

Upon motion by _____, seconded by _____,
the following Ordinance was duly enacted, _____ voting in favor of enactment, _____ voting
against enactment.

ORDINANCE 2004-9

An Ordinance of Millcreek Township, entitled the Millcreek Township Construction Code, to adopt the Uniform Construction Code and establish regulations governing construction of buildings and structures and other activities regulated by the UCC, submission of and action upon permit applications and plans, inspection of construction and other regulated work and issuance of UCC certificates of occupancy; establishing regulations governing administration and enforcement; establishing a board of appeals and providing for its operations; addressing application of UCC regulations to other Township ordinances; establishing penalties for violation; and including severability and repealor clauses.

WHEREAS, the General Assembly of Pennsylvania by Act No. 45 of 1999, 35 P.S. § 7210.101, et seq., has enacted the Pennsylvania Construction Code Act (“UCC”); and

WHEREAS, the Pennsylvania Department of Labor & Industry at 34 Pa. Code § 403.1, et seq. has promulgated regulations to implement the provisions of the UCC (“administrative regulations”) and

WHEREAS, the UCC at 35 P.S. § 7210.501(a) provides that in order to administer and enforce the provisions of the Act, municipalities may adopt the UCC and incorporated codes and the International Fuel Gas Code by reference; and

WHEREAS, the UCC pertains to standards governing construction, alteration, repair, movement, demolition or change of occupancy of buildings and structures and the installation, enlargement, alteration, repair, conversion, replacement or removal of certain equipment and systems but does not pertain to other matters subject to regulation by the Township, such as subdivision and land development, zoning and stormwater management; and

WHEREAS, the UCC allows municipalities to determine the manner in which they shall administer and enforce the Act; and

WHEREAS, the Board of Supervisors has determined that it is in the best interests of the health, safety and general welfare of the Township and its residents to adopt the UCC as the Township's construction code; and

WHEREAS, the Board of Supervisors has determined that it is in the best interests of the Township to provide for administration and enforcement of the UCC through intermunicipal agreement and retention of one or more third-party agencies to act on behalf of the Township for administration and administrative enforcement of the Act; and

WHEREAS, as a consequence of weather conditions and concern for ensuring access to commercial buildings in the event of a need for fire or police protection services, the Board of Supervisors has determined that it is in the best interest of the public health, safety and general welfare to adopt certain standards which exceed those of the UCC; and

WHEREAS, issues relating to such matters as land use, land development and stormwater management are subject to regulation by the Township independently of the UCC, often require compliance with various regulations prior to application for or issuance of any permit authorizing construction of improvements and establish standards apart from those in the UCC which remain in effect and are not amended or superseded by those for construction standards in the UCC; and

WHEREAS, it is the intention of the Board of Supervisors to adopt the UCC, codes adopted by reference in the UCC and regulations adopted by the Pennsylvania Department of Labor & Industry except as specifically provided in this Ordinance.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania as follows:

ARTICLE I
ADOPTION OF CODES AND STANDARDS

1.01 Adoption of Uniform Construction Code

1.01.1 The Pennsylvania Construction Code Act, 35 P.S. § 7210.101, et seq., as may in the future be amended, is hereby adopted as the building code of Millcreek Township.

1.01.2 The Township adopts and incorporates by reference those codes recited at 34 Pa. Code § 403.21, as may in the future be amended, as its Construction Code; provided, that the Township does not adopt administrative and enforcement provisions of said codes insofar as such provisions are inconsistent with or conflict with the UCC, regulations at 34 Pa. Code § 401.1, et seq. and this Ordinance.

1.01.3 The Township adopts by reference regulations governing training and certification, administration and other matters governing implementation of the UCC as adopted by the Department of Labor & Industry, as may in the future be amended.

1.02 Application of Codes and Standards Codes adopted by this Ordinance to govern construction and other regulated activities shall also govern the use, occupancy and condition of buildings and structures following issuance of a UCC certificate of occupancy. The Board of Supervisors shall have authority to designate persons responsible for administration and enforcement of such codes following construction and other activity regulated by the UCC, and such code administration and enforcement personnel shall have all authority to inspect premises, issue notices (including stop work, unsafe building and other orders) and take other actions as are necessary to ensure compliance with standards of said codes.

