

## *Uniform Construction Code*

### *Scope of Services under Contract with Building Inspection Underwriter*

In early June 2004, Millcreek, Harborcreek and Fairview Townships awarded a contract to Building Inspection Underwriter of Pennsylvania, Inc. (BIU) under which BIU will provide services to administer and enforce the UCC. This is a single contract, as the three Townships have established a uniform process that applies in all municipalities that participate.

When a Township “zoning permit” is required to engage in the proposed activity, the property owner must obtain a zoning permit before even applying for a UCC construction permit. When the UCC regulates an activity but the Township’s other ordinances do not, the owner can simply apply directly to BIU as the building code official for a UCC permit.

Generally speaking, BIU as the building code official will receive, review and act on applications for UCC permits, submitted construction and other plans. It will inspect work to ensure that it complies with regulations in the Construction Code. It is responsible for issuing occupancy and other certificates once all applicable regulations have been complied with.

The Townships’ request for proposals included detail of the scope of services to be performed by the retained firm. That detail is incorporated in the Townships’ contract with BIU, which means the detail applies without being repeated in the contract document. So that the contract could serve as reference to help BIU, the Townships, property owners, builders and other contractors understand the process, its Scope of Services includes much of this detail. The “Contractor” is Building Inspection Underwriter of Pennsylvania, Inc.

### **SCOPE OF SERVICES**

These documents are incorporated herein by reference: Townships’ Request for Proposals, Instructions to Proposers, Specifications (if any), Non-Collusion Affidavit, the Uniform Construction Code, all applicable Pennsylvania regulations established pursuant to the UCC, the Municipalities’ Ordinances adopting the UCC, Municipalities’ resolutions adopted to implement and administer the UCC, the Proposal and all memoranda confirming revisions to the proposal.

The scope of services and responsibilities of the Contractor as set forth on Pages I-1 through I-3 of the Request for Proposals and in the Agreement document are incorporated by reference.

The Contractor, generally, shall provide all services required of the Building Code Official, Construction Code Official and Inspector under the UCC, the Municipalities’ Ordinances adopting said Code and Pennsylvania regulations adopted to implement said Code.

Contractor shall not accept or commence work on a UCC building permit application or a construction plan until the Municipality has first issued a zoning permit authorizing such work and Contractor has received proof of required workers' compensation and liability insurance for the proposed work. The Contractor shall not be obligated to enforce or administer the Municipalities' zoning, development, stormwater management and other regulations aside from those governed by the UCC as adopted by the Municipalities. Contractor shall notify a Municipality promptly upon learning of any proposed or actual deviation in construction plans or work from the zoning permit as issued, and shall ensure that construction plans, and construction and other regulated activities are in full conformity with both the issued zoning and UCC building permits.

The Contractor shall notify a Municipality's sewer authority providing service to the property at least 24 hours prior to conducting a foundation inspection, so that the authority may arrange for its own inspection(s).

Municipalities are requiring the minimum number of inspections required under the UCC and applicable State regulations. All plan reviews must be acted upon and all inspections and certifications must be conducted and issued within the periods of time therefor specified in the UCC and applicable regulations. Municipalities desire that such actions be done as expeditiously as possible, with the primary objective being the fair, consistent and proper administration of the UCC and protection of the public interests it intends to serve. Contractor shall conduct inspections not later than 48 hours after receipt of a request for inspection.

Contractor shall provide Municipality's zoning officer with copies of approved construction plans for commercial and industrial construction unless the zoning officer requests otherwise.

Contractor shall provide to the Municipality's zoning officer a copy of the zoning permit site plan with confirmation of actual location of buildings and structures on the parcel(s) within seven (7) days after the foundation inspection; provided, that Contractor shall notify the zoning officer immediately if inspection indicates that the zoning permit has or may have been violated.

### **Forms, Manuals, Procedural Guidelines**

\_\_\_\_\_ Contractor shall be responsible for developing and maintaining such procedural guidelines and materials as are required under the UCC or applicable regulations and ordinances. Such procedures shall comply with the UCC, applicable State regulations, the Municipalities' ordinances and this Contract.

