

ORDINANCE NO. 04-04

**AN ORDINANCE OF THE TOWNSHIP OF
MIDDLETOWN, COUNTY OF BUCKS,
COMMONWEALTH OF PENNSYLVANIA, ELECTING
TO ADMINISTER AND ENFORCE THE PROVISIONS
OF THE PENNSYLVANIA CONSTRUCTION CODE, ACT
45 OF 1999, AS AMENDED FROM TIME TO TIME AND
REGULATIONS TO THE ACT PROMULGATED BY THE
PENNSYLVANIA DEPARTMENT OF LABOR AND
INDUSTRY AND PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF SAID
CODE WITHIN THE TOWNSHIP OF MIDDLETOWN.**

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of Middletown Township and to conform to the requirements of the Pennsylvania Construction Code and Regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the ACode@); 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, the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, does hereby Ordain and enact the following:

Section 1.

Middletown 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 2.

On August 12, 2003, the Board of Supervisors passed Ordinance 03-17, which adopted the International Fire Code, and all future editions and amendments, by reference, with certain additions, changes and/or modifications, along with certain Codes, standards and promulgated by the National Fire Protection Association. The adoption of the instant Ordinance will in no way revoke or replace or amend the provisions of Ordinance 03-17 that are equal to or exceed the minimum requirements of the Uniform Construction Code. Ordinance 03-17 and its subsequent amendments and future editions, are herein incorporated by reference into the instant Ordinance and is attached hereto at Exhibit AA@.

Section 3.

The Uniform Construction Code, contained at 34 Pa. Code, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of Middletown Township.

Section 4.

Administration and enforcement of the Code within the Township of Middletown 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 Township to serve as the Municipal Code Official to act on behalf of the Township;
- b. By the retention of one or more construction code officials or third party agencies to act on behalf of the municipality;
- 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 Township;
- 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-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 Township 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. A member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. 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. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals is established by joint action of the participating municipalities.

Section 6.

- a. All building code ordinances or portions of ordinances which were adopted by the Township on or before July 1, 1999, and which equal or exceed the requirements of this 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. The rescission or preemption does not apply to ordinances in effect on July 1, 1999, or reenactments of simultaneously repealed ordinances which were originally adopted before July 1, 1999, which contain provisions which meet or exceed the Uniform Construction Code under section 303(b)(1) of the Act, 35 P.S. ' 7210.303(b)(1).

- d. All relevant ordinances, regulations and policies of this Township not governed by the Code shall remain in full force and effect including, but not limited to, those Ordinances and Rules of Regulations of Middletown Township for Levittown homes and the policy relating to Fire (Heat and Smoke) Detection and Suppression Systems. See, a copy of the Fire (Heat and Smoke) Detection and Suppression System Policy attached hereto at Exhibit AB@.

Section 7.

Fees assessable by the Township for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the governing body by Resolution from time to time.

Section 8.

This Ordinance shall be effective five (5) days after the date of passage of this Ordinance.

Section 9.

If any Section, subsection, sentence or clause of this Ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

ORDAINED and ENACTED this 22ND day of June, 2004.

Attest:

MIDDLETOWN TOWNSHIP
BOARD OF SUPERVISORS

/s/ Lisa M. Pflaumer
Secretary

/s/ John Kelly, III
Chairperson

I hereby certify that the foregoing is a true and correct copy of Ordinance 04-04 enacted by the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, on the 22ND day of June, 2004.

/s/ Lisa M. Pflaumer
Secretary