

TOWNSHIP OF SOUTH BEAVER

ORDINANCE NO. 68

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, OF BEAVER COUNTY, PENNSYLVANIA UNDER AND PURSUANT TO PROVISIONS OF THE "PENNSYLVANIA CONSTRUCTION CODE ACT" AND THE "SECOND CLASS TOWNSHIP CODE" FOR THE PURPOSE OF IMPLEMENTING ADMINISTRATION AND ENFORCEMENT BY SOUTH BEAVER TOWNSHIP OF THE "UNIFORM CONSTRUCTION CODE" AS ESTABLISHED BY THE REGULATIONS PROMULGATED BY THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY PURSUANT TO THE "PENNSYLVANIA CONSTRUCTION CODE ACT" RELATIVE TO THE ERECTION, CONSTRUCTION OR PLACEMENT OF ANY STRUCTURE OR THE REMODELING OR ALTERATION OF ANY STRUCTURE WITHIN THE TERRITORIAL LIMITS OF SOUTH BEAVER TOWNSHIP; AND THE IMPOSITION OF FINES AND ASSESSMENT OF COSTS FOR VIOLATION OF THIS ORDINANCE AND SAID "UNIFORM CONSTRUCTION CODE".

WHEREAS, the Pennsylvania Department of Labor and Industry has pursuant to the Pennsylvania Construction Code Act, Act No. 45 of 1999, as amended, prepared and published the Uniform Construction Code as same now appears at 34 Pa. Code, Chapters 401 through 405, which Uniform Construction Code governs and sets forth standards and administrative provisions applicable to the construction, alteration, repair and occupancy of all buildings and structures, subject to delineated exclusions, situate in the Commonwealth of Pennsylvania; and

WHEREAS, Section 501 of the Pennsylvania Construction Code Act authorizes local municipalities to administer and enforce said Act and Uniform Construction Code within its municipal boundaries rather than the Pennsylvania Department of Labor and Industry administering and enforcing same.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Beaver Township, of Beaver County, Pennsylvania, and it is hereby enacted under the authority of the Second Class Township Code, Act No. 60 of 1995, as amended, and the Pennsylvania Construction Code, Act No. 45 of 1999, as amended, the following:

Section 1. South Beaver Township has and does hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act No. 45 of 1999, as amended [35 P.S. §§7210.101 et seq.], and the Uniform Construction Code [34 Pa.

Code, Chapters 401 through 405], and South Beaver Township shall upon and after the effective date of this Ordinance administer and enforce said Act and the Uniform Construction Code as herein provided.

Section 2. The Uniform Construction Code set forth in 34 Pa. Code, Chapters 401 through 405, as now existing and as hereafter duly amended in accordance to the provisions of the Pennsylvania Construction Code Act, together with all definitions set forth in the said Pennsylvania Construction Code Act as now existing or as hereafter amended, are hereby adopted and incorporated herein by reference as though fully set forth herein, and the provisions thereof shall be the applicable standards for the construction, alteration, repair and occupancy of all buildings and structures within South Beaver Township.

Section 3. South Beaver Township shall administer and enforce the Uniform Construction Code provisions by engaging the services of a person, firm or corporation certified by the Pennsylvania Department of Labor and Industry as qualified to perform the duties of a construction code official, including but not limited to being qualified to perform plan review of proposed construction documents, to perform inspection of any aspect of construction of a building or structure to assure such construction complies with the requirements of the Uniform Construction Code, and to administer/enforce on behalf of South Beaver Township the provisions and requirements of the Pennsylvania Construction Code Act and said Uniform Construction Code. Upon and after the effective date of this Ordinance:

A. No person or entity shall construct or erect any new structure, or remodel or make any alternation of any existing structure, except as excluded pursuant to the provisions of the Pennsylvania Construction Code Act or the Uniform Construction Code, without first obtaining a CONSTRUCTION CODE PERMIT, and no person or entity shall occupy or permit the occupancy of a such newly constructed or erected structure, or a structure remodeled or altered, without first procuring a CONSTRUCTION CODE OCCUPANCY PERMIT.

