

OFFICIAL
TOWNSHIP OF NORTH HUNTINGDON
PROPOSED ORDINANCE 7 OF 2012
ORDINANCE NO. 2177

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON AMENDING ORDINANCE 2021 WHICH ADOPTED THE UNIFORM CONSTRUCTION CODE KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 99, 35 P.S. § 7210-101- 7210-1103, AS AMENDED FROM TIME TO TIME AND THE REGULATIONS ESTABLISHED IN 34 PA. CODE, CHAPTER 401-405, AS AMENDED FROM TIME TO TIME; SAID ORDINANCE ALSO PROVIDES FOR THE ADMINISTRATION ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE; PROVIDES METHODS BY WHICH THE TOWNSHIP OF NORTH HUNTINGDON MAY ADMINISTER AND ENFORCE THE UNIFORM CONSTRUCTION CODE; SAID ORDINANCE FURTHER PROVIDES FOR A BOARD OF APPEALS; SAID ORDINANCE FURTHER REPEALS ALL BUILDING CODE ORDINANCES OR PORTIONS OF ORDINANCES ADOPTED BY THE TOWNSHIP OF NORTH HUNTINGDON; SAID ORDINANCE FURTHER PROVIDES FOR THE ASSESSMENT OF FEES AND FURTHER PROVIDES FOR THE EFFECTIVE DATE OF THE PASSAGE OF THIS ORDINANCE.

WHEREAS, the Commonwealth of Pennsylvania has adopted the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §7210-101 - 7210-1103; and

WHEREAS, the intent and purpose of said Act is as follows:

1. To provide standards for the protection of life, health, property, and environment and for the safety and welfare of the consumer, general public, and the owners and occupants of buildings and structures.
2. To encourage standardization and economy in construction by providing requirements for construction and construction materials consistent with nationally recognized standards.
3. To permit to the fullest extent feasible the use of state-of-the-art technical methods, devices and improvements consistent with reasonable requirements for the health, safety and welfare of occupants or users of buildings and structures.

4. To eliminate existing codes to the extent that these codes are restrictive, obsolete, conflicting and contain duplicative construction regulations that tend to unnecessarily increase costs or retard the use of new materials, products or methods of construction or provide preferential treatment to certain types or classes of materials or methods of construction.
5. To eliminate unnecessary duplication of effort and fees related to the review of construction plans and the inspection of construction projects.
6. To assure that officials charged with the administration and enforcement of the technical provisions of this act are adequately trained and supervised.
7. To insure that existing Commonwealth laws and regulations, including those which would be repealed or rescinded by this act, would be fully enforced during the transition to statewide administration and enforcement of a Uniform Construction Code. Further, it is the intent of this act that the Uniform Construction Code requirements for making buildings accessible to and usable by persons with disabilities do not diminish from those requirements previously in effect. The former provisions of the act of September 1, 1965 (P.L. 459, No. 235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards, and specifications to make the same accessible to, and usable by persons with physical handicaps, and providing for enforcement."
8. To start a process leading to the design, construction and alteration of buildings under a uniform standard; and

WHEREAS, this Ordinance is to promote the general safety and welfare of the citizens and the residents of the Township of North Huntingdon and to conform to the requirements of the Pennsylvania Construction Code Act and the regulations to said act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred as the "Code") 34 Pa. Code, Chapter 401-405, as amended from time to time; and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate Ordinance by the Township of North Huntingdon if it elects to administer and enforce the provisions of the Code.

NOW, THEREFORE, ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, Westmoreland County, Pennsylvania, pursuant to the authority of the Pennsylvania Construction Code Act and the Regulations promulgated thereunder by the Department of Labor and industry as follows:

**ARTICLE I
BUILDING CODE**

§ 1. Adoption of Building Code

The Township of North Huntingdon hereby adopts the Uniform Construction Code (hereinafter referred to as "Code"). as designated and defined by the Pennsylvania Construction Code Act (hereinafter referred to as "Act"), as amended and supplemented, and the Regulations promulgated by the Department of Labor and Industry thereunder (hereinafter referred to as "Regulations"), as amended and supplemented from time to time, as provided in the Act and Regulations, as the Township of North Huntingdon Building Code. The Uniform Construction Code, contained in 30 Pa. Code, Chapters 401-405, as amended from time to time, consists of the following (All appendices adopted shall be utilized for supplementary and informational purposes only, as they relate to the interpretation of the respective codes to which they are associated):