1.03 Additional Construction Standards In addition to the standards as set forth in the UCC and codes adopted in Section 1.01 of this Ordinance, all construction activity subject to the UCC and this Ordinance shall further comply with the following requirements:

1.03.1 Design Frost Depth - Use forty-eight inches (48") to the bottom of footing.

1.03.2 Design Snow Load - Use a roof snow load of 40 psf (pounds per square foot) applied as per Section 1608 of the International Building Code.

1.03.3 Design Wind Load - Use values and methodology provided in Section 1609 of the International Building Code for the specific structure type and condition.

1.03.4 Knox Box - A "Knox box" or box containing a key which will allow for entry by fire department personnel) shall be installed outside the main door of a commercial or industrial building.

1.03.5 Table R301.2(1) of the International Residential Code shall be as set forth on Appendix A to this Ordinance.

ARTICLE 2

APPLICATION OF REGULATIONS

2.01 General Application This Ordinance shall apply to and govern the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure and to the installation, enlargement, alteration, repair, removal, conversion or replacement of electrical, gas, mechanical and plumbing systems which occurs on or after the effective date of this Ordinance and all existing buildings or structures which are not legally occupied. Exceptions to application of the UCC as set forth in the Act and/or administrative regulations shall apply and are incorporated herein by reference.

2.02 Application of Other Ordinances This Ordinance shall not be deemed to modify or amend any other municipal ordinances, including but not limited to the Subdivision and Land Development Ordinance, the Zoning Ordinance and the Stormwater Management Ordinance, except as expressly stated in this Ordinance or in the UCC. This Ordinance is intended to apply to and govern construction and other activities which are expressly subject to the UCC and to continuing use, occupancy and maintenance of buildings and structures after issuance of a UCC certificate of occupancy as provided in the adopted codes.

- 2.02.1 No application for a construction or other UCC permit shall be accepted, nor shall any proposed construction plan be considered for any property in the Township until the applicant has first complied with all other regulations governing the proposed activity, these including but not limited to subdivision, land development, zoning and stormwater management regulations and required workers' compensation and liability insurance.
- 2.02.2 Prior to submitting an application for a construction or other permit under the UCC, the property owner or other qualified applicant shall submit to the Township's Zoning Administrator an application for a zoning permit on a form prescribed by the Board of Supervisors. A zoning permit shall not be issued unless the application complies with all regulations exclusive of those under this Ordinance. Any appeal from issuance, denial, suspension or revocation of a zoning permit shall be taken to the Zoning Hearing Board in accordance with provisions of the Zoning Ordinance.
- 2.02.3 For purposes of this Ordinance, a "zoning permit" shall pertain to all regulations in the Zoning Ordinance, Subdivision and Land Development Ordinance, Stormwater Management Ordinance and other State or Federal laws, ordinances of the Township or regulations which pertain to the proposed use or activity, excepting only the UCC, this Ordinance and regulations implementing the UCC.
- 2.02.4 Upon issuance of a zoning permit for the proposed activity, all construction design, plans and activity shall be conducted in accordance with terms of the issued zoning permit, and with regulations of other Township ordinances and approved subdivision, development and/or stormwater management plans.
- 2.02.5 Except for those matters which are certified in writing by the Township's Zoning Administrator not to require issuance of a Township zoning or other permit, no application for UCC construction or other permit shall be accepted nor any permit issued until such Township zoning or other permit has first been issued.
- 2.02.6 In performance of plan review, inspection and other services required under the UCC, the retained building code official(s) and construction code officials shall ensure that such construction is designed and conducted in strict conformity with the approved zoning permit. Failure to design or perform construction in conformity with the issued zoning permit shall be grounds for issuance of corrective notices, stop work orders and other administrative enforcement measures under the UCC. The retained building code official, in writing, shall notify the Township's Zoning Administrator immediately upon detecting any violation of an issued zoning permit and/or approved building location in the plans.

