

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-04

AN ORDINANCE TO ADOPT THE UNIFORM CONSTRUCTION CODE AND THE INTERNATIONAL FUEL GAS CODE, ESTABLISHING REGULATIONS GOVERNING CONSTRUCTION OF BUILDINGS AND STRUCTURES AND OTHER ACTIVITIES REGULATED BY THE UNIFORM CONSTRUCTION CODE AND INTERNATIONAL FUEL GAS CODE, SUBMISSION OF AND ACTION UPON PERMIT APPLICATIONS AND PLANS, INSPECTION OF CONSTRUCTION AND OTHER REGULATED WORK AND ISSUANCE OF UNIFORM CONSTRUCTION CODE CERTIFICATES OF OCCUPANCY, PROVIDING THE ABILITY TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT; PROVIDING FOR ENTERING INTO AN AGREEMENT FOR THE PURPOSE OF PROFESSIONAL SERVICES FOR PLAN REVIEWS, INSPECTIONS, CERTIFICATIONS, ADMINISTRATION AND REPORTING AS BUILDING CODE OFFICIALS, CONSTRUCTION CODE OFFICIALS AND INSPECTIONS UNDER THE UNIFORM CONSTRUCTION CODE, ESTABLISHING REGULATIONS GOVERNING ADMINISTRATION AND ENFORCEMENT, PROVIDING FOR USE OF THE ERIE COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS JOINT BOARD OF APPEALS AND PROVIDING FOR ITS OPERATION, ADDRESSING APPLICATION OF UNIFORM CONSTRUCTION CODE REGULATIONS TO OTHER SUMMIT TOWNSHIP ORDINANCES, ESTABLISHING PENALTIES FOR VIOLATION, AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE

WHEREAS, the General Assembly of Pennsylvania has enacted the Pennsylvania Construction Code Act, at 35 P.S. §7210.101 *et seq* (the “Act”) to establish a Uniform Construction Code (the “UCC”) and to implement the International Fuel Gas Code (the “IFGC”);
and

WHEREAS, the Pennsylvania Department of Labor and Industry (the “Department”) has issued regulations, at 34 Pa.Code §403.1 *et seq*, to implement the provisions of the UCC and IFGC (the “Regulations”); and

WHEREAS, in 2004, the Department permitted Pennsylvania municipalities to “opt-in” or “opt-out” of the adoption of the UCC and IFGC; and

WHEREAS, at a meeting of the Summit Township (the “Township”) Board of Supervisors on July 6, 2004, the Board of Supervisors chose to “opt-out” of the adoption of the UCC and IFGC; and

WHEREAS, the current Board of Supervisors are desirous of adopting the UCC and IFGC and the Act, at 35 P.S. § 7210.501, permits the Township to do so upon giving one hundred and eighty (180) days’ notice to the Department; and

WHEREAS, on April 2, 2018, the Township enacted and approved Ordinance 2018-03, which established the adoption of the UCC within the Township; and

WHEREAS, after submission of Ordinance 2018-03 to the Department, it was determined that certain provisions should be revised to reflect proper administration of the UCC, the IFGC, and the Regulations; and

WHEREAS, the Township believes that the adoption of the UCC and IFGC will be beneficial to the citizens of the Township and that it is necessary to enact the UCC and IFGC to ensure the proper management of Township building and construction.

NOW THEREFORE, this 21st day of May, 2018, be it enacted and ordained by the Board of Supervisors of Summit Township, Erie County, Pennsylvania, as follows:

SECTION 1. RECITALS

The recitals set forth above are incorporated herein as if more fully set forth.

SECTION 2. REPEAL OF ORDINANCE 2018-03

Summit Township Ordinance 2018-03 is hereby repealed, in its entirety.

SECTION 3. ADOPTION OF UCC AND IFGC

A. The Township hereby adopts and incorporates by reference the Act, at 35 P.S. §7210.101 *et seq*, as may be amended from time-to-time, as the Building Code and Fuel Gas Code of the Township.

B. The Township adopts and incorporates by reference the Regulations, at 34 Pa.Code §403.21, as may be amended from time-to-time, as the Construction Code of the Township; provided, that the Township does not adopt administrative and enforcement provisions of said codes insofar as such provisions are inconsistent with or conflict with the UCC, IFGC, the Regulations and this Ordinance.

