

**CHAPTER 5**  
**CODE ENFORCEMENT**

ORDINANCE NO. 01 OF 2004

**AN ORDINANCE OF THE BOROUGH OF PORT ROYAL, JUNIATA COUNTY, PENNSYLVANIA PROMOTING THE GENERAL HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE BOROUGH OF PORT ROYAL BY CONFORMING TO THE REQUIREMENTS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT OF NOVEMBER 10, 1999, AT NO. 45 OF 1999, (35 P.S. SECTION 7210.101 ET SEQ) AND THE REGULATIONS THEREUNDER, AND AS THE ACT AND THE REGULATIONS MAY BE AMENDED FROM TIME TO TIME, AND CONTAINING SEVERABILITY, SAVINGS AND REPEALER PROVISIONS.**

**WHEREAS, the purpose of the Ordinance is to promote the general health, safety and welfare of the citizens of Port Royal Borough (hereinafter sometimes referred to as "Municipality") and to conform to the requirements of the Pennsylvania Construction Act, act of November 10, 1999, Act 45 of 1999 (35 P.S. Section 7210.101 et seq) 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 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 ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Borough Council of the Borough of Port Royal, Juniata County, Pennsylvania, incorporating the aforesaid recitals as an integral part hereof as follows:**

Section 1: Legislative Authority.

This Ordinance is adopted pursuant to the authority granted to the Borough of Port Royal by Sections 1202(4), 1202(6), 1202(24), 1202(34) of The Borough Code, as amended (53 P.S. Section 45101 et seq) and the Pennsylvania Construction Code Act (35 P.S. Section 7210.101 et seq) and the regulations adopted thereunder and as may be amended from time to time.

Section 2: Election to Administer The Pennsylvania Construction Code Act.

This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act of November 10, 1999, Act 45 of 1999, 35 P.S. Section 7210.101 – 7210.1103, as amended from time to time, and its regulations, as amended from time to time.

Section 3: Incorporation Clause.

The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, inclusive, and as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Port Royal, Juniata County, Pennsylvania.

Section 4: Administration and Enforcement.

Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality, from time to time, by resolution:

- (a) By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- (b) By the retention of one or more construction code officials or third party agencies to act on behalf of the Municipality. On adoption of this initial ordinance this Municipality has contracted with Commonwealth Code Inspection Service, Inc. as a third party agency to act on behalf of the Municipality with respect to administration and enforcement of this Ordinance. Any changes in this designation shall be by resolution adopted by the governing body of this Municipality;
- (c) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- (d) By entering into a contract with another municipality for the

administration and enforcement of this Act on behalf of this Municipality.

- (e) By entering an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one family or two family dwelling units and utility and miscellaneous use structures.

#### Section 5: Board of Appeals

A Board of Appeals shall be established by resolution of the Borough Council 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. At any time, if enforcement and administration is undertaken jointly with one or more municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

#### Section 6: Savings Clause.

The following shall apply as to existing building code ordinances or portions of ordinances, if any, heretofore adopted by the Borough of Port Royal, Juniata County, Pennsylvania:

- (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 building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.
- (c) All relevant ordinances, regulations and policies of this Municipality

not governed by the Code shall remain in full force and effect.

Section 7: Fees.

Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the governing body, by resolution from time to time.

Section 8:

This Ordinance shall take effect on the sixth day following the adoption of this Ordinance by the Borough Council of Port Royal Borough, Juniata County, Pennsylvania.

Section 9: Severability.

If any sentence, clause or section of any part 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 parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted if such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included therein.

Section 10: Penalties.

Any individual, firm or corporation that violates any provision of this Ordinance commits a summary offense, and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000.00 and costs. Each day that a violation of this Ordinance continues shall be considered a separate violation. All penalties collected shall be forwarded to Port Royal Borough, Juniata County, Pennsylvania.

Section 11: Repealer.

Otherwise any Ordinance or part of any Ordinance or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise those provisions of Ordinances, Resolutions, or Motions not hereby repealed or amended and not conflicting or not inconsistent herewith are confirmed.

ORDAINED AND ENACTED by the Borough of Port Royal, Juniata County, Pennsylvania, by the Borough Council of Port Royal Borough, in public session assembled, this 23 day of June, 2004.