- 2.02.6.1 Location of building(s) must be in accordance with the issued zoning permit. During a foundation inspection, the building code official shall review and certify compliance with location of buildings and structures as shown on the zoning permit by confirmation of location on a copy of the zoning permit. If such inspection discloses a violation of the zoning permit, the Township's zoning officer shall be notified immediately. In other cases, the zoning officer shall be furnished with a copy of the confirmed zoning permit site plan within seven (7) days after the foundation inspection.
- 2.02.6.2 No approval of any stage of construction shall be issued where such construction is in violation of or deviates from terms of the issued zoning permit.
- 2.02.6.3 No UCC certificate of occupancy shall be issued where the construction is in violation of terms of an issued zoning permit.
- 2.02.6.4 The Zoning Administrator and other Township officials responsible for enforcement of regulations other than those in the UCC and this Ordinance shall retain full authority to enforce such regulations. A stop-work order issued by a Township officer after violation of a regulation subject to the zoning permit shall be communicated to the building code official, who shall suspend work on UCC-related activities for the subject property until such time as the Township certifies that violations of the zoning permit have been corrected.
- 2.02.6.5 A UCC certificate of occupancy issued by the retained building code official shall constitute a certification that construction has been performed which meets requirements of the UCC and shall authorize occupancy and use of the constructed improvement(s).
- 2.02.6.6 The building code official shall not issue a certificate of occupancy until the Zoning Administrator has confirmed that all requirements of the issued zoning permit have been fully complied with.
- 2.02.6.7 Within five (5) business days after receipt of notice from the building code official that it has completed final inspection and, aside from requirements of the zoning permit, is able to issue a UCC certificate of occupancy, the Zoning Administrator shall determine whether all requirements in the zoning permit and other Township ordinances have been complied with and either authorize the building code official to issue the certificate of occupancy if requirements of the zoning permit have been satisfied or advise the building code official and the applicant in writing of those measures which must be taken for a certificate of occupancy to be issued.

2.02.7 Where an application for permit pertains only to the installation, repair, removal, maintenance or alteration of equipment, does not involve or pertain to construction activity requiring a building permit, and further does not involve construction activity other than to the interior of a building or structure, a change of use of the building or property and/or activity which would require subdivision, land development or stormwater management regulation, an application for zoning permit shall not be required prior to receipt of and action on a UCC permit. This exception shall be strictly construed and is not intended to apply when such activities are conducted in circumstances that do involve local regulations.

ARTICLE 3 ADMINISTRATION

3.01 UCC Administration Services All services pertaining to review and approval of construction plans, UCC applications for permits, inspection of construction, consideration of requests for variances or extensions of time under the UCC, administrative enforcement of the UCC and this Ordinance, issuance of a UCC certificate of occupancy, notices to the Township's Zoning Administrator and representation in proceedings before the board of appeals and, as witness(es), in civil or criminal enforcement proceedings prosecuted by the Township shall be performed by the building code official(s), construction code official(s) and other persons employed or contracted by the firm retained by the Township under written contract to provide such services. The Township shall not perform any such services itself or through its employees.

3.02 Municipal Fees, Forms and Procedures The Board of Supervisors, by resolution, is authorized to establish and amend fees and deposits for services provided by the Township in the administration of this Ordinance and matters relating to applications submitted and permits or certificates issued pursuant to this Ordinance, and is authorized to specify the time period(s) by which such fees or deposits shall be paid. The Board of Supervisors, by resolution, is authorized to adopt forms for use in administration and enforcement of this Ordinance and to establish and amend rules, regulations and procedures to implement this Ordinance.

_____ 3.02.1 Permits for approval of construction under the UCC shall be on such form(s) as are adopted for use by the Board of Supervisors, as may in the future be amended.

3.02.2 Except as expressly authorized in the UCC or in the administrative regulations governing its implementation, no construction or other activity regulated by the UCC shall be conducted or commence without a permit therefor first being issued.

