

**MUNICIPALITY OF MONROEVILLE
A HOME RULE COMMUNITY, ALLEGHENY COUNTY,
PENNSYLVANIA**

ORDINANCE NO. 2300

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, A HOME RULE CHARTER COMMUNITY, ESTABLISHING AND CONFORMING TO THE REQUIREMENTS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT AND REGULATIONS TO THE ACT PROMULGATED BY THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of the Municipality of Monroeville and to conform to the requirements of the Pennsylvania Construction Code 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 Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED this 11th day of May, 2004, as follows:

SECTION 1. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7201.1103, as amended from time to time, and its regulations.

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 Municipal Building Code of this Municipality.

SECTION 3.

Administration and enforcement of the Code and Ordinances referred to above within this Municipality shall be undertaken in any of the following ways as determined by the Governing body of this Municipality from time to time by resolution:

- A. By the designation of an employee of the Municipality to serve as the Municipal Code Official to act on behalf of the Municipality.

- B. By the retention of one or third-party agencies to act on behalf of the Municipality for electrical inspection only; and the Allegheny County Health Department Plumbing Division for plan review and plumbing inspections.

- C. By agreement with one or more other Municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.

SECTION 4.

A Board of Appeals is established by this Ordinance of the Governing body of this Municipality 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, said Board of Appeals shall be established by joint action of the participating Municipalities. Said Board shall be known as The Uniform Construction Code Board of Appeal (UCC Board of Appeals).

SECTION 5.

The Building Officials and Code Administrators Board of Appeals is hereby abolished and replaced with the Uniform Construction Code Board of Appeals. Said UCC Board shall consist of five (5)

members appointed by the Municipality of Monroeville: one (1) for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year. Thereafter, each new member shall serve for five (5) years or until a successor has been appointed.

SECTION 6.

The Board of Appeals shall consist of five (5) individuals and shall be qualified by training and experience to pass on matters pertaining to building instruction. Training and experience may consist of licensure as an Architect or Engineer, experience in the construction industry, and training or experience as an Inspector or Plan Reviewer. Council shall appoint the Director of Building and Engineering Services as an ex officio non-voting member to the Board of Appeals.

SECTION 7.

- A. All Building Code Ordinances or portions which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code are affirmed and 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 this Municipality not governed by the Code shall remain in full force and effect.

SECTION 8.

UCC Board of Appeals:

The UCC Board of Appeals, pursuant to Pa. Act 45 of 1999, shall hear and rule on appeals, requests for variances and requests for

extensions of time. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.

Appeals, Variances and Extensions of Time:

- A. An owner or owner's agent may seek a Variance or extension of time or appeal a building code official's decision by filing a petition with the Building Code Official or other person designated by the Board of Appeals on a form provided by the Municipality.
- B. The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.
- C. An appeal or request for variance or extension of time to a Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under Subsection 403.84 (relating to unsafe building, structure or equipment) may not be stayed.
- D. A Board of Appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.

- E. A Board of Appeals shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.

- F. A Board of Appeals shall only consider the following factors when deciding an appeal under section 501(c)(2) of the Act:
 - 1. The true intent of the act or Uniform Construction Code was incorrectly interpreted.
 - 2. The provisions of the act do not apply.
 - 3. An equivalent form of construction is to be used.

- G. A Board of Appeals may consider the following factors when ruling upon a request for extension of time or request for variance:
 - 1. The reasonableness of the Uniform Construction Code's application in a particular case.
 - 2. The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.
 - 3. The availability of professional or technical personnel needed to come into compliance.

4. The availability of materials and equipment needed to come into compliance.
 5. The efforts being made to come into compliance as quickly as possible.
 6. Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.
- H. If the owner or owner's agent requests a hearing, the Board of Appeals shall schedule a hearing and notify the owner or owner's agent and building code official of the date, time and place of the hearing.
- I. The Board of Appeals may:
1. Deny the request in whole or in part.
 2. Grant the request in whole or in part.
 3. Grant the request upon certain conditions being satisfied.
- J. The Board of Appeals shall provide a written notice of its decision to the owner and to the Building Code Official.
- K. An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with

the Accessibility Advisory Board under Subsection 403.142 (relating to Accessibility Advisory Board).

SECTION 9. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Governing body by resolution.

SECTION 10. This Ordinance shall be effective ten (10) days after the passage of this Ordinance.

SECTION 11. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

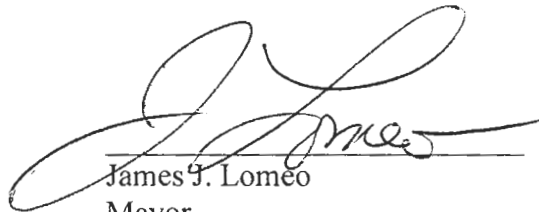
SECTION 12. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners 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 this 11th day of May, 2004.

ATTEST:



Marshall W. Bond
Municipal Manager



James J. Lomeo
Mayor

ENTERED INTO LEGAL BOOK: May 21, 2004