C. The Township adopts and incorporates by reference regulations governing training and certification, administration and other matters governing implementation of the UCC, as adopted by the Department, and as may be amended from time-to-time.

D. Codes adopted by this Ordinance to govern construction and other regulation activities shall also govern the use, occupancy, and condition of buildings following issuance of a UCC certificate of occupancy. The Board of Supervisors shall have authority to designate persons responsible for administration and enforcement of such codes following construction and other activity regulated by the UCC, and such code administration and enforcement personnel shall have all authority to inspect premises, issue notices (including stop work, unsafe building, and other orders) and take other actions as are necessary to ensure compliance with standards of said codes.

SECTION 4. ADDITIONAL CONSTRUCTION STANDARDS

A. In addition to the standards set forth in the UCC, IFGC, and the Regulations, all construction activity subject to the UCC and this Ordinance shall further comply with the following Township requirements:

- (i) Design Frost Depth – Use forty-eight inches to the bottom of footing.
- (ii) Design Snow Load – Use a ground snow load of 40 psf (pounds per square foot) applied as per Section 1608 of the International Building Code.
- (iii) Design Wind Load – Use values and methodology provided in Section 1609 of the International Building Code for the specific structure, type, and condition.
- (iv) Knox Box – A Knox Box (which will allow for entry by fire department personnel) shall be installed outside the main door of a commercial or industrial building.
- (v) Table R301.2(1) of the International Residential Code shall be set forth and incorporated within this Ordinance as Appendix A.

SECTION 5. APPLICATION OF ORDINANCE

A. General Application. This Ordinance shall apply and govern the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy, or change of occupancy of every building or structure and to the installation, enlargement, alteration, repair, removal, conversion or replacement of electrical, gas, mechanical and plumbing systems which occurs on or after the effective date of this Ordinance and all existing buildings or structures which are not legally occupied. Exceptions to application of the UCC and IFGC as set forth in the Act and/or the Regulations shall apply and are incorporated herein by reference.

B. Application of Other Ordinances.

- (i) This Ordinance shall not be deemed to amend any other Township Ordinances, including but not limited to, the Subdivision and Land Development Ordinance, the Zoning Ordinance, the Floodplain Ordinance, and Stormwater Management Ordinance, except as expressly stated in this Ordinance, the UCC, the IFGC, or the Regulations. This Ordinance is intended to apply to and govern constructions and other activities which are expressly subject to the UCC, the IFGC, and the Regulations and to continuing use, occupancy, and maintenance of buildings and structures after issuance of a UCC certificate of occupancy as provided within.
- (ii) No application for construction permit shall be accepted, nor shall any proposed construction plan be considered for any property in the Township until the applicant has first complied with all other State and Township requirements governing the proposed activity, including, but not limited to, subdivision, land development, zoning and stormwater management regulations.
- (iii) Prior to submitting an application for a construction permit under the UCC, the property owner or other qualified applicant shall submit to the Township's Zoning Administrator a Zoning Permit application on the form prescribed by the Township. A Zoning Permit shall not be issued unless the application complies with all regulations. Exclusive of those under this Ordinance. Any appeal from issuance or denial of a zoning permit shall be undertaken in compliance with the terms of the Zoning Ordinance.
- (iv) Upon issuance of a Zoning Permit for the proposed activity, all construction design, plans and activity shall be conducted in accordance with terms of the issued zoning permit, and in accordance with all provisions of applicable Township ordinances, including subdivision, development and/or stormwater management plans.
- (v) In performance of plan review, inspection and other services required under the UCC, IFGC, and the Regulations, the retained Building Code officials and Construction Code officials shall ensure that the site plan and scope of construction proposed as a part of the Building Permit Application match those permitted in the approved Zoning Permit. The retained Building Code official shall notify the Township's Zoning Administrator, in writing, immediately upon detecting any deviation from an issued Zoning Permit in the construction plans.
- (vi) Location of buildings and structures permitted via a Building permit must be in accordance with the Zoning Permit as issued. During a foundation

inspection, the retained Building Code official or Construction Code official shall review and certify compliance of the location of buildings and structures as shown on the Zoning Permit by confirmation of location on a copy of the Zoning Permit. If such inspection discloses a deviation from the Zoning Permit, the Township's Zoning Administrator shall be notified immediately.