B. All persons or entities seeking to construct or erect any new structure, or remodel or make any alternation of any existing structure, except those structures as excluded as aforesaid, shall submit an Application for a Construction Permit unto the Township of South Beaver, together with detailed construction and/or remodeling plans or blueprints as required per the Uniform Construction Code, and with such fee as required by the Township.

1.) The Application for Construction Permit shall be such form as designed and provided by the Township of South Beaver and the required fee shall be set by Resolution adopted from time to time by the Board of Supervisors of South Beaver Township.

2.) No Application for a Construction Permit shall be deemed duly filed with the Township of South Beaver unless its is complete at the time of submission of same to the Township. To be complete, the Application for Construction Permit form must be completed in full detail as to all items contained therein, signed by the applicant, and accompanied by a full and complete set of construction/remodeling plans or blueprints as to the proposed or subject structure, together with all other necessary and required information so as to be in compliance with the Uniform Construction Code requirements, plus the required application fee.

C. No CONSTRUCTION CODE PERMIT may be issued to allow the commencement of the construction of a new structure or the remodeling/alteration of an existing structure unless or until:

a.) the property upon which the subject structure is or will be located has either:

i.) a valid highway occupancy permit from the Department of Transportation if the property on which the structure is to be erected, remodeled or altered will have, or does use, a street or highway under the jurisdiction of the Department of Transportation per the State Highway Law for ingress or egress access to and from said Department of Transportation street or highway [Section 502(b) of the "Pennsylvania Construction Code Act" is here incorporated]; and/or

ii.) a valid driveway permit from the Township of South Beaver if

the property on which the structure is to be erected, remodeled or altered will have, or does use, a public street or road of South Beaver Township for ingress or egress access to and from said Township street or highway; and/or

iii.) a Zoning/Building Permit approved and/or issued by the Zoning Officer of South Beaver Township under and pursuant to the South Beaver Township Zoning Ordinance.

b.) Documentation is submitted to the Township of South Beaver that the contractor(s) for construction, remodeling or alteration of the involved structure(s) have in effect, and shall maintain in effect, worker's compensation insurance coverage compliant with the Pennsylvania Workers' Compensation Act. Contractor(s) shall be required to complete an Affidavit by Contractor assuring said worker's compensation insurance is in effect and/or that the contractor is exempt therefrom per Pennsylvania Workers' Compensation Act. At all times during the course of construction, contractors shall provide South Beaver Township a certificate issued by the Commonwealth and/or insurance company that said worker's compensation coverage is duly in effect.

D. The obtaining of a CONSTRUCTION CODE PERMIT or CONSTRUCTION CODE OCCUPANCY PERMIT pursuant to this Ordinance, is an additional Permit required to be obtained for the purpose constructing or erecting a building, and/or to remodel or make any alternation of any existing structure, as may or shall be required by any other Ordinance of South Beaver Township, including but not limited to the Zoning Ordinance of South Beaver Township, and/or is also an additional Permit required by any other applicable statutory laws of the Commonwealth of Pennsylvania or regulations promulgated thereunder.

E. Each phase of construction shall be inspected by the Construction Code Administrator and/or the Construction Code Inspector/Processor designated by the Township, and such phase of construction to be inspected shall included at a minimum the five phases as set forth herein unless additional inspections are required per the provisions of the Uniform Construction Code. Said phases of construction at a minimum to be inspected and approved for compliance to said Uniform Construction Code shall include the following:

1.) Foundation Inspection;

- 2.) Plumbing, Mechanical and Electrical Inspection;
- 3.) Frame and Masonry Inspection;
- 4.) Wallboard Inspection; and
- 5.) Final Inspection. Note, the final inspection shall not be deemed approved until all previous inspections have been successfully completed and passed.