3.02.3 A construction permit shall be valid for a period of one (1) year from the date of issuance, provided that construction shall commence within six (6) months after the date of issuance. Upon written request and with good cause shown prior to the deadline for commencement of construction, the building code official in his or her discretion may extend the deadline for commencement of construction for a period not exceeding six (6) months. Upon written request and with good cause shown prior to expiration of a permit's term, the Board of Supervisors in its discretion may extend the validity of a permit for a period not to exceed one (1) year.

3.02.3.1 An applicant's application for a permit prior to the applicant's being prepared to commence construction shall not constitute good cause.

3.02.3.2 The Board of Supervisors shall have exclusive authority over requests for extension as to permits issued prior to the effective date of this Ordinance.

3.02.4 Permits, applications for permits and actions on permits pertaining solely to repair or replacement of equipment shall be administered as set forth at 34 Pa. Code § 403.1, et seq., as may in the future be amended.

3.03 Fees for UCC Plan Review, Inspections and Certifications Fees for review and approval of construction plans, inspections, certifications and other services by a third party firm retained by the Township which are required under the UCC and this Ordinance with respect to regulated construction activity shall be as established in contract(s) entered into between the Township and such firm(s). Such retained firm(s) shall further be entitled to assess fees for additional services (including meetings, additional inspections, proceedings, copies, etc.) required or requested as to particular matters, as authorized by Resolution adopted by the Board of Supervisors.

3.04 Deposits The Board of Supervisors by Resolution is authorized to require payment by applicants of deposits to be applied to payment of fees as incurred by the Township and/or the firm(s) retained by the Township for performance of services required by the UCC and this Ordinance. Deposit payments in excess of final fees shall be refunded to the payor upon issuance of the final certificate required by the retained firm(s) or the Township, as is applicable.

3.04.1 Deposits payable to the Township shall be held by the Treasurer in an interest-bearing account restricted to use for payment of fees imposed for services provided by the Township. Interest on such funds shall be retained by the Township.

3.04.2 Deposits payable to the firm(s) retained by the Township for performance of duties under the UCC shall be payable to said firm(s) and shall be retained by said firm(s) for that specific purpose. Said firm(s) shall be obligated to account to the payor for disposition of said sums. No application for UCC construction permit shall be accepted unless accompanied by payment of the required deposit or fees.

3.05 Prompt Payment of Fees and Deposits Required All fees and deposits imposed or required by Resolution adopted by the Board of Supervisors and/or under contract with the firm(s) retained by the Township to perform services required by the UCC and this Ordinance shall be payable in full to the proper entity by the date(s) set forth in such Resolution(s) and contract.

_____ 3.05.1 No application for a permit, certificate or other service to be provided by the Township shall be accepted unless all fees and deposits required therefor are paid with the application or other request.

3.05.2 No application for UCC construction permit or construction plan approval shall be accepted or referred to the retained firm(s) unless all fees and deposits required therefor are paid with such application.

3.05.3 If an initial deposit fund has been or soon will be exhausted, the Township's Zoning Administrator or the retained firm(s), as the case may be, shall have authority to require that the applicant pay one or more additional deposits toward fees for additional services.

3.05.4 If a fee or deposit due under this Ordinance, Resolution of the Board of Supervisors or contract with retained firm(s) is not paid in full by the date required therefor, the Township or the retained firm, as the case may be, shall not perform any inspection, review or other service and shall not issue any permit, report or certificate until such time as the required fee or deposit has been paid in full.

3.06 Inter-Municipal Agreement The Board of Supervisors is authorized to enter into one or more inter-municipal agreements with other municipalities in Erie County, to provide for enactment of consistent ordinances implementing, administering and enforcing the UCC and for retention by said municipalities of one or more firm(s) to provide plan review, inspection and administrative enforcement services required under the Act and this Ordinance.

3.07 Board of Appeals A joint board of appeals shall be established in accordance with 35 P.S. § 7210.501(C) and administrative regulations adopted by the Department of Labor & Industry to hear appeals from decisions of the building code official and/or construction code official.

