

STEWARTSTOWN BOROUGH

York County, Pennsylvania

ORDINANCE NO. 2004-004

AN ORDINANCE

**AN ORDINANCE OF THE BOROUGH COUNCIL OF STEWARTSTOWN
BOROUGH, YORK COUNTY, PENNSYLVANIA, ADOPTING THE
PENNSYLVANIA CONSTRUCTION CODE FOR USE IN THE BOROUGH**

WHEREAS, the purpose of this Ordinance is to promote the general health, safety, and welfare of the citizens of the Borough of Stewartstown 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.

BE IT ORDAINED AND ENACTED by the Borough Council of Stewartstown Borough, York County, Pennsylvania, as is hereby ordained and enacted by the Authority of the same as follows:

Section 1. The Borough of Stewartstown hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.

Section 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 the Borough of Stewartstown.

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

- a. By designation of an employee of the Borough of Stewartstown to serve as the municipal code official to act on behalf of the Borough of Stewartstown;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Stewartstown;
- 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 the Borough of Stewartstown;
- 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 4. A Board of Appeals shall be established by resolution of the governing body the Borough of Stewartstown 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.

Section 5.

- a. All building code ordinances or portions of ordinances which were adopted by the Borough of Stewartstown 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 to the comparable provisions of the Code.
- c. All relevant ordinances, regulations, and policies of the Borough of Stewartstown not governed by the Code shall remain in full force and effect.

Section 6. Fees assessable by the Borough of Stewartstown 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

Section 7. This Ordinance shall be effective five days after the date of passage of

Section 8. 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.

ENACTED AND ORDAINED this 6th day of July 2004,
by the Borough Council of Stewartstown, York County, Pennsylvania in lawful session duly
assembled.

ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF STEWARTSTOWN

Susan McGraw BY: Alberta Kelly
Secretary President of Council

Approved this the 6th day of July 2004.

BY: Richard R. Hall
Mayor