- (1) The provisions of Chapters 2-29 and 31-35 of the "International Building Code 2009" and Appendix "E" ("Supplementary Accessibility Requirements") and Appendix "H" ("Signs") (First Printing). This includes all errata issued by the International Code Council;
- (2) The "ICC Electrical Code - Administrative Provisions 2009" (First Printing). This includes all errata issued by the International Code Council;
- (3) The "International Mechanical Code 2009" (First Printing). This includes all errata issued by the International Code Council.
- (4) The "International Fuel Gas Code 2009", and its Appendices (First Printing). This includes all errata issued by the International Code Council;
- (5) The "International Plumbing Code 2009", and its Appendices, except Appendix "A" (First Printing). This includes all errata issued by the International Code Council;
- (6) The "International Residential Code 2009" Chapter 43, Referenced Standards and Appendices A, B, C, D, G and L (First Printing). This includes all errata issued by the International Code Council;
- (7) The "International Fire Code 2009", (First Printing). This includes all errata issued by the International Code Council, Excluding SECTION 105 PERMITS AND SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES.

- (8) The "International Property Maintenance Code 2009", (First Printing). This includes all errata issued by the International Code Council
- (9) The "International Energy Conservation Code 2009", and the Appendix (First Printing). This includes all errata issued by the International Code Council;
- (10) Sections AE 501-AE 503 and AE 601-AE 605 of Appendix E of the "International Residential Code 2009"; (First Printing). This includes all errata issued by the International Code Council;
- (11) The "International Existing Building Code for Buildings and Facilities 2009", and the Appendix (first Printing). This includes all errata issued by the International Code Council;
- (12) The "International Urban-Wildland Interface Code 2009", and (First Printing). This includes all errata issued by the International Code Council;

§ 2. Revisions

The hereinafter sections of the above referenced Code, which form a part of the Uniform Construction Code, are hereby completed, modified or revised as follows:

- (1) References to Jurisdiction shall be the Township of North Huntingdon.
- (2) The International Building Code §1612.3 insert: "March 17, 2011," as date of issuance.
- (3) The ICC Electrical Code § 404.2 insert: "fee prescribed in Ordinance 2146, Fees, as amended, as included in associated building permit fees."
- (4) International Mechanical Code § 106.5 insert: "fee prescribed in Ordinance 2146, Fees, as amended, as included in associated building permit fees."
- (5) International Mechanical Code § 106.5.3(2) and 106.5(3)(3) insert: "zero percent (0%)".
- (6) International Fuel Gas Code § 106.5.2 insert: "fee prescribed in Ordinance 2146, Fees, as amended, as included in associated building permit fees."

- (7) International Fuel Gas Code § 106.5.3(2) and 106.5.3(3) insert: “zero (0%) percent.”
- (8) International Plumbing Code § 106.6.2 insert: “fee prescribed in Ordinance 2146, Fees, as amended, as included in associated building permit fees.”
- (9) International Plumbing Code § 106.63 (2) and (3) insert: “zero (0%) percent.”
- (10) International Plumbing Code § 305.6.1 insert: “forty (40)” inches” in both locations.
- (11) International Plumbing Code § 904.1 insert: “twenty-four (24)” inches.”
- (12) International Residential Code Table R 301.2(1) insert the following:
 - (a) Ground Snow Load: 30 lbs.
 - (b) Wind Speed (mph): 90
 - (c) Seismic Design Category: D1
 - (d) Weathering: severe
 - (e) Frost Line Depth: 36"
 - (f) Termite: moderate to heavy
 - (g) Decay: slight to moderate
 - (h) Winter Design. Temp.: 5° F.
 - (i) Ice Shield Underlayment: Yes
 - (j) Flood. Hazard: FEMA Map dated March 17, 2011
 - (k) Air Freezing index- 1,000
 - (l) Mean Annual Temp: 25°F
- (19) International Residential Code § P2603.6.1 insert: “forty (40)” inches in both places.
- (20) International Residential Code § P3103.1 insert: “twenty-four (24)” inches in both places.
- (21) International Property Maintenance Code 2009. § 302.4 insert “Twelve 12 inches”.
- (22) International Fire Code § 3204.3.1.1. § 3404.2.9.5.1, § 3406.2.4.4 and § 3804.2 insert: “Any area mapped on the current FEMA Flood Mapping as a flood area (Maps are dated March 17, 2011).”

