

ORDINANCE NO. 2004-2

AN ORDINANCE OF THE BOROUGH OF NEW ALBANY, 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 REGULATING, PERMITTING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, PREPARATION, ALTERATION, LOCATION, RELOCATION, REPLACEMENT, ADDITION, DEMOLITION, USE OR MAINTENANCE OF COMMERCIAL AND RESIDENTIAL BUILDINGS WITHIN COUNCILS 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 ACTIVITY; AUTHORIZING THE ESTABLISHMENT OF A COUNCIL OF GOVERNMENT "JOINT CODE ENFORCEMENT PROGRAM" COMMITTEE AND ESTABLISHMENT OF A "JOINT CODE ENFORCEMENT PROGRAM" APPEALS BOARD IN ACCORDANCE WITH PROVISIONS OF THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE.

WHEREAS, the purpose of this Ordinance to promote the general health, safety and welfare of the citizens of New Albany Borough and to conform to the requirements of Pennsylvania Uniform Construction Code, Act 45 of 1999, and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code");

WHEREAS, the Pennsylvania Uniform Construction Code requires the enactment of an appropriate Ordinance by Municipalities electing to administer and enforce the building code provisions of the Code;

NOW, THEREFORE, be it hereby enacted and ordained by the Councilmen of New Albany Borough and the same is hereby enacted and ordained as follows:

1. New Albany Borough hereby elects to administer and enforce the provisions of the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended from time to time, and its regulations through an inter-municipal agreement 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 New Albany Borough.
3. Any person, firm, or corporation that violates any provision of the Code, shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1000.00 and costs of prosecution, which may include any attorney's fees incurred by New Albany Borough 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 forth 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 of Common Pleas of Bradford County.
4. Administration and enforcement of the Code within New Albany Borough shall be undertaken in any of the following ways as determined by the Councilmen of New Albany Borough from time to time by resolution:
  - (a) by the designation of an employee of the Borough of New Albany to serve as the Municipal Code Official to act on behalf of New Albany Borough;
  - (b) by the retention of one or more Construction Code Officials or Certified third party agencies to act on behalf of New Albany Borough;
  - (c) by agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement;
  - (d) by entering into a contract with another municipality for the administration and enforcement of this Act on behalf of New Albany 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.
5. A joint board of appeals shall be established by resolution of 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 New Albany 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.
  - (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 and regulations of New Albany Borough not governed by the Code shall remain in full force and effect.
7. Fees assessable by the Borough of New Albany and 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 Councils of Government shall be for its use as allowed by law and established under agreement with their appointed certified third party agency.
8. The provisions of the Ordinance are severable, so that if any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent of the Councilmen of New Albany Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or Invalid provision not had been included herein.
9. Any ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed.
10. The effective date of this Ordinance is July 1, 2004.

ENACTED AND ORDAINED this 6th day of July, 2004, by the Councilmen of New Albany Borough, Bradford County, Pennsylvania.