The Inspection Report as to each phase of inspection, whether approval or denial in whole or part, shall be set forth in writing by the Construction Code Administrator and/or the Construction Code Inspector/Processor and shall be served upon the Applicant and the Applicant's contractor, with a copy thereof filed with the Township Secretary. In the event any phase of the construction is denied as being in compliance with the specifications of the Uniform Construction Code, in whole or part, the Construction Code Administrator and/or the Construction Code Inspector/Processor shall set forth his or her reasoning therefore in writing and serve same upon the Applicant, the Applicant's contractor and file a copy thereof with the Township Secretary. If an inspection of any phase of construction reveals a violation of the Construction Code, the Construction Code Administrator and/or the Construction Code Inspector/Processor:

- 1.) May discuss with the owner or the owner's representative the violations determined to exist;
- 2.) Shall issue a written notice to the owner or the owner's representative of the violations determined to exist, which notice shall contain a description of the violation(s) and an order requiring correction of the violation(s) within a reasonable period determined by the Construction Code Administrator and/or the Construction Code Inspector/Processor; and
- 3.) After the compliance date set forth in the aforesaid notice, the Construction Code Administrator and/or the Construction Code Inspector/Processor shall inspect the structure to determine whether the violation(s) was or were corrected or not corrected.
 - a.) If the inspection determines that the violation(s) were corrected, the Construction Code Administrator and/or the Construction Code Inspector/Processor shall issue a written report to that effect to the owner and/or owner's representative, and file a copy thereof with the Township Secretary.
 - b.) If the inspection determines that the violation(s) has or have not been corrected, the Construction Code Administrator and/or the Construction Code

Inspector/Processor may issue a stop work order and/or the Construction Code Administrator and/or the Construction Code Inspector/Processor or other Township Official designated by the Board of Supervisors of South Beaver Township may undertake such action as necessary to cause the structure to be closed or vacated until the owner presents unto the Construction Code Administrator and/or the Construction Code Inspector/Processor a plan acceptable both as to specifications and time frame to the Construction Code Administrator and/or the Construction Code Inspector/Processor as a proper remedial procedure to cure the violation(s). When a violation or violations exist or continue, the Construction Code Administrator and/or any Construction Code Inspector/Processor or other designated person by the Board of Supervisors of South Beaver Township, on behalf of and in the name of South Beaver Township may issue a citation for a summary offense as provided under Section 5 of this Ordinance.

4.) The service of any notice or written report of the Construction Code Administrator and/or the Construction Code Inspector/Processor upon an Applicant, owner or owner's representative may be accomplished by and on behalf of the Construction Code Administrator and/or the Construction Code Inspector/Processor by either certified mail or by personal hand-delivered service.

F. No person or entity, as owner or lessee, may occupy any new structure or building, addition to any existing structure or building, or any structure or building vacated during remodeling or alternation, when said structure or building is subject to the requirement of obtaining an CONSTRUCTION CODE PERMIT per this Ordinance until a CONSTRUCTION CODE OCCUPANCY PERMIT is issued permitting occupancy or use of the subject new structure or building, such addition to an existing structure or building, or the building or structure, or portion thereof, vacated during the construction or remodeling/alteration thereof.

1.) Upon the Construction Code Administrator and/or the Construction Code Inspector/Processor determining that the structure has been constructed, remodeled and altered in a manner that complies with the Uniform Construction Code and all other Commonwealth and Federal laws and regulations, a CONSTRUCTION CODE OCCUPANCY PERMIT shall be issued by the Construction Code Administrator and/or the Construction Code Inspector/Processor, delivered unto the Applicant and/or intended occupant of the structure, and Construction Code Administrator and/or the Construction Code Inspector/Processor shall file a copy thereof with the Township Secretary. The requirement of this CONSTRUCTION CODE OCCUPANCY PERMIT is

in addition to the requirement of any Zoning Occupancy Permit necessary time to time per the provisions of the South Beaver Township Zoning Ordinance.

G. A CONSTRUCTION CODE PERMIT and/or an CONSTRUCTION CODE OCCUPANCY PERMIT may be revoked by the Construction Code Administrator and/or the Construction Code Inspector/Processor, or by such other Official or agent designated by the Board of Supervisors of South Beaver Township, for violation of the procedures or construction specifications imposed and required by this Ordinance, the Uniform Construction Code or violation of any statutes of the Commonwealth.

H. Any person or entity that is aggrieved by the administrative actions of the Construction Code Administrator and/or the Construction Code Inspector/Processor under and pursuant to this Ordinance, the Pennsylvania Construction Code Act or the Uniform Construction Code, such aggrieved person may appeal said action to the Board of Appeals as provided by Section 501(c) of the Pennsylvania Construction Code Act.

