

ORDINANCE NO. 29

AN ORDINANCE ADOPTING THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, AND THE UNIFORM CONSTRUCTION CODE AND ITS RELATED REGULATIONS, AS THE BUILDING AND CONSTRUCTION ORDINANCE OF THE BOROUGH, INCLUDING THE ADMINISTRATION AND ENFORCEMENT PROVISIONS AND REQUIREMENTS SET FORTH IN THE ACT AND ITS RESPECTIVE REGULATIONS.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of the Borough of Mill Village, Erie County, Commonwealth of Pennsylvania (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 (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 ENACTED AND ORDAINED by the Borough Council of the Borough of Mill Village, Erie County, Pennsylvania, as follows:

1. Election. This Borough 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.
2. Adoption of Code. The Uniform Construction Code, contained in 34 Pa. Code, Chapter 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough.
3. Manner of Administration. Administration and enforcement of the Code within the Borough shall be undertaken in any of the following ways as determined by the Borough Council of the Borough from time to time by resolution:
 - a. By the designation of an employee of the Borough to serve as the municipal 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 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 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.
4. Board of Appeals. A Board of Appeals shall be established by resolution of the Borough Council of the Borough 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. Prior Ordinances.
 - 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.

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- 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.
6. Fees and Costs. 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.
 7. This ordinance shall be effective five (5) days after the date of passage of this ordinance.
 8. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such a decision or decisions shall be affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this 5th day of May, 2004, by the Borough Council of the Borough of Mill Village, Erie County, Pennsylvania, in public session duly assembled.

ATTEST:

Sally Peters
Sally Peters, Secretary

Cris E. Peters
Cris Peters, Vice-President

APPROVED this 5th day of May, 2004.

Steven Yovich
Steven Yovich, Mayor

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