

BOROUGH OF AVALON

ORDINANCE NO. 1285

AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ELECTING 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, AND ITS REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of the Borough of Avalon and to conform to the requirements of the Pennsylvania Construction Code Act and regulations 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 the Borough electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by Borough Council of the Borough of Avalon, County of Allegheny and Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same.

Section 1: Election to Administer and Enforce the Pennsylvania Construction Code. The Borough of Avalon 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.

Section 2: Adoption of Uniform Construction Code Contained in the Pennsylvania Code. 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 Borough of Avalon.

Section 3: Administration and Enforcement of Uniform Construction Code. Administration and enforcement of the Code within the Borough of Avalon shall be undertaken in any of the following ways as determined by Borough Council of the Borough of Avalon from time to time by resolution:

- a. By the designation of an employee of Avalon Borough to serve as the municipal code official to act on behalf of Avalon Borough;
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of Avalon Borough;
- c. By agreement with one or more other municipalities for the joint administration and enforcement of the Uniform Construction Code through an inter-municipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of the Uniform Construction Code on behalf of Avalon 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.

Section 4: Establishment of a Board of Appeals. A Board of Appeals shall be established by resolution of Borough Council of the Borough of Avalon 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.

Section 5: Conflicts with Other Building Code Ordinances or Portion of Ordinances.

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

Section 6: Fees. Fees assessable by Avalon Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by Borough Council by resolution from time to time.

Section 7: Effective Date of Ordinance. This ordinance shall be July 1, 2004.

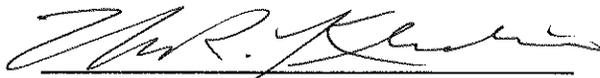
Section 8: Validity. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED into law this 18th day of May, 2004.

ATTEST:

BOROUGH OF AVALON


Harry W. Dilmore
Secretary


Edward Klicker
President
Borough Council

SEAL

EXAMINED AND APPROVED BY ME THIS 18th **DAY OF**
May, 2004.


Daniel K. Bricmont, Esq., Mayor