

**TOWNSHIP OF ABINGTON,
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2160

**AN ORDINANCE REPEALING CHAPTER 62— “BUILDING CONSTRUCTION,”
ARTICLE I— “GENERAL STANDARDS,” SECTION 2 – “AMENDMENTS,” AT
SUBSECTION G; AND CREATING AND ENACTING CHAPTER 7— “BOARD OF
CODE APPEALS”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, in accordance with the First Class Township Code of Pennsylvania, 53 P.S. §§55101, et. seq., the Township is vested with various corporate powers, including but not limited to the adoption and enactment of such ordinances and regulations necessary for the proper care, management, and control of the Township; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington should be amended at Chapter 62 – “Building Construction,” Article I – “General Standards,” Section 2 – “Amendments,” Subsection G, regarding an amendment to Section 121.1 of the BOCA Basic/National Building Code, 1996, Thirteenth Edition should be repealed for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington should be further amended to create Chapter 7—“Board of Code Appeals” for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

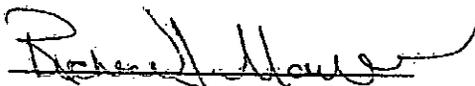
NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby ENACT and ORDAIN as follows:

1. The Code of Ordinance of the Township of Abington shall be amended Chapter 62 – “Building Construction,” Article I – “General Standards,” Section 2 “Amendments” to repeal Subsection G thereto in its entirety.
2. The Code of Ordinances of the Township of Abington shall be further amended to create and enact Chapter 7— “Board of Code Appeals,” which shall read as set forth in Exhibit “A” hereto.
3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with
4. this Ordinance are hereby repealed.
5. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 13th day of September, 2018.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:



Richard J. Manfredi,
Township Manager and Secretary

By: 
Wayne C. Luker, President

Exhibit "A"

Chapter 7 – Board of Code Appeals

Section 1 - Establishment

The Township of Abington hereby establishes the Township of Abington Board of Code Appeals, which shall operate on behalf of the Township in conformity with the requirements of the relevant provisions of the Uniform Construction Code, as amended from time to time, and for the purposes set forth herein, including but not limited to interpreting provisions of the code. If at any time, enforcement and administration of the code is undertaken jointly with one or more other municipalities, the Board of Code Appeals shall be established by joint action of the participating municipalities.

Section 2 - Membership of Board

- A. **Qualifications.** The Board of Code Appeals shall consist of five individuals, one from each of the following professions or disciplines:
1. Registered design professional with architectural experience or a builder or superintendent of building construction with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
 2. Registered design professional with structural engineering experience.
 3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
 4. Registered design professional with electrical engineering experience or an electrical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
 5. Registered design professional with fire protection engineering experience or a fire protection contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
- A. **Initial appointment.** The initial appointment of members of the Board of Code Appeals shall be for a term of office to commence upon appointment of the Board of Commissioners, on the following staggered basis wherein the term of membership shall expire on the first Monday of January in the year indicated as follows:
1. One member to be appointed for a term expiring in the year of 2020.
 2. One member to be appointed for a term expiring in the year of 2021.
 3. One member to be appointed for a term expiring in the year of 2022.
 4. One member to be appointed for a term expiring in the year of 2023.
 5. One member to be appointed for a term expiring in the year of 2024.

- B. Replacement of Board of Code Appeals appointees. Upon the expiration of the respective terms of membership of the initial appointees, including any substitutions of members by reason of vacancy, each of the subsequent terms of membership commencing on the respective expiration dates aforesaid shall be for a term of five years.
- C. Code Official. The building official shall be an ex officio member of the Board of Code Appeals but shall have no vote on any matter before the board.
- D. Alternate Members. The Board of Commissioners shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

Section 3 – Conduct of Board of Code Appeals Meetings

- A. Rules and Procedures. The Board of Code Appeals is authorized to establish policies and procedures necessary to carry out its duties.
- B. Chairperson. The Board of Code Appeals shall annually select one of its members to serve as chairperson.
- C. Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- D. Secretary. The Township Manager shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the Township Manager
- E. Notice of Meeting. The Board of Code Appeals shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

Section 4 - Hearings

- A. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.
- B. Procedure. The Board of Code Appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- C. Postponed Hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- D. Board Decision. The Board of Code Appeals shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.

E. Resolution. The decision of the Board of Code Appeals shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.

Section 4 - Compensation

The members of the Board of Code Appeals shall serve without compensation.

Section 5 - Administration

The building official shall take immediate action in accordance with the decision of the Board of Code Appeals.