

**Ridgebury Township
Bradford County, PA
ORDINANCE #73**

**ORDINANCE FOR THE JOINT ENFORCEMENT OF
THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE**

AN ORDINANCE OF THE TOWNSHIP RIDGEBURY BRADFORD COUNTY, PENNSYLVANIA, PROVIDING FOR ENTERING INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH OTHER **EASTERN AND WESTERN BRADFORD COUNTY COUNCILS OF GOVERNMENT** MUNICIPALITIES TO ENFORCE THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE, ACT 45, REGULATING, PERMITTING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, DEMOLITION, USE OR MAINTENANCE OF COMMERCIAL AND RESIDENTIAL BUILDINGS WITHIN COUNCIL OF GOVERNMENT MEMBER BOUNDARIES; ALLOWING THE COUNCIL OF GOVERNMENTS TO ESTABLISH A “JOINT CODE ENFORCEMENT PROGRAM”; PROVIDING FOR THE ADOPTION OF A PERMIT FEE SCHEDULE; APPOINTING A CERTIFIED THIRD PARTY AGENCY TO ASSUME CODE INSPECTION AND PERMIT ACTIVITIES; AUTHORIZING THE ESTABLISHMENT OF A COUNCIL OF GOVERNMENTS “JOINT CODE ENFORCEMENT PROGRAM” CODE COMMITTEE AND THE ESTABLISHMENT OF AN “JOINT CODE ENFORCEMENT PROGRAM” APPEAL BOARD IN ACCORDANCE WITH THE PROVISIONS OF ACT 45.

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. Ridgebury Township 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 through **AN INTERMUNICIPAL AGREEMENT WITH THE EASTERN AND WESTERN BRADFORD COUNTY COUNCILS OF GOVERNMENT AND THEIR APPOINTED, CERTIFIED THIRD PARTY AGENCY**.
2. 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 this Municipality.
3. Any person, firm, corporation violating any provisions of the Pennsylvania Uniform Construction Code, shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$ 1,000.00) and costs of prosecution, which shall include any attorney’s fees incurred by Ridgebury Township in such prosecution, or in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day a violation of this code continues shall constitute a separate offense. Enforcement shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and/or through an action in equity brought in the Court if Common Pleas of Bradford County.

4. Administration and enforcement of the Code within this Municipality 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 an employee of the Municipality 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 certified third-party agency(ies) 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 this 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 Joint Board of Appeals shall be established by resolution of the **Eastern and Western Bradford County Councils of Government** 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.
6. 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.
 - a. 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.
 - b. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.
7. Fees shall be assessable by Ridgebury Township Resolution and the **EASTERN AND WESTERN BRADFORD COUNTY COUNCILS OF GOVERNMENT** for the administration and enforcement undertaken pursuant to this ordinance and collected by the **EASTERN AND WESTERN BRADFORD COUNTY COUNCIL OF GOVERNMENTS** for its use as allowed by law and established under agreement with **the CERTIFIED THIRD PARTY AGENCY**.
8. **THIS ORDINANCE SHALL BE EFFECTIVE JANUARY 1, 2007.**
9. **SEVERABILITY** - If any section, subsection, sentence, or clause of this ordinance is held, for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the municipalities that this ordinance would have been adopted had unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
10. **REPEALER** - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

DULY ENACTED AND ORDAINED this 6th day of December, 2006.
By Supervisors of Ridgebury Township in public session duly assembled.