

ORDINANCE NO. 307

AN ORDINANCE OF THE BOROUGH OF MILESBERG, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE UNIFORM CONSTRUCTION CODE PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN MILESBERG BOROUGH, ESTABLISHING A BOARD OF APPEALS, REPEALING ALL PRIOR CONFLICTING ORDINANCES, PROVIDING FOR THE ESTABLISHMENT OF FEES FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODE BY RESOLUTION AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

LEGISLATIVE HISTORY

The Commonwealth of Pennsylvania, under Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101 et seq., has adopted the Uniform Construction Code (UCC) as published and contained in 34 Pa. Code, Chapters 401-405 as amended; and further,

The Commonwealth of Pennsylvania has mandated that municipalities elect to either administer and enforce the Uniform Construction Code locally or, in the alternative, elect that the Commonwealth of Pennsylvania, through its Pennsylvania Department of Labor and Industry, administer and enforce such Code. The Borough of Milesburg considers it in the best interest of the citizens of Milesburg Borough to administer the Code locally.

NOW, THEREFORE, by authority vested in the Borough Council of Milesburg Borough, it is hereby ENACTED AND ORDAINED as follows:

SECTION ONE: Local Administration Election. Milesburg 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, with its accompanying regulations.

SECTION TWO: Adoption Uniform Construction Code. The Uniform Construction Code, as contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby and incorporated herein by reference as the municipal building code for Milesburg Borough.

SECTION THREE: Administration and Enforcement. Administration and enforcement of the Code within Milesburg Borough shall be undertaken in any of the following ways as determined by the Milesburg Borough Council from time to time by resolution:

- A. By designation of an employee of Milesburg Borough to serve as the municipal code official to act on behalf of Milesburg Borough;
- B. By the retention of one or more construction code officials or third-part agencies to act on behalf of Milesburg Borough;
- 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 Milesburg 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 structures.

SECTION FOUR: Board of Appeals. A Board of Appeals shall be established by resolution of Milesburg Borough Council 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. 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 FIVE: Repealer and Savings Clause.

- A. All building code ordinances or portions of ordinances which were adopted by Milesburg 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 ordinances, regulations and policies of Milesburg Borough not governed by the Code shall remain in full force and effect.

SECTION SIX: Fees. Fees assessable by Milesburg Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by Milesburg Borough Council by resolution from time to time.

SECTION SEVEN: Violations and Penalties. Any violation of the terms and provisions of this ordinance shall upon conviction before a court of competent jurisdiction carry a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars with each day of violation constituting a separate offense. Milesburg Borough shall have the right to seek enforcement of all building code ordinances, regulations or provisions by a separate action in equity to secure compliance.

SECTION EIGHT: Effective Date. This ordinance shall be effective July 8, 2004.

SECTION NINE: Severance. If any section, subsection, sentence or clause of this ordinance or the Pennsylvania Construction Code Act or the Uniform Construction Code 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 14<sup>th</sup> day of June, 2004.

ATTEST:

Paul J. Ball  
Secretary

BOROUGH OF MILESBERG

By: James G. Leigh  
President

Phyllis Y. Jordan  
Mayor

## Pennsylvania Uniform Construction Code: Municipal Election Form

### Section 1:

Name of Municipality:	Milesburg Borough		
Check type:	<input checked="" type="checkbox"/> Borough	<input type="checkbox"/> City	<input type="checkbox"/> Township
Located in County of:	Centre		
<input type="checkbox"/> Elects <b>not to enforce</b> 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:	Milesburg Borough		
Check type:	<input checked="" type="checkbox"/> Borough	<input type="checkbox"/> City	<input type="checkbox"/> Township
Located in County of:	Centre		
<input checked="" type="checkbox"/> Elects <b>to enforce</b> the provisions of Act 45 of 1999.			
Number of UCC adoption ordinance:		307	
Effective date of ordinance:		7-8-04	
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			
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.			
Building Code Official Name:			
Address:			
City:			
State:		Zip Code:	
E-mail Address (if any):			
Telephone: (      )      -			
Name of Chief Elected Official:		Council President	
Signature of Chief Elected Official:		James D. Reigh	