

**UPPER MERION TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2013-814**

**AN ORDINANCE ESTABLISHING A BOARD OF APPEALS KNOWN AS THE UPPER  
MERION TOWNSHIP APPEALS BOARD PURSUANT TO THE PENNSYLVANIA  
CONSTRUCTION CODE ACT AND ADOPTING CERTAIN PROCEDURES AND  
REGULATIONS FOR SAME**

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**WHEREAS**, the Pennsylvania Construction Code Act became effective April 9, 2004 (the "Act"); and

**WHEREAS**, Upper Merion Township adopted an ordinance for the administration and enforcement of the Act; and

**WHEREAS**, the Act requires that a Board of Appeals be established as provided by Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition; and

**WHEREAS**, Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, requires the Board of Appeals to consist of five (5) individuals with one from each of specified professions or disciplines.

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED AS  
FOLLOWS:**

Section 1. The Board of Supervisors of Upper Merion Township hereby establishes an Appeals Board pursuant to the Act to be known as the Upper Merion Township Appeals Board to hear and rule on appeals from decisions of the code administrator, requests for variances and requests for extensions of time pursuant to the attached guidelines. An application for appeal shall be based on a claim that the 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. The Appeals Board shall have the widest possible jurisdiction authorized by the Pennsylvania Construction Code and the Uniform Construction Code, as amended.

Section 2. Appeals, requests for variances or requests for extension of time relating to accessibility under the Act shall not be heard by the Upper Merion Township Appeals Board, but shall be filed with and considered by the Pennsylvania Department of Labor and Industry.

Section 3. To cover the costs of administration, the minimum appeal fee shall be \$500.00. Any additional costs will be paid by the applicant.

Section 4. The Appeals Board shall consist of five (5) members appointed by the Upper Merion Township Board of Supervisors as follows: one for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years and one for one (1) year. Thereafter each new member shall serve for five years or until a successor has been appointed.

Section 5. The Appeals Board shall consist of five (5) individuals, one from each of the following professions or disciplines:

Registered design professional who is a registered architect, or a builder or superintendent of building construction, with at least 10 years' experience, 5 of which shall have been in responsible charge work.

Registered design professional with structural engineering or architectural experience.

Registered design professional with mechanical or plumbing engineering experience or a mechanical or plumbing contractor with at least 10 years' experience, 5 of which shall have been in responsible charge of work.

Registered design professional with electrical engineering experience; or an electrical contractor with at least 10 years' experience, 5 of which shall have been in responsible charge of work.

Registered design professional with fire protection engineering experience; or a fire protection contractor with at least 10 years' experience, 5 of which shall have been in responsible charge of work.

Section 6. The Board of Supervisors of Upper Merion Township shall appoint two (2) alternate members who shall be called by the Appeals Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualification required for Board membership, and shall be appointed for five (5) years or until a successor has been appointed.

Section 7. The Upper Merion Township Board of Supervisors hereby adopts regulations for the Appeals Board and those appearing before it, in the form attached hereto entitled: "Guidelines For The Upper Merion Township Appeals Board". These regulations may be modified by resolution of the Upper Merion Township Board of Supervisors.

Section. 8 REPEALER. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 9. REVISIONS. The Upper Merion Township Board of Supervisors hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinance, including this provision.

Section 10. SEVERABILITY. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section 11. EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

Section 12. FAILURE TO ENFORCE NOT A WAIVER. The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by Upper Merion Township of its rights of future enforcement hereunder.

ENACTED and ORDAINED by the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, this 24<sup>th</sup> day of January, 2013.

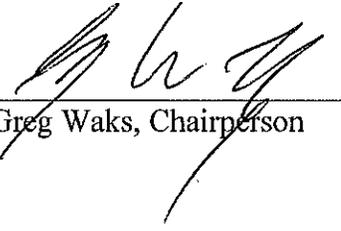
ATTEST:

**UPPER MERION TOWNSHIP  
BOARD OF SUPERVISORS**

By: \_\_\_\_\_

  
David G. Kraynik  
Township Secretary-Treasurer  
Township Manager

By: \_\_\_\_\_

  
Greg Waks, Chairperson

Advertised Proposed Ordinance in Times Herald on January 14, 2013  
Proof of Publication Dated: January 16, 2013  
Hearing Held: January 24, 2013  
Ordinance Adopted: January 24, 2013  
Ordinance Entered as Ordinance No. 2013-814