

ORDINANCE NO. 2004 - /

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
MARION TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA, ADOPTING THE UNIFORM
CONSTRUCTION CODE; ESTABLISHING MINIMUM
REGULATIONS GOVERNING THE DESIGN,
CONSTRUCTION, ALTERATION, ENLARGEMENT,
REPAIR, DEMOLITION, REMOVAL, CONVERSION, USE,
AND MAINTENANCE OF BUILDINGS AND
STRUCTURES; PROVIDING FOR ADMINISTRATION
AND ENFORCEMENT, ASSESSMENT OF FEES AND
MAKING OF INSPECTIONS; AND PRESCRIBING
PENALTIES FOR VIOLATION.**

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of Marion Township 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 elected to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, and it is hereby Enacted and Ordained by the authority of the same as follows:

1. Marion Township hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, 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 Marion Township, Berks County, Pennsylvania.

3. Administration and enforcement of the Code within Marion Township shall be undertaken in any of the following ways as determined by the Board of Supervisors of Marion Township from time to time by resolution:

- a. By the designation of an employee of Marion Township to serve as the municipal code official to act on behalf of Marion Township.
- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of Marion Township.
- 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 Marion Township.
- 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 Board of Supervisors of Marion Township 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.

5. Fees assessable by Marion Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Board of Supervisors of Marion Township by resolution from time to time.

6. In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other Ordinances of the Township of Marion, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Ordinance. The Code shall control in all cases where the State requirements, or the requirements of other Ordinances of this Township, are not as strict as those contained in this Ordinance.

7. The provisions of this Ordinance so far as they are the same as those of Ordinances and/or codes in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and codes and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right, penalty or liability or to punish an offense under the authority of any of the repealed Ordinances; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

8. 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, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Marion Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

9. Ordinance No. 1997 - 1 of Marion Township, Berks County, Pennsylvania which adopted by reference the "BOCA National Building Code, Thirteenth Edition, 1996" and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed upon the effective date of this Ordinance.

10. This Ordinance shall become effective five days after the date of its enactment.

DULY ENACTED AND ORDAINED this 24th day of JUNE, 2004, by the Board of Supervisors of Marion Township, Berks County, Pennsylvania, in public session duly assembled.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MARION, BERKS COUNTY,
PENNSYLVANIA

[Signature]

Harold E. Edman

Harold Manhood

ATTEST:

Lisa A. Burkholder
Marion Township Secretary

(Municipality Seal)