- (vii) A UCC certificate of occupancy issued by the retained Building Code official shall constitute a certification that construction has been performed which meets requirements of the UCC, IFGC, and the Regulations.
- (viii) Where an application for a UCC permit pertains only to the installation, repair, removal, maintenance or alteration of equipment, does not involve or pertain to construction activity requiring a building permit, and further does not involve construction activity other than to the interior of a building or structure, a change of use of the building or property and/or an activity which would require subdivision, land development or stormwater management concerns, an application for a Zoning Permit shall not be required prior to receipt of and action on a UCC permit. This exception shall be strictly construed and is not intended to apply when such activities are conducted in circumstances that do involve provisions of Township Ordinances.

SECTION 6. AUTHORITY TO ENTER INTERGOVERNMENTAL AGREEMENT

A. Intergovernmental Agreement. The Township Board of Supervisors is hereby authorized to enter into one or more inter-governmental agreements with other municipalities in Erie County to provide for enactment of consistent ordinances implementing, administering and enforcing the UCC, the IFGC, and the Regulations, and for retention by said municipalities of one or more firms to provide plan review, inspections, and administrative enforcements services under this Ordinance, and to provide for the creation of a joint board of appeals.

SECTION 7. ADMINISTRATION

A. Agreement with BIU. The Township shall enter into an Agreement with the professional services provider, Building Inspection Underwriters of PA, Inc. ("BIU") for the provision of services regarding administration of this Ordinance, the UCC, the IFGC, and the

regulations (the “Agreement”). BIU, and its employees, is hereby designated as the Building Code and Construction Code official for the Township under the terms of the Agreement. The Board of Supervisors shall be authorized to execute all documents necessary and reasonable to memorialize the understanding of the parties to the Agreement. The conditions of the Agreement are set forth in the Agreement and there are no other documents, sources, or understandings, oral or written, which govern the conduct of the parties to the Agreement. The Agreement may be renewed from time-to-time, as determined by the Board of Supervisors.

B. UCC Administration Services. All services pertaining to review and approval of construction plans, UCC applications for construction permits, inspection or construction, consideration of requests for variances or extensions of time under the UCC, administrative enforcement of the UCC, IFGC, the Regulations, and this Ordinance, issuance of a UCC certificate of occupancy, notices to the Township’s Zoning Administrator and representation in proceedings before the Board of Appeals, and as witnesses in civil or criminal enforcement actions pursued by the Township shall be performed by BIU as more thoroughly described in the Agreement. The Township shall not perform any administration services itself or through its employees.

C. Fees, Forms, and Procedures. The Board of Supervisors is hereby authorized to establish, by resolution (the “Resolution”), fees and deposits for services provided by the Township in administration of this Ordinance and matters relating to applications submitted and permits or certificates issued pursuant to this Ordinance. The Board of Supervisors is further authorized to specify the time periods by which such fees and deposits shall be paid. The Board of Supervisors is authorized to adopt, by Resolution, forms for use in administration and

enforcement of this Ordinance and to establish and amend rules, regulations, and other procedures to implement this Ordinance.

- (i) Permits for approval of construction under the UCC, IFGC, and the Regulations shall be on such forms as are adopted for use by the Board of Supervisors, as may be amended from time-to-time.
- (ii) Except as expressly authorized in the UCC, IFGC, or in the Regulations, no construction or other activity regulated by this Ordinance shall be conducted or commenced without a permit therefore first being issued.
- (iii) A construction permit shall be valid for a period of no more than five (5) years from its issue date.
- (iv) Permits, applications for permits, and actions on permits pertaining solely to repair or replacement of equipment shall be administered by BIU as set forth in the Regulations, as may be amended from time-to-time.

