforcement in any one of the following ways:

- a. designate a qualified employee to serve as a building code official and construction code official.
- b. contract with one or more third-party agencies, or qualified construction code officials.
- c. contract with the Department of Labor and Industry for plan reviews, inspection and enforcement of structures other than one-family and two-family dwelling units and utility and miscellaneous use structures.
- d. provide for the joint administration and enforcement of the UCC through an agreement with one or more other municipalities.
- e. some combination of the above or as otherwise permitted under applicable regulations.

The designated means for administration and enforcement shall be established by the Board of Supervisors by Resolution as adopted from time to time.

Issuance of permits, plan reviews, inspections, certificates of occupancy, enforcement notices and proceedings shall be undertaken in conformity with the applicable requirements of the Pennsylvania Construction Code Act, the regulations adopted from time to time by the Pennsylvania Department of Labor and Industry, and this Ordinance.

Building Code Officials, construction code officials and inspectors shall have these powers provided by and under, and shall exercise those powers in accordance with the provisions of the Uniform Construction Code and applicable **L&I** regulations.

Section 7. Prohibited Conduct. No person shall erect, construct, install, enlarge, alter, repair, improve, move, replace, convert, demolish, equip, use, occupy, change occupancy, or maintain a building or structure or part thereof, or erect, install, enlarge, alter, replace, repair, move, or convert an electrical, gas, mechanical, or plumbing system regulated under the Uniform Construction Code, or cause or permit the same to be done:

- a. without a permit issued by an authorized building code official in accordance with the requirements of the Uniform Construction Code and applicable regulations; or
- b. in a manner contrary to or in violation of any provisions of the Uniform Construction Code, applicable regulations of the Pennsylvania Department of Labor and Industry, applicable provisions of this Ordinance, permits issued under and in accordance with applicable codes and regulations, approved plans and construction documents and any orders properly issued by the building code official.

Section 8. Fees. Fees for the administration and enforcement of the Uniform Construction Code including, but not limited to, fees for building permits, plan reviews, inspections, certificates of occupancy, and appeals shall be those established by Resolution of the Township Supervisors from time to time.

Section 9. Board of Appeals. There is hereby created a Board of Appeals to consider and decide appeals relating to the Uniform Construction Code in accordance with the applicable requirements of the Pennsylvania Construction Code Act and regulations of the Pennsylvania Department of Labor and Industry.

Section 10. Appeals Board Membership. The Board of Appeals shall consist of three members and up to three alternate members appointed by the Township Supervisors. A member of the Appeals Board shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience shall consist of licensure as an architect or engineer, substantial experience in the construction industry or such other training and experience as may be deemed appropriate for purposes of considering such appeals. Board members or alternates may include a person with substantial experience or training as an electrical contractor or inspector, a person with substantial experience or training as a plumbing contractor or inspector, a person with substantial experience or training in the mechanical trades, and a person with substantial experience or training in fire safety. The Township may appoint a member to the Board who is not a resident of the Township if a qualified person within the Township is not found who satisfies the requirements. The Board shall select one of its members to be Chairman. Board members shall be appointed or reappointed at the organization meeting or at such time as a vacancy occurs. A member of the Board holds office at the pleasure of the Township Supervisors. No Township Supervisor or person employed by the Township in any capacity involving the administration or enforcement of the UCC can be a member of the Appeals Board. No Appeals Board member may participate in any appeal in which he has a personal, professional or financial interest.

Section 11. Appeal Procedure. A person adversely affected by a decision of the Building Code Officer shall have the right to appeal to the Board of Appeals provided that the appeal is filed within fifteen (15) days of the day the decision, notice or order was served by the Building Code Officer or within such other time as may be provided by applicable regulations. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used. An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the Township Supervisors on a form provided by the Township.

Section 12. Conduct of Board of Appeals.

- a. The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time in accordance with the applicable requirements and provisions of the UCC and the I&I regulations, and specifically those regulations found in Sections 403.121 and 122 of the L&I regulations or amendments thereto.
- b. The Board of Appeals shall conduct an appeal in accordance with the requirements of the regulations of the Pennsylvania Department of Labor and Industry as adopted from time to time as well as this Ordinance. Hearings and appeal proceedings shall also be conducted in accordance with the provisions of the Pennsylvania Local Agency Law, 2 Pa.C.S. §551, *et seq.*, and in accordance with the applicable requirements of the Pennsylvania Sunshine Law, 65 Pa.C.S. §§701 through 716.
- c. For purposes of considering an appeal, the Board shall consist of three members and, whenever possible, one of the Board members hearing an appeal should be a person with experience in the subject matter of the appeal. For example, if the appeal involves an electrical code provision, a member or alternate with electrical code experience should sit as a member of the Board hearing the appeal. For this purpose, the Chairman of the Board shall have authority to substitute an alternate member for a regular member to hear certain appeals.
- d. A board of appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.
- e. A board of appeals shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agrees in writing to an extension of time.
- f. If a stenographic record is requested by appellant or is required for any reason, as determined by the Chairman of the Board of Appeals, reasonable stenographic fees shall be paid by the appellant.

