

BOROUGH OF MOUNT PENN
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 738

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of the Borough of Mount Penn 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");

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 by the Borough of Mount Penn, Berks County, Pennsylvania, as follows:

SECTION 1. The Borough of Mount Penn hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 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 Mount Penn.

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

- a. By the designation of an employee of the Borough of Mount Penn to serve as the municipal code official to act on behalf of the Borough of Mount Penn;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Mount Penn;
- 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 contact with another municipality for the joint administration and enforcement of this Act on behalf of the Borough of Mount Penn;
- 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.

SECTION 4. A Board of Appeals shall be established by resolution of the governing body of the Borough of Mount Penn 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, 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 Mount Penn 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 this ordinance.

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

SECTION 6. Fees assessable by the Borough of Mount Penn 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. Any individual violation the provision of this ordinance shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) for each and every violation and for each and every day.

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.

SECTION 9. This ordinance shall be effective after due advertising of the same.

DULY ENACTED AND ORDAINED into an Ordinance this 29th day of June, 2004.

Borough of Mount Penn

By Thomas A. Staron
Thomas A. Staron,
President

Attest:

Ann D. Ftorski
Ann D. Ftorski
Secretary

Approved this 29th day of June, 2004

D. Regina Skrincosky
D. Regina Skrincosky
Mayor