D. Fees for Plan Review, Inspections and Certifications. Fees for review and approval of construction plans, inspections, certifications and other services by BIU, which are required under the UCC, IFGC, the Regulations and this Ordinance with respect to regulated construction activity are established in the Agreement. BIU is further entitled to assess fees for additional services (including meetings, additional inspections, proceedings, copies, etc.) required or requested as to particular matters, as authorized by Resolution adopted by the Board of Supervisors.

E. Deposits. The Board of Supervisors is authorized, by Resolution, to require payment by applicants of deposits to apply to payment of fees as incurred by the Township and/or BIU for performance of services required by the UCC, the IFGC, the Regulations, and this Ordinance. Deposit payments in excess of final fees shall be refunded to the payor upon issuance of the final certificate required by BIU or the Township, as applicable.

- (i) Deposits payable to the Township shall be held by the Township Treasurer in an interest-bearing account restricted to use for payment of fees imposed for services provided by the Township. Interest on such funds shall be retained by the Township.
- (ii) Deposits payable to BIU shall be payable to BIU and shall be retained by BIU for that specific purpose. BIU shall be obligated to provide an account to the payor for disposition of said sums. No application for a UCC construction permit shall be accepted unless accompanied by the required deposit.

F. Prompt Payment of Fees and Deposits Required. All fees and deposits imposed or required under Resolution adopted by the Board of Supervisors and/or required by BIU under the Agreement shall be payable in full to either entity by the date set forth in the Resolution and the Agreement.

- (i) No application for a permit, certificate or other service to be provided by the Township shall be accepted unless all fees and deposits required therefore are paid with the application or other request,
- (ii) No application for UCC construction permit or construction plan shall be accepted or referred to BIU unless all fees and deposits required therefore are paid with such application.
- (iii) If an initial deposit fund has been or will soon be exhausted, BIU shall have the authority to require that the applicant pay one of more additional deposits to cover fees for additional services under the particular project.
- (iv) If a fee or deposit due under the Board of Supervisors Resolution, this Ordinance or the Agreement is not paid in full by the date required therefore, the Township or BIU, as applicable, shall not perform any inspection, review, or other service and shall not issue any permit, report or certificate until such time as the required fee or deposit has been paid in full.

SECTION 8. JOINT BOARD OF APPEALS

A. ECATO Joint Board of Appeals. The Erie County Association of Township Officials ("ECATO") has established a Joint Board of Appeals in accordance with the Act, at 35 P.S. §7210.501(c), and the Regulations, to hear appeals from decisions of the Building Code official and the Construction Code official. The Township has entered into an Intergovernmental

Agreement with ECATO regarding the administration of the Joint Board of Appeals, which is attached and incorporated hereto as Appendix B. The By-Laws governing the administration of the ECATO Joint Board of Appeals are attached and incorporated hereto as Appendix B.

B. Jurisdiction. The Joint Board of Appeals shall be constituted and serve to hear appeals from decisions involving regulated activity in the Township.

- (i) The Joint Board of Appeals may not act upon appeals, requests for variance or requests for extension of time which relate to accessibility under the Act. Such appeals or requests shall be filed with the Accessibility Advisory Board under administrative regulations of the Department.
- (ii) The Joint Board of Appeals may not act upon appeals, requests for variance or requests for extension of time which relate to matters regulated or governed by Federal law, state law, or Township Ordinances other than the UCC, the IFGC, the Regulations and/or this Ordinance.

C. Institution of Appeals.

- (i) Requests for variance from or for extension of time shall be submitted to the Building Code or Construction Code official, who shall make a determination with due regard for requirements and objectives of the UCC, IFGC, and the Regulations.
- (ii) An owner or agent of the owner may appeal from the decision of the Building Code or Construction Code Official on a request for variance or request for extension of time or other matter subject to the UCC, IFGC, the Regulations, and/or this Ordinance by filing a petition with the Building Code official or designee on a form adopted by the Township.
- (iii) The postmark date or date of personal service shall establish the filing date of the appeal and request for variance or extension of time.
- (iv) An appeal or request for variance or extension of time to the Joint Board of Appeals shall automatically suspend an action to enforce an order to correct until the matter is resolved, provided, that such an appeal shall not constitute any basis for the Appellant's continuation or unlawful construction or any excuse therefore.
- (v) An action pertaining to an unsafe building, structure, or equipment or any other matter subject to the Building Code's authority under the

Regulations, at 34 Pa.Code §§403.81-84, shall not be stayed by virtue of an appeal.

