

**FANNETT TOWNSHIP
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. ____/____ OF 2004

AN ORDINANCE OF FANNETT TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, ELECTING 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.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of Fannett Township and to conform to the requirements of "The Pennsylvania Construction Code Act", Act 45 of 1999, and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry; and

WHEREAS, Act 45 of 1999 requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Act 45 of 1999.

NOW, THEREFORE, it is hereby enacted and ordained by the Supervisors of Fannett Township as follows:

1. Fannett Township hereby elects to administer and enforce the provisions of "The Pennsylvania Construction Code Act", Act 45 of 1999, and applicable regulations as promulgated by the Pennsylvania Department of Labor and Industry, as amended from time to time.
2. The Pennsylvania Construction Code Act and Regulations contained in 34 Pa. Code, Chapters 401-405, as well as those ancillary codes referenced in Department of Labor and Industry regulations Section 403.21, as amended from time to time, are hereby adopted and incorporated herein by reference as the Municipal Building Code of Fannett Township (hereinafter referred to as the Code.)
3. Administration and enforcement of the Code within Fannett Township shall be undertaken in any of the following ways as determined by the Board of Supervisors 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 Township;
 - c. By agreement with one or more other municipalities for the joint administration and enforcement of this Code through an intermunicipal agreement;
 - d. By entering into a contract with another municipality for the administration and enforcement of this Code on behalf of the Township or;
 - e. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of the Code provisions for 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 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. 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.
5. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) together with all costs. Each day a violation continues shall be considered a separate violation.
6. Coordination with other Municipal Ordinances
- a. All building code ordinances or portions of ordinances heretofore adopted by the Township are hereby repealed.
 - b. All relevant ordinances, regulations and policies of the Township not governed by the Code shall remain in full force and effect.
 - c. When any building or construction activity is contemplated within the Township, application shall first be made to the Township at the Township offices on a form to be provided by the Township for the issuance of a Land Use Permit. Issuance by the Township of a Land Use Permit for the specific project shall be a prerequisite to making application for a Construction Permit. No Construction Permit Application will be accepted without a completed Land Use Permit.
 - d. All Construction Permits issued pursuant to this ordinance shall be

valid for one (1) year provided construction of the structure being permitted is commenced within six (6) months of the date of issuance of the Construction Permit. If construction is not begun within the said six (6) month period, the permit shall be void and application for a new permit must be made prior to the commencement of any construction on the structure. No extension of the six (6) month starting period shall be granted.

For reasonable cause shown, the one (1) year period for completing the construction authorized by a Construction Permit may be extended for an additional one (1) year period. However, not more than two (2) such extensions shall be granted.

- e. All Land Use Permits issued pursuant to this ordinance shall be valid for eighteen (18) months provided construction on the project is begun within nine (9) months of the date of issuance of the Land Use Permit. If construction is not begun within the said nine (9) month period, the permit shall be void and application for a new permit must be made prior to the commencement of any construction on the project. No extension of the nine (9) month starting period shall be granted.

For reasonable cause shown, the eighteen (18) month period for completing the construction authorized by a Land Use Permit may be extended for an additional eighteen (18) month period. However, not more than one such extension shall be granted.

- f. At the completion of any construction activity for which either a Construction Permit or a Land Use Permit is issued, the project owner or agent of the project owner shall make application for a Building Occupancy Permit for the structure for which a Construction Permit has been issued and application for Land Use Occupancy Permit for the project for which a Land Use Permit has been issued. No Land Use Occupancy Permit shall be issued until a Construction Occupancy Permit, where required, has been issued.

No use or occupancy of the premises covered by the Construction Permit and the Land Use Permit shall occur until both required occupancy permits have been issued.

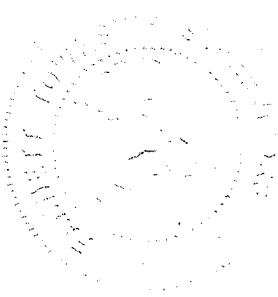
- 7. Fees assessable by the Township for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the Township by resolution from time to time.
- 8. This ordinance shall be effective July 1, 2004.

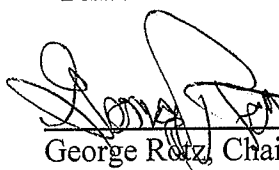
9. If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this 3rd day of June 2004, by the Board of Supervisors of Fannett Township in public session duly assembled.

ATTEST:

**FANNETT TOWNSHIP
FRANKLIN COUNTY
PENNSYLVANIA**


Georgia O'Donnell
Georgia O'Donnell, Secretary


George Ratz, Chairman

William O'Spinnell
Daniel P. Hutter