

## **Chapter 5**

### **Code Enforcement**

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**Part 1****Uniform Construction Code****§5-101. Enactment of the Uniform Construction Code.**

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

(*Ord. 467, 5/10/2004, §1*)

**§5-102. Municipal Administration.**

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 Ferndale Borough.

(*Ord. 467, 5/10/2004, §2*)

**§5-103. Administration and Enforcement.**

Administration and enforcement of the Code within Ferndale Borough shall be undertaken in any of the following ways as determined by the governing body of Ferndale Borough 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 Municipality.

B. By 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 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 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 dwelling units and utility and miscellaneous use structures.

(*Ord. 467, 5/10/2004, §3*)

**§5-104. Establishment of a Board of Appeals.**

A Board of Appeals shall be established by resolution of the governing body of Ferndale Borough in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purpose set forth therein. If at any time enforcement and administration is undertaken jointly with one or more municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(*Ord. 467, 5/10/2004, §6*)

**§5-105. Savings Clause as to the Existing Ordinances.**

1. All building code ordinances or portions of ordinances which were adopted by Ferndale 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.

2. All building code ordinances or provisions of this Part which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of Ferndale Borough not governed by the Code shall remain in full force and effect.

*(Ord. 467, 5/10/2004, §5)*

**§5-106. Fees.**

Fees assessable by Ferndale Borough for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution from time to time.

*(Ord. 467, 5/10/2004, §6)*

**Part 2****International Property Maintenance Code****§5-201. Adoption of Property Maintenance Code.**

A certain document, three copies of which are on file in the office of the Secretary of Ferndale Borough being marked and designated as the International Property Maintenance Code, 2003, and all subsequent editions, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Ferndale in the State of Pennsylvania for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Ferndale are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in §5-202 of this Part.

(Ord. 477, 4/11/2011, §1)

**§5-202. Amendments to Property Maintenance Code.**

The following Sections are hereby revised:

- A. Section 101.1. Insert: "Ferndale."
- B. Section 106.3. Delete and replace with:

(1) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgement pursuant to applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there was a good faith basis for the defendant to have believed there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough of Ferndale. The Court of Common Pleas upon petition may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Section 304.14. Insert: "April 1 through October 1"

D. Section 602.3. Insert: "October 1 through June 1"

E. Section 602.4. Insert: "October 1 through June 1"

*(Ord. 477, 4/11/2011, §2)*

**§5-203. Savings Clause.**

Nothing in this Part or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Part hereby repealed as cited in §5-202 of this Part: nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

*(Ord. 477, 4/11/2011, §5)*