

TOWNSHIP OF BUFFALO

ORDINANCE NO. 41 2002

AN ORDINANCE OF THE TOWNSHIP OF BUFFALO, WASHINGTON COUNTY, PENNSYLVANIA, ESTABLISHING MINIMUM REGULATIONS, GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES LOCATED WITHIN THE TOWNSHIP OF BUFFALO, IN ADOPTING THE UNIFORM CONSTRUCTION CODE, AND ITS AMENDMENTS THERETO AND PROVIDE PENALTIES FOR THE VIOLATIONS THEREOF AND THE ISSUANCE OF PERMITS, COLLECTIONS OF FEES AND MAKING OF INSPECTIONS.

WHEREAS, the Second Class Township Code allows the Board of Supervisors to adopt ordinances necessary for the benefit and protection of the health, safety, and welfare of the citizens of Buffalo Township; and

WHEREAS, the Board of Supervisors deems it to be in the best interest of the health, safety, and welfare of the citizens of the Township of Buffalo to adopt the **THE UNIFORM CONSTRUCTION CODE, AND ITS AMENDMENTS THERETO**, as it is believed that the same will result in the safeguard of human life.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF BUFFALO TOWNSHIP, and it is hereby ordained and enacted, as follows:

Section 1:

Buffalo Township hereby adopts the **THE UNIFORM CONSTRUCTION CODE, AND ITS AMENDMENTS THERETO**, as published by the Building Officials and Code Administrators International, Inc., save and except such portions as hereinafter deleted, modified or amended, of which copies have been, and now are, filed in the office of the Secretary of the Township, and the same are hereby adopted and incorporated as fully as if set out at length herein, generally providing for the control of building structures as herein provided. From the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the Township.

Section 2:

The following sections of the **THE UNIFORM CONSTRUCTION CODE, AND ITS AMENDMENTS THERETO** are revised as follows to include the following:

- a. Upon request by the Board of Supervisors, a final or "as-built" survey, shall be submitted to the Township, at a cost borne by the applicant.

General

- b. To include the following:

Notwithstanding the above, the Board of Supervisors reserves the right and discretion to waive the requirement that documents be prepared, signed and sealed by a "registered design professional."

Fee Schedule

- c. A fee for each plan, examination, building permit and inspection shall be paid in accordance with the fee schedule, attached hereto, made a part hereof identified as "Fee Schedule."

From time to time, within the discretion and proper jurisdiction of the Board of Supervisors of Buffalo Township, said Fee Schedule may be amended, by resolution of the Board of Supervisors.

Violation Penalties

- d. Any person who shall violate a provision of this Code, and thus this Ordinance, or shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of either a civil violation or summary offense, punishable by a fine of more than \$100.00 but not to exceed \$1,000.00, or by imprisonment to the extent allowed by law for the punishment of summary offenses, or both. Each day that a violation continues after due notice has been served, shall be deemed a separate offense.

Means of Appeal

- e. Every applicant, owner of the premises or other party in interest, as applicable, shall have the right to demand, in writing, a hearing before the Board of Supervisors of Buffalo Township the purpose of which is to contest any decision or order made by the Code Official. Such demand for a hearing shall be so made by the contesting party within ten (10) days of the denial of the permit or of said decision or order of the Code Official and shall specifically identify the portions of the decision or order being contested, the nature of the party's interest in the premises, and the relief being sought.

- f. The Code Official shall fix a time and date for the hearing to be held, but said hearing shall not be held more than thirty (30) days after receiving such demand for a hearing, and said Code Official shall cause notice of the hearing to be served personally or by regular or certified mail upon the contestant, the owner of the premises, any other known party-in-interest, and Township.
- g. The contestant, applicant, owner of the premises, or any other party in interest, shall have the right to appear, in person or through representation, and give testimony at the hearing. Rules of evidence prevailing in general courts of law shall not be controlling.
- h. The Board of Supervisors, in sitting as the adjudicating body, shall have, in addition to any other powers granted, the following powers and duties:
 - 1. To decide whether the relief sought in such appeal should be granted.
 - 2. To grant a variance from the strict application of the Ordinance. Such variance may be granted only in cases which result in practical difficulty or unnecessary hardship and where the public health and safety shall not be jeopardized or prejudiced.
- i. In making its decision, the Board of Supervisors may affirm, modify, or reverse the decision of the Code Official Officer. Said decision shall be by a majority of the board then present and sitting at said hearing. The Board, within a reasonable time after such hearing, shall render its decision, in writing, with finding of facts and the reasons for its decision, and shall serve a copy of the decision upon the contestant, owner of the premises, and any known party-in-interest. The Board shall retain a copy of each decision which shall become a public record subject to viewing as allowed by law. The Code Official shall take immediate action in accordance with the decision of the Board and carry out said Order.

Section 3

The effective date of this Ordinance shall be the date of its passage.

Section 4

In all matters that are regulated by the law of the Commonwealth of Pennsylvania, or by regulations of departments or agency of the Commonwealth, promulgated by authority of law, such laws, regulations, or other ordinances of Township, as the case may be, shall control where the requirements thereof are the same as, or in excess of, the provisions of this Ordinance. The Code herein adopted, shall control in all other

cases, where the Commonwealth requirements, or the requirements of other Ordinances of Township are not as strict as those contained in this Ordinance.

Section 5

The provisions of this Ordinance, so far as they are the same as those ordinances or codes enforced prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and codes, and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or persecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

Section 6

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 Supervisors of the Township of Buffalo that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof, not been included herein.

Section 7

All ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 18th day of December, 2002.

Attest

Denise Zalko
Secretary

Township of Buffalo

Joseph E. Dwyer
Chairman

Ralph
Supervisor

[Signature]
Supervisor