

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 365

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, ADOPTING AND ELECTING TO ADMINISTER THE PENNSYLVANIA CONSTRUCTION CODE ACT 45 OF 1999, 35 P.S. §§ 7210.101, ET SEQ., AS AMENDED FROM TIME TO TIME AND ITS REGULATIONS AND AUTHORIZING RESOLUTIONS TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODE BY THE BOROUGH OF ORWIGSBURG TO BE UNDERTAKEN AS DETERMINED BY THE GOVERNING BODY FROM TIME TO TIME BY RESOLUTION TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF APPEALS AND TO PROVIDE FOR THE ESTABLISHMENT OF FEES ASSESSABLE BY THE MUNICIPALITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE AND THE CODE.

BE IT ENACTED AND ORDAINED, by the Borough of Council of the Borough of Orwigsburg, Schuylkill County, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of this Municipality 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. this Ordinance shall be known and may be cited as the Orwigsburg Construction Code.
2. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101—7210.1103, as amended from time to time and its regulations.

3. 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 to the municipal building code of this Municipality.

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

- a. By the designation of an employee of the Borough of Orwigsburg 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;
- 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.

5. A Board of Appeals shall be established by resolution of the Borough Council of this Municipality 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.

6.a. All building code ordinances or portions of ordinances which were adopted by this Municipality 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 provision of the Code.

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

7. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body the resolution from time to time.

8. This ordinance shall be effective five days after the date of passage of this ordinance.

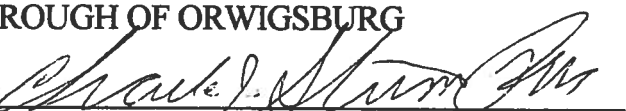
9. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decision shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED AND ENACTED this 14th day of April, 2004, by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

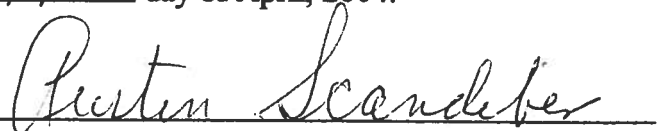
ATTEST:


Sherry Edwards
ACTING BOROUGH SECRETARY

BOROUGH OF ORWIGSBURG

By: 
CHARLES J. STERNER,
COUNCIL PRESIDENT

EXAMINED and APPROVED this 14th day of April, 2004.


AUSTIN SCANDIBER
MAYOR OF THE BOROUGH OF ORWIGSBURG,
SCHUYLKILL COUNTY, PENNSYLVANIA