

JACKSON TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 1621

AN ORDINANCE OF THE SUPERVISORS OF JACKSON TWP.,
CAMBRIA COUNTY, PENNSYLVANIA, REQUIRING CONTRACTORS
WHO PERFORM WORK ON PROPERTIES WITHIN THE MUNICIPALITY
TO OBTAIN PERMITS, ARRANGE FOR ALL MANDATORY INSPECTION
AND PERFORM ALL WORK IN CONFORMANCE WITH THE
PENNSYLVANIA CONSTRUCTION CODE ACT, AS AMENDED, AND
PROVIDING FOR THE FILING OF CITATION AND ASSESSMENT OF
PENALTIES FOR FAILURE TO COMPLY WITH THE ACT.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of JACKSON TWP., CAMBRIA County, hereinafter referred to as the "Municipality", and to conform to the requirements of the Pennsylvania Construction Code Act 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 Municipality has elected to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations, and currently has delegated enforcement responsibility to the Cambria County Building Code Enforcement Agency; and

WHEREAS, the Municipality has been advised by the Cambria County Building Code Enforcement Agency of numerous instances where substantial work has been initiated and completed by contractors without building permits or mandatory inspections required by the Code, and concerning which property owners have claimed that the contractor falsely advised them that they had acquired a permit or that the work was exempt from the Code; and

WHEREAS, the Municipality believes that in order to protect the health and safety of its residents and to promote the orderly administration of the Code, it is necessary for a penalty to be imposed upon contractors who perform work on properties within the Municipality without applying for permits or obtaining mandatory inspections of work as required by the Code.

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

1. All contractors performing work within the geographic boundaries of the Municipality are hereby required to either obtain, on behalf of the property owner, or ascertain that a building permit has already been obtained prior to commencing any work for which a permit is required under the Code.

2. All contractors performing work within the geographic boundaries of the Municipality for which a building permit is required under the Code shall schedule inspections with the Municipality's designated building permit officer for the inspection of all work, while that work is accessible for inspection.
3. All contractors responsible for performing work within the geographic boundaries of the Municipality for which a building permit is required under the Code shall apply for, or otherwise obtain, a Certificate of Occupancy for the work by the duly designated building permit officer.
4. Compliance with the provisions of sections 1 through 3 above shall be enforceable, by the Cambria County Building Code Enforcement Agency or other party authorized by the municipality, through a citation for violation filed with the local District Magistrate, in the same manner as a summary offense under the Pennsylvania Rules of Criminal Procedure.
Upon conviction of violation, the contractor shall be responsible to pay a civil penalty as follows;
 - first offense: an amount no less than \$100.00 no more than \$600.00,
 - second offense: an amount no less than \$300.00 nor more than \$600.00,
 - third and subsequent offenses, no less than \$500.00 nor more than \$600.00.
 The civil assessment shall be issued together with costs and fees as provided for in law. Prior offenses shall be considered non applicable following five years from the date of conviction. Upon failure to pay, the contractor may be imprisoned for a period not to exceed 90 days.
5. Each day that a contractor is in violation shall constitute a separate offense and be subject to a separate and additional civil penalty.
6. If any section, subsection, sentence, or clause of this ordinance is held for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this 9TH day of JULY, 2009, by the SUPERVISORS of JACKSON TWP. in public session duly assembled, effective in five (5) days.

ATTEST:

David M. Kucha
Secretary
(Seal)

By: Brian Baker

Approved: Brian Baker
Mayor