

OFFICIAL

**HAMPTON TOWNSHIP
COUNTY OF ALLEGHENY, PENNSYLVANIA**

RESOLUTION NO. 954

**A RESOLUTION OF THE TOWNSHIP OF HAMPTON, A
HOME RULE COMMUNITY, SITUATE IN ALLEGHENY
COUNTY, PENNSYLVANIA, ADOPTING RULES OF
PROCEDURE BEFORE THE UCC AND IPMC BOARD OF
APPEALS.**

WHEREAS, The Township of Hampton had adopted an Ordinance adopting the Uniform Commercial Code (herein after referred to as "UCC"), as currently codified at Chapter 120 of the Township Code of Ordinances which Ordinance provides for appeals to a UCC Board of Appeals;
and

WHEREAS, The Township of Hampton adopted number 773, to wit, an Ordinance adopting the International Property Maintenance Code (herein after referred to as "IPMC"), as currently codified as Chapter 230 of the Township Code of Ordinances, and which provides for appeals as set forth in that code; and

WHEREAS, now therefore in consideration therein, and in the exercise of the powers granted to the Township of Hampton, under the health, welfare and safety provisions of the Township Home Rule Charter, and the statutes of the Commonwealth of Pennsylvania it is hereby resolved as follows:

§ -1 That the Township of Hampton hereby adopt the following Rules of Procedure before the UCC and IPMC Board of Appeals, attached as exhibit "A" hereto as though the same were more fully set forth herein.

§ -2 That this resolution shall become effective immediately upon enactment or as otherwise provided under law.

§ -3 That any resolution or parts thereof which are in conflict herewith, are repealed and replaced only to the extent of such conflict.

RESOLVED AND ENACTED, this 21st day of December, 2016, UPON MOTION DULLY MADE AND SECONDED THE FOREGOING RESOLUTION IS HEREBY ADOPTED.

ATTEST:



Secretary

HAMPTON TOWNSHIP



Victor D. Son, President
Hampton Township Council

Exhibit "A"
RULES OF PROCEDURE BEFORE
THE UCC AND IPMC BOARD OF APPEALS

- Section 1: The Township of Hampton has adopted ordinances for the administration and enforcement of the Uniform Construction Code (hereinafter "UCC") and the International Property Maintenance Code (hereinafter "IPMC"). In addition, the Commonwealth of Pennsylvania has adopted the Local Agency Law at 2 Pa.C.S. § 105, et. seq. which shall apply herein. The Township of Hampton intends these Rules to supplement the Local Agency law and in the event of any conflict between these Rules and the Local Agency Law, the Local Agency Law shall govern.
- Section 2: The appropriate appellate body (hereinafter referred to as "board of appeals") as designated under the Township of Hampton's Ordinances adopting the UCC and IPMC shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the UCC and/or IPMC has been incorrectly interpreted, the provisions of UCC and/or IPMC do not fully apply or an equivalent form of construction is to be used.
- Section 3: The board of appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.
- Section 4: The board of appeals shall schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701-716 (relating to Sunshine Act).
- Section 5: The board of appeals may not act upon appeals, requests for variance or requests for extension of time relating to accessibility under the UCC.
- Section 6: The fee for an appeal under the UCC and/or IPMC shall not exceed the actual costs of publishing the hearing notice, court reporter services and other necessary administrative services.
- Section 7: The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.
- Section 8: An appeal or request for variance or extension of time to a board of appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 under the UCC (relating to unsafe building, structure or equipment) or § 109 under the IPMC (relating to emergency measures) may not be stayed.
- Section 9: The board of appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner or owner's agent requests a hearing.

Section 10: The board of appeals shall hold a hearing within 30 days from the date of an applicant's request unless the applicant agreed in writing to an extension of time. The board of appeals shall convene a hearing within 30 days of receipt of an appeal or request for variance or extension of time involving the construction of a one- or two-family residential building.

Section 11: The board of appeals shall only consider the following factors when deciding an appeal under section 501(c)(2) of the UCC:

- (a) The true intent of the UCC was incorrectly interpreted.
- (b) The provisions of the UCC do not apply.
- (c) An equivalent form of construction is to be used.

Section 12: The board of appeals shall consider the factors set forth in section 111.2 of Hampton Township Ordinance No. 730 when deciding an appeal under the IPMC.

Section 13: The board of appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

- (a) The reasonableness of the UCC's or the IPMC's application in a particular case.
- (b) The extent to which the granting of a variance or an extension of time will pose a violation of the UCC or the IPMC for an 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 to the UCC.

Section 14: The Council of the Township of Hampton delegates its power under Section C-505 of the Township of Hampton's Home Rule Charter such that for any hearing, the chairman or acting chairman of the board of appeals shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

Section 15: If the owner or owner's agent requests a hearing, the board of appeals shall schedule a hearing and notify the owner or owner's agent and building code official of the date, time and place of the hearing.

Section 16: The board of appeals may:

- (a) Deny the request in whole or in part.
- (b) Grant the request in whole or in part.
- (c) Grant the request upon certain conditions being satisfied.

Section 17: The board of appeals shall provide a written notice of its decision to the owner and to the building code official. A board of appeals shall render a written decision regarding an appeal or request for variance or extension of time involving the construction of a one- or two-family residential building within 5 business days of the latest hearing for UCC appeals. The appeal shall be deemed granted if the board of appeals fails to act within this time period. For IPMC appeals, the board of appeals shall render a decision in the matter within 45 days of the close of the hearing. The written decision shall be served upon the owner by U.S. mail, 1st class, mailed within 5 business days of the date of decision.

Section 18: An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with the Accessibility Advisory Board under § 403.142 of the UCC (relating to Accessibility Advisory Board).

CERTIFICATION

I, Susan A. Bernet, Clerk of Council for the Township of Hampton, County of Allegheny, Commonwealth of Pennsylvania, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 954 duly adopted at a meeting of the Township of Hampton Council held on December 21, 2016.

(Seal)

A handwritten signature in cursive script, reading "Susan A. Bernet", is written over a solid horizontal line.