

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 986**

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON
COUNTY, PENNSYLVANIA, ELECTING TO ADMINISTER AND
ENFORCE THE PROVISIONS OF THE PENNSYLVANIA
CONSTRUCTION CODE ACT, ACT 45 OF 1999 AND ITS REGULATIONS,
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF,
REPEALING ALL INCONSISTENT ORDINANCES AND ESTABLISHING
AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1. Election to administer and enforce.

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

Section 2. Adoption and Incorporation of Standards.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 to 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Bangor.

Section 3. Means of administration and enforcement.

Administration and enforcement of the code within the Borough of Bangor shall be undertaken in any of the following ways, as determined by the governing body of the Borough of Bangor from time to time by resolution:

- A. By the designation of an employee of the Borough of Bangor to serve as the municipal code official to act on behalf of the Borough of Bangor;
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Bangor;
- 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 Borough of Bangor; and/or
- 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.

Section 4. Board of appeals.

A board of appeals shall be established by resolution of the governing body of the Borough of Bangor 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.

Section 5. Uniform Construction Codes.

The Borough of Bangor shall enforce the Codes, as adopted and updated from time to time, by the Uniform Construction Codes Administration and Enforcement regulation setting forth the following adopted codes for use through the Commonwealth of Pennsylvania (Many of these codes have various code sections amended by the UCC Review and Advisory Council (RAC). This information was published on September 28, 2018 in the Pennsylvania Bulletin and became effective on October 1, 2018.):

- A. International Building Code (code for all buildings and structures not regulated by the International Residential Code:
 - Chapter 1 is not adopted (most of its requirements are incorporated in Chapter 403 of the UCC regulation)
 - Chapter 27 (Electrical) requires that all electrical components, equipment and systems in buildings and structures covered by the IBC comply with the requirements of NFPA 70-2014, National Electric Code.
- B. International Energy Conservation Code
- C. International Existing Building Code
- D. International Fire Code (Adopted only to the extent referenced in Chapter 35 of the International Building Code)
- E. International Fuel Gas Code (Any LPG requirements are superseded by the requirements of Pennsylvania's Propane and Liquefied Petroleum Gas Act, and regulations)
- F. International Mechanical Code
- G. International Performance Code for Buildings and Facilities (provides alternative compliance approach)
- H. International Plumbing Code
- I. International Residential Code (code for one- and two-family dwellings no more than 3 stories in height)
- J. International Wildland-Urban Interface Code (supplementary requirements that may be used to mitigate fire- and life-safety hazards in unique wildland areas)

Section 6. Effect of other ordinances.

All relevant ordinances, regulations and policies of the Borough of Bangor not governed by the code shall remain in full force and effect not otherwise repealed by Section 9.

Section 7. Fees.

Fees assessable by the Borough of Bangor for the administration and enforcement undertaken pursuant to this chapter and the code shall be established by the governing body by resolution from time to time.

Section 8. Violations and Penalties

Any person violating any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than \$100.00 and no more than \$1,000.00 and costs of prosecution and, in default of payment of such fine and costs, to incarceration in the County prison for not more than 30 days.

Section 9. Repealer

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict; specifically repealing Ordinances:

- #77, enacted June 5, 1903
- #85, enacted August 1, 1904
- #277, enacted October 23, 1922
- #481, enacted February 6, 1961
- #522, enacted February 8, 1965
- #580, enacted November 8, 1971
- #635, enacted May 5, 1974
- #653, enacted December 1, 1975
- #666, enacted October 3, 1977
- #677, enacted May 7, 1979
- #678, enacted June 13, 1979
- #679, enacted July 16, 1979
- #723, enacted December 2, 1985
- #774, enacted February 4, 1991
- #798, enacted February 13, 1995
- #800, enacted February 13, 1995
- #801, enacted February 13, 1995
- #802, enacted April 10, 1995
- #867, enacted April 14, 2003
- #876, enacted May 17, 2004

Section 10. Severability

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 11. Effective Date

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 25 day of February, 2019.

Borough Council of the Borough of Bangor

BY: James W Kresge
James Kresge, President

ATTEST: Janelle Hauff
Janelle Hauff, Secretary

APPROVED by the Mayor this 27 day of February, 2019.

BY: BA
Brooke Kerzner, Mayor