

ORDINANCE NO. 404

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, TO ADOPT THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE AS THE NEW BUILDING CODE OF THE BOROUGH OF LEESPORT.

WHEREAS, the purpose of this Ordinance is to promote the general health, safety and welfare of the citizens of Leesport Borough and to conform to the requirements of the Pennsylvania Uniform 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"); and

WHEREAS, the Pennsylvania Uniform Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

**SECTION 1.**

1. Leesport Borough, in order to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, and pursuant to Section 501 of the Act, hereby adopts the Uniform Construction Code contained in 34 PA Code, Chapters 401 - 405, as amended from time to time, which is incorporated herein by reference as the Building Code of Leesport Borough.

2. Administration and enforcement of the Code within Leesport Borough shall be undertaken by the retention of one or more Building Code Officials or third-party agencies to act on behalf of Leesport Borough.

3. 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 Boards of Appeals shall be established by joint action of the participating municipalities.

4.(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 relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.

(c) Climatic, geographic, and inside/outside environmental standards for the local area as required by the respective codes are to be established by the Borough Council through separate resolution.

5. Fees assessable by Leesport Borough for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Borough Council through resolution from time to time.

6. In Section 904.1 of the International Plumbing Code where the insertion of "Number" is required, there shall be inserted "7".

**SECTION 2. VIOLATION**

Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or who violates any condition attached to a permit, approval or certificate shall, upon conviction thereof, be guilty of a summary offense punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**SECTION 3. INCONSISTENT ORDINANCES REPEALED**

Any and all other ordinances, which conflict herewith, are hereby repealed.

**SECTION 4. SEVERABILITY**

The provisions of this Ordinance are severable, and if any section, sentence, clause or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause or provision had not been included herein.

**SECTION 5. CONTINUATION OF EXISTING REGULATIONS**

The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any repealed ordinances or regulations.

**SECTION 6. DATE OF EFFECT**

This Ordinance shall take effect on May 20, 2004.

ENACTED AND ORDAINED by the Borough Council of Leesport Borough on the 20th day of May, 2004.

ATTEST:

BOROUGH OF LEESPORT  
BOROUGH COUNCIL

*Pamela Heier*  
Secretary

*Bonny J. Hill*  
President

*Jeffrey H. Black*  
*Christina C. Wood*

*Dana L. Hoffmaster*

*Douglas Aages*

*Charuca C. Smith*

*Robert E Hoffmaster*  
mayor