- (23) All proposed utility, accessory and miscellaneous use structures (including, but not limited to garages, carports, sheds, etc.) containing a building area of 200 square feet or more, shall require a building permit subject to the review of all applicable codes.

§ 3. Administration and Enforcement

§ 3.1. The Township of North Huntingdon hereby elects to administer and enforce the provisions of this Article III, the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210-1.01 - 7210-1.103, as amended from time to time, the Regulations promulgated thereunder, and the Code.

§ 3.2. Administration and Enforcement of the Code within the Township of North Huntingdon shall be undertaken in any of the following ways as determined by the Governing Body of the Township of North Huntingdon from time to time by Resolution:

- (1) By the designation of an employee of the Township to serve as the Building Code Official to act on behalf of the Township;
- (2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township;
- (3) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Township;
- (4) 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.
- (5) Third- party electrical inspection agencies shall be registered with the Township of North Huntingdon and the Department of Labor and Industry, prior to performing inspections within the Township.

§ 3.3. Administration and Enforcement of the Code within the Township of North Huntingdon may also be undertaken by entering into an Agreement with one or more municipalities to provide for the joint administration and enforcement of this Act by the adoption of an Ordinance approving an Intermunicipal Agreement pursuant to 53 Pa. C.S. Chapter 23 Sub Ch. A, relating to intergovernmental cooperation.

§ 4. Board of Appeals

§ 4.1. Pursuant to 35 P.S. § 7210.501(c) and 34 Pa. Code § 403.121,

(1) The Township of North Huntingdon hereby establishes a Board of Appeals consisting of three members.

§85-4.2. The composition of the Board of Appeals is governed by the following:

- (1) All members of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer,
- (2) All members of the Board of Appeals hold office at the pleasure of the Township of North Huntingdon's governing body and without compensation.
- (3) Members of the Township of North Huntingdon's governing body and its code administrators may not serve on a Board of Appeals.
- (4) The Township of North Huntingdon may fill a position on the Board of Appeals with a qualified person who resides outside of the Township when it cannot find a person within the Township who satisfies the requirements of this section.

§ 4.3. The Township of North Huntingdon shall, by separate Resolution, appoint the initial members to the Board of Appeals who shall serve on an annual basis. After the initial appointment to the Board of Appeals, the Township shall annually at its Reorganization Meeting appoint members to said Board of Appeals.

§ 4.4 The Township of North Huntingdon may, at any time, establish a Joint Board of Appeals through an Intermunicipal Agreement pursuant to 53 Pa. C.S. § § 2301-2315 (relating to intergovernmental cooperation).

SECTION II: All Ordinances, Resolutions, Regulations and Policies of the Township of North Huntingdon, not affected, modified or repealed by this Ordinance, the Code, Act or Regulations, shall remain in full force and effect.

SECTION III: The Township of North Huntingdon hereby imposes and assesses fees and costs for the administration and enforcement of said Code, Act, Regulations, and this ordinance, which fees and costs shall be established by the Township of North Huntingdon's governing body.

SECTION IV: Any person, firm or corporation that violates any of the provisions of this Ordinance, the Code, Act and/or Regulations commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than one Thousand (\$1,000.00) Dollars in costs incurred by the Township in enforcement of said violation. Each day that a violation exists and continues shall be a separate violation.

SECTION V: The provisions of this Ordinance are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any Court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article or part thereof rendered.

SECTION VI: Any Ordinance or parts of Ordinances in conflict with this Ordinance are hereby specifically repealed.

ORDAINED AND ENACTED at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, a full quorum being present this Wednesday, June 20, 2012.

TOWNSHIP OF NORTH HUNTINGDON

BY: 
Lee D. Moffat, President
Board of Commissioners

ATTEST:


John M. Shepherd, Township Secretary

(Seal)

SOLICITOR: Bruce E. Dice, Esquire