

Chapter 36A

CONSTRUCTION CODES, UNIFORM

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 6-7-2004 by Ord. No. 3-04. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 34.

Code enforcement — See Ch. 36.

Electrical standards — See Ch. 41.

Property maintenance — See Ch. 42.

Fire prevention — See Ch. 51.

Grass, weeds and other vegetation — See Ch. 54.

Mechanical standards — See Ch. 63.

Plumbing — See Ch. 75.

Subdivision and land development — See Ch. 96.

§ 36A-1. Election to administer and enforce.

The Pennsburg Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 to 7210.1103, as amended from time to time, and its regulations.

§ 36A-2. Adoption of code.

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 Pennsburg Borough.

§ 36A-3. Means of administration and enforcement.

Administration and enforcement of the Code within Pennsburg Borough shall be undertaken in any of the following ways, as determined by Pennsburg Borough Council, from time to time, by resolution:

- A. By the designation of an employee of Pennsburg Borough to serve as the municipal code official to act on behalf of Pennsburg Borough;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Pennsburg 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 other municipality for the administration and enforcement of this Act on behalf of Pennsburg 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.

§ 36A-4. Board of appeals.

A board of appeals shall be established by resolution of Pennsburg 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. 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.

§ 36A-5. Effect on other ordinances.

- A. All building code ordinances or portions of ordinances which were adopted by Pennsburg 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 chapter 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 Pennsburg Borough not governed by the code shall remain in full force and effect.

§ 36A-6. Fees.

Fees assessable by the Borough of Pennsburg for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by Pennsburg Borough Council by resolution from time to time.

§ 36A-7. Violations and penalties.

Any person who fails to comply with the provisions of this code or fails to carry out an order made pursuant to this code or who violates any condition attached to a permit, approval or certificate shall, upon conviction thereof, be guilty of a summary offense punishable by a fine of not less than \$100 nor more than \$1,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§ 36A-8. Repealer.

- A. Any and all ordinances which conflict herewith are hereby repealed.

- B. The provisions of this chapter, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this chapter, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this chapter shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any repealed ordinances or regulations.