

Chapter 31  
Building Construction  
Article 1  
Adopt UCC

ORDINANCE NUMBER 2009-02

CALLERY BOROUGH, BUTLER COUNTY, PENNSYLVANIA

WHEREAS, the purpose of this ordinance is to promote the general health, safety, and welfare of the citizens of Callery Borough and to conform to the requirements of the Pennsylvania Construction Code Act, 35 P.S. §7210.101 et. seq., (the "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; and

WHEREAS, Callery Borough desires to administer and enforce the Act and adopt the building code regulations promulgated by the Pennsylvania Department of Labor and Industry under the Act.

NOW, THEREFORE, it is hereby enacted and ordained that Ordinance Number 98, Chapter 31 of the Code of the Borough of Callery, is hereby revised to read as follows:

31-101 ~~§~~ Callery Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations.

31-102 ~~§~~ The Uniform Construction Code, contained in 34 Pa. Code Chapters 401-405, as amended from time to time, is hereby adopted and incorporated by reference as the Callery Borough Building Code.

31-103 ~~§~~ Administration and enforcement of the Code within Callery Borough shall be undertaken in any of the following ways as determined by the Callery Borough council 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 the Act through an inter-municipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of the Act on behalf the Borough; or
- 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.

31-104 \* 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, as amended from time to time, and for the purposes set forth therein. As an alternative, Borough council may, by resolution, appoint a board of appeals of another municipality to serve as the Callery Borough Board of Appeals. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.

31-105 §. a. All building code ordinances or portions of ordinances which were adopted by Callery 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.

31-106 § Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by Callery Borough council by resolution from time to time.

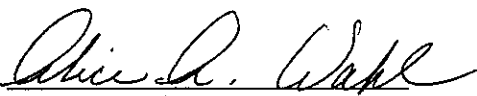
31-107 ¶ If any section, subsection, sentence or clause of this ordinance is held, for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.


31-108 \* This ordinance shall become effective five (5) days after adoption.

**DULY ENACTED AND ORDAINED**, by Borough Council in lawful session duly assembled this the 3<sup>rd</sup> day of August 2009.

CALLERY BOROUGH


ATTEST:

  
Alice A. Wahl  
Borough Secretary

  
Edward Conway  
Council President

(SEAL)

APPROVED:

  
John H. Henicheck  
Mayor

Date: Aug 4, 09