

ORDINANCE NO. 148

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, TO ADOPT AND ADMINISTER THE UNIFORM CONSTRUCTION CODE AND TO ADOPT THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF TILDEN

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of the Township of Tilden, Berks County, Pennsylvania 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, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Election to Administer and Enforce. The Township of Tilden, Berks County, Pennsylvania (the "Township") 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 (the "Act"), and its regulations.

SECTION 2. Adoption of Uniform Construction 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 Township.

SECTION 3. Administration and Enforcement of Code. Administration and enforcement of the Code within the Township shall be undertaken in any of the following ways as determined by Board of Supervisors of the Township from time to time by resolution:

(a) By the designation of an employee of the Township to serve as the Township Building Code Official to act on behalf of the Township.

(b) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.

(c) By agreement with one or more other municipalities for the joint administration and enforcement of the Act through an inter-municipal agreement.

(d) By entering into a contract with another municipality for the administration and enforcement of the Act on behalf of the Township.

(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. Board of Appeals. A Board of Appeals shall be established by resolution of the Board of Supervisors of the Township 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. Previously Adopted Codes.

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

SECTION 6. Fees. Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Board of Supervisors of the Township by resolution from time to time.

SECTION 7. Adoption of Property Maintenance Code. That a certain document, three (3) copies of which are on file in the office of the Secretary of the Township of Tilden, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Township of Tilden, in the Commonwealth of

Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and for the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Township of Tilden are hereby referred to, adopted, and made a part hereof, as if fully set out in this Section, with the additions, insertions, deletions and changes, if any, prescribed as follows:

- (a) Section 101.1 Insert - Township of Tilden
- (b) Section 103.5 Insert - Fees assessable by the Township for the administration and enforcement undertaken pursuant to this particular code shall be established by the Board of Supervisors of the Township by resolution from time to time.
- (c) Section 304.14 Insert - May 15 to October 15.
- (d) Section 602.3 Insert - October 1 to May 1.
- (e) Section 602.4 Insert - October 1 to May 1

SECTION 8. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 9. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 10. This Ordinance shall become effective ~~five (5) days from the date of enactment.~~ *as set forth in the UCC + applicable regulations.*

SECTION 11. That nothing in this Ordinance, the Uniform Construction Code, or the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or cause of action acquired or existing, under any act or ordinance hereby repealed;

nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

DULY ENACTED AND ORDAINED this 5th day of June, 2004.

TOWNSHIP OF TILDEN
BOARD OF SUPERVISORS

Russell H. Wiley

Troy R. Hatt

Marilyn K. Wilson

Attest: Cheryl A. Haus, Sec.