

Chapter 5

Code Enforcement

Part 1

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Part 1**Uniform Construction Code****A. Election to Administer and Enforce****§5-101. Election to Administer and Enforce Pennsylvania Construction Code Act.**

The Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 35 P.S. §§7210.101–7210.1103, as amended from time to time, and its regulations.

(Ord. 177, 4/26/2004, §1)

§5-102. Uniform Construction Code Implemented.

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

(Ord. 177, 4/26/2004, §2)

§5-103. Administration and Enforcement.

Administration and enforcement of the Code within this Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of this 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 or 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 this Act through an intermunicipal agreement and/or multi-municipal agency.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Township.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspection, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

(Ord. 177, 4/26/2004, §3)

§5-104. Board of Appeals.

The Board of Appeals shall be established by resolution of the Board of Supervisors of this 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.

(*Ord. 177, 4/26/2004, §4*)

§5-105. Savings Clause.

1. All building code ordinances or portions of ordinances which were adopted by this 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.

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

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

(*Ord. 177, 4/26/2004, §5*)

§5-106. Fees.

Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Part and the Code and any agent appointed for the collection of same shall be established by the governing body by resolution(s) from time to time.

(*Ord. 177, 4/26/2004, §6*)

§5-107. Effective Date.

This Part shall be effective as of/on July 1, 2004.

(*Ord. 177, 4/26/2004, §7*)

B. Cambria County Building Code Enforcement Agency**§5-111. Purpose.**

The Board of Supervisors of the Township of Cambria, Cambria County, Pennsylvania, finds it desirable to enact this Part to:

A. Protect the health, safety, and welfare of the residents of the Township.

B. Create a multi-municipal local agency for the administration of the Uniform Construction Code, 35 P.S. 7210.101 *et seq.*, and its regulations promulgated thereunder, 34 Pa.Code, Chapters 401 *et seq.*, as amended or may be amended from time to time.

(*Ord. 179, 6/19/2004, Art. I*)

§5-112. Grant of Power.

The Board of Supervisors of the Township of Cambria, Cambria County, Pennsylvania, finds it desirable to enact this Part to:

A. Protect the health, safety, and welfare of the residents of the Township.

B. Create a multi-municipal local agency for the administration of the Uniform Construction Code, 35 P.S. 7210.101 *et seq.*, and its regulations promulgated thereunder, 34 Pa.Code, Chapters 401 *et seq.*, as amended or may be amended from time to time.

(*Ord. 179, 6/19/2004, Art. II*)

§5-113. Creation of Cambria County Building Code Enforcement Agency.

The Board of Supervisors hereby:

A. Creates, constitutes and establishes the Cambria County Building Code Enforcement Agency for the purposes described above.

B. The Township shall, within the time period established under the regulations relative to the Uniform Construction Code, i.e., between April 9, 2004, and July 8, 2004, enact an ordinance to adopt the Uniform Construction Code, 35 P.S. §7210.101 *et seq.*

C. As soon as possible, but not later than 30 days after the adoption of this Part, every member shall, by action of its governing body, appoint a representative to the Cambria County Building Code Program Committee. Such program committee member shall be a member of the governing body of the member municipality, secretary, or manager.

D. Conveys to the Cambria County Building Code Enforcement Agency, through its officers/program committee, employees, servants, and agents the authority to act on behalf of the Board of Supervisors relative to the administration and enforcement of all aspects of the Uniform Construction Code and regulations promulgated thereunder.

E. Directs the program committee to, at all times, act in a manner consistent with said act and regulations and the additional provisions of this Part.

F. Directs the program committee to establish and, further, pledges to pay in a timely manner, initial and annual membership fees, together with prorated or

equal share of costs of the salary and benefit package of the code official(s) and other employees as to generally acceptable office administration and expenses. Directs the payment of other costs of administering the Uniform Construction Code within the Township including, but not limited to, the enactment, amendment and updating of ordinances and prosecution costs for violations of ordinances.

G. Authorizes the program committee to acquire, manage, license and/or dispose of real and/or personal property for the necessary operation of the agency.

(*Ord. 179, 6/19/2004, Art. III*)

§5-114. Responsibilities of Participating Municipalities.

The following activities/actions are the sole responsibility of the member municipalities:

A. Drafting and enacting an ordinance that authorizes and/or ratifies the Township's participation in the Cambria County Building Code Enforcement Agency and the entering into agreement(s) in accordance with the requirements of the Intergovernmental Cooperation Law/Act, 53 Pa.C.S.A., 2301 *et seq.*

B. Adopting and amending the Township's existing fee resolution providing for identical fees to be imposed for the issuance of building permits and other permits required under the codes to be enforced as a part of the Cambria County Building Code Enforcement Agency.

C. Provide adequate insurance coverage for all aspects of the Program to include errors and omissions insurance and general liability insurance for actions of the code official(s) and the program committee.