3.07.1 Such board of appeals shall be constituted and serve as to appeals from decisions involving regulated activity in all of the municipalities participating in the inter-municipal agreement with this Township. To the extent residency of a board member is material under the UCC, it shall be sufficient that the member resides in one of the municipalities participating in the inter-municipality agreement.

3.07.2 A person meeting qualifications who does not reside in one of the municipalities participating in the inter-municipal agreement may be appointed to fill a position on the board of appeals when the participating municipalities cannot find a person residing in one of the municipalities who satisfies requirements for membership.

3.07.3 No member of a Township's governing body may serve on the board of appeals.

3.07.4 A member of the board of appeals shall be qualified by training and experience to pass on matters pertaining to building construction.

3.07.5 Members of the joint board of appeals shall be appointed by majority vote of the municipalities participating in the inter-municipality agreement.

3.07.6 A member of the board of appeals holds office at the pleasure of the governing bodies of the municipalities participating in the inter-municipal agreement, and may be removed with or without cause by majority vote of the governing bodies of participating municipalities.

- 3.07.7 A member of the board of appeals may not cast a vote or participate in any hearing on any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.
- 3.07.8 The board of appeals may not act upon appeals, requests for variance or requests for extension of time which relate to accessibility under the Act. Such appeals or requests shall be filed with the Accessibility Advisory Board under administrative regulations of the Department of Labor & Industry.
- 3.07.9 The board of appeals may not act upon appeals, requests for variance or requests for extension of time which relate to matters regulated and governed by State laws and Township ordinances other than the UCC and this Ordinance

3.08 Appeals to Board of Appeals

- 3.08.1 Requests for variance from or for extension of time as to regulations of the UCC shall initially be submitted to the building code or construction code official retained by the Township, who shall make a determination with due regard for requirements and objectives of the UCC.
- 3.08.2 An owner or agent of the owner may appeal from the decision of the building code or construction code official on a request for variance or request for extension of time or other matter subject to the UCC by filing a petition with the building code official or that official's designee on a form as adopted by the Township.
- 3.08.3 The postmark date or date of personal service shall establish the filing date of the appeal and request for variance or extension of time.
- 3.08.4 An appeal or request for variance or extension of time to the board of appeals shall automatically suspend an action to enforce an order to correct until the matter is resolved; provided, that such appeal shall not constitute any basis for the appellant's continuation of unlawful construction or any excuse therefor.
- 3.08.5 An action pertaining to an unsafe building, structure or equipment or any other matter subject to the building code official's authority at 34 Pa. Code §§ 403.81 through 403.84 shall not be stayed by virtue of an appeal.
- 3.08.6 The board of appeals shall decide an appeal or request for variance or for extension of time by reviewing documents and written brief or argument, unless the owner requests a hearing. In the event an owner requests a hearing, the owner shall with such request pay all additional fees therefor as are imposed by Resolution of the Board of Supervisors.

3.09 Action on Appeals

_____ 3.09.1 The board of appeals shall hold a hearing within 60 days after the date of an applicant's request and payment of required fees therefor unless the applicant has agreed in writing to an extension of time. The board of appeals shall notify the owner, the building code official and the respective municipality's Zoning Administrator of the date, time and place of the hearing.

3.09.2 An application for appeal shall be based on a claim that the true intent of the UCC or regulations adopted under it have been incorrectly interpreted; that the provisions of the UCC do not fully apply; or that an equivalent form of construction is to be used. In considering appeals under this Section [which recites Act Section 501(C) (2)], the board of appeals shall only consider the following in making its decision:

3.09.2.1 Whether the true intent of the UCC and this Ordinance have been correctly interpreted by the building code or construction code official.

3.09.2.2 Whether provisions of the UCC and this Ordinance do not apply.

3.09.2.3 Whether an equivalent form of construction is to be used.

3.09.3 The board of appeals may consider the following factors when ruling upon a request for extension of time or a request for variance from regulations:

3.09.3.1 The reasonableness of application of the UCC and this Ordinance's additional standards to the particular case.

3.09.3.2 The extent to which the granting of a variance or an extension of time will pose a violation of the UCC and/or additional standards in this Ordinance or an unsafe condition.

