

**YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-03

**AN ORDINANCE OF YORK HAVEN BOROUGH, YORK COUNTY,
PENNSYLVANIA ADOPTING THE PENNSYLVANIA UNIFORM
CONSTRUCTION CODE AND CONFORMING TO THE REQUIREMENTS OF
THE PENNSYLVANIA CONSTRUCTION CODE ACT AND REGULATIONS
AND AUTHORIZING THE ADMINISTRATION AND ENFORCEMENT OF
THE CODE**

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of York Haven Borough, York County, Pennsylvania, under authority of law as follows:

WHEREAS, York Haven Borough ("Borough") is a municipality, being a borough organized under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Commonwealth of Pennsylvania has adopted the Pennsylvania Construction Code Act, Act 45 of 1999, creating the Uniform Construction Code, and, pursuant to that Act, the Pennsylvania Department of Labor and Industry has promulgated regulations (collectively referred to as the "UCC"); and

WHEREAS, the purpose of this Ordinance is to promote the general health safety and welfare of the citizens of the Borough 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; 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 UCC; and

WHEREAS, the Borough desires to administer and to enforce the building code provisions of the UCC consistent with this Ordinance.

NOW, THEREFORE, be it ordained and enacted, and it is hereby ordained and enacted under authority of law as follows:

SECTION 1: Election to Administer and Enforce UCC.

York Haven Borough hereby elects to administer and to enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, and its regulations, as presently enforced and as may be amended from time to time.

SECTION 2: Adoption of Municipal Building 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 York Haven Borough Building Code (hereinafter "Code").

SECTION 3: Administration and Enforcement.

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

- a. By the designation of an employee of the Borough to serve as the Borough Code Official to act on behalf of the Borough;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;
- c. By agreement with one or 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 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 4: Board of Appeals.

A Board of Appeals shall be established by resolution of the Borough Council in conformity with the requirements of the relevant provisions of the Code, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or other municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.

SECTION 5: Repealer.

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

SECTION 6: Fees.

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Borough Council by resolution from time to time.

SECTION 7: Penalties.

Any owner or person, as those terms are defined in the UCC, who violates or permits a violation of this Ordinance or the provisions of the UCC shall, upon conviction by a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, which shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payments thereof, the defendant may be sentenced to imprisonment for a term not to exceed 90 days. Each day or portion thereof that such violation continues or is permitted to continue, and each section of this Ordinance or of the UCC that is violated, shall constitute a separate offense.

SECTION 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.

SECTION 9: Effective Date.

This Ordinance shall be effective July 1, 2004.

ORDAINED AND ENACTED this 3 day of May, 2004.

Attest:

**BOROUGH OF YORK HAVEN
YORK COUNTY, PENNSYLVANIA**

Pamela A. Billet
Secretary

By: Margaret Malen
President of Council

APPROVED this ___ day of May 2004.

Keith D. Rode
Mayor