Attest:

Susan R. Cisney  
Secretary

Port Royal Borough Council

by Bryan L. Baker  
Bryan L. Baker, President

Heidi S. Wolfe  
Heidi S. Wolfe, Vice President

Not present

Ronald A. Watkins  
Ronald A. Watkins, Councilman

Thomas Jim Bryner  
Thomas Jim Bryner, Councilman

Bernard E. Peck  
Bernard E. Peck, Councilman

Gerald L. Bryner  
Gerald L. Bryner, Councilman

John R. Towsey  
John R. Towsey, Councilman

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Juniata County Prothonotary  
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PROTHONOTARY  
CLERK OF COURTS

PORT ROYAL BOROUGH  
JUNIATA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 of 2007

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE BOROUGH OF PORT ROYAL BY ADDING THERETO SECTIONS 5-101 THROUGH 5-113 WHICH REQUIRES ALL LAND OWNERS WITHIN THE BOROUGH TO OBTAIN AN ASSESSMENT PERMIT BEFORE UNDERTAKING ANY OF THE SPECIFICALLY DESCRIBED ACTIVITIES ON REAL ESTATE OWNED BY THE LANDOWNER IN THE BOROUGH OF PORT ROYAL.

Section 5-101: Legislative Authority

The Ordinance is adopted pursuant to Section 1006 (53 P.S. Section 46006), Section 1202 (53 P.S. Section 46202), and Section 1306 (53 P.S. Section 46306) of the Borough Code of Pennsylvania, as amended and Section 2 (53 P.S. Section 6902) of The Local Tax Enabling Act, as amended.

Section 5-102: Short Title

This Ordinance shall be known as the Assessment Permit Ordinance of Port Royal Borough, Juniata County, Pennsylvania.

Section 5-103: Statement of Intent

The intent of this Ordinance is to require landowners within the Borough to inform the Borough of all improvements made to real estate so that the Borough can maintain accurate tax assessment records.

Section 5-104: Applicability

similar piping, electric wiring.

Section 5-105: Application Procedures and Permit Issuance

A. Application for an Assessment Permit shall be made in writing to the Borough Secretary on the same forms presently used by the Borough for issuance of Land Use Permits required under the Uniform Construction Code. Such application shall contain at a minimum all of the following:

1. Name and address of the applicant;
2. Name and address of the owner of the land on which the proposed construction is to occur;
3. Name and address of the contractor;
4. Site location;
5. Brief description of proposed work and estimated costs; and
6. A plan of the site showing the size and location of the proposed construction as well as any existing buildings or structures, with set back dimensions.

B. On submission of the application to the Borough Secretary the Borough Secretary shall verify the completeness thereof; the Borough shall determine that the proposed work to be undertaken will be in conformance with the requirements of all state and local laws then in effect; the Borough shall verify with the Borough's Uniform Construction Code administrator the inapplicability of the Uniform Construction Code to the activity described in the permit; and the Borough shall obtain the review and signature of not less than one (1) member of the Borough Council of Port Royal Borough. The Borough Secretary shall complete the above within fifteen (15) days of receipt of the application and in the event the application is rejected for any reason the Borough shall notify the applicant in writing within said fifteen (15) day period of the specific reasons for rejection. Failure of the Secretary to act within said fifteen (15) day period shall be deemed an approval of the application.

C. After issuance of an assessment permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Borough.

#### Section 5-106: Start of Construction

Work on the proposed construction shall begin within six (6) months from the date of issuance of the assessment permit and shall be completed in twelve (12) months from the issuance of the assessment permit. Thereafter the assessment permit is null and void and does not provide authorization to complete the project for which the permit was issued. For purposes of this Ordinance construction shall be conclusively presumed to have started on the thirty first day following issuance of the permit.

#### Section 5-107: Exclusions

No permit shall be required under this Ordinance for any activity for which a landowner or other legal entity must obtain a Building Permit under the provisions of the Uniform Construction Code, as amended.

#### Section 5-108: Fees

Initially, the fee for issuance of a permit under this Ordinance shall be \$50.00. Hereafter this fee may be modified by resolution duly adopted by the Borough Council of Port Royal Borough. The fee shall be paid on submission of the application to the Borough Secretary and shall be non-refundable.

#### Section 5-109: Abrogation and Greater Restrictions

This Ordinance supersedes any provisions currently in effect. However, any underlying Ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

### Section 5-110: Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this reason the provisions of this Ordinance are hereby declared to be severable.

### Section 5-111: Municipal Liability

The Borough hereby expressly excludes any and all warranties, either express or implied, as to the adequacy of the design, materials, labor or any other thing used by the applicant for the assessment permit in the completion of the projects regulated hereby. The applicant does hereby agree that they will forever indemnify and hold the Borough harmless from any and all actions, causes of actions, claims, demands of whatsoever kind and nature that may hereafter be asserted by anyone against the Borough as a result of claims arising out of the projects which permits have been issued by the Municipality hereunder.

