

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE # 11 OF 2004

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH MIDDLETON
TOWNSHIP, CUMBERLAND COUNTY, PA,
ELECTING TO ADMINISTER AND ENFORCE THE PENNSYLVANIA
CONSTRUCTION CODE ACT 45 OF 1999 AND HEREBY
ADOPTING AND INCORPORATING HEREIN THE UNIFORM CONSTRUCTION
CODE CHAPTERS 401 – 405 AS AMENDED
FROM TIME TO TIME, BY REFERENCE AS THE MUNICIPAL
BUILDING CODE.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of South Middleton 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 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 South Middleton Township.
3. Administration and enforcement of the Code within South Middleton Township shall be undertaken in any of the following ways or a combination thereof as determined by the governing body of South Middleton Township from time to time by resolution:
 - a. By the designation of an employee of South Middleton Township to serve as the municipal code official to act on behalf of the South Middleton Township;
 - b. By the retention of one or more construction code officials or third party agencies to act on behalf of South Middleton Township;

- c. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement;
 - d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of South Middleton 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 governing body of South Middleton 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. All building code ordinances or portions of ordinances which were adopted by South Middleton Township 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. South Middleton Township retains portions of Ordinance 11 of 1996 enacted on the 17th of December 1996 and requiring the following:
- a. Ground snow loads: Ground snow loads shall be at a minimum of thirty (30) pounds per square foot.
 - b. Frost Protection: Frost line shall be at a minimum of thirty-six (36) inches in depth.

All other language pertaining to these provisions shall be in conformity with the Code. :

6. All building code ordinances or portions of 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.
7. All relevant ordinances, regulations, and policies of South Middleton Township not governed by the Code shall remain in full force and effect.
8. Fees assessable by South Middleton Township for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.
9. This ordinance shall be effective five days after the date of passage of this ordinance.

10. 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 27th day of May, 2004, by the Board of Supervisors of South Middleton Township in public session duly assembled.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

RONALD L. REEDER, Chairman

THOMAS E. FALEY, Vice Chairman

JAMES N. BAKER

PHYLLIS W. GIVLER

BRYAN A. GEMBUSIA

ATTEST:

SANDRA A. QUICKEL, SECRETARY