

CHAPTER 5
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PART 1

BUILDING CODE

§§5-101 through 5-117. (Reserved)¹

§5-118. Adoption of Uniform Construction Code.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, shall apply to all changes, alterations, repairs, additions and newly constructed buildings and shall control all buildings and structures as herein provided.

(Ord. 381, 7/12/1989, §§3 and 5; as amended by Ord. 464, 11/14/2006, §2)

§5-119. Enforcement and Penalties for Violations.

Any and all persons who shall violate any of the provisions of this Part, including the Uniform Construction Code, or fail to comply therewith shall severally, for each and every violation and noncompliance respectively, be guilty of a summary offense and shall pay a fine in the sum of not more than \$1,000 and/or imprisonment for a term not to exceed 90 days. The imposition of one penalty and the violation of this Part 1 shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each day that the prohibited condition is maintained shall constitute a separate offense; and any building erected, reconstructed or repaired contrary to the provisions of this Part is declared to be a dangerous structure or public nuisance and abatable as such. The Code Enforcement Officer, in conjunction with the Borough Manager or his designee, shall be responsible for inspections and compliance to the provisions contained within this Part. Any inspection by the Code Enforcement Officer does not relieve the owner of any provisions of any Borough ordinance covering building construction or otherwise, and the Code Enforcement Officer is in no way responsible for any defect or condition found or not found on any property subject to inspection.

(Ord. 135, 3/6/1950, §24; as amended by Ord. 272, 12/19/1972, §2; by Ord. 361, 4/8/1986; by Ord. 381, 7/12/1989, §6; and by Ord. 464, 11/14/2006, §2)

§5-120. Administration and Enforcement of the Uniform Construction Code.

1. Purpose. The purpose of this Section is to promote the general health, safety and welfare of the citizens of the Borough of Wormleysburg and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the act

¹ Editor's Note: Former §§5-101 through 5-117 were repealed by Ord. 476.

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promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code").

2. Adoption of the Code. 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 the Borough of Wormleysburg. The Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.11103, as amended from time to time, and its regulations.
3. Administration of UCC. The administration and enforcement of the UCC in the Borough of Wormleysburg shall be undertaken in any of the following ways, as determined from time to time by resolution of Borough Council:
 - A. By the designation of an employee of the Borough of Wormleysburg to serve as the municipal Code Official to act on behalf of the Borough of Wormleysburg.
 - B. By the retention of one or more Construction Code Officials or third party agencies to act on behalf of the Borough of Wormleysburg.
 - 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 the Borough of Wormleysburg.
 - 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 or two family dwelling units and utility and miscellaneous use structures.
4. Board of Appeals. A Board of Appeals shall be established by resolution of the Borough of Wormleysburg in conformity with the requirements of the applicable and 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. Current Ordinances.
 - A. All building code ordinances or portions of ordinances which were adopted by the Borough of Wormleysburg on or before July 1, 1999, 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 of ordinances which are in effect as of the effective date of this Section 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 the Borough of Wormleysburg not governed by the Code shall remain in full force and effect.
6. Fees. All fees assessable by the Borough of Wormleysburg for the administration and enforcement undertaken pursuant to this Section and the Code shall be established by resolution of Borough Council which may be amended from time to time.

(Ord. 135, 3/6/1950; as added by Ord. 438, 6/13/2004, §1)

PART 2
(RESERVED)²

² Editor's Note: Former Part 2, Fire Prevention, was repealed by Ord. 476. See Ch. 7, Fire Protection and Fire Prevention.

PART 3
(RESERVED)³

³ Editor's Note: Former Part 3, Plumbing Code, was repealed by Ord. 476.

PART 4

PROPERTY MAINTENANCE CODE

§5-401. Adoption of Property Maintenance Code.

A certain document, three copies of which are on file in the office of the Secretary of Borough of Wormleysburg, being marked and designated as the "International Property Maintenance Code, 2006 edition," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Wormleysburg, in the Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Wormleysburg are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-402.

(Ord. 461, 7/11/2006)

§5-402. Modifications.

The following sections are hereby revised:

- A. Section 101.1. Insert: Borough of Wormleysburg.
- B. Section 103.5. Insert: See fee schedule as adopted from time to time by the Borough Council.
- C. Section 106.4. Add: A fine of \$25 to \$1,000 and/or up to 90 days imprisonment shall be levied for each day of violation.
- D. Section 111.2. Change to read: Membership of board. The board of appeals shall consist of the members of the Council's Committee on Zoning, Code Enforcement.
- E. Section 111.2.1. through Section 111.2.5. DELETE.
- F. Section 302.4. Insert: Six inches in height.
- G. Section 304.14. Insert: April 1 through October 31.

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H. Section 602.3. Insert: September 1 through May 31.

I. Section 602.4. Insert September 1 through May 31.

(Ord. 461, 7/11/2006)

§5-403. Repealer.

Ordinance No. 408 of the Borough of Wormleysburg, entitled the "BOCA National Property Maintenance Code/1990," and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 461, 7/11/2006)

§5-404. Severability.

If any section, subsection, sentence, clause or phrase of this Part is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. The Wormleysburg Borough Council hereby declares that it would have passed this Part, and each section, subsection, clause or phrase thereof; irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

(Ord. 461, 7/11/2006)

§5-405. Effect on Proceedings and Actions.

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in §5-403; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ord. 461, 7/11/2006)

§5-406. When effective.

This Part and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage and adoption.

(Ord. 461, 7/11/2006)