

**BOROUGH OF LILLY
COUNTY OF CAMBRIA
STATE OF PENNSYLVANIA**

ORDINANCE NO. 2004-1

AN ORDINANCE OF THE BOROUGH OF LILLY OPTIONING INTO THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT, ADOPTING PROVISIONS OF THE UNIFORM CONSTRUCTION CODE, ESTABLISHING A BOARD OF APPEALS, AUTHORIZING FEES AND MAKING OTHER RELEVANT PROVISIONS.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of the Borough of Lilly and to conform to the requirements of the Pennsylvania Construction Code Act, and regulations thereunder, 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, the Council of the Borough of Lilly, County of Cambria and State of Pennsylvania enacts and ordains as follows:

1. The Borough of Lilly 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 the regulations thereunder.

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 the Borough of Lilly.

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

- a. By the designation of an employee of the Borough of Lilly to serve as the municipal code official to act on behalf of the Borough of Lilly;

- b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Lilly;
- c. By agreement with one or more other municipalities for the joint administration and enforcement of the Code through an intermunicipal agreement;
- d. By entering into a contract with another municipality for the administration and enforcement of the Code on behalf of the Borough of Lilly;
- 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.

4. A Board of Appeals shall be established by resolution of the Council of the Borough of Lilly 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.

5(a) All building code ordinances or portions of ordinances which were adopted by the Borough of Lilly 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 the Borough of Lilly not governed by the Code shall remain in full force and effect.

6. Fees assessable by the Borough of Lilly for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Council of the Borough of Lilly from time to time, by resolution.

7. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

8. This ordinance shall be effective five days after its enactment.

ORDAINED AND ENACTED this 1st day of June, 2004.

BOROUGH OF LILLY:

By: John Negreshi
President of Council

APPROVED:

By: Tob Hides
Mayor

ATTEST:

Kayla A. Sawinski
Secretary

[Signature]
Solicitor

Gerald P. Neugebauer, Jr., Esquire, Solicitor
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