

## Chapter 125

### BUILDING CONSTRUCTION

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

#### GENERAL REFERENCES

Floodplain management — See Ch. 170.  
Property maintenance — See Ch. 230.  
Sewers and sewage disposal — See Ch. 250.  
Streets and sidewalks — See Ch. 288.

#### ARTICLE I

##### **Uniform Construction Code [Adopted 5-3-2004 by Ord. No. 2-2004]**

##### **§ 125-1. Election to administer and enforce.**

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

##### **§ 125-2. Adoption of standards.**

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

##### **§ 125-3. Administration and enforcement.**

Administration and enforcement of the code within this municipality 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 municipality to serve as the Code Enforcement Officer to act on behalf of the municipality;
- 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 article through an intermunicipal agreement;
- D. By entering into a contract with another municipality for the administration and enforcement of this article on behalf of this municipality;
- 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 units and utility and miscellaneous use structures.

**§ 125-4. Board of Appeals.**

A Board of Appeals shall be established by resolution of the governing body of this municipality 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.

**§ 125-5. Effect on existing codes and ordinances.**

- A. All building code ordinances or portions of ordinances which were adopted by this municipality 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 article 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 this municipality not governed by the code shall remain in full force and effect.

**§ 125-6. Fees.**

Fees assessable by the municipality for the administration and enforcement undertaken pursuant to this article and the code shall be established by the governing body by resolution from time to time.

**§ 125-7. Codes adopted by UCC. [Added 9-7-2004 by Ord. No. 4-2004<sup>1</sup>]**

The Pennsylvania Uniform Construction Code incorporates the following codes:

- A. Chapter 11 and Appendix E of the 2012 International Building Code;
- B. International Building Code 2009 (base code, except for accessibility, for all buildings and structures not regulated by the International Residential Code);
- C. International Energy Conservation Code 2009;
- D. International Existing Building Code 2009;
- E. International Fire Code 2009 (adopted only to the extent referenced in the International Building Code 2009);
- F. International Fuel Gas Code 2009;
- G. International Mechanical Code 2009;
- H. International Performance Code for Buildings and Facilities 2009;
- I. International Plumbing Code 2009;

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- J. Appendix G of the International Residential Code 2009 (Swimming Pools, Spas and Hot Tubs) (code for one- and two-family dwellings no more than 3 stories in height);
- K. International Wildland-Urban Interface Code 2009.

ARTICLE II  
**Certificates of Occupancy**  
[Adopted 12-5-2005 by Ord. No. 7-2005]

**§ 125-8. Certificate required for occupancy.**

No structure, whether residential, commercial or industrial, shall be occupied until a certificate of occupancy is issued by the Code Enforcement Officer designated by the Borough Council in accordance with this article. No such certificate of occupancy shall be issued until all inspections as required by this article have been completed, and all associated fees have been paid to the Borough. The owner of any property for which a permit is required, along with the applicant for said permit, shall both be liable to the Borough for any such fees for permits and inspections.

**§ 125-9. Administration.**

The Council of the Borough of East Vandergrift may by motion appoint the Code Enforcement Officer to administer this article. Said Code Enforcement Officer shall be empowered with the right to enforce all provisions of this article, specifically including, but not limited to, those provisions provided for in the Pennsylvania Uniform Construction Code incorporating the International Building Code, the ICC Electrical Code, the International Mechanical Code, the International Fuel Gas Code, the International Plumbing Code, the International Residential Code, the International Fire Code, the International Energy Conservation Code, the International Residential Code, Manufactured Housing as Dwellings, the International Existing Building Code, the International Urban-Wildlife Interface Code, the International Residential Code, Swimming Pools, Spas and Hot Tubs, and the International Property Maintenance Code.

**§ 125-10. Denial of permit.**

If at any time the Code Enforcement Officer determines that a permit applicant has not complied with the standards of this article, said Code Enforcement Officer shall have the right to deny an occupancy permit, and refuse to permit the occupancy of any structure, whether residential, commercial, or industrial, until such violation is abated.

**§ 125-11. Violations and penalties.** <sup>2</sup>

In addition to or separate from the action set forth above, any person violating this article or any part thereof shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

**§ 125-12. Fees.**

The fee and other charges that are required under the terms of this article may be set from time to time by resolution of the Borough of East Vandergrift, Westmoreland County, Pennsylvania.