3.09.3.3 The availability of professional or technical personnel needed to come into compliance.

3.09.3.4 The availability of materials and equipment needed to come into compliance.

3.09.3.5 The efforts being made to come into compliance as quickly as possible.

3.09.3.6 Compensatory features that will provide an equivalent degree of protection to the UCC and additional standards in this Ordinance.

3.09.4 Economic cost shall not furnish justification for granting an appeal or a variance or extension of time.

_____ 3.09.5 In considering an appeal or a request for variance, the board of appeals may: deny the request in whole or in part; grant the request in whole or in part; grant the request upon certain conditions being satisfied; or grant other appropriate relief.

3.09.6 The board of appeals shall provide written notice of its decision to the owner and the building code official. The building code official shall provide a copy of the decision to the Township's Zoning office within 7 days after its receipt thereof.

3.10 Fees for Appeals The Board of Supervisors by Resolution may impose fees for appeals. Such fees shall be paid contemporaneously with submission of an appeal petition.

3.10.1 The firm(s) retained by the Township may by schedule approved by the Board of Supervisors establish fees for additional services required of it in appeals.

_____ 3.10.2 The Board of Supervisors by Resolution is authorized to establish fees to be paid to members of the board of appeals for services rendered.

3.10.3 The municipality involved in a proceeding before the board of appeals shall be responsible for payment of fees due to board members for such proceeding. Fees established for appeals may include such costs as the Board of Supervisors deems reasonable.

3.11 Violations; Penalties for Violation

3.11.1 Any person or entity committing any act(s) prohibited herein (or in the Uniform Construction Code as adopted by this ordinance) shall violate this ordinance and commit a summary offense.

3.11.2 Each day that a violation continues shall be considered a separate violation.

3.11.3 This ordinance shall be enforced pursuant to the provisions of Ordinances No. 96-9 governing attorney's fees and costs payable in enforcement actions.

3.11.4 A fine in an amount not more than \$1,000.00 per violation and per day of violation is hereby prescribed for violations of this ordinance. The fine for violations which involve failure or refusal to comply with orders or directives of the building code official shall be in an amount not less than \$500.00 and not more than \$1,000.00 per violation and per day of violation.

3.11.5 Upon conviction, any person violating any provision of this ordinance shall be sentenced to pay fines as prescribed in Section 3.11.4, plus costs and with all attorneys' fees incurred by the Township in the proceeding.

3.12 Civil and Criminal Enforcement Actions. Actions to enforce the UCC and/or this Ordinance and actions to enjoin unlawful construction or activities or compel action to remedy violations brought in the District Justice Court or Court of Common Pleas of Erie County shall be instituted and prosecuted in the name of the Township. The building code official retained by the Township under contract shall assume responsibility for and assist in prosecution of such actions, including but not limited to filing of complaints and providing testimonial and documentary evidence. If the Township is required to commence an action for enforcement of this Ordinance or for other relief in equity or at law as a consequence of a violation, the Township's Zoning Administrator and Solicitor are authorized to prosecute said actions, and the Township, in addition to fines for violation and other relief, shall be entitled to recover from the violator all costs and all attorney's fees incurred in the proceeding, in accordance with 53 P.S. § 1601 and other ordinances of the Township. The Township's remedies shall be deemed to be cumulative. Election of one remedy shall not foreclose any alternative remedy.

3.12.1 This Section is not intended to modify provisions of the administrative regulations at 34 Pa. Code §§ 403.1 and 403.81-403.84, pertaining to authority of the building code official

3.13 Liability of Municipal Officials Municipal code, zoning and other municipal officers or employees charged with the civil or criminal enforcement of this Code, while acting for the municipality and within the scope of their employment, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

3.14 Liability of Retained Building Code and Construction Code Officials Building code officials and construction code officials (including inspectors) charged with administration and administrative enforcement of this Code, while acting for the retained firm(s) under contract with the Township and within the scope of their employment, shall not thereby be rendered liable personally, and are hereby relieved from personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of such duties.

