

BOROUGH OF DERRY  
ORDINANCE NO. 685

AN ORDINANCE OF THE BOARD OF COUNCIL OF THE BOROUGH OF DERRY, WESTMORELAND COUNTY, PENNSYLVANIA, ELECTING TO ADMINISTER AND ENFORCE THE BUILDING CODE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT.

WHEREAS, the Council of the Borough of Derry is desirous of promoting the general health, safety and welfare of the citizens of the Municipality and to conform to the requirements of the Pennsylvania Construction Code Act and regulations of 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 ordained and enacted by the Council of the Borough of Derry and it is hereby ordained and enacted as follows:

Section 1.

This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. Sections 7210.101 through 7210.103, as amended from time to time, and its regulations.

Section 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 this Municipality.

Section 3.

Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time, by resolution:

- a. By the designation of a professional employee of the Municipality to serve as the Municipal Code Official to act on behalf of the Municipality;
- b. By the retention of one or more construction code officials or a third-party agency to act on behalf of the Municipality;

- c. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality; and
- 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.

A Board of Appeals shall be established by resolution of the governing body of the Municipality 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.

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

#### Section 6.

Fees assessable by the Municipality 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.

Section 7.

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

Section 8. Severability.

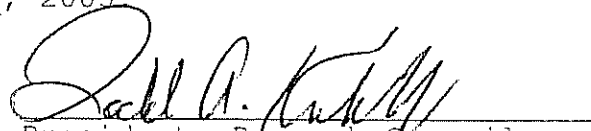
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is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

Section 9. Repealer.

All Ordinances are parts of Ordinances which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Council of the Borough of Derry this 14th day of February, 2005

  
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Mary Jane Geary  
Secretary/Manager  
Borough of Derry

  
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President, Borough Council  
Borough of Derry

EXAMINED and APPROVED this 15th day of February, 2005.

  
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Mayor, Borough of Derry