1.) The South Beaver Township Board of Supervisors by Resolution shall appoint, establish and maintain a Board of Appeals to hear appeals from or as to decisions of the Construction Code Administrator and/or the Construction Code Inspector/Processor, which Board of Appeals may consist of membership residing within the Township of South Beaver, or may via inter-government cooperation with other municipalities in the creation of such Board of Appeals, consist of members residing within any of the cooperating municipalities. In the event qualified persons do not reside within the Township or cooperating municipalities, non-resident qualified persons may be appointed to the Board of Appeals.

2.) Any person or entity, the Construction Code Administrator and/or the Construction Code Inspector/Processor, or the Township of South Beaver that is a party to any proceeding before the Board of Appeals created by this Ordinance may appeal the decision of the Board of Appeals to the appropriate Court having jurisdictions to appeals from the administrative Board of Appeals created pursuant to this Ordinance per the requirements of the Pennsylvania Construction Code Act. The Township of South Beaver shall always be deemed to be a party before said Board of Appeals whether or not the Township of South Beaver actively participates in the proceeding before the Board of Appeals.

3.) The issuance of a citation for a penalty pursuant to Section 5 of this

Ordinance shall not be subject to appeal to said Board of Appeals.

I. To the extent the provisions of this Section 3 of this Ordinance are or shall become inconsistent with the administrative procedures set forth and required by the provisions of the Uniform Construction Code as now existing or as hereafter amended, the administrative procedures of said Uniform Construction Code shall govern and supercede the provisions of this Ordinance, and shall be deemed to amend this Ordinance so the provisions hereof are compliant to the minimum administrative requirements of said Uniform Construction Code.

Section 4. Fees to be paid and assessable by South Beaver Township for the administration and enforcement of this Ordinance, the Pennsylvania Construction Code Act and the Uniform Construction Code, relative to applications, inspections and/or other procedures required for such administration and enforcement, shall be set and established by Resolution adopted from time to time by the Board of Supervisors of South Beaver Township.

Section 5. Any individual or entity that violates any provision of this Ordinance, the Pennsylvania Construction Code Act, the Uniform Construction Code, and/or any cease and desist directive issued per this Ordinance or said Uniform Construction Code commits a summary offence and shall, upon conviction, be sentenced to pay a fine of not less than One Hundred and No/100 (\$100.00) Dollars nor more than One Thousand and No/100 (\$1,000.00) Dollars, and costs. Each separate or independent violation of this Ordinance or the Uniform Construction Code shall constitute a separate violation subject to citation and penalty assessment. Each day that a violation continues shall be considered a separate violation. The fine or penalty imposed shall be remitted unto South Beaver Township unless the Commonwealth of Pennsylvania or one of its agencies or departments is the governmental entity that is enforcing a violation under and retained within its jurisdiction pursuant to said Pennsylvania Construction Code Act and/or the Uniform Construction Code.

Section 6. The Uniform Construction Code as here incorporated is and shall be the standard for construction of any structure or building within South Beaver Township. To the extent that the provisions of any other Ordinance of South Beaver Township is not consistent with the minimum requirements of said Uniform Construction Code, said

other Ordinances or portions thereof whose requirements are less than the minimum requirements of the Uniform Construction Code are hereby amended to conform with the comparable provisions of the Uniform Construction Code. To the extent that the provisions of any other Ordinance of South Beaver Township equal or exceed the minimum requirements of the Uniform Construction Code, such provisions or requirements that equal or exceed said minimum requirement of the Uniform Commercial Code shall continue in full force and effect.

Section 7. The provisions of this Ordinance are severable and if any section, clause, sentence, word, part of provision shall be deemed illegal, invalid or unconstitutional, the decision of the Court shall not affect or impair any of the remaining sections, clauses, sentences, words or parts of this Ordinance. It is hereby declared the intent of the Board of Supervisors of South Beaver Township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional portion had not been included herein.

Section 8. This Ordinance shall be effective the 9th day of April, 2004.

ENACTED this 9th day of March, 2004.

ATTEST:

SOUTH BEAVER TOWNSHIP

Carol Miller
Secretary

Matthew P. Balok
Supervisor

Robert S. Long
Supervisor

Will
Supervisor