

## Chapter 36

### **AN ORDINANCE OF THE TOWNSHIP OF HAINES, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE UNIFORM CONSTRUCTION CODE OF THE COMMONWEALTH OF PENNSYLVANIA.**

#### **Section 36-1. Statutory Authority and Purpose.**

Whereas, the Commonwealth of Pennsylvania, under Pennsylvania Construction Code Act, Act 45 of 1999, 35 P. S. § 7210.101 et seq. (hereinafter referred to as the "Act"), has adopted the Uniform Construction Code and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code") as published and contained in 34 Pa. Code, Chapters 401-405 as amended; and

Whereas, the Commonwealth of Pennsylvania has mandated that municipalities elect to either administer and enforce the Uniform Construction Code locally by enacting an appropriate ordinance or, in the alternative, elect that the Commonwealth of Pennsylvania, through its Pennsylvania Department of Labor and Industry, to administer and enforce such Code. The Haines Township Board of Supervisors considers it in the best interest of the citizens of Haines Township to administer the Code locally; and

Whereas, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of Haines 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.

Now, therefore, it is hereby enacted and ordained by the Haines Township Board of supervisors as follows:

#### **Section 36-2. Local Administration Election.**

The Township of Haines 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, with its regulations.

#### **Section 36-3. Adoption of Uniform Construction Code.**

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 Haines.

#### **Section 36-4. Administration and Enforcement.**

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

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

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

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Haines 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 36-5. Board of Appeals.**

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

B. Members of the municipality's governing body may not serve as members of the board of appeals.

#### **Section 36-6. Savings and Repeals Provisions**

A. All building code ordinances or portions of ordinances which were adopted by Haines 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 that 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 to the comparable provisions of the Code.

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

#### **Section 36-7. Fees**

The Haines Township Board of Supervisors shall establish fees assessable by the Township of Haines for the administration and enforcement undertaken pursuant to this ordinance and the Code by resolution from time to time.

**Section 36-8. Effective Date.**

This ordinance shall be effective five (5) days from the date of enactment.

**Section 36-9. Severability.**

The provisions of this ordinance are severable, and if any clause, sentence, subsection, section or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgments or decisions shall not affect, impair or invalidate the remaining portions of this ordinance.

**DULY ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the Haines Township Board of Supervisors in public session duly assembled.**

**HAINES TOWNSHIP**

**BY:** \_\_\_\_\_

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**ATTEST:**

\_\_\_\_\_  
Secretary