- g.** Action may be taken by a quorum of the members of the Board who have considered the appeal.
- h.** The board of appeals shall provide a written notice of its decision to the owner and to the building code official.

Section 13. Penalties. Consistent with the authority set forth in Section 1601 of the Second Class Township Code, 53 P.S. §66601, and Section 903 of the Pennsylvania Construction Code Act, 35 P.S. §7210.903, any person who shall violate a provision of the Uniform Construction Code, applicable regulations of the Pennsylvania Department of Labor and Industry, this Ordinance, or who shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure or part thereof in violation of an approved plan or directive of the Building Code Officer or in violation of a permit or certificate issued under the provisions of the Uniform Construction Code and this Ordinance, or who shall fail to comply with an order issued by the Building Code Officer shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00, plus costs, and in default of payment shall be sentenced to imprisonment for not more than 30 days. Each day that a violation continues shall be deemed a separate violation.

Section 14. Other Remedies. In addition to the penalty provided above, the Township shall have the following enforcement remedies, all of which may be pursued simultaneously or in the alternative, as deemed appropriate:

- a** Upon recommendation of the Building Code Officer, the Township may institute an action at law or in equity against the person responsible for a violation for the purpose of securing an order:
 - (1)** To restrain, correct or remove the violation and to refrain from any further violation.
 - (2)** To restrain or correct the erection, installation, alteration or condition of a structure, or premises or to require the removal of work in violation.
 - (3)** To prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of the UCC, or otherwise unfit for occupancy.
 - (4)** To abate a public nuisance, or other health or safety hazard to the public created by a violation of the UCC.
 - (5)** To secure compliance with orders of the Building Code Officer relating to repairs and correction of violations.

- (6) To obtain any appropriate remedy or relief allowed by law in the event of an unsafe building, building unfit for human occupancy, emergency situation or other public nuisance.
- b.** In the event the Building Code Officer determines that action to correct a violation or to abate a public nuisance may require the demolition or removal of any structure or part thereof, or other action likely to cause injury to real or personal property, the Building Code Officer shall make reasonable efforts to identify and locate all persons with an ownership interest in such property and serve them with notice of any orders affecting said property.
- c.** In the event the Building Code Official determines, based on reasonable investigation, that the condition of a structure, property or equipment in violation of the UCC creates a serious health or safety hazard or a public nuisance which (1) necessitates immediate or prompt corrective action to protect the public health, safety or welfare, or (2) necessitates immediate action by the Township to protect the public health, safety or welfare, the Building Code Official shall provide written notice of the conditions creating the hazards, the violations of the UCC creating these conditions, and the corrective actions to be taken to protect the public health and safety and the time limit within which such action must be taken. This notice shall be served upon the owners, responsible persons and any other persons affected by such action by personal service, whenever possible, and by posting a copy in a conspicuous place on or about the property or structure. In the event personal service cannot be made, then said notice shall be served by both certified mail, return receipt requested, and regular mail to the last known address.
- d.** In the event the Building Code Official determines that the condition constituting a violation creates an imminent threat of harm to the public which necessitates immediate corrective action to protect the public health, safety or welfare, the Building Code Official, after consultation with other designated Township Officials, may take appropriate emergency action to provide for the protection of the public after making reasonable attempts, depending on the urgency of the situation, to notify the responsible persons and property owners of the violation, corrective action required, and planned Township corrective action.
- e.** In enforcement actions under Paragraphs (c) and (d) above, if an aggrieved person requests a hearing, the Building Code Official shall cause a hearing to be held by the Code Appeals Board in as expeditious a manner as possible.
- f.** In the event the Township incurs expenses in conjunction with the correction or abatement of any violation of these codes which creates a serious health or safety hazard to the public, because of an emergency or because the persons responsible for the violation or property have failed to comply with orders issued by the Building

Code Officer, such expense, including reasonable attorney fees and costs, may be collected by means of a municipal lien against the subject property or by suit against the persons responsible for the violation or property, or in any other manner permitted by law.

Section 15. Maintenance of Code for Public Use. The Township shall maintain copies of the Uniform Construction Code at the Township office which shall be available for public use, inspection and copying during regular business hours.

Section 16. Repeal. Any ordinances or parts of ordinances and building codes inconsistent or in conflict with this Ordinance and the Uniform Construction Code are hereby repealed. Saved from repeal is West Mead Township Ordinance No. 1989-5 adopting the BOCA National Property Maintenance Code and amendments thereto found in West Mead Township Ordinance Nos. 1990-2 and 1992-3.

Section 17. Severability. The provisions of this Ordinance and Uniform Construction Code hereby adopted shall be severable, and if any provisions shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance and Uniform Construction Code.

Section 18. Effective Date. This Ordinance and the Uniform Construction Code hereby adopted shall become effective April 9, 2004.

Ordained and Enacted the 9th day of March, 2004 by the Board of Supervisors of West Mead Township.

West Mead Township Board of Supervisors

By: William J. Fosenberg
Chairman

By: John A. Bartle
Member

By: Walter R. Young
Member

Attest:

By: Judy E. Mona
Secretary
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