

ORDINANCE NO. 135

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA ADOPTING THE UNIFORM CONSTRUCTION CODE; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE CODE WITHIN THE TOWNSHIP OF WASHINGTON; ESTABLISHING A METHOD BY WHICH A BOARD OF APPEALS CAN BE CREATED; AND AMENDING BUILDING CODE ORDINANCES OR PORTIONS OF SAID 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; PROVIDING THAT ALL BUILDING CODE ORDINANCES OR PORTIONS OF ORDINANCE WHICH WERE ADOPTED BY THE TOWNSHIP OF WASHINGTON 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 SAID PROVISIONS FAIL TO EQUAL OR EXCEED THE MINIMUM REQUIREMENTS OF THE CODE; AND REPEALING ORDINANCES 111, 112, 113 AND 114 OF THE TOWNSHIP OF WASHINGTON.

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of the Township of Washington 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. The Township of Washington 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, 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 the Township of Washington.

3. Administration and enforcement of the Code within the Township of Washington shall be undertaken in any of the following ways as determined by the governing body of the Township of Washington from time to time by resolution:

- a. By the designation of an employee of the Township of Washington to serve as the township code official to act on behalf of the Township of Washington;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township of Washington;
- 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 the Township of Washington;

- 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 the Township of Washington 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.

5a. All building code ordinances or portions of ordinances which were adopted by the Township of Washington 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 Township of Washington not governed by the Code shall remain in full force and effect.

6. Fees assessable by the Township of Washington 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.

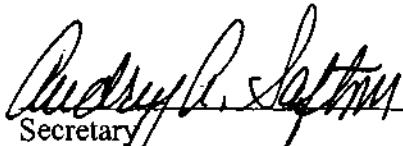
7. This ordinance shall be effective five days after the date of passage of this ordinance.

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.

9. Ordinances Nos. 111, 112, 113, and 114 of the Township of Washington are hereby repealed in their entirety.

ORDAINED AND ENACTED INTO LAW BY THE BOARD OF SUPERVISORS FOR THE TOWNSHIP OF WASHINGTON, COUNTY OF WESTMORELAND, AND COMMONWEALTH OF PENNSYLVANIA in lawful session assembled this 8th day of April, 2004.

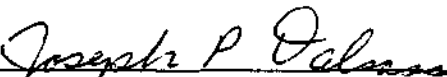
ATTEST:


Secretary

TOWNSHIP OF WASHINGTON

By 
Richard C. Gardner, Chairman

By 
John D. Turack, Vice-Chairman

By 
Joseph P. Dalsass, Member