3.15 Liability of Township and Building Code Official Notwithstanding the foregoing, the Township shall not be liable for claims, actions, actions or causes of action, demands or expenses of any nature whatsoever arising from performance of plan review, inspection, administration, administrative enforcement, issuance of inspection reports or UCC occupancy certificates or other matters within the scope of duties of the firm(s) retained by the Township for performance of such services. All contracts with firms or persons for performance of such services shall specify that such person(s) or firm(s) shall be independent contractors solely responsible for the proper performance of such services, and that such retained person(s) or firm(s) shall hold the Township harmless against and indemnify the Township for any and all claims, actions, actions or causes of action, demands or expenses of any nature whatsoever arising from performance of plan review, inspection, administration, administrative enforcement, issuance of inspection reports or UCC occupancy certificates or other matters performed under contract with the Township.

3.16 Enforcement of Other Ordinances This Ordinance is not intended and shall not be interpreted to amend or limit the Township's authority to administer and enforce other ordinances governing development, land use or stormwater management. In the event of a violation of any other Township ordinance in connection with development of land, construction or use which pertains to matters other than construction standards governed by the UCC, the Township shall have full authority to enforce such other ordinances without regard to the owner's compliance with the UCC. Where authorized by such other ordinances, the Township shall issue stop work, cease and desist and other orders necessary to ensure compliance with other regulations, such orders to control when in conflict with regulations of the UCC and this Ordinance.

3.17 Reports By Retained Construction Officials The person(s) or firm(s) retained by the Township under contract to provide services under the UCC and this Ordinance shall retain for the Township and as property of the Township all documents received and generated in performance of its duties, and shall provide to the Zoning Administrator such reports and documents as are required in the contract(s), these to include at a minimum:

- 3.17.1 Written certification of approval of construction plan.
- 3.17.2 Copy of site plan after foundation inspection certifying location of all buildings.
- 3.17.3 Monthly report of inspections conducted.
- 3.17.4 Weekly reports of building activity.
- 3.17.5 Decisions of board of appeals pertaining to the municipality.
- 3.17.6 Final inspection reports.
- 3.17.7 UCC certificate of occupancy.

3.18 Coordination With Other Inspections The building code official(s) and construction code official(s) retained under contract with the Township shall not be obligated to perform inspections of construction of improvements other than are subject to the UCC and additional standards of this Ordinance. Said retained officials shall, however, provide to the Township, water and sewer authorities and other entities responsible for regulating construction of improvements or connections to water and sewer lines such notices of scheduled inspections and construction status as is deemed necessary by the Township to put such other entities on notice so that they may inspect matters subject to their authority in timely fashion as construction activities proceed.

ARTICLE 4
MISCELLANEOUS PROVISIONS

4.01 Short Title This Ordinance shall be known as the Uniform Construction Code Ordinance.

4.02 Severability If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision or its application not been included herein.

4.03 Repealor All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed as of a date 60 days after the Uniform Construction Code in its entirety takes effect.

4.04 Effective Date This Ordinance shall be effective five (5) days after its enactment. As this Ordinance is enacted to adopt the Uniform Construction Code, which is to become effective in its entirety as set forth in Act 1999-45, this Ordinance shall take effect and all ordinances or parts of ordinances inconsistent with this Ordinance shall be repealed as of a date sixty (60) days after the date on which the Uniform Construction Code in its entirety takes effect.

BE IT ENACTED this 29th day of June, 2004.

Lawrence G. Curtis, Secretary

APPENDIX A
INTERNATIONAL RESIDENTIAL CODE TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP.	FLOOD HAZARDS
			Weathering	Frost line Depth	Termite	Decay		
40	90	B	Severe	48"	Moderate to Heavy	Slight to Moderate	0°	See Ordinance 79-4 Firm Maps ## 4204520005B, 4204520010B eff. 4/16/79