

BOROUGH OF NORTH APOLLO

ORDINANCE NO: 288 OF 2004

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizen of this Borough 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 sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate Ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

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

1. This Borough 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, and its regulations, including, but not limited to, as a revised or successor code, the International Fuel Gas Code which, for purposes of this Ordinance, shall be referred to as referenced within the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time and its regulations.

2. The Uniform Construction Code, contained in 34 Pa.Code, Chapter 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Borough. The Code to be adopted will incorporate the following Codes as the Uniform Construction Code:

- a. The provisions of Chapters 2-29 and 31-35 of the "International Building Code".
- b. The "ICC Electrical Code".
- c. The "International Mechanical Code".
- d. The "International Fuel Gas Code".
- e. The "International Plumbing Code".
- f. The "International Residential Code".

- g. The "International Fire Code".
- h. The "International Energy Conservation Code".
- i. Sections AE501-AE503 and AE601-AE-605 of Appendix E of the "International Residential Code Manufactured Housing as Dwellings".
- j. The "International Existing Building Code".
- k. The "International Urban-Wildlife Interface Code".
- l. Appendix E of the "International Building Code Supplementary Accessibility Requirements".
- m. Appendix H of the "International Building Code Signs".
- n. Appendix G of the "International Residential Code, Swimming Pools, Spas and Hot Tubs".

and other Codes which shall be added, deleted or amended from time to time and their regulation.

3. Administration and enforcement of the Code within this Borough shall be undertaken in any of the following ways as determined by the governing body of this Borough from time to time by Ordinance of, it permitted by state law, by resolution.

- a. By the designation of an employee of the Borough to serve at the municipal code official to act on behalf of the Borough.
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough.
 - i. If the inspection is conducted by a third-party agency, the following minimum requirements shall apply and all must be certified to the Borough prior to conducting the inspection:
 - 1. Error and Omissions insurance coverage with minimum limit of 1 million dollar per occurrence;
 - 2. Compliance with the express language of Act 45, Section 501(d) as the same relates to good standing;
 - 3. Filing of a certification with the Borough that all inspections will be conducted and completed within the time limits provided within the Uniform Construction Code for each individual inspection to be conducted.

4. Should any third party agency fail to comply with the requirements of Act 45, including the failure to conduct a timely inspection, said third party agency shall be precluded from conducting any additional inspections in the Borough of North Apollo.

- c. By agreement with one or more other municipalities for the joint administration or enforcement of this Act through an intermunicipal agreement.
- d. By entering into a contract with another Borough for the administration and enforcement of this Act on behalf of this Borough.
- 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 structure.

4. A Board of Appeals shall be established by resolution of the governing body of this Borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purpose 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.

5. a. All building code ordinances or portions of ordinances which were adopted by this Borough 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 which 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 with the comparable provisions of the Code.

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

6. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

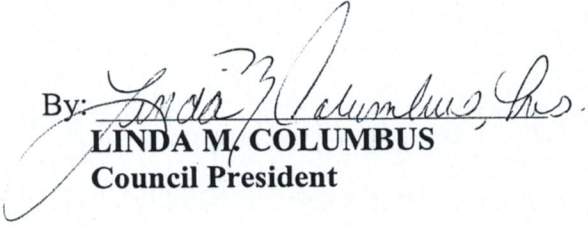
7. This Ordinance shall be effective as of July 7, 2004.

8. This Ordinance repeals Ordinance No. 298 of 2004. If any section, subsection, sentence or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

Duly enacted and ordained this 12th day of August, 2004, by Council of the Borough of North Apollo, in public session, duly assembled.

BOROUGH OF NORTH APOLLO

By:


LINDA M. COLUMBUS
Council President

ATTEST:



(SEAL)

EDWARD STITT, JR.
Borough Secretary