Contractor shall be responsible for developing and distributing informational forms and application, inspection checklists and reports, certificates and other materials necessary to inform residents, property owners, builders and Municipalities and to properly administer and enforce the UCC and the Municipalities' ordinances. All such guidelines, manuals and forms shall be subject to Municipalities' prior approval, which shall not be unreasonably withheld.

## **Public Information and Assistance**

\_\_\_\_\_ Contractor shall work with the Municipalities to inform the public and builders of the UCC and processes relating to submission, review and approval of plans, issuance of construction permits, inspections of construction and issuance of UCC certificates of occupancy. Such efforts shall include but not be limited to participating in at least one public information session at each Municipality's municipal building, developing and distributing informational forms, participating in two or three programs for broadcast on community/governmental cable television channels and developing information for dissemination on Municipalities' web sites, all at no additional charge.

Contractor shall maintain at least one staffed office in Erie County, with hours at least between 7:30 a.m. and 3:30 p.m. on each normal business day (Monday-Friday, excluding only major holidays). Contractor's inspectors shall be available, by cell phone or otherwise, to answer questions throughout regular business days. Contractor shall set hours in each participating Municipality's municipal building to meet with Municipality officials and/or to answer questions by builders, owners or the public. Contractor will provide each Municipality's zoning officer with the name and telephone number of a responsible employee able to address concerns regarding administration as they arise, and must address Municipalities' concerns within 1 business day.

## **Office Staffing/Administration**

\_\_\_\_\_ Contractor shall employ as many inspectors as is necessary to ensure that all inspections are performed within 24 hours after receipt of a request for inspection and to complete all submitted plan reviews and perform all other administrative and enforcement services in timely fashion. Contractor shall add additional staff to its existing Erie office. Contractor's computer software shall generate all necessary reports and certificates. Inspection personnel shall assist Municipalities' office staff as necessary. Contractor shall employ all inspectors.

## **Action on Applications/Fees**

\_\_\_\_\_ The Contractor shall not accept any plan or application for construction permit until such time as a Municipality's zoning permit, where required, has first been issued.

A plan and application for permit shall be accompanied by payment, to the order of Contractor, of all fees due therefor. The Contractor shall not commence work on reviews or inspections until such time as all fees due have first been paid. Contractor is authorized to impose fees for checks returned for nonsufficient funds or any other reason, and to refuse to commence work or suspend work until all fees due have been paid in full. In the event Contractor does not commence or suspends work for these reasons, it shall notify the respective Municipality.

It is intended that inspections and other services shall be performed during normal business hours. Contractor shall have discretion to determine whether it shall perform services outside of normal business hours on request by an owner or builder. If such request is made, Contractor is authorized to assess additional overtime charges, which are to be communicated to and paid by the requester prior to performance of overtime work.

**Plan Reviews**

\_\_\_\_\_ Contractor shall endeavor to complete review of submitted plans within the following time periods after receipt of a completed plan application and payment of all required fees:

- Within 3 business days:      Small addition to existing building  
   Accessory building  
   One- or two-family new residential dwelling  
   Multi-family residential building with 3-6 units
  
- Within 5 business days:      Multi-family residential building with over 6 units  
   Commercial buildings  
   Industrial buildings  
   Institutional buildings

Contractor shall respond to requests for electrical inspections, mechanical inspections, plumbing inspections and swimming pool construction and permits required therefor when requested independently of a construction plan as required under the UCC and/or Municipalities’ ordinances within one (1) business day after its receipt of such request. Such applications shall be made directly to Contractor.

**Inspections**

\_\_\_\_\_ Contractor shall perform inspections within one (1) business day after receipt of a request therefor.

**Administration and Enforcement**

The Contractor shall be responsible to Municipalities under this Contract for administration and enforcement of the UCC, in accordance with the Pennsylvania Construction Code Act, the Municipalities’ ordinances and other applicable laws and regulations.

Forms for permit applications and certifications as uniformly adopted by the Municipalities, after consultation with the Contractor, shall be used.

Plans for commercial construction shall comply with Administrative Regulations and all adopted International Codes, as may be amended.