- (vi) The Joint Board of Appeals shall decide an appeal or request for variance or for extension of time by reviewing documents and written briefs or arguments, unless the owner requests a hearing before the Joint Board of Appeals. In the event that an owner requests a hearing, the owner shall with such request pay all additional fees therefore as are imposed by the Resolution.

D. Action on Appeals.

- (i) The Joint Board of Appeals shall hold a hearing within sixty (60) days after the date of an applicant's request and payment of required fees therefore unless the applicant has agreed in writing to an extension of time. The Joint Board of Appeals shall notify the owner, the Building Code official, and the Township's Zoning Administrator of the date, time, and place of the hearing.
- (ii) The Joint Board of Appeals shall hold a hearing within thirty (30) days after the date of an applicant's request and payment of required fees for construction of a one or two family residential building, unless that applicant has agreed in writing to an extension of time. The Joint Board of Appeals shall notify the owner, the Building Code official, and the Township's Zoning Administrator of the date, time, and place of the hearing.
- (iii) An application for appeal shall be based on a claim that the true intent of the UCC, the IFGC, the Regulations, and/or this Ordinance have been incorrectly interpreted; that the provisions of the UCC, IFGC, the Regulations and/or this Ordinance do not fully apply, or that an equivalent form of construction is to be used. In considering appeals, the Joint Board of Appeals shall only consider the following in making its decision:
 - (a) whether the true intent of the UCC, IFGC, the Regulations and/or this Ordinance have been correctly interpreted by the Building Code or Construction Code Official,
 - (b) whether the provisions of the UCC, IFGC, the Regulations and/or this Ordinance apply, and
 - (c) whether a construction equivalent is to be used.
- (iv) The Joint Board of Appeals may consider the following factors when ruling on a request for extension of time or a request for variance:

- (a) the reasonableness of application of the UCC, IFGC, the Regulations and/or this Ordinance's standards to the particular project,
 - (b) the extent to which the granting of a variance or an extension of time will pose a violation of the UCC, IFGC, the Regulations and/or this Ordinance's standards or a generally unsafe condition,
 - (c) the availability of professional or technical personnel needed to come into compliance,
 - (d) the availability of materials and equipment needed to come into compliance,
 - (e) the efforts being made to come into compliance as quickly as possible,
 - (f) compensatory features that will provide an equivalent degree of protection under the UCC, IFGC, the Regulations, and/or this Ordinance.
- (v) Economic cost shall not furnish justification for granting an appeal for a variance or extension of time.
 - (vi) In considering an appeal on a request for variance, the Joint Board of Appeals may: deny the request in whole or in part; grant the request in whole or in part; grant the request upon certain conditions being satisfied; or grant other appropriate relief as necessary.
 - (vii) The Joint Board of Appeals shall provide written notice of its decision to the owner and the Building Code official. The Building Code official shall provide a copy of said decision to the Township Zoning Administrator within seven (7) days of their receipt thereof.
 - (viii) The Joint Board of Appeals shall provide written notice of its decision to the owner of a one—or two—family residential building and the Building Code official within five (5) business days of the date of the hearing. The Building Code official shall provide a copy of said decision to the Township Zoning Administrator within seven (7) days of their receipt thereof.

E. Additional Fees for Appeals. The Board of Supervisors may impose fees for appeals. Such fees shall be paid contemporaneously by the Appellant upon submission of an appeal petition.

- (i) BIU may, by schedule approved by the Board of Supervisors through the Resolution, establish fees for additional services required of it regarding appeals.
- (ii) The Board of Supervisors is authorized to establish, by Resolution, fees to be paid to members of the Joint Board of Appeals for services rendered.
- (iii) The Municipality involved in a proceeding before the Joint Board of Appeals shall be responsible for payment of fees due to members for such proceeding. Fees established for appeals may include such costs as deemed reasonable by the Board of Supervisors.

