

ORDINANCE

2004-03

**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 Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.C. §§7210.101-7210.1103, as amended from time to time, and its regulations.

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. 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 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 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.

4. A Board of Appeals shall be established by resolution of the governing body 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.

5. 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 provisions 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.
6. 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 by resolution from time to time.
7. This ordinance shall be effective five 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 decision or decisions shall not affect the validity of the remaining portions of this ordinance.

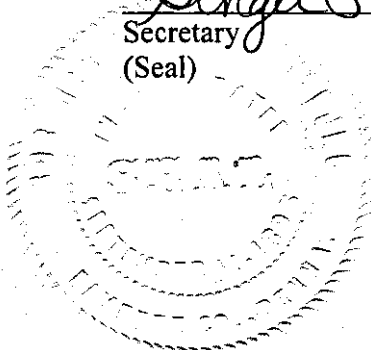
DULY ENACTED AND ORDAINED this 7<sup>th</sup> day of JUNE, 2004, by the Council of Markleysburg Borough in public session duly assembled.

MARKLEYSBURG BOROUGH

By: Lori L. Ingle  
Council President

ATTEST:

Hinger S. Davis  
Secretary  
(Seal)



## COOPERATION AGREEMENT

MADE, as of this 7<sup>th</sup> day of JUNE, 2004, by and between FAYETTE COUNTY, a body corporate and politic in the Commonwealth of Pennsylvania, hereinafter referred to as the "County"

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the BOROUGH OF MARKLEYSBURG, body corporate and politic in the Commonwealth of Pennsylvania, hereinafter referred to as "Borough"; and,

Whereas, the Commonwealth of Pennsylvania has enacted the Pennsylvania Construction Code Act 45, 1999(UCC) and regulations have been promulgated by the Pennsylvania Department of Labor and Industry; and,

Whereas, the state legislation requires each Township and Borough to elect to enforce the UCC, join with others to enforce the code and opt out allowing for the Commonwealths Department of Labor and Industry to enforce the UCC; and,

Whereas, various townships, boroughs and other interest parties have sought the County of Fayette to administer the UCC thru the existing county office of Planning, Zoning and Economic Development currently enforcing a county zoning ordinance; and,

Whereas, Article 9, Section 5 of the Constitution of the Commonwealth of Pennsylvania and the Pennsylvania Intergovernmental Cooperation Act, 53 PA. C.S. 2301 et seq. (the "ICA") gives the governing bodies of Pennsylvania municipalities broad authority to cooperate with other municipalities in the exercise of delegation of any function, power, or responsibility; and,

Whereas, by resolution the Court of Fayette has created the position of UCC administrator and authorized the filling of the position by individuals qualified under the Department of Labor and Industry licensing procedures for inspectors.

NOW, THEREFORE, the County and the Borough, agree as follows:

1. The Borough has elected to enforce the state mandates UCC building code and further designates the County as its enforcing agency and the County agrees to undertake this assignment and to perform it in a reasonably satisfactory manner.

2. The Borough agrees not to charge any building code fees as provided in the UCC and refer any inquiries concerning the UCC to the County Office of Planning, Zoning and Economic Development.
3. The Borough hereby agrees adopt the county fee schedule for the UCC which is attached hereto.
4. The County agrees to accept responsibility for enforcement of the UCC on behalf of the Borough and utilize a qualified licensed county employee serving as the UCC administrator.
5. This Agreement may be terminated at any time be either the Borough or the County upon providing of thirty days written days to the other party.
6. Unless earlier terminated, the term of this Agreement shall be from the effective date until December 31, 2006.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first above written.

George J. Davis

Spencer L. Inge, President  
Borough of Marklesyburg

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County of Fayette

