

RUSH TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE #152

AN ORDINANCE ELECTING TO ADMINISTER AND ENFORCE THE BUILDING  
CODE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT

WHEREAS, the Pennsylvania State Legislature has adopted the Pennsylvania Construction Code Act and the Board of Supervisors find that in order to promote the general health, safety and welfare of the citizens of this municipality and in order to conform to the requirements of the said 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 said Code;

NOW THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Rush Township as follows:

1. Rush Township, Schuylkill County, Pennsylvania, hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. § 7210.101-7210.1103, as amended from time to time and its regulation.

2. 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 Rush Township.

3. Administration and enforcement of the Code within Rush Township shall be undertaken in any of the following ways as determined by the Board of Supervisors as they shall decide from time to time by Resolution:

- a. by the designation of an employee of Rush Township to serve as a Municipal Code Official to act on behalf of the municipality;
- b. by the retention of one or more Construction Code Officials or third party agencies to act upon behalf of Rush Township;
- c. by agreement with one or more 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 Rush Township;

e. by entering into an agreement with 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. Board of Appeals shall be established by Resolution of the Board of Supervisors 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 the enforcement and administration is undertaken jointly with one or more municipalities, the said Board of Appeals shall be established by joint action of the participating municipalities.

#### 5. EXISTING ORDINANCES

a. all Building Code Ordinances or portions of Ordinances which were adopted by Rush 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.

b. 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.

c. all relevant ordinances, regulations and policies of Rush Township not governed by the Code shall remain in full force and effect. The zoning ordinance and all nuisance ordinances, flood plain ordinances, ordinances prohibiting or regulating the presence of noxious weeds, rubbish, junk cars or other inoperable vehicles and the like shall remain in full force and effect and not be affected by this Ordinance.

6. Fees assessed by Rush Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Board of Supervisors by resolution from time to time.

7. This ordinance shall be effective June 1, 2004.

8. If any section, subsection, sentence, or clause of this Ordinance is held, for

any reason, to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

DULY ENACTED AND ORDAINED following a lawful advertisement of this Ordinance this 18<sup>th</sup> day of May, 2004 by the Board of Supervisors of Rush Township, in public session duly assembled.

ATTEST:

RUSH TOWNSHIP  
BY:

May Gallo  
SECRETARY

Marion D. Lazur  
Wm. J. Sanchez Jr  
Erny Gallo