

CHAPTER 44

BUILDING CODE

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HISTORY: Adopted by the Board of Supervisors of the Township of Paradise on December 15, 2009 as Ord. No. 178 effective 12/15/ 2009.

§44-01. ADMINISTERING & ELECTING CODE

The Township of Paradise hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101, *et seq.*, as amended from time to time, and its regulations.

§44-02. UNIFORM CONSTRUCTION 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 the Township of Paradise.

§44-03. ADMINISTRATION & ENFORCEMENT

Administration and enforcement of the Code within the Township of Paradise 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 the Code Enforcement Official of the Township of Paradise 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;

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- (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 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.

§44-04. CONSTRUCTION CODE OFFICIAL

Any person or business entity or third person entity retained to act as a Construction Code Official shall be duly appointed as a municipal official for the purpose of codes enforcement in the Township. Should the person, business entity or third party agency utilize the services of their/its own counsel to prosecute code enforcement action, then said counsel shall be specially appointed by the Board of Supervisors to prosecute on behalf of the Township.

§44-05. DOCUMENTATION

All documents submitted to or developed by the Construction Code Official as part of the official duties of the construction code official shall be kept at the Township in accordance with the provisions of the Code. All fees, charges, and assessments charged by the construction code officials pursuant to the Township Fee Schedule shall be made payable to the Township of Paradise. All financial records regarding the inspection and enforcement of the Code in the Township shall be made available to the Board of Supervisors and/or the Township auditors in a reasonable period upon demand.

§44-06. ISSUANCE OF PERMITS

The duly appointed Construction Code Official and Paradise Township Zoning Officer shall coordinate the issuance of any permits or certificates of occupancy, where relevant, to ensure that the permit holder is in compliance with both the Uniform Construction Code and the Township Code of Ordinances, as set forth therein.

§44-07. BOARD OF APPEALS

A Board of Appeals shall be established by ordinance or resolution of the governing body of the Township of Paradise in conformity with the requirements of the relevant

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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 participating municipalities, said Board of Appeals shall be established by joint action of the participating municipalities as required by law.

§44-08. APPEALS

The Construction Code Official shall coordinate all appeals from the Construction Code Official's decisions with the Appeals Board, its solicitor or its designee to ensure the collection of appropriate fees charged for appeals as well as to ensure that the time frames and procedures set forth in the Municipalities Planning Code, 2nd Class Township Code, the Uniform Construction Code, the Paradise Township Code of Ordinances, and/or the Appeals Board rules and regulations governing appeals from the decisions of the Construction Code Official are followed.

§44-09. CHAPTERS RESCINDED

- (c) Chapter 12, Sections 12.9 through 12.14, as adopted on 12-17-02, is hereby rescinded;
- (b) All building code ordinances, including portions of said ordinances, including Chapter 44, and which conflict with the provisions of the or this Ordinance are hereby rescinded only to the extent that the Ordinance or portions thereof conflict with the Code or this Ordinance. All references in Chapter 44 to municipalities other than Paradise Township shall be stricken and replaced with Paradise Township;
- © All relevant ordinance, regulations, and policies of the Township of Paradise not governed by the Code shall remain in full force and effect.

§44-10. FEES

Fees assessed by the Township of Paradise 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.

§44-11. EFFECTIVE

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.

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§44-12. AUTHORIZATION OF ENTRY INTO INTERGOVERNMENTAL COOPERATION AGREEMENT.

The proper officers of the Township are hereby authorized and directed to execute and deliver on behalf of the Township, the Intergovernmental Cooperation Agreement (the "Agreement"), in substantially the form attached hereto as Exhibit "A", with respect to the creation, powers and appointment of a Joint Appeals Board to act with respect to all of the parties to the Agreement.

§44-13. POWERS OF JOINT APPEALS BOARD.

The Joint Appeals Board shall have all of the powers and shall be subject to the limitations of and shall exercise its authority in conformity with the provisions of the Construction Code and the regulations adopted thereunder and set forth in 34 Pa. Code §403.121 and 403.122.

§44-14. APPOINTMENT OF MEMBER.

The Township shall appoint and reappoint two (2) members of the Joint Appeal Board, by resolution, from time to time, as required, which members shall serve an indefinite term, provided, that such member may be removed, with or without cause, by a majority vote of the Township Board of Supervisors; provided, further, that no member of the Joint Appeals Board shall be removed during the pendency of a hearing or application, until the hearing is concluded and a decision of the Joint Appeals Board has been rendered.

§44-15. AUTHORIZATION OF FURTHER ACTION.

The proper officers of the Township are hereby authorized and directed to take all such actions, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the transaction contemplated by this Ordinance, in the name and on behalf of the Township.

§44-16. SEVERABILITY.

In case any one (1) or more of the provisions contained in this Ordinance or in the Agreement pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Agreement, and this Ordinance or said Agreement shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein.

§44-17. REPEALER.

All Ordinances and parts of Ordinances heretofore adopted, to the extent that the same are inconsistent in any manner herewith, are hereby repealed.

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§44-18. EFFECTIVE DATE.

This Ordinance shall take effect on the earliest date permitted by law.