

## Chapter 106

### CONSTRUCTION CODES, UNIFORM

**[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Code enforcement — See Ch. 102.

Fire prevention standards — See Ch. 126, Art. II.

Electrical standards — See Ch. 118.

Plumbing — See Ch. 178.



ARTICLE I  
**Administration and Enforcement**  
**[Adopted 6-8-2004 by Ord. No. 2-2004]**

**§ 106-1. Election to administer and enforce.**

Port Carbon Borough hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101-7210.1103, as amended from time to time, and its regulations.

**§ 106-2. Adoption by reference.**

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 Port Carbon Borough.

**§ 106-3. Methods of administration and enforcement.**

Administration and enforcement of the Code within Port Carbon Borough shall be undertaken in any of the following ways, as determined by the Borough Council of Port Carbon Borough from time to time by resolution:

- A. By the designation of an employee of Port Carbon Borough to serve as the municipal code official to act on behalf of Port Carbon Borough;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of Port Carbon Borough;
- 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 Port Carbon Borough; and/or
- 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.

**§ 106-4. Board of Appeals.**

A Board of Appeals shall be established by resolution of the governing body of Port Carbon Borough 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.

**§ 106-5. Effect on preexisting ordinances.**

- A. All building code ordinances or portions of ordinances which were adopted by Port Carbon Borough 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, and the Borough does hereby preserve in full force and effect any and all ordinances lawfully adopted thereafter July 1, 1999, which are not in conflict with the within ordinance.

- B. All building code ordinances or portions of ordinances which are in effect as of the effective date of this article 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 Port Carbon Borough not governed by the code shall remain in full force and effect.

**§ 106-6. Fees.**

Fees assessable by Port Carbon Borough for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Borough Council by resolution from time to time.