Plans for one- and two-family construction shall comply with the requirements of Section R106.1-R.106.2 of the 2003 International Residential Code, as may be amended.

The Contractor shall not take action as to applications, plans, requests or appeals unless all fees and required documents are submitted therewith.

**Administration and Enforcement** (continued)

Records maintained by Contractor shall be subject to Paragraph 7, shall be maintained in such format as Contractor and Municipalities agree, shall be provided to the Municipality upon its request and, in the event of termination of this Agreement, shall be delivered to the Municipality as Municipality shall direct.

Action on requests for extension of time and variances shall be in accordance with standards in the UCC, administrative regulations and the Township's ordinances, whichever is the most strict.

The Contractor shall issue such stop work orders, orders to correct deficiencies and shall conduct inspections after issuance of such orders in order to ensure compliance with regulations. Deficiencies and violations shall include UCC construction regulations and also failure to obtain a required permit or comply with issued zoning and UCC construction permits as issued. The Contractor shall notify the Municipality's zoning officer of matters which have not been resolved, and the Municipality shall have authority to direct the Contractor to take measures to enforce applicable regulations.

The Contractor is authorized to suspend work on a project in the event of breach by the applicant of applicable regulations or permits until such violations have been remedied.

The Contractor shall be responsible for receiving all appeals and participating in proceedings before the board of appeals. Contractor shall notify the Municipality's zoning officer of all appeals to the board within three (3) days after they are received.

If the Contractor believes that a criminal or other action to enforce the UCC and the Municipalities' ordinances adopting the UCC is necessary to ensure enforcement of regulations and/or compliance with issued permits, the Contractor shall notify the Municipality's zoning officer promptly and before additional construction activity occurs.

In the event a violation cited by Contractor has not been rectified by the date established for corrective action, the Contractor, within three (3) business days after the deadline established for corrective action, shall file a complaint against the violator for violation of the UCC and the Municipality's ordinance in the office of the District Justice having appropriate jurisdiction.

Contractor, within one (1) business day after commencing an action for prosecution of violation, shall notify the respective Municipality's zoning officer and shall thereafter keep such zoning officer advised as to the status and result of such proceeding.

Contractor shall prosecute all such actions in accordance with the UCC and the respective Municipality's ordinances, these including that adopting the UCC and others pertaining to enforcement of municipal ordinances.

**Administration and Enforcement** (continued)

If a Municipality believes that a violation has occurred, it shall notify the Contractor, and Contractor shall immediately commence an action for violation of the UCC and Municipality's ordinance unless Contractor can establish that such action should not be commenced for reasons supported by the UCC, applicable regulations and the Municipality's ordinance.

Municipalities shall retain full authority to enforce their other ordinances and regulations which pertain to construction or other UCC-regulated activity in the event of violations of such other ordinances and regulations.

Upon the prior agreement of the affected Municipality, the Contractor may delegate enforcement responsibilities to the Municipality, and Contractor shall delegate such responsibilities (1) where any person has failed or refused to stop work or correct a serious violation after direction by the Contractor to do so and injunctive relief by the court is deemed appropriate or necessary and/or (2) if an appeal is taken to the Court of Common Pleas from a judgment entered by a District Justice in an enforcement action brought by Contractor or the Municipality. Where it delegates enforcement duties, the Contractor shall assist in preparation of the case and provision of evidence in the proceeding.

In accordance with the UCC and other applicable laws, the affected Municipality shall be entitled to receive all fines and other sums imposed in a judgment by a District Justice or other court. If costs are included in such judgment and such costs were advanced by the Contractor, the Municipality shall reimburse the Contractor from sums as paid by the violator.

Contractor shall not issue a UCC certificate of occupancy until such time as all requirements of the UCC and Municipalities' ordinances and requirements of the zoning permit have been satisfied.

**Sewer Inspections/Other Services**

\_\_\_\_\_ Contractor and one or more of the Municipalities (or their authorities) may enter into separate agreement(s) providing for performance by the Contractor of certain inspections of sewer connections or other matters during construction activity as to which Contractor is performing services under this Contract. Such agreement(s) shall bind only the parties to them.