

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Election to Administer and Enforce.**

The Borough of Red Lion hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act of 1999, 72 P.S. §7210.101 *et seq.*, as amended from time to time, and its regulations, as promulgated.

(*Ord. 2004-06-04, 6/14/2004*)

§5-102. Adoption of Uniform Construction Code.

1. The Uniform Construction Code, (hereinafter referred to as “the Code”) contained in 34 Pa.Code, Chapters 401–405, as may be amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Red Lion.

2. Pursuant to §403.28(c) (3) of Part XIV of the Uniform Construction Code, 34 Pa.Code §403.28(c)(3), the Borough specifically adopts §403.28 in its entirety pertaining to uncertified buildings within the Department’s jurisdiction to utilize the standards of §403.28(b) for the issuance of certificates of occupancy to uncertified buildings. In the event that any provision, section, sentence, clause or part of subsection (b) of §403.28 of Part XIV of the Uniform Construction Code shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of such subsection (b), it being the intent of the Borough of Red Lion that such remainder shall be and shall remain in full force and effect. [*Ord. 2009-09-02*]

(*Ord. 2004-06-04, 6/14/2004; as amended by Ord. 2009-09-02, 9/14/2009*)

§5-103. Administration and Enforcement.

Administration and enforcement of the Code within the Borough of Red Lion shall be undertaken in any of the following ways as determined by the Council of the Borough of Red Lion by ordinance or resolution:

A. By the designation of an employee of the Borough to serve as the Borough Code Official to act on behalf of the Borough.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough.

C. By agreement with one or more other municipalities for the joint administration and enforcement of the Code through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of the Code on behalf of this Borough.

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.

(*Ord. 2004-06-04, 6/14/2004*)

§5-104. Establishment of a Board of Appeals.

The Borough of Red Lion shall establish a Board of Appeals as required by §501(c) of the Act, 72 P.S. §7210.501(c), either by resolution of the Borough or, in the case of joint administration with other municipalities, by joint action of the participating municipalities as set forth in an intermunicipal agreement, or by a County appeals board as set forth in an intermunicipal agreement.

(Ord. 2004-06-04, 6/14/2004)

§5-105. Fees.

At the time of application for a building permit the applicant shall pay an appropriate fee. A schedule of said fees shall be established by resolution as adopted by the Borough of Red Lion. The Borough Council may from time to time review the fee schedule and revise the schedule whenever it is felt necessary. All revisions of the fee schedule shall be made by resolution.

(Ord. 2004-06-04, 6/14/2004)

§5-106. Violations and Penalties.

Any person or other legal entity who shall violate the provisions of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, or repair, demolish a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of the Code, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2004-06-04, 6/14/2004; as amended by Ord. 2009-09-02, 9/14/2009)

§5-107. Abrogation and Greater Restrictions.

Nothing in this Part herein adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, or in any cause or causes of action accrued or existing under any act or ordinance repealed hereby. No right or remedy of any character shall not be lost, impaired, or affected by this Part.

(Ord. 2004-06-04, 6/14/2004)

Part 2**Uniform Construction Code Board of Appeals****§5-201. Articles of Agreement.**

Red Lion Borough hereby approves entering into Articles of Agreement (herein after referred to as “agreement”) with other municipalities and the County to provide for a joint appeals board to hear appeals from decisions of the Municipal Code Administrator or Building Code Official. A copy of the agreement is attached hereto and incorporated by reference (and shall be filed with the minutes of the meeting at which this Part was enacted), with the intent and effect that Red Lion Borough shall be bound by the agreement.¹

(Ord. 2004-06-05, 6/14/2004)

§5-202. Authority to Execute Agreement.

Red Lion Borough is authorized to enter into the agreement for the purposes contained therein and attached hereto, and the President or Vice President of the Borough Council, acting alone or together with the Secretary or Assistant Secretary, are hereby authorized and directed to execute said agreement on behalf of Red Lion Borough, and to execute and deliver any additional instruments, and to take such further actions as may be necessary or appropriate to carry forth the Articles of Agreement and the transactions to be effected under the agreement, including payments for appeals as are due by Red Lion Borough pursuant to the agreement.

(Ord. 2004-06-05, 6/14/2004)

§5-203. Intergovernmental Agreement.

As required by the Intergovernmental Cooperation Act, the following matters are hereby set forth:

A. The conditions of the agreements are set forth in the Articles of Agreement attached hereto.

B. Red Lion Borough shall participate in a County Board of Appeals from the time of the effective date of the agreement until such time as the Borough chooses to withdraw from participation by exercising the provisions set forth in the agreement for withdrawal.

C. The purposes and objectives of the intermunicipal agreement are to participate in a County Board of Appeals, and to accomplish the other purposes and objectives as are set forth in the Articles of Agreement.

D. The manner and extent of payment for services provided by the Articles of Agreement are that all funds to pay Red Lion Borough’s obligations under the agreement shall come from normal and usual budgeted amounts for such matters, from fees charged, and other provisions governing the manner and extent of the payment for the services shall be as set forth in the agreement.

¹Editor’s Note: Said agreement is on file in Borough offices.

E. Red Lion Borough also authorizes the participation by other municipalities through additional intermunicipal agreements in the joint enforcement and administration of the Pennsylvania Construction Code and authorizes execution of agreements with other municipalities that may enact a similar ordinance authorizing such projects, either by participation with the intermunicipal group or by contract.

(Ord. 2004-06-05, 6/14/2004)