

BOROUGH OF New Milford
ORDINANCE NO. 175

AN ORDINANCE OF THE BOROUGH OF New Milford, SUSQUEHANNA COUNTY, PENNSYLVANIA, PROVIDING FOR THE ENTERING INTO INTERGOVERNMENTAL COOPERATION WITH OTHER MUNICIPALITIES OF SUSQUEHANNA COUNTY TO ESTABLISH AND MAINTAIN THE **SUSQUEHANNA COUNTY COUNCIL OF GOVERNMENTS CODES ENFORCEMENT COMMITTEE** TO PERFORM AND ENFORCE THE PROVISIONS OF THE UNIFORM CONSTRUCTION CODE (UCC) UNDER THE PENNSYLVANIA CONSTRUCTION CODE ACT (35 P.S. §§ 7210.101—7210.1103), IN THE BOROUGH OF New Milford PROVIDING FOR THE APPOINTMENT OF A REPRESENTATIVE OF SAID MUNICIPALITY TO SERVE AS A MEMBER OF SAID COMMITTEE, PROVIDING FOR THE ADOPTION OF A PERMIT FEE SCHEDULE AND COLLECTION OF SAME BY THE COMMITTEE, AND AUTHORIZING SAID COMMITTEE TO ESTABLISH AN APPEAL BOARD IN ACCORDANCE WITH THE PROVISIONS OF SAID PENNSYLVANIA CONSTRUCTION CODE ACT.

WHEREAS, the purpose of this ordinance is to promote the general health safety and welfare of the citizens of this Municipality 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 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. This Municipality 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 this Municipality.
3. Administration and enforcement of the Code within this Municipality shall be undertaken through the Susquehanna County Council of Governments Codes Enforcement Committee. The Municipality hereby designates the Susquehanna County Council of Governments Codes Enforcement Committee to act on behalf of the Municipality for administration and enforcement of this Act. In the event that the Municipality ever withdraws from the Susquehanna County Council of Governments Codes Enforcement Committee, the Municipality shall be solely responsible for enforcement of the Act through the use of code enforcement officers and/or third party agencies.
4. A Board of Appeals shall be established through the Susquehanna County Council of Governments Codes Enforcement Committee, which shall be 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.

5. a. All building code ordinances or portions of ordinances which were adopted by this Municipality 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 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 amended to conform with the comparable provisions of the Code.
 - c. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.
6. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance or the Act shall be established and collected by the Susquehanna County Council of Governments Codes Enforcement Committee for its use as allowed by law.

This ordinance shall be effective July 1, 2004.

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.

Duly enacted and ordained this 3rd day of June 2004.

BOROUGH OF New Milford

[Signature]
Council President

ATTEST:

[Signature]
Secretary

SEAL