

PERRY TOWNSHIP

ORDINANCE NO. 2004-03

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the Citizens of Perry 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 referred to as the "CODE"); and,

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

AND, NOW THEREFORE, it is hereby enacted and ordained as follows:

SECTION 1: Perry Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101 through 7210.1103 as amended from time to time and its companion regulations.

SECTION 2: The Uniform Construction Code contained in 34 Pa. Code, Chapters 401 through 405 as amended from time to time, is hereby adopted and incorporated herein by reference as the Perry Township Building Code of Perry Township, Fayette County, Pennsylvania.

SECTION 3: Administration and enforcement of the Code within Perry Township shall be undertaken in any of the following ways as determined by the governing body of Perry Township from time to time by resolution:

a. By designation of an employee of Perry

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Township to serve as the municipal code official to act in behalf of Perry Township;

- b. By the retention of one or more construction code officials or third party agencies or a qualified individuals to act in behalf of Perry Township;
- c. By agreement with one or more Townships or Municipalities for the joint administration and enforcement of this act through an inter municipal agreement;
- d. By entering into a contract/agreement with another municipality, including, but not limited to, Fayette County, for the administration and enforcement of this act in behalf of Perry 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 (1) story or two (2) family dwelling units and utility and miscellaneous use structures.

SECTION 4: A Board of Appeals shall be established by Resolution of the governing body of Perry Township in conformity with the requirements of the relevant portions of the Code, as amended from time to time and for the purposes set forth herein. 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 by Resolution of participating municipalities. Initially, the Board of Appeals shall be established and operated by Fayette

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County, who will act as the enforcement agency for Perry Township.

SECTION 5:

- a. All building code ordinances or portions of ordinances, which were adopted by Perry Township on or before July 1, 1991 and which equal or exceed the requirements of this Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of this Code as amended and revised 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, those requirements, which are less than the minimum requirements of this Code, are hereby amended to conform with the comparable provisions of this Code.
- c. All relevant ordinances, regulations and policies of Perry Township not governed by this Code shall remain in full force and effect.

SECTION 6: Fees assessable by Perry Township, Fayette County or other enforcing organizations for the administration and enforcement undertaken pursuant to this Ordinance and this Code, shall be established by Resolution of Perry Township and/or Fayette County from time to time and as amended.

SECTION 7: This Ordinance shall be effective July 8, 2004.

SECTION 8: If any section, sub-section, sentence or

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clause of this Ordinance is held, for any reason, to be invalid, illegal or unconstitutional, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9: Penalties.

Any person, business, corporation, entity or organization who shall violate any provisions of this Ordinance, shall, upon conviction of a summary offense before the local District Justice, be sentenced to pay a fine, which is consistent with the statutory law of the Commonwealth of Pennsylvania for violation of this type of Ordinance; which may be revised, amended or changed from time to time by the statutory law of Pennsylvania. In addition, any person who violates any provision of this Ordinance shall pay the costs of prosecution, plus costs of enforcement, including reasonable attorneys fees, who in default of such payment shall be sentenced to undergo a period of imprisonment for a term which is consistent with and specified by the statutory law of the Commonwealth of Pennsylvania. Each days continuance of a violation of this Ordinance shall constitute a separate offense.

ORDAINED AND ENACTED by the Supervisors of Perry Township, Fayette County, Pennsylvania, this 6th day of July, 2004.

THE BOARD OF SUPERVISORS OF PERRY TOWNSHIP

Dwayne Rose
DWAYNE ROSE, Vice-Chairman

Andrew Boni
ANDREW BONI, Chairman

Janet L. Galla
JANET L. GALLA, Secretary

ATTEST:

Janet L. Galla (SEAL)
JANET L. GALLA, Township Secretary

I, the undersigned secretary of Perry Township, Janet Galla, hereby certify that the within is a true and accurate copy of the Resolution enacted by the Perry Township Supervisors by unanimous vote of the Perry Township Supervisors, at a meeting on July 6, 2004.

Janet L. Galla
JANET L. GALLA, Secretary/Treasurer

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Pennsylvania Uniform Construction Code: Municipal Election Form

Section 1:

Name of Municipality:	Perry Township Supervisors		
Check type:	<input type="checkbox"/> Borough	<input type="checkbox"/> City	<input checked="" type="checkbox"/> Township
Located in County of:			
<input type="checkbox"/> Elects <u>not to enforce</u> the provisions of Act 45 of 1999.			
Name of Chief Elected Official:			
Signature of Chief Elected Official:			
Date Official Action Taken:			

Section 2:

Name of Municipality:	Perry Township Supervisors		
Check type:	<input type="checkbox"/> Borough	<input type="checkbox"/> City	<input checked="" type="checkbox"/> Township
Located in County of:	Fayette		
<input checked="" type="checkbox"/> Elects <u>to enforce</u> the provisions of Act 45 of 1999.			
Number of UCC adoption ordinance:			
Effective date of ordinance:			
Has this municipality preserved code amendments which were adopted prior to July 1, 1999 and which equal or exceed the standards found in the Uniform Construction Code?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<p>Please note that the term "Building Code Official" (below) refers to the person who will be the chief administrator, manager, or director of your code program. If the person directing your building code program is a registered ("grandfathered") code official, it is not required that this person be certified as a "Building Code Official" at the outset of the UCC program. Please list after this title the name of the person who will direct your code program.</p>			
Building Code Official Name:	Enforcement by Fayette County Planning & Zoning		
Address:	Community Development, 4th Floor		
City:	61 East Main Street, Fayette County Courthouse		
State:	PA	Zip Code:	15401
E-mail Address (if any):			
Telephone:	(724) 430 - 1210		
Name of Chief Elected Official:	Andrew Boni, Chairman		
Signature of Chief Elected Official:			