

CHAPTER 5

CODE ENFORCEMENT

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Part 1

Office of Code Enforcement

§101. Title. This Part shall be known and may be cited as the "Code Enforcement Ordinance of the Borough of Millheim." (Ord. 196, 6/12/2001, §1)

§102. Establishment of Office of Code Enforcement.

1. Creation of Office of Code Enforcement. There is hereby created by the Millheim Borough Council an office of the Borough to be known as the Office of Code Enforcement. The official(s) appointed thereto by the Millheim Borough Council shall have the responsibility for administration and enforcement of the provisions of this Part and other codes and/or ordinances of the Borough.

2. Relief from Personal Liability. The Code Enforcement Officer charged with the enforcement of this Part and those other codes and/or ordinances of the Borough who act in good faith and without malice in the discharge of their duties shall not thereby be rendered liable personally and the Code Enforcement Officer is hereby relieved from all personal liability from any damage that may accrue to persons or property as a result of any act, required or committed, or any omission in the discharge of official duties. Any suit instituted against the Code Enforcement Officer because of an act performed by that person in the lawful discharge of duties shall be defended by the Borough's Solicitor or his designee until final determination of the proceedings. The Code Enforcement Officer shall not be liable for costs in any action, suit or proceeding.

3. Records and Reports. The Code Enforcement Officer shall keep a written record of the activities of said officer and shall monthly report to the Borough of Millheim of the Code Enforcement Officer's activities for the prior month.

(Ord. 196, 6/12/2001, §2)

§103. Enforcement Authority. There shall be appointed by the Millheim Borough Council a Code Enforcement Officer, who shall be in charge of the Office of Code Enforcement of the Borough. (Ord. 196, 6/12/2001, §3)

§104. Duties and Powers of Code Enforcement Officer.

1. Enforcement of Codes. The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances of the Borough.

2. Duties. The duties of the Code Enforcement Officer shall include, but not be limited to, the undertaking of such investigations and other activities as may be required to determine compliance with the applicable

codes and ordinances of the Borough; to issue all necessary notices to abate illegal or unsafe conditions to insure compliance with the Borough's Code of Ordinances for the safety, health and general welfare of the public; and to make inspections to determine compliance with the applicable codes and ordinances of the Borough.

3. Credentials. The Code Enforcement Officer shall disclose proper credentials of his office for the purpose of inspecting any and all buildings and premises and in the performance of his duties under the applicable codes or ordinances where requested.

4. Legal Action. The Code Enforcement Officer shall be authorized to initiate, on behalf of the Borough, appropriate legal actions against persons or other legal entities for violations of the Borough's codes and ordinances.

(Ord. 196, 6/12/2001, §4)

§105. Association with Other Municipalities. The Borough shall have the power to enter into an agreement with other municipalities for the joint appointment of the Code Enforcement Officer by such other municipalities to provide for the Code Enforcement Officer to provide the services permitted pursuant to this Part for the Borough and the other municipalities which are a party to said agreement. The Borough shall be authorized to contribute money to the association of such other municipalities for the services and expenses of the Code Enforcement Officer while he may be employed and/or acting for said association. (Ord. 196, 6/12/2001, §5)

## Part 2

## Uniform Construction Code

§201. Local Administration Election. Millheim 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, with its accompanying regulations. (Ord. 218, 6/22/2004, §1)

§202. Adoption of Uniform Construction Code. The Uniform Construction Code, as 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 for Millheim Borough. (Ord. 218, 6/22/2004, §2)

§203. Administration and Enforcement. Administration and enforcement of the Code within Millheim Borough shall be undertaken in any of the following ways as determined by Millheim Borough Council from time to time by resolution:

A. By designation of an employee of Millheim Borough to serve as the municipal code official to act on behalf of Millheim Borough.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Millheim 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 Millheim 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.

(Ord. 218, 6/22/2004, §3)

§204. Board of Appeals. A Board of Appeals shall be established by resolution of Millheim 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. 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. (Ord. 218, 6/22/2004, §4)

§205. Repealer and Savings Clause.

1. All building code ordinances or portions of ordinances which were adopted by Millheim 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.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of Millheim Borough not governed by the Code shall remain in full force and effect.

Ord. 218, 6/22/2004, §5)

§206. Fees. Fees assessable by Millheim Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by Millheim Borough Council by resolution from time to time. (Ord. 218, 6/22/2004, §6)