

**FAWN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2-2004

**AN ORDINANCE OF FAWN TOWNSHIP, YORK COUNTY,
PENNSYLVANIA ADOPTING THE PENNSYLVANIA UNIFORM
CONSTRUCTION CODE AND CONFORMING TO THE REQUIREMENTS
OF THE PENNSYLVANIA CONSTRUCTION CODE ACT AND REGULATIONS,
SETTING FORTH THE REQUIREMENTS OF PERMITS AND FINAL INSPECTIONS,
AND AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH
OTHER YORK COUNTY MUNICIPALITIES FOR A JOINT BOARD OF APPEALS**

WHEREAS, Fawn Township (Township) is a municipality, being a second class township in the Commonwealth of Pennsylvania; and

WHEREAS, the Commonwealth of Pennsylvania has adopted the Pennsylvania Construction Code Act, Act 45 of 1999, creating the Uniform Construction Code, and, pursuant to that Act, the Pennsylvania Department of Labor and Industry has promulgated regulations contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, (collectively referred to as the "UCC"); and

WHEREAS, the purpose of this Ordinance is to promote the general health safety and welfare of the citizens of the Township 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; 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 UCC; and

WHEREAS, the Township wishes to bring its ordinances into compliance with the UCC:

NOW, THEREFORE, be it ordained and enacted and it is hereby ordained and enacted as follows:

SECTION 1. Short Title. This Ordinance shall be known as the "Fawn Township Building Code".

SECTION 2. Election. The Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations, in 34 Pa. Code, Chapters 401-405, (collectively referred to as the "UCC"), together with the following, which will also be part of the UCC for purposes of this Ordinance:

- A. All uncovered decks, regardless of how far above grade or whether at grade, as authorized by the UCC at the Section 403.102(1)(8) of the Regulations.

SECTION 3. Adoption of UCC. The UCC is hereby adopted and incorporated by reference as the building code of the Township.

SECTION 4. Administration. Administration and enforcement of the UCC within the Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of the Township from time to time by resolution:

- A. By the designation of an employee of the Municipality to serve as the 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 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;
- 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 5. Board of Appeals. A Board of Appeals shall be established by the Board of Supervisors of the Township in conformity with the requirements of the relevant provisions of the UCC, as amended from time to time, and for the purposes set forth therein. The Board of Appeals may be established by joint action of the Township and other participating municipalities, as provided by law.

SECTION 6. Repealer and Automatic Amendment.

- A. The Fawn Township Building Code Ordinance, No. 3-91, together with any amendments, is hereby repealed for all buildings for which permits are issued after the effective date of this Ordinance. It shall remain in full force and effect for any improvements for which complete permit applications were filed before the effective date of this Ordinance.
- B. The Fawn Township Building Permit Ordinance, No. 1-88, together with any amendments, is hereby repealed for all buildings for which permits are issued after the effective date of this Ordinance. It shall remain in full force and effect for any permits for which complete applications were filed before the effective date of this Ordinance.

- C. All other building code or building permit ordinances or portions of ordinances that are in effect as of the effective date of this Ordinance and whose requirements are less than the minimum requirements of the UCC are hereby amended to conform to the comparable provisions of the UCC.
- D. All relevant ordinances, regulations and policies of the Township not governed by the UCC shall remain in full force and effect, and any permits required by Township ordinances, or state or federal statutes or regulations, which are not superceded by the UCC, including but not limited to zoning, driveway, sewage, highway, or NPDES permits, as applicable, shall continue to be required.
- E. It is the intent of this Ordinance that, by adopting the UCC, the Township adopts all building or other codes which have been adopted and mandated by the UCC, including but not limited to the International Fuel Gas Code, and, as the UCC is amended to include or adopt new or updated versions of any building or other codes, such codes automatically shall be updated as part of this Ordinance.

SECTION 7. Fees. Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Ordinance and the UCC shall be established by the Board of Supervisors by resolution from time to time. All fees for permits and inspections required by the UCC and this Ordinance and all other Township ordinances shall be paid before any permits are issued, and any additional fees which shall become due shall be paid before the issuance of a Use and Occupancy Certificate.

SECTION 8. Sewer Permits or Connections. No building permit shall be issued pursuant to the Township's Building Code for any new building or structure that will utilize an on-site sanitary sewer system until a permit for such system has been issued by the Township's Sewage Enforcement Officer. If the new building or structure will connect to a public or community sanitary sewer system, then the applicant must first provide to the Township's building code official evidence satisfactory to the Township from the owner of such system of the applicant's irrevocable right to connect to the system in sufficient capacity for the proposed use.

SECTION 9. Final Inspections and Occupancy Permits. Final inspections and occupancy certificates as required under or issued in conjunction with the UCC shall be conducted and issued with, and at the same time as, final inspections and use and occupancy certificates required by the Township's Zoning Ordinance. No inspection or permit shall be conducted or issued under either this Ordinance or the Zoning Ordinance separately from the other. It shall be the responsibility of the applicant to request such inspections or permits from both the Township's Building Code Official and Zoning Enforcement Officer, who shall be responsible between them for coordinating the inspections and the issuance of the required permits within the time set by the UCC and the Township's Zoning Ordinance.

SECTION 10. Violations; Penalties. Any owner or person, as those terms are defined in the UCC, who or which violates or permits the violation of any provision of this Ordinance or of the UCC shall commit a summary criminal offense, and, upon conviction by a District Justice, shall be subject to a fine of up to one thousand dollars (\$1000) plus costs, and

imprisonment to the extent allowed by law for summary offenses for each violation. Each day of a violation, and each separate violation of this Ordinance or the UCC, shall be considered a separate violation.

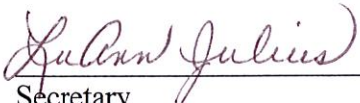
SECTION 11. Severability. If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 12. Effective Date. This Ordinance shall be effective July 1, 2004.

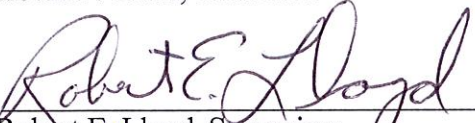
ORDAINED AND ENACTED this 14th day of June, 2004.

ATTEST:

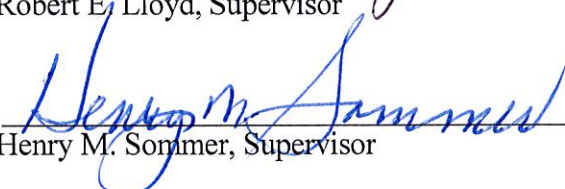
FAWN TOWNSHIP BOARD OF SUPERVISORS


Secretary

By: 
Kevin F. Clark, Chairman

By: 
Robert E. Lloyd, Supervisor

(SEAL)

By: 
Henry M. Sommer, Supervisor