

Chapter 5

Code Enforcement

Part 1

Uniform Construction Code

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Part 1**Uniform Construction Code****§5-101. Local Administration Election.**

Port Matilda Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210.101 *et seq.*, as amended from time to time, with its accompanying regulations.

(*Ord. 167, 4/20/2004, §1*)

§5-102. 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 and incorporated herein by reference as the municipal building code for Port Matilda Borough.

(*Ord. 167, 4/20/2004, §2*)

§5-103. Administration and Enforcement.

Administration and enforcement of the code within Port Matilda Borough shall be undertaken in any of the following ways as determined by the Port Matilda Borough Council from time to time by resolution:

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

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

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 Port Matilda 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. 167, 4/20/2004, §3*)

§5-104. Board of Appeals.

A Board of Appeals shall be established by resolution of Port Matilda 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. 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. 167, 4/20/2004, §4*)

§5-105. Repealer and Savings Clause.

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

3. All ordinances, regulations and policies of Port Matilda Borough not governed by the code shall remain in full force and effect.

(Ord. 167, 4/20/2004, §5)

§5-106. Fees.

Fees assessable by Port Matilda Borough for the administration and enforcement undertaken pursuant to this Part and the code shall be established by Port Matilda Borough Council by resolution from time to time.

(Ord. 167, 4/20/2004, §6)

§5-107. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Port Matilda Borough shall have the right to seek enforcement of all building code ordinances, regulations or provisions by a separate action in equity to secure compliance.

(Ord. 167, 4/20/2004, §7; as amended by Ord. 178, 9/15/2009)