

**BOROUGH OF EAST PROSPECT
ORDINANCE NO. 2004- 09**

**ADOPTING THE UNIFORM CONSTRUCTION CODE,
ESTABLISHING THE ADMINISTRATION AND
ENFORCEMENT OF THE CODE, A BOARD OF APPEALS
AND FEES ASSESSABLE BY THE BOROUGH OF EAST
PROSPECT**

WHEREAS, the purpose of this ordinance is to promote the general health safety and welfare of the citizens of the Borough of East Prospect, York 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, it is hereby enacted and ordained as follows:

1. The Borough of East Prospect 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.
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 the Borough of East Prospect.
3. Administration and enforcement of the Code within the Borough of East Prospect shall be undertaken in any of the following ways as determined by the governing body of the Borough of East Prospect from time to time by resolution:
 - a. By the designation of an employee of the Borough of East Prospect to serve as the municipal code official to act on behalf of the Borough of East Prospect;
 - b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of East Prospect;
 - 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 Borough of East Prospect;
 - 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.

4. A Board of Appeals shall be established by resolution of the governing body of the Borough of East Prospect 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, the Board of Appeals shall be established by joint action of the participating municipalities.

5. a. All building code ordinances or portions of ordinances which were adopted by the Borough of East Prospect 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 to the comparable provisions of the Code.

c. All relevant ordinances, regulations and policies of the Borough of East Prospect not governed by the Code shall remain in full force and effect

6. Fees assessable by the Borough of East Prospect 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.

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

8. 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.

ENACTED AND ORDAINED by the Borough Council of East Prospect Borough this
1st day of June 2004.

Attest:

EAST PROSPECT BOROUGH COUNCIL

Merrin C. Keeler
Secretary

BY: Flanni Apur
President

(SEAL)

APPROVED THIS 1st day of June 2004.

Merrin Keeler
Mayor