

**TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 812

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,
ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING
FOR THE CREATION OF A CONSTRUCTION CODE
BOARD OF APPEALS PURSUANT TO THE
PENNSYLVANIA CONSTRUCTION CODE ACT**

WHEREAS, the Pennsylvania Construction Code Act (the Act), 35 P.S. § 7210.101 et seq., provides for the adoption of a uniform construction code by municipalities; and

WHEREAS, the Township of Hampton has adopted and enacted Ordinance No. 638 of 6/23/04 for the administration and enforcement of the Pennsylvania Construction Code Act; and

WHEREAS, the Township of Hampton desires to create a Construction Code Board of Appeals pursuant to 35 P.S. § 7210.501(c) and 34 Pa. Code § 403.121;

NOW, THEREFORE, it is hereby ordained and enacted as follows:

Section 1. Creation of Construction Code Board of Appeals. The Township hereby creates a Construction Code Board of Appeals pursuant to 35 P.S. § 7210.501(c) and 34 Pa. Code § 403.121.

Section 2. Powers and Duties of the Construction Code Board of Appeals. The powers and duties of the Construction Code Board of Appeals shall be as prescribed under 35 P.S. § 7210.501 and 34 Pa. Code § 403.121, as may be amended from time to time.

Section 3. Jurisdiction of the Construction Code Board of Appeals. The Board of Appeals 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 Act or Uniform

Construction Code has been incorrectly interpreted, the provisions of the Act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.

Section 4. Appointment, Vacancies, Removal, Residency, Compensation, and Term of Office of Members of Construction Code Board of Appeals.

- a. Appointment. The President of the Hampton Township Council shall appoint the members of the Construction Code Board of Appeals with the advice and consent of the majority of all the members of the Hampton Township Council.
- b. Number of Members. The Construction Code Board of Appeals shall consist of five members.
- c. Qualifications. Members shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.
- d. Membership Restrictions. Members of the Hampton Township Council and Hampton Township code administrators may not serve on the Board of Appeals.
- e. Residency of Members. Members of the Construction Code Board of Appeals shall be residents of the Township, unless a position on the Board cannot be filled with a person residing in the Township having the minimum qualifications, in which case a qualified person, who resides outside of the Township, may serve as a member.
- f. Vacancies. The Hampton Township Council may declare a vacancy on the Construction Code Board of Appeals upon the death, removal, permanent disability or removal from the Township of any member of the said Board. A qualified person shall be appointed to fill the unexpired term of the vacated office. Appointments to fill vacancies shall be only for

the unexpired portion of any term. Vacancies shall be filled by the Hampton Township Council within 60 days of notification from the Chairman of the Construction Code Board of Appeals that a vacancy occurs.

- g. Removal. Any member of the Construction Code Board of Appeals may be removed prior to the expiration of an appointed term of the member by the Hampton Township Council in accordance with the laws of the Commonwealth of Pennsylvania applicable to the Pennsylvania Construction Code. A member of the Construction Code Board of Appeals shall serve at the will of the Hampton Township Council.
- h. Conflict. No member of the Construction Code Board of Appeals may hear an appeal in which that member has any personal, professional, or financial interest.
- i. Term of Office. The term of office of a member of the Construction Code Board of Appeals shall be for a period of three years. During the first year of effective date of this Part, one member shall be appointed for a term expiring December 31, 2019; two members shall be appointed for a term each expiring December 31, 2020; and two members shall be appointed for a term each expiring December 31, 2021. Thereafter, in each succeeding year, the Hampton Township Council shall appoint members of the Construction Code Board of Appeals for appropriate terms at the annual reorganization meeting of the Hampton Township Council.
- j. Compensation. No member of the Construction Code Board of Appeals shall be compensated for duties performed in such office.

Section 5. Officers, Duties of Officers.

- a. Chairman and Vice Chairman. A Chairman and Vice Chairman of the Construction Code Board of Appeals shall be elected by the remaining members in January of each year. Each such officer shall serve a one-year term.
- b. Secretary. The members of the Construction Code Board of Appeal may elect one of their own members as Secretary. The Secretary, if elected from the membership shall serve a one-year term.

Section 6. Meetings, Procedures for Meetings.

- a. All meetings and hearings of the Construction Code Board of Appeals shall be open to the public, unless otherwise permitted by law.
- b. Regular and special meetings of the Board shall be held as necessary at the call of the Chairman. The first meeting of each year shall constitute the annual organization meeting of the Board.
- c. A quorum shall consist of at least a majority of all members of the Board.
- d. The Chairman or, in his absence, the Vice Chairman shall administer oaths and may compel the attendance of witnesses when required by law, in accordance with the provisions of the laws of the Commonwealth.
- e. The Secretary or his designee shall keep minutes of Board of Appeals proceedings, showing the vote of each member upon each question or, if absence or failing to vote, indicating such fact.

Section 7. Expenditure of Public Funds. The Construction Code Board of Appeals shall have no authority to spend Township funds unless provided for in the budget, as specifically approved by the Hampton Township Council.

Section 8. Administrative Personnel. Within the limit of funds appropriated by the Hampton Township Council, the Construction Code Board of Appeals may employ or contract, from time to time, for secretaries, legal counsel, other than the Township Solicitor, consultants, and other technical and clerical services.

Section 9. Savings Clause. The provisions of the Township Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations except as otherwise provided by law.

Section 10. Severability of Part of Ordinance. It is hereby declared to be the intention of the Hampton Township Council that the chapters, parts, sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal, or otherwise invalid by judgment or decree of a court with competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses, or phrases of this codification.

ORDAINED AND ENACTED into law this 26th day of September, 2018.

ATTEST:


Township Manager

THE TOWNSHIP OF HAMPTON


President of Council

APPROVED AS TO FORM


Vincent A. Tucceri, Esquire
Township Solicitor