

John Wilkes - 3 yrs
Robert Morris - 2 yrs
Anthony Molinski - 1 yr

ORDINANCE NO 5 OF 2004

AN ORDINANCE OF NEWPORT TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA TO PROMOTE THE GENERAL HEALTH, SAFETY AND WELFARE OF ITS CITIZENS AND TO CONFORM TO THE REQUIREMENTS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT AND REGULATIONS TO THE ACT PROMULGATED BY THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY

WHEREAS, the Pennsylvania construction Code Act (hereinafter sometimes collectively referred to as the "Code") requires the enactment of an appropriate Ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. The Township of Newport elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. sec. 7210.101-7210.1103, as amended from time to time, and its regulations.
2. The Uniform Constuction 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 Township of Newport.
3. Administration and enforcement of the Code within the Township of Newport shall be undertaken in any of the following ways as determined by the Board of Commissioners of Newport Township from time to time by resolution:
 - a. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Township of Newport.
 - b. By the retention of one or more construction code officials or third party agencies to act on behalf of the Township of Newport.
 - 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 the

Township of Newport;

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 Board of Commissioners of Newport Township 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 Township of Newport 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 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 Township of Newport not covered by the Code shall remain in full force and effect.

6. Fees assessable by the Township of Newport for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

7. This ordinance shall take effect thirty (30) days after the date of passage of this ordinance.

8. 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 7th day of
June 2004 in public session duly assembled.

TOWNSHIP OF NEWPORT

By: Joseph Bonner
Chairman

Attest:
Palmer Butler
Secretary