

**HOWE TOWNSHIP
FOREST COUNTY, PENNSYLVANIA**

ORDINANCE NO. 04-3

UNIFORM CONSTRUCTION CODE ORDINANCE

WHEREAS, the Pennsylvania Construction Code (Act 45 of 1999) requires Howe Township (hereinafter “MUNICIPALITY”) to elect to opt in or out of the enforcement of the Pennsylvania Construction Code and the regulations promulgated thereunder (hereinafter sometimes collectively referred to as the “CODE”); and

WHEREAS, the Municipality believes that an election to enforce and administer the Code will result in a more efficient and inexpensive procedure for complying with the requirements of the Code; and

WHEREAS, the Code 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 Municipality hereby elects to administer and enforce the provisions of 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, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.

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

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

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

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

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

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.

4. A Board of Appeals shall be established by resolution of the governing body of this Municipality 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, the Board of Appeals shall be established by joint action of the participating municipalities.

5A. All Building Code or Permit Ordinances, or portions of Ordinances which were adopted by this Municipality 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.

5B. All Building Code Ordinance or portions of Ordinances which are in effect as of the effective date of this Ordinance, and which requirements are less than the minimum requirement of the Code, are hereby amended to conform with the comparable provisions of the Code.

5C. All relevant Ordinances, regulations, and policies of this Municipality not governed by the Code shall remain in full force and effect.

6. Fees assessable by the Municipality 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. In the event the Municipality enters into a contract with a third-party agency or another municipality for the implementation of this Ordinance, such third-party agency or other municipality shall have full authority to collect fees on behalf of the Municipality which are due under this Ordinance or any related law or regulation, and to remit and turn over the same, as required by such Ordinance, law, or regulation.

7. This Ordinance shall become effective July 1, 2004.

8. Upon any violation of the provisions of this Ordinance or the Code incorporated herein including, but not limited to, the failure to obtain a building permit, the failure to obtain required inspections, or the failure to occupy without obtaining a certificate of occupancy, the violator shall be guilty of a summary offense and shall pay a fine of not less than THREE HUNDRED DOLLARS (\$300.00) and not more than ONE THOUSAND DOLLARS (\$1,000.00) with each day of violation being a separate offense.

9. 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 23rd day of June, 2004 by the Supervisors of Howe Township, Forest County, Pennsylvania in public session.

HOWE TOWNSHIP SUPERVISORS

ATTEST: (SEAL)
