

Chapter 49. Construction Code, Uniform

[HISTORY. Adopted by the Board of Supervisors of the Township of Mount Joy 9-17-2015 by Ord No 2015-04 Amendments noted where applicable]

GENERAL REFERENCES

Shared Adams County UCC Board of Appeals — See Ch 9, Art IV

Building permits and floodplain management — See Ch. 35.

Stormwater management — See Ch. 81.

Subdivision and land development — See Ch. 86

Zoning — See Ch. 110.

§ 49-1. Purpose.

The purpose of this chapter is to provide for the administration and enforcement of the Act^[1] and Uniform Construction Code by Mount Joy Township within its municipal boundaries

[1] *Editor's Note: See 35 P.S. § 7210 et seq*

§ 49-2. Enabling authority.

This chapter is enacted pursuant to the enabling authority of the Second Class Township Code, 53 P S §§ 1506 and 1517, and the Act

§ 49-3. Adoption of Uniform Construction Code.

[Amended 10-19-2017 by Ord No 2017-02]

The Township adopts those provisions of the International Building Code of 2015 enumerated in 34 Pa. Code §403.21 as Pennsylvania's Uniform Construction Code as the building code of the Township. Where appropriate for the administration and enforcement of the Uniform Construction Code, adopted hereby as the building code of this Township, "Mount Joy Township" shall be inserted as the name of the jurisdiction and the effective date of this chapter shall be inserted

§ 49-4. Definitions.

The definitions set forth in the Uniform Construction Code are adopted as if set forth herein. The following words and terms when used in this chapter shall have the following meanings unless the context specifically and clearly indicates otherwise

(Reserved)

§ 49-5. Method for administration and enforcement.

- A Administration and enforcement of the Act and the Uniform Construction Code within the Township shall be undertaken by means of the retention of one or more construction code officials or third party agencies to act on behalf of the Township
- B By resolution adopted subsequent to this chapter the Township may determine to administer and enforce the Act and the Uniform Construction Code
 - (1) By the designation of an employee of the Township to serve as the Township Code Official to act on behalf of the Township
 - (2) By agreement with another municipality for its administration and enforcement of the Act and the Uniform Construction Code on behalf of the Township
 - (3) By agreement with one or more other municipalities for the joint administration and enforcement of the Act and the Uniform Construction Code through an intermunicipal agreement duly entered into under then current law.

§ 49-6. Fees.

Fees assessable by the Township for the administration and enforcement of the Uniform Construction Code shall be established by the Board of Supervisors by resolution

- A The fee shall be paid at the time a complete application for permit is presented to the Township. In no case shall the application be accepted as complete or approved prior to payment of the fee
- B. Inspection fees shall be paid at the time of the request for inspection or at a time otherwise established by resolution

§ 49-7. Building permit required.

A building permit shall be required for all construction work done, or as otherwise required by the Uniform Construction Code, within the Township. Application for a building permit shall be made to the Township and shall be accompanied by the requisite fee and a drawing or other descriptive material sufficient to permit the Township to determine that the work in all respects complies with the building permit ordinance and the Uniform Construction Code.

§ 49-8. Occupancy permit required.

A building requiring a building permit under this chapter and the Uniform Construction Code shall not be occupied or used without first having obtained an occupancy permit. Such occupancy permit shall be issued only upon completion of a project for which a building permit has been issued, including the completion of all required inspections and the making of all necessary determinations that the project meets the requirements of the Uniform Construction Code.

§ 49-9. Inspection agency.

The Township shall appoint at least one agency, certified by the Department of Labor and Industry of the Commonwealth of Pennsylvania as an approved inspection agency, to conduct inspections under the Uniform Construction Code.

§ 49-10. Inspections.

- A Coordination of inspections with the inspection agency shall be the responsibility of the permittee
- B The permittee shall give the inspection agency no fewer than 48 hours' advance notice for any requested inspection service. Notwithstanding such notice, the inspection agency may schedule and conduct the inspection at a time determined to be reasonable under applicable circumstances, including but not limited to, prior scheduled inspections and the construction to be inspected

§ 49-11. Stop-work order.

The construction code official or agency, charged with the administration and enforcement of this chapter and the Uniform Construction Code, and the inspection agency are authorized to issue an order stopping construction where no building permit has been issued as required by this chapter and the Uniform Construction Code or there is a violation of the Uniform Construction Code. Such stop work order shall be in writing issued to the permittee, in the event there is no permittee, such stop work order shall be in writing issued to the property owner. If reasonably capable of determination, such stop work order shall also be issued in writing to the person(s) engaging in the unpermitted or unlawful construction activity. The property also shall be posted with the stop-work order.

§ 49-12. Appeals Board.

The Township shall establish an appeals board to hear all appeals from actions, determinations and decisions made under this chapter and the Uniform Construction Code, including but not limited to, the issuance of permits, denial of applications for permits, conduct and results of inspections, and the issuance of stop-work orders. An appeal may be brought to the Appeals Board by filing such appeal, in writing or, where one has been adopted by the Township, on a Township Uniform Construction Code appeals form, not more than 10 days following the action, determination or decision appealed from.

§ 49-13. Violations and penalties.

- A Upon discovery of any violation of this chapter, the Township may, in its sole discretion, opt to forego any prosecution hereunder by granting a period of up to 60 calendar days to comply with the provisions of this chapter. Upon failure of the owner to effect such compliance, the Township may initiate prosecution as hereinafter set forth.
- B Any person who violates or permits the violation of this chapter shall, upon being found liable therefore in an action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, pay the fine plus all court costs, including reasonable attorney's fees incurred by the municipality in any enforcement proceeding, as may be ordered. The Municipal Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa R Crim P No. 83(c) (relating to trial and summary cases).
- C Each violation of this chapter shall be punishable by a fine of not more than \$1,000 for each day or portion thereof in which a violation is found to exist. A separate violation arises for each section of the chapter which is found to have been violated.

§ 49-14. Abatement of nuisance.

In addition to any other remedies provided in this chapter, the Township, in its sole discretion, may seek institute a suit(s) in equity or law under any applicable law, including nuisance, to prevent or enjoin the violation or obtain any other legal relief from a court of competent jurisdiction.