D. In the event a third-party agency or individual is retained for code enforcement services, to obtain verification of liability insurance, errors, and omissions insurance and workmen's compensation insurance in such amount(s) as determined by the program committee, with proper evidence of certifications of insurance being provided on an annual basis or such other period of time as determined by the program committee.

E. Eliminate the position of, or modify the responsibilities of, any existing municipal employee so as to eliminate conflicts and/or overlaps with the responsibilities of the code official(s).

(*Ord. 179, 6/19/2004, Art. IV*)

§5-115. Responsibilities of Program Committee.

The following activities are the responsibility of the program committee:

A. Prepare and adopt by-laws that:

(1) Define the method by which (future) committee representatives will be appointed.

(2) Set forth the method by which the committee will conduct business.

(3) Establish a quorum for the conduct of business.

(4) Establish meeting times and dates.

(5) Define the manner in which vacancies will be filled.

- (6) Create any necessary subcommittees.
- (7) Establish fees for the various services to be performed.
- (8) Establish a board of appeals in accordance with the Uniform Construction Code, 35 P.S. §7210.101 *et seq.*, and its regulations.
- B. Prepare and submit an annual budget.
- C. Prepare and submit annual reports to participating municipalities.
- D. Prepare and submit, on behalf of the member municipalities, applications for grants-in-aid or as to the securing of other necessary financial assistance and/or loans necessary for the operation of the agency.
- E. Recruiting and hiring of the code official(s) and other employees of the agency and directing their/its responsibilities and duties.
- F. Establishment of the salary and benefit package for the code official(s) and other employees of the agency.
- G. Evaluation of the performance of the code official(s) within the first 6 months and annually thereafter.
- H. Review of ordinances of each municipality with suggestions for the enactment of new ordinances to be administered by the Cambria County Building Code Enforcement Agency.
- I. Resolution of any problems or concerns between municipalities and the formulation of policy-oriented decisions.
- J. Create an employees' manual containing job descriptions, and qualifications for employment.
- K. Secure by contract, or other arrangement, legal counsel and the services of other professions, as may be necessary or desirable to advance the work of the Committee.

(Ord. 179, 6/19/2004, Art. V)

§5-116. Intergovernmental Cooperation Agreement.

Each member municipality shall enter into an inter-municipal agreement substantially in the form as attached hereto as Exhibit "A",¹ and any supplements and/or amendments thereto; or enter into such other intergovernmental cooperation agreement(s) which, from time to time may be approved by and submitted to the member municipalities by the program committee. Each member municipality agrees to abide by and to be legally bound by such intergovernmental agreement(s), and any intergovernmental agreement(s) entered into as of the date of this ordinance's adoption and/or amendments/supplements relative thereto. This ordinance ratifies and amends any intergovernmental agreement entered into, to the extent inconsistent herewith, and allows for the adoption (if need be) of a subsequent intergovernmental cooperation agreement.

(Ord. 179, 6/19/2004, Art. VI)

¹Editor's Note: Exhibit "A" is on file in the Township office.

§5-117. Term of Participation; New Members.

1. The participation in the Cambria County Building Code Enforcement Agency by the Board of Supervisors shall begin on the effective date of this Part, and shall continue for a period of 5 years.

2. After the expiration of the aforesaid 5-year period, participation shall continue; such participation shall continue on a year to year basis unless 90 days prior to the beginning of the fiscal year, the Township notifies the agency, in writing, of its intent to repeal this Part.

3. Additional municipalities may become a member of the agency upon obtaining the consent of the program committee and thereafter enacting this Part in its entirety.

4. In the event that it becomes necessary to change this Part in whole or in part, no changes shall become effective and no new or altered obligation or duty shall be placed upon the program committee and/or agency, and no change in the term of this Part shall become effective until such time as every participating municipality shall have adopted an identical amendatory ordinance or duly adopted resolution.

(Ord. 179, 6/19/2004, Art. VII)

C. Compliance Permit

§5-121. Compliance Permit.

All persons, businesses, partnerships, and corporations, shall, in accordance with Cambria Township *Ord. 177, 4/26/2004*, [Chapter 5, Part 1] comply with the Uniform Construction Code and its regulations as may be amended from time to time, in connection with the construction/building of any residential, retail, or commercial building/structure.

(*Ord. 180, 8/6/2004, §2*)

§5-122. Compliance Permit Required.