### Section 5-112: Penalties

Any landowner or legal entity who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order, or direction of the Borough or any other authorized employee of the Municipality, shall be guilty of a summary offense and upon conviction shall be fined not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars plus costs of prosecution. Each day that a violation continues after written notice of the violation has been provided by the Municipality to the landowner or legal entity committing the violation shall be deemed a separate violation subject to additional penalty as established hereinabove. In addition the Borough also reserves the right to pursue any and all lawful civil actions against violators in order to enforce this Ordinance and in the event any such civil proceedings shall be instituted by the Municipality and be successfully prosecuted against any landowner or legal entity committing the violation then said Municipality shall be entitled as additional

Hereafter it shall be unlawful for any landowner or legal entity including but not limited to persons, partnerships, sole proprietorships, or corporations owning any real estate within the Borough in any way shape or form to undertake or cause to be undertaken any of the following activities within the Borough without having first obtained an Assessment Permit from the Borough. The activities requiring the issuance of an Assessment Permit are as follows:

- A. Erection of a carport, detached private garage or other out building, greenhouse, or shed where the total square footages is in excess of 100 square feet;
- B. Construction of fences that are more than six (6) feet in height;
- C. Construction of retaining walls that are not in excess of four (4) feet in height measured from the lowest level of grade to the top of the wall; and for those under four (4) feet in height is supporting a surcharge or impounding Class I, II, or III – A liquids;
- D. Construction of water tanks supported directly upon grade;
- E. Construction of pre-fabricated swimming pools which are twenty four (24) inches or more in depth or which exceed 5,000 gallons capacity;
- F. All in-ground pools unless covered by the Uniform Construction Code;
- G. Erection of shade cloth structures constructed for nursery or agricultural purposes;
- H. Installation of electrical equipment used for radio and television transmissions to the extent that same are not covered by the Uniform Construction Code;
- I. Installation of an uncovered deck that is over 100 square feet in size;
- J. Any activity involving the cutting away of a wall, partition or portion of a wall; the removal or cutting of any structural beam or load-bearing support; the removal or change of any required means of egress or rearrangement of parts of a structure affecting egress requirements; the addition to, alteration of, replacement or relocation of any stand pipe, water supply, sewer, draining, drain leader, gas, soil, waste, vent or

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PORT ROYAL BOROUGH  
JUNIATA COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 OF 2007

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE BOROUGH OF PORT ROYAL TO CHANGE CERTAIN PARKING REGULATIONS AND TO CHANGE THE TIME PERIOD REQUIREMENT FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS AND ROOFS.

THE PORT ROYAL BOROUGH COUNCIL HEREBY ACTS AND ORDAINS AS FOLLOWS:

**Section 1. Legislative Authority.** This Ordinance is adopted pursuant to Section 1006 (53 P.S. Section 46006) and Section 1202 (53 P.S. Section 46202) of the Borough Code of Pennsylvania, as amended.

**Section 2. Short Title.** This Ordinance shall be known as The Parking Regulation and Snow and Ice Removal Amendment Ordinance of Port Royal Borough, Juniata County, Pennsylvania.

**Section 3. Applicability.** The Code of Ordinances of the Borough of Port Royal is amended as follows:

A. Chapter 15, Part 4, Section 15-403 is amended as follows:

1. A provision prohibiting parking on the East side of Milford Street between Fourth Street to Third Street on Saturdays from 5 p.m. to 12 p.m. during the races only is hereby deleted.

2. By adding the following language: "Fifth Street South from Tuscarora Street to Moyer Street every day except Sunday from 8 a.m. to 5 p.m. with parking on Sundays limited to a one (1) hour period."

B. Chapter 21, Part 5, is amended as follows:

1. Section 21-502 is amended in paragraph 2 by removal of the numeral "12" and insertion of the numeral "24" in its place.

2. Section 21-503 is amended in paragraph 2 by removal of the numeral "12" and insertion of the numeral "24" in its place.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and for this reason the provisions of this Ordinance are hereby declared to be severable.

**Section 5. Effective Date.** This Ordinance shall become effective ten (10) days after its adoption and shall remain in full force until modified, amended, or rescinded by the Borough of Port Royal, Juniata County, Pennsylvania.

ENACTED AND ORDAINED this 11<sup>th</sup> day of June, 2007.

Attest:

Jean Arnold  
Jean Arnold, Secretary

Port Royal Borough Council

John E. McNeal  
John E. McNeal, President

John R. Towsey  
John R. Towsey, Vice President

Ronald A. Watkins  
Ronald A. Watkins, Councilman

Gerald L. Bryner  
Gerald L. Bryner, Councilman

Richard J. Pray  
Richard J. Pray, Councilman

Bernard E. Peck  
Bernard E. Peck, Councilman

Kenneth R. Kitzmiller  
Kenneth R. Kitzmiller, Councilman

I hereby certify that the foregoing is a true and correct copy of the Ordinance No. 2007-04 enacted and approved by the Council of the Borough of Port Royal, Juniata County, Pennsylvania on June 11, 2007.

The within Ordinance has been reviewed and approved by the Mayor of Port Royal Borough this 11<sup>th</sup> day of June, 2007.

Barbara M. Bergstresser  
Barbara M. Bergstresser, Mayor