

Chapter 5

Code Enforcement

Part 1

Uniform Construction Code

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Part 1**Uniform Construction Code****A. Implementation****§5-101. General.**

The Township of Washington hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101 *et seq.*, as amended from time to time, and the regulations thereunder.

(*Ord. 1-2004, 6/2/2004, §1*)

§5-102. Adoption.

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 the Township of Washington.

(*Ord. 1-2004, 6/2/2004, §2*)

§5-103. Administration and Enforcement.

Administration and enforcement of the code within the Township of Washington shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township of Washington from time to time, by resolution:

A. By the designation of an employee of the Township of Washington to serve as the Township code official to act on behalf of the Township of Washington.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township of Washington.

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 on behalf of the Township of Washington.

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.

(*Ord. 1-2004, 6/2/2004, §3*)

§5-104. Board of Appeals.

A Board of Appeals shall be established by resolution of the Board of Supervisors of the Township of Washington 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. 1-2004, 6/2/2004, §4*)

§5-105. Prior and Current Building Codes.

1. All building code ordinances or portions of ordinances which were adopted by the Township of Washington 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 the Township of Washington not governed by the code shall remain in full force and effect.

(*Ord. 1-2004, 6/2/2004, §5*)

§5-106. Fees.

Fees assessable by the Township of Washington for the administration and enforcement undertaken pursuant to this Part and the code shall be established by the Board of Supervisors of the Township of Washington from time to time, by resolution.

(*Ord. 1-2004, 6/2/2004, §6*)

B. Administration and Enforcement**§5-111. Purpose.**

The Board of Supervisors of the Township of Washington, 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. 2-2004, 7/7/2004, Art. I)

§5-112. Grant of Power.

This Part is adopted pursuant to the powers granted in:

A. Act of December 19, 1996, P.L. 1158, No. 177, commonly known as the Intergovernmental Cooperation Law, governing intergovernmental cooperation agreements within the Commonwealth of Pennsylvania, 53 P.S. §2301 *et seq.*, as amended, or as may be amended from time to time.

B. Act 45 of 1999—the Uniform Construction Code, 35 P.S. §7210.101 *et seq.*, and its regulations (34 Pa.Code, Chapters 401 *et seq.*) as amended, or may be amended from time to time.

C. Pennsylvania Local Agency Law, 2 Pa.C.S.A. §105 *et seq.*, as amended, or as may be amended from time to time.

(Ord. 2-2004, 7/7/2004, Art. II)

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

The Board of Supervisors hereby:

A. Create, constitute and establish 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 (Act 45 of 1999).

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

D. Convey 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. Direct 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. Direct the program committee to establish and, further, pledge 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. Direct 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. 2-2004, 7/7/2004, 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.

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 Township employee so as to eliminate conflicts and/or overlaps with the responsibilities of the code official(s).

(Ord. 2-2004, 7/7/2004, 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 Act 45 of 1999 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. 2-2004, 7/7/2004, Art. V)

§5-116. Intergovernmental Cooperation Agreement.

Each member municipality shall enter into an intermunicipal agreement, 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 Part's adoption and/or amendments/supplements relative thereto. This Part 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. 2-2004, 7/7/2004, Art. VI)

§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 2 years.
2. After the expiration of the aforesaid 2-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 municipality 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.
(*Ord. 2-2004, 7/7/2004, Art. VII*)