

Chapter 5

Code Enforcement

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Part 1**Uniform Construction Code****§5-101. Election to Enforce Pennsylvania Construction Code.**

Troy Borough 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.

(Ord. 04-01, 6/15/2004, §1)

§5-102. Uniform Construction Code Adopted.

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.

(Ord. 04-01, 6/15/2004, §2)

§5-103. Penalty.

Any person, firm, or corporation violating any provisions of the Pennsylvania Uniform Construction Code, shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs of prosecution, which shall include any attorney's fees incurred by Troy Borough in such prosecution, or in default of payment, to imprisonment for a term not to exceed 30 days. Each day a violation of this Code continues shall constitute a separate offense. Enforcement shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, or through an action in equity brought in the Court of Common Pleas of Bradford County.

(Ord. 04-01, 6/15/2004, §3)

§5-104. Administration and Enforcement.

Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by Resolution:

A. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality.

B. By the retention of one or more construction code officials or certified third-party agency(ies) to act on behalf of the Municipality.

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 this Municipality.

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.

(*Ord. 04-01, 6/15/2004, §4*)

§5-105. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of this Municipality 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 anytime enforcement and administration is undertaken jointly with one or more other municipalities, the Board of Appeals shall be established by joint action of the participating municipalities.

(*Ord. 04-01, 6/15/2004, §5*)

§5-106. Savings and Repeals.

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.

A. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

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

(*Ord. 04-01, 6/15/2004, §6*)

§5-107. Fees.

Fees assessable by Troy Borough and any third party agency or municipality participating with this municipality in a joint enforcement program shall be established by the governing body by resolution from time to time.

(*Ord. 04-01, 6/15/2004, §7*)

§5-108. Effective Date.

This Part shall be effective July 8, 2004.

(*Ord. 04-01, 6/15/2004, §8*)

Part 2**Assessment Permits****§5-201. Statement of Intent.**

The intent of this Part is to inform the municipality on construction of structures that do not require permits under the Pennsylvania Uniform Construction Code (hereinafter UCC) [Part 1] for assessment purposes.

(Ord. 04-02, 6/15/2004, §1.0)

§5-202. Applicability.

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, the construction, renovation, or repair of any agricultural building, manufactured housing, historical building, accessory or miscellaneous-use structure less than 500 square feet which is non-habitable and limited to one story anywhere within the municipality unless an approved assessment permit has been obtained from the municipality.

(Ord. 04-02, 6/15/2004, §1.1)

§5-203. Abrogation and Greater Restrictions.

This Part supersedes any provisions currently in effect. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

(Ord. 04-02, 6/15/2004, §1.2)

§5-204. Municipal Liability.

This Part shall not create liability on the part of the municipality or any officer or employee thereof for any damages, that result from reliance on this Part or any administrative decision lawfully made hereunder.

(Ord. 04-02, 6/15/2004, §1.4)

§5-205. Application Procedures.

Application for such an assessment permit shall be made in writing to the Borough Council, on such forms as may be approved by the Borough Council by resolution from time to time hereafter. Such application shall contain at least the following:

- A. Name and address of applicant.
- B. Name and address of owner of land on which proposed construction is to occur.
- C. Name and address of contractor.
- D. Site location.
- E. Brief description of proposed work and estimated cost.
- F. A plan of the site showing the site and location of the proposed construction as well as any existing buildings or structures, with set back dimensions.

(Ord. 04-02, 6/15/2004, §2.0)

§5-206. Issuance of Assessment Permit.

1. The Borough Council shall issue an assessment permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes or ordinances.

2. After the issuance of an assessment permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the municipality.

(Ord. 04-02, 6/15/2004, §2.1)

§5-207. Start of Construction.

Work on the proposed construction shall begin within 6 months from the date of issuance of the assessment permit. The proposed construction shall be completed within 12 months after the date of issuance of the assessment permit. Construction shall be considered to have started with the first placement of permanent construction to the site, such as pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings the start of construction includes the first permanent framing or assembly of the structure of any part thereof on its pilings or foundation or the affixing of any prefabricated structure to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filing, excavation for basement, footings, piers or foundations, erection of temporary forms, or installation of piling under proposed subsurface footings.

(Ord. 04-02, 6/15/2004, §2.2)

§5-208. Fees.

A schedule of fees for the issuance of permits shall be established by resolution passed by the Borough Council from time to time.

(Ord. 04-02, 6/15/2004, §2.3)

§5-209. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 04-02, 6/15/2004, §3.0 as amended by A.O.)

§5-210. Specific Definitions.

Agricultural building—a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to

mean a place of occupancy by the general public.

Construction—the construction or relocation of a building or structure.

Manufactured housing—under §901(a) of the Act, 35 P.S. §7210.901 (a), housing which bears a label as required by and referenced in the Manufactured Housing Act, 35 P.S. §1656.1 *et seq.*, certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. §5401 *et seq.*

Structure—anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds and other similar items.

(*Ord. 04-02, 6/15/2004, §4.1*)

