

**CODE OF WAYMART BOROUGH
BUILDING AND CONSTRUCTION – CHAPTER 10**

**CHAPTER 10.
Building and Construction**

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[HISTORY: Adopted by the Borough Council of Waymart Borough on June 1, 2004 as Ordinance No. 3-2004. This Chapter is intended to specifically repeal and replace Ordinances 90-6, 91-3, 92-3, 93-13 and 94-3 dealing with building, construction and fire prevention, so as to rely upon state codes.]

§ 10-01. Purposes.

The purpose of this ordinance is to promote the general health, safety and welfare of the citizens Waymart Borough 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 (hereinafter sometimes collectively referred to as the "Code") by enacting an appropriate ordinance to administer and enforce the building code provisions of the Code.

§ 10-02. Administration and Enforcement.

- A. Waymart Borough hereby elects 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 in its entirety.
- B. The Uniform Construction 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 Waymart Borough.
- C. Administration and enforcement of the Code within Waymart Borough shall be undertaken in any of the following ways as determined by the governing body of Waymart Borough from time to time by resolution:
 - (1) By the designation of an employee of Waymart Borough to serve as the municipal code official to act on behalf of the municipality;
 - (2) By the retention of one or more construction code officials or third party agencies to act on behalf of Waymart Borough;
 - (3) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter municipal agreement;
 - (4) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of Waymart Borough.

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- (5) 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.

§ 10-03. Board of Appeals.

A Board of Appeals shall be established by resolution of the governing body of Waymart Borough 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.

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

§ 10-04. Fees and Exemptions.

Fees assessable by Waymart Borough 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. The governing body may also, for good cause, grant exemptions from fees and such permit requirements as provided for under the Uniform Construction Code, provided that the applicant, in the case of agricultural buildings, shall affirmatively demonstrate through evidence of income, receipts or advertising, etc. or an affidavit under penalty of perjury that it is entitled to such exemption.

§ 10-05. Repealer.

- A. All building code ordinances or portions of ordinances which are in effect as of the effective 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.
- B. All relevant ordinances, regulations and policies of Waymart Borough not governed by the Code shall remain in full force and effect.

§ 10-06. Validity.

If any section, sub-section, 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 Chapter.