

ORDINANCE NO. 113

AN ORDINANCE OF THE TOWNSHIP OF POCONO, COUNTY OF MONROE AND COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE UNIFORM CONSTRUCTION CODE AS THE TOWNSHIP BUILDING CODE AND ELECTING TO ADMINISTER AND ENFORCE THE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT IN POCONO TOWNSHIP.

WHEREAS, pursuant to Section 1517 of the Second Class Township Code, 53 P.S. §66517, the Pocono Township Board of Supervisors (the "Board") is empowered to adopt ordinances regulating building and housing within the Township; and

WHEREAS, pursuant to Act 45 of 1999, known as the Pennsylvania Construction Code Act (the "Act"), found at 35 P.S. §7210.101 et. seq., municipalities desiring to administer and enforce the Act must enact an ordinance adopting the Uniform Construction Code (as that term is defined in the Act and regulations promulgated pursuant thereto) as their municipal building code; and

WHEREAS, to promote the general health, safety and welfare of the citizens of Pocono Township, and to conform to the requirements of the Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"), it is the desire of the Board to enact a building code, and to administer and enforce the Act, in Pocono Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

**SECTION 1.** This Ordinance shall be known and may be cited as the "Pocono Township Building Code."

**SECTION 2.** 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 Building Code of Pocono Township.

**SECTION 3.** Pocono Township 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 regulations.

**SECTION 4.** Administration and enforcement of the Code within Pocono Township shall be undertaken in any of the following ways as determined by the Board from time to time by resolution:

- a. By the designation of an employee of Pocono Township to serve as the municipal

code official to act on behalf of Pocono Township.

- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of Pocono Township.
- 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 industry for plan review, inspections, and enforcement of structures other than~~ one-family or two-family dwelling units and utility and miscellaneous use structures.

**SECTION 5.** A Board of Appeals shall be established by resolution of the Board 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 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.

**SECTION 6.**

- a. All building code ordinances or portions of ordinances that were adopted by Pocono 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 that 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 Pocono Township not governed by the Code shall remain in full force and effect.

**SECTION 7.** Fees assessable by Pocono Township for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Board by resolution from time to time.

**SECTION 8.** This Ordinance shall become effective five (5) days after enactment.

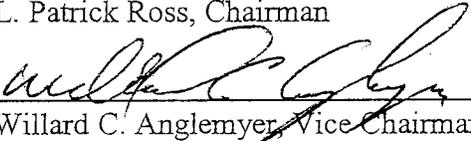
**SECTION 9.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED into an Ordinance this 5<sup>TH</sup> day of APRIL, 2004.

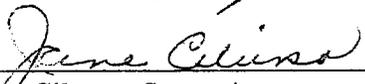
**BOARD OF SUPERVISORS OF  
POCONO TOWNSHIP**

By: \_\_\_\_\_

L. Patrick Ross, Chairman

By:  \_\_\_\_\_

Willard C. Anglemyer, Vice Chairman

By:  \_\_\_\_\_

Jane Cilurso, Supervisor

ATTEST:

  
Township Secretary

(Township Seal)