F. Violations and Penalties.

- (i) Any person or entity committing any act(s) prohibited under the UCC, IFGC, the Regulations, and/or this Ordinance shall violate this Ordinance and such a violation shall constitute a summary offense.
- (ii) Each day that a violation of this Ordinance continues shall constitute a separate offense.
- (iii) A fine in an amount not more than One Thousand Dollars (\$1,000) per violation is hereby prescribed for violations of this Ordinance.

G. Liability of Township Officials. Township code, zoning and other municipal officers or employees charged with the criminal or civil enforcement of this Code, while acting for the Township and within the scope of their employment or official capacity, shall not thereby be rendered liable personally, and are hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

H. Liability of Building Code and Construction Code Officials. BIU, and its employees, while acting as the Building Code and Construction Code official charged with administration and administrative enforcement of this Code (including inspection), within the scope of its appointment by the Township, shall not be rendered liable personally, and is hereby

relieved from personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of such duties.

I. Liability of BIU. Notwithstanding the foregoing, the Township shall not be liable for claims, actions, causes of action, demands, or expenses of any nature whatsoever arising from the performance of plan review, inspection, administration, administrative enforcement, issuance of inspection reports, or UCC occupancy certificates, or other matters within the scope of duties of BIU under the Agreement. The Agreement specifies that BIU is an independent contractor solely responsible for the proper performance of such services, and that BIU shall hold the Township harmless against and indemnify the Township for any all claims, actions, causes of action, demands, or expenses of any nature whatsoever arising from performance of plan review, inspection, administration, administrative enforcement, issuance of inspection reports or UCC occupancy certificates, or other matters performed under the Agreement for the Township.

J. Enforcement of Other Ordinances. This Ordinance is not intended and shall not be interpreted to amend or limit the Township's authority to administer and enforce other Ordinances governing land development, land use, zoning, or stormwater management. In the event of a violation of any other Township Ordinance in connection with development of land, construction, or use which pertains to matters other than those governed under the UCC, IFGC, the Regulations and/or this Ordinance, the Township shall have full authority to enforce such other Ordinances without regard to the owner's compliance with the UCC, IFGC, the Regulations, and/or this Ordinance. Where authorized by such other Ordinances, the Township shall issue stop work, cease and desist and other orders necessary to ensure compliance with other Ordinances, such orders shall control when in conflict with this Ordinance.

K. Reports By Construction Official. BIU shall retain for the Township, as property of the Township, all documents received and generated in performance of BIU's duties, and shall provide to the Township Zoning Administrator such reports and documents as are required under the Agreement.

L. Coordination with Other Inspections. BIU shall not be obligated to perform inspections of construction of improvements other than those that are subject to the UCC, IFGC, the Regulations and this Ordinance. However, BIU shall provide to the Township, the Township Water Authority, and Township Sewer Authority, and other entities responsible for regulating the construction of improvements or connections to water and sewer lines, notices of scheduled inspections and construction status as is deemed necessary by those entities to put them on notice so that they may inspect matters subject to their authority in a timely fashion as construction activities proceed.

SECTION 9. MISCELLANEOUS

A. Severability. If any sentence, clause, section or amendment of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or amendments of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or amendment thereof not been included herein.

B. Repealer. All other Ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

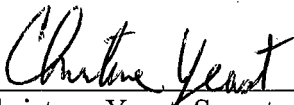
C. Effective Date. This Ordinance shall take effect as follows:

- i. Within five (5) days after its enactment and adoption if granted a waiver by the Department; or
- ii. Immediately upon grant of a waiver by the Department if later than the initial five (5) days and prior to the one hundred and eighty (180) days; or
- iii. One Hundred and Eighty (180) days after notifying the Department of our intent to change our Municipal Opt-Out Status on February 6, 2018, if not granted a waiver by the Department.

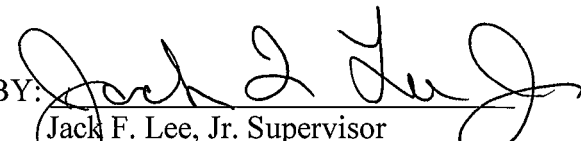
DULY ENACTED AND ORDAINED on the day first above written by the Board of Supervisors of Summit Township, Erie County, Pennsylvania.

