

## CHAPTER 5

### Code Enforcement

- §101. Purpose and Authority
- §102. Building Code Adopted
- §103. Code Administration and Enforcement
- §104. Effective Date
- §105. Severability

#### Part 1

#### Building Code

##### §101. Purpose and Authority.

1. The purpose of this ordinance is to promote the general health, safety and welfare of the citizens of Everett Borough and to conform to the requirements of the Pennsylvania Construction Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code").

2. The Pennsylvania Construction Code Act requires the enactment of the appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

3. Everett Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, et P.S. 7210.101-7210.1103, as amended from time to time, and its regulations.

##### §102. Building Code Adopted.

1. 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 Everett Borough.

2. Hereafter, the term "Code", as used herein shall collectively mean the Pennsylvania Construction Code Act, as amended, referenced in Paragraph 1 above, and the

Uniform Construction Code, as amended, as referenced in §101 Paragraph 3 above.

§103. Code Administration and Enforcement.

1. Administration and enforcement of the Code within Everett Borough shall be undertaken in any of the following ways as determined by the governing body of the Borough from time to time by resolution or ordinance:

a. By the designation of an employee of Everett Borough to serve as the municipal 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 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 Everett 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.

2. A Board of Appeals shall be established by resolution of the governing body of the Borough of Everett 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.

3. Prior Ordinances

a. All building code ordinances or portions of ordinances which were adopted by Everett Borough on or before July 1, 1999, and which equal or exceed the

requirements of the Code shall continue in full force and effect until repealed, or 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, building permit ordinances and/or portions thereof and/or 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 repealed to the extent inconsistent herewith.

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

4. Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by ordinance, if required by law, and/or joint resolution of the participating municipalities and amended from time to time thereafter, as needed, by subsequent resolution.

5. The remedies and penalties as set forth in the Code, as amended, for violations of the Code are adopted hereby and incorporated herein by reference as if set forth at length. Such remedies and penalties may be enforced and applied on Everett Borough's behalf through joint administration with the participating municipalities as mentioned above under the intermunicipal agreement, including but not limited to prosecution by the Solicitor for the participating municipalities (without need for prior consent of the District Attorney to do so) before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. When any individual, firm, corporation or other entity so prosecuted and convicted defaults on payment of the applicable fine as determined by the district justice, such individual or the managing officers of any firm or corporation shall be imprisoned in the county prison for a period not to exceed ten (10) days. Each day or portion thereof during which any violation of this Ordinance continues shall constitute a separate offense and/or violation, and the person, firm, corporation or other entity in violation thereof shall be liable for the penalty imposed, plus court costs and reasonable attorney's fees incurred by the Borough and/or by joint

administration of the participating municipalities in the enforcement proceedings. Likewise, each section of the Ordinance which is violated shall constitute a separate offense and/or violation, and the person in violation thereof shall be liable for the penalty imposed, plus court costs and reasonable attorney's fees incurred by the Borough and/or by joint administration of the participating municipalities in the enforcement proceedings. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of the Ordinance, which may be prosecuted through joint administration and enforcement by the participating municipalities through their Solicitor. The imposition of a fine or penalty for any violation of, or non-compliance with, this Ordinance shall in no way be considered express or implied permission for such violation to continue; and all such persons violating this Ordinance shall be required to correct or remedy such violations and non-compliances immediately upon notification by the Borough and/or the agents, servants, employees, or authorized representatives of the participating municipalities joining together as mentioned above to enforce and administer the Code.

§104. Effective Date. This ordinance shall be effective on July 5, 2004.

§105. Severability. 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.