

ORDINANCE NO. 2004 - 1

AN ORDINANCE OF THE TOWNSHIP OF PENN FOREST, CARBON COUNTY, PENNSYLVANIA, ELECTING TO ADMINISTER AND ENFORCE THE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, AS AMENDED FROM TIME TO TIME, AND ITS REGULATIONS.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of Penn Forest Township 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.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. **Election to Administer and Enforce the Pennsylvania Construction Code.** Penn Forest Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.

2. **Adoption and Incorporation of the 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 Penn Forest Township.

3. **Administration and Enforcement.** Administration and enforcement of the Code within Penn Forest Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of Penn Forest Township from time to time by resolution:

- a. By the designation of an employee of Penn Forest Township to serve as the municipal code official to act on behalf of Penn Forest Township;
- b. By the retention of one or more construction code officials or third party agencies to act on behalf of Penn Forest Township;

- c. By agreement with one or more other municipalities for the joint administration and enforcement of the Code through an intermunicipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of the Code on behalf of Penn Forest Township;
- 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.

4. **Board of Appeals.** A Board of Appeals shall be established by resolution of the Board of Supervisors of Penn Forest Township 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.

5. **Repealer.**

a. All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed. The following ordinances, or parts thereof, are specifically repealed: Penn Forest Township Building Code, Ordinance No. 75-2, enacted June 2, 1975; and, BOCA National Building Code, 12th Edition, 1993, as enacted by Ordinance No. 95-1 on March 13, 1995.

b. All relevant ordinances, regulations and policies of Penn Forest Township not governed by the Code shall remain in full force and effect.

6. **Fees.** Fees assessable by Penn Forest Township for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Board of Supervisors of Penn Forest Township by resolution from time to time.

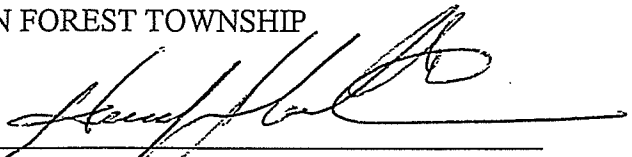
7. **Effective Date.** This ordinance shall be effective eight (8) days after the date of passage of this ordinance.

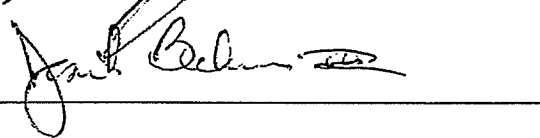
8. Severability. If any section, subsection sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this 5th day of April, 2004, by the Board of Supervisors of Penn Forest Township in public session duly assembled.

PENN FOREST TOWNSHIP

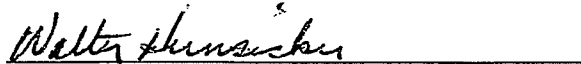
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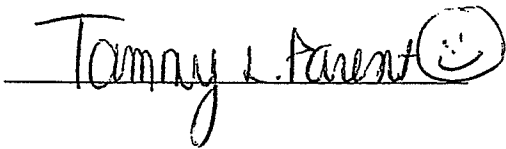








ATTEST:



I hereby attest that the foregoing is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Penn Forest Township on April 5, 2004.


TAMMY PARENT, Secretary