ATTEST:


SUMMIT TOWNSHIP



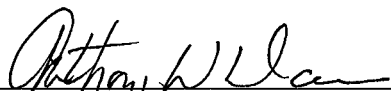
Christene Yeast, Secretary

BY: 

Jack F. Lee, Jr. Supervisor

BY: 

Mark A. Welka, Supervisor

BY: 

Anthony W. Davis, Supervisor

1930468.v1

APPENDIX “A”

IRC TABLE R301.2(1) **CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load:	40
Wind Design:	
Speed (MPH)	90
Topographic Effects	No
Seismic Design Category:	B
Subject to Damage From:	
Weathering	Severe
Frost Line Depth	48”
Termite	Moderate to Heavy
Winter Design Temp:	0°
Ice Barrier Underlayment Required:	Yes
Flood Hazards:	Summit Township Ordinance 2014-01
Air Freezing Index:	1500 or Less
Mean Annual Temp:	50°

1915563.v1

APPENDIX "B"

INTERGOVERNMENTAL AGREEMENT FOR THE ESTABLISHMENT AND ADMINISTRATION OF A UNIFORM CONSTRUCTION CODE JOINT BOARD OF APPEALS

THIS AGREEMENT, dated as set forth below, is by, among, and between:

SUMMIT TOWNSHIP, ERIE COUNTY, PENNSYLVANIA (hereinafter the
"Township")

AND

THE ERIE COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS (hereinafter
"ECATO").

WITNESSETH:

WHEREAS, pursuant to the Pennsylvania Construction Code Act, the Act of November 10, 1999, P.L. 495, No. 45, 35 P.S. § 7201.101 *et seq.*, as amended (the "Act"), municipalities within Pennsylvania (the "Member Municipalities") have elected to administer and enforce the Uniform Construction Code (the "UCC") within their respective municipalities; and

WHEREAS, under Section 501(c) of the Act, the Township is required to establish a Board of Appeals to hear appeals from decisions of the Code Administrator; and

WHEREAS, under Section 501(b)(3) of the Act, the Township is empowered to join with other municipalities in the establishment and administration of a Joint Board of Appeals; and

WHEREAS, the Erie County Association of Township Officials ("ECATO") has agreed to establish and administer a Joint Board of Appeals (the "ECATO UCC Board" or "Board") to serve as a UCC Board of Appeals for several of its Member Municipalities; and

WHEREAS, it is likely and desirable that subsequent to the execution of this Agreement, additional municipalities may elect to appoint the ECATO UCC Board as their UCC Board of Appeals; and

WHEREAS, the Board of Supervisors of the Township has determined that it is in the best interests of its residents to enter into this Agreement for the establishment and administration of a UCC Joint Board of Appeals, and has enacted an Ordinance to that effect, duly appointing the undersigned to execute this Agreement on behalf of the Township.

NOW THEREFORE, intending to be legally bound hereby, the Township and ECATO hereby agree as follows:

1. The recitations set forth above are incorporated hereby as if fully set forth.
2. This Agreement shall be effective as to the Township upon execution by the Township and ECATO, and its terms shall be perpetual, unless the Township elects to withdraw from the Agreement, or ECATO elects to cancel this Agreement, as set forth herein.
3. The Township may withdraw from this Agreement upon written notice delivered to ECATO, and the payment in full of any unpaid fees and assessments as set forth in Paragraphs 11 and 13 and elsewhere in this Agreement.
4. ECATO may cancel this Agreement upon the delivery of ninety (90) days' written notice to every Member Municipality, OR the final resolution of all pending appeals, whichever is later. Notwithstanding any cancellation by ECATO, the Township shall pay in full any unpaid fees and assessments as set forth in Paragraphs 11 and 13 and elsewhere in this Agreement.
5. The ECATO UCC Board is hereby appointed as the UCC Board of Appeals for the Township, and shall have all powers, duties, and obligations set forth in the Act and other applicable law.
6. ECATO shall administer the ECATO UCC Board herein.
7. The Board shall be organized and operated according to a certain set of By-laws adopted by or to be adopted by ECATO by resolution, and as amended. A copy of the said By-laws is attached hereto as Exhibit BL.
8. ECATO shall by resolution appoint a Solicitor to advise the Board on all matters that may come before it, at rates of compensation and reimbursement for expenses to be established by ECATO and revised from time to time.
9. ECATO shall by resolution appoint members to the Board in accordance with the UCC and the said By-laws, and may by resolution set rates of compensation and reimbursement for expenses of the ECATO UCC Board Members.
10. ECATO shall by resolution appoint a Secretary to the Board and set the rate of compensation and reimbursement for expenses, which Secretary shall fulfill the duties set forth in the By-laws, and other such duties as may from time to time be assigned by ECATO and/or the Board.
11. ECATO shall by resolution establish minimal appeal filing fees, from which all administrative fees shall be paid, including but not limited to Members, Secretary, and Solicitor compensation and reimbursements, court reporter appearance fees, legal advertising fees, and all other administrative expenses, and which filing fees shall be adopted by the Township. The Township may in its discretion charge additional filing fees. The Township shall forward the minimum filing fee to ECATO when it transmits the appeal application to ECATO. If, after all of the above-referenced administrative compensation, reimbursements, and expenses have been paid in full, ECATO shall return the remainder of the filing fee to the Township. In the event that legislation limits the amount of filing fees that can be charged, or prohibits the charging of