Prior to any such construction/building being started, all persons, businesses, partnerships and corporations proposing such construction shall, in addition to complying with the Uniform Construction Code and its regulations, make application to the Secretary of the Township and/or such other designated agent/agency for a compliance permit to insure that such construction will also meet the requirements of all Township ordinances, rules, and regulations, including, but not limited to, compliance with the following ordinances, if applicable, and with any State or Federal laws or regulations, if applicable:

- A. *Ord. 59, 4/20/1983*, Building Permit Ordinance [Chapter 8].
- B. *Ord. 59-B, 7/12/1993*, Floodplain Management Ordinance [Chapter 8].
- C. *Ord. 29, 5/5/1997*, Subdivision and Land Development Ordinance [Chapter 22].
- D. *Ord. 29-B(2), 4/14/2003*, Stormwater Management Ordinance [Chapter 23].
- E. *Ord. 41, 12/13/1975*, Zoning Ordinance and its amendments [Chapter 27].
- F. *Ord. 165, 7/23/2001*, Sewage Permit Ordinance together with mandatory tapping ordinances [Chapter 18, Part 2A].
- G. Holding tank rules and regulations [Chapter 18, Part 2A].

(*Ord. 180, 8/6/2004, §3*)

§5-123. Fees.

Applicants for a compliance permit shall be required to pay all fees and expenses which may be imposed under and pursuant to the aforesaid ordinances, together with any fees and/or expenses which the Supervisors may from time to time by resolution set for purposes of obtaining a compliance permit pursuant to this Part.

(*Ord. 180, 8/6/2004, §4*)

§5-124. Most Restrictive Provisions to Control.

To the extent that any of the aforesaid ordinances and rules and regulations promulgated thereunder are duplicative and/or less than the minimum requirements of the Uniform Construction Code, then the requirements of the Uniform Construction Code shall be adhered to.

(*Ord. 180, 8/6/2004, §5*)

§5-125. Compliance Permit Required Prior to Construction.

It shall be unlawful for any person, business, partnership, or corporation to begin construction of any building/structure prior to applying for and receiving a compliance permit from the Township or its designated agency/agent.

(*Ord. 180, 8/6/2004, §6*)

§5-126. Compliance with UCC Required.

Such compliance permit is in addition to and not in lieu of compliance with the Uniform Construction Code which must also be adhered to relative to the construction of any building/structure.

(*Ord. 180, 8/6/2004, §7*)

§5-127. Investigations.

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate for purposes of ascertaining compliance with this Part.

(*Ord. 180, 8/6/2004, §8*)

§5-128. Supervisor Revocation of Permit.

Any permit issued under this Part may be suspended or revoked by the Township for:

A. Noncompliance with or failure to implement any provision of this or the ordinances for which the compliance permit was issued.

B. A violation of any provision of this Part or violation of any ordinances for which the compliance permit was issued.

C. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard of nuisance, pollution or which endangers the life or property of others.

(*Ord. 180, 8/6/2004, §9*)

§5-129. Penalty.

1. Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 199*]

2. In addition to any other penalties imposed hereunder, the Township can bring any action at law or in equity to enforce the provisions of this Part.

(*Ord. 180, 8/6/2004, §10; as amended by Ord. 199, 2/9/2009*)

D. Contractor Responsibility

§5-131. Contractor Responsible to Obtain or Determine that Building Permit Has Been Obtained Prior to Commencing Work.

All contractors performing work within the geographic boundaries of the Township are hereby required to either obtain, on behalf of the property owner, or ascertain that a building permit has already been obtained prior to commencing any work for which a permit is required under the Code.

(Ord. 200, 7/13/2009, §1)

§5-132. Contractor Responsible to Schedule Inspections.

All contractors performing work within the geographic boundaries of the Township for which a building permit is required under the Code shall schedule inspections with the Township's designated building permit officer for the inspection of all work, while that work is accessible for inspection.

(Ord. 200, 7/13/2009, §2)

§5-133. Contractor Responsible to Apply for and Obtain Certificate of Occupancy.

All contractors responsible for performing work within the geographic boundaries of the Township for which a building permit is required under the Code shall apply for, or otherwise obtain, a certificate of occupancy for the work by the duly designated building permit officer.

(Ord. 200, 7/13/2009, §3)

§5-134. Enforcement.

Compliance with the provisions of §§5-131 through 5-133 above shall be enforceable, by the Cambria County Building Code Enforcement Agency or other party authorized by the Township, through a citation for violation filed with the local District Magistrate, in the same manner as a summary offense under the Pennsylvania Rules of Criminal Procedure. Upon conviction of violation, the contractor shall be responsible to pay a civil penalty as follows; first offense: an amount no less than \$100 nor more than \$600, second offense: an amount no less than \$300 nor more than \$600, third and subsequent offenses, no less than \$500 nor more than \$600. The civil assessment shall be issued together with costs and fees as provided for in law. Prior offenses shall be considered nonapplicable following 5 years from the date of conviction. Upon failure to pay, the contractor may be imprisoned for a period not to exceed 90 days.

(Ord. 200, 7/13/2009, §4)

§5-135. Separate Offenses.

Each day that a contractor is in violation shall constitute a separate offense and be subject to a separate and additional civil penalty.

(Ord. 200, 7/13/2009, §5)

