

RESOLUTION NO. 09-9

**A RESOLUTION OF PAINT TOWNSHIP, SOMERSET COUNTY,
PENNSYLVANIA, ESTABLISHING A SINGLE APPEALS BOARD AS SET
FORTH UNDER SECTION 501 (c) OF THE PA UNIFORM CONSTRUCTION
CODE.**

WHEREAS, Paint Township, Somerset County, Commonwealth of Pennsylvania, has enacted Township Ordinance 04 - 1 to administer and enforce the Pennsylvania Uniform Construction Code Act ("Act"), and

WHEREAS, the Act requires that a municipality, which has adopted an ordinance for the administration and enforcement of the Act, shall establish and appoint members to serve on a board or appeals under 501(c) of the act (35 P.S. § 7210.501(c)).

WHEREAS, The Board of Appeals shall hear and rule on appeals requests for variances and requests for extensions of time all in accordance with the provisions of the Act.

WHEREAS, an application for appeal shall be based on the 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.

NOW, THEREFORE, it is hereby resolved that:

1. Composition of the Board

(A). A member of The Board of Appeals 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.

(B). A member of The Board of Appeals holds office at the pleasure of the Paint Township Supervisors,

(C). The Paint Township Supervisors and employees of its code administrator may not serve on the board of appeals.

(D). The Paint Township Board of Appeals shall consist of three (3) members and two (2) alternates for the purpose reviewing appeals, requests for variances and/or requests for extensions of time.

(E). A 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 which the member has a personal, professional or financial interest.

(F). The Board of Appeals shall schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701 - 716 (relating to the Sunshine Act).

(G). The Board of Appeals may not act upon appeals, request for variance or requests for extension of time relating to accessibility under the Act.

2. Appeals, Variances and Extensions of Time

(A). Any owner or owner agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by The Board of Appeals on an acceptable form.

(B). The postmark date or the date of personal service will establish the filing date of the appeal and the request for variance or extension of time,

(C). An appeal or request for variance or extension of time to the board of appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 (relating to unsafe building, structure or equipment) may not be stayed.

(D). 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.

(E). The Board of Appeals shall hold a hearing within sixty (60) days from the date of the applicant's request unless the applicant agrees in writing to an extension of time.

(F). The Board of Appeals shall only consider the following factors when deciding an appeal under § 501 (c)(2) of the act:

1. The true intent of the act or Uniform Construction Code was incorrectly interpreted.
2. The provisions of the act do not apply.
3. An equivalent form of construction is to be used.

(G). The Board of Appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

1. The reasonableness of the Uniform Construction Code's application in a particular case.

2. The extent to which the granting of a variance or extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.

3. The availability of professional or technical personnel needed to come into compliance.

4. The availability of materials and equipment needed to come into compliance.

5. The efforts being made to come into compliance as quickly as possible.

6. Compensatory features that will provide for an equivalent degree of protection to the Uniform Construction Code.

(H). 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.

(I). The Board of Appeals may:

1. Deny the request in whole or in part.

2. Grant the request in whole or in part.

3. Grant the request upon certain conditions being satisfied.

(J) The Board of Appeals shall, within fifteen (15) days of the hearing, provide a written notice of its decision to the owner and the building code official.

(K). 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 (relating to Accessibility Advisory Board).


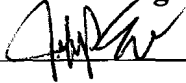
3. Fees

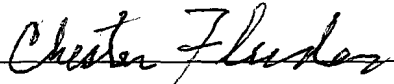

The Supervisors shall set by resolution a fee schedule for hearings related appeals, requests for variances and requests for extensions of time. The Fee Schedule may be reviewed from time to time to determine reasonable rates for hearing costs.

4. Board Members

The Paint Township Supervisors do hereby appoint the following persons to serve on the Paint Township Board of Appeals, each to serve until their successors are appointed

Paint Township Board of Appeals

- (1) Member: 
Fred Wagner, Vice Chairperson 467-4642
- (2) Member: 
Jeff Eash, Chairperson 479-2733
- (3) Member: _____
John Rugg 467-9131

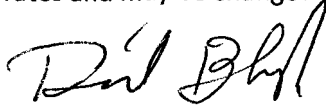
- Alt. Member: 
Chester Fluder 467-5045
- Alt. Member: 
Bob Miller 467-6246

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Fee Schedule

DULY RESOLVED by the Township of Paint Township this 19th day of October, 2009.


Those fees shall be set at \$500.00 for scheduled hearings related to appeals, requests for variances and requests for extension of times. This fee may be reviewed from time to time to determine reasonable rates and may be changed by resolution.



David Blough, Chairman



Andrew Tvardzik, Vice-Chairman



Kenneth Holsopple, Secretary-Treasurer

DULY RESOLVED by the Township of Paint this 19 day
of Oct., 2009.

PAINT TOWNSHIP SUPERVISORS



David E. Blough, Chairman



Andrew Tvardzik, Vice Chairman



Kenneth P. Holsopple, Secretary