filing fess and/or fees to cover the above-referenced administrative compensation, reimbursements, and expenses, the Township shall be invoiced for and shall pay to ECATO all administrative compensation, reimbursements, and expenses as set forth herein and established hereunder.

12. The Township shall, within 24 hours of receipt thereof, fax or scan and email to the ECATO UCC Board Secretary all complete appeal applications received. An application shall not be considered complete unless the Township has received with the appeal application the minimal filing fee as set by ECATO.

13. Upon the signing of this Agreement, the Township shall pay to ECATO an assessment of \$200.00 to defray the initial expenses of establishing the ECATO UCC Board. Future non-hearing related costs of maintaining the ECATO UCC Board shall be shared equally by and be assessed upon all Member Municipalities at the time such costs are incurred.

14. If any municipality shall execute a subsequent intergovernmental agreement appointing the ECATO UCC Board as its Board of Appeals, the said additional Member Municipality shall pay the assessment set forth in Section 13 above, in full, at the time of the signing of the said subsequent intergovernmental agreement.

15. Any assessments as set forth in Paragraph 13 above paid hereunder shall not under any circumstances be rebated or returned to the Township.

16. The Township may, but is not required to, participate at its own expense in its hearings before the ECATO UCC Board.

17. If any decision of the ECATO UCC Board originating in the Township is appealed to the Common Pleas Court or any other court, the Township shall be responsible for the prosecution or defense of the appeal(s), and the costs thereof, including but not limited to all attorney fees, including the attorney fees of the ECATO UCC Board Solicitor.

18. This Agreement shall be governed by Pennsylvania Law, and the forum for any dispute arising from this Agreement shall be Erie County, Pennsylvania.

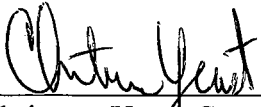
19. This Agreement may be signed in counterparts, and such signing shall not affect the validity hereof.

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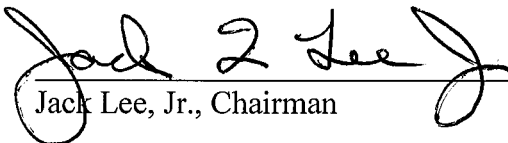
IN WITNESS WHEREOF, the duly appointed representatives of the Parties hereto have set their hands and seals on the dates set forth below.

ATTEST:

SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA



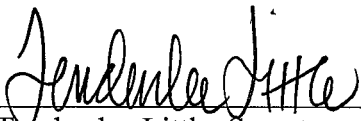
Christene Yeast, Secretary

 03-22-2018

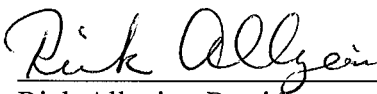
Jack Lee, Jr., Chairman Date

ATTEST:

ERIE COUNTY ASSOCIATION OF
TOWNSHIP OFFICIALS



Tenderlee Little, Secretary

 03-22-2018

Rick Allgeier, President Date