

ORDINANCE NUMBER 406

EAST NORRITON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE BUILDING CODE, PLUMBING CODE, MECHANICAL CODE, FIRE PREVENTION CODE AND PROPERTY MAINTENANCE CODE OF EAST NORRITON TOWNSHIP. PROVIDING UNIFORM PROCEDURES FOR APPEALING THE DECISIONS OF THE OFFICIALS AUTHORIZED TO ENFORCE THESE CODES AND AUTHORIZING THE MEMBERS OF THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP TO ACT AS THE APPEALS BOARD.

Be it ordained by the Board of Supervisors of East Norriton Township as follows:

I. CODE CHAPTER 72 - BUILDING CONSTRUCTION

Add Section 72-3, A., (16) as follows: Delete the text of Section 121.0 MEANS OF APPEAL and replace with the text in VI below, replacing the blanks in the section numbers with 121.

II. CODE CHAPTER 95 - FIRE PREVENTION

Replace Section 95-3, A., (9) with the following: Delete the text of Section 113.0 MEANS OF APPEAL and replace with the text in VI below, replacing the blanks in the section numbers with 113.

III. CODE CHAPTER 125 - MECHANICAL STANDARDS

Delete Section 125-2, G. and replace the text of Section 125-2, F., with: Delete the text of Section 109.0 MEANS OF APPEAL and replace with the text in VI below, replacing the blanks in the section numbers with 109.

IV. CODE CHAPTER 150 - PLUMBING

Delete Section 150-2, H. and replace the text of Section 150-2, G., with: Delete the text of Section 109.0 MEANS OF APPEAL and replace with the text in VI below, replacing the blanks in the section numbers with 109.

V. CODE CHAPTER 152 - PROPERTY MAINTENANCE

Add Section 152-3, I., as follows: Delete the text of Section 111.0 MEANS OF APPEAL and replace with the text in VI below, replacing the blanks in the section numbers with 111.

VI. TEXT FOR ALL CODES FOR MEANS OF APPEAL

SECTION \_\_\_\_.0 MEANS OF APPEAL

\_\_\_\_.1 Application for appeal:

Any person shall have the right to appeal a decision of the code official to the Board of Appeals.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of the code can be adequately satisfied by equally good or better means. Such appeals shall be made in writing within ten (10) days of the delivery of the decision of the code official.

\_\_\_\_.2 Membership of board:

The board of appeals shall consist of the Board of Supervisors of East Norriton Township.

\_\_\_\_.2.1 Alternate members:

The Board of Supervisors may appoint alternate members who shall be called by the board to hear appeals during the absence or disqualification of a member.

\_\_\_\_.2.2 Disqualification of member:

A member shall not hear an appeal in which that member has any personal, professional or financial interest.

\_\_\_\_.2.3 Secretary:

The Appeals Board 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 chief administrative officer.

\_\_\_\_.2.4 Compensation of members:

Compensation of members shall be determined by law.

\_\_\_\_.3 Notice of meeting:

The board shall meet upon notice from the chairman, within forty-five days of the filing of an appeal, or at stated periodic meetings.

\_\_\_\_.4 Open hearing:

A public hearing shall be held before the board. The date and time of the hearing shall be advertised not less than seven days in advance of the hearing in the legal section of a newspaper in general circulation in the Township. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

\_\_\_\_.4.1 Procedure:

The code official shall have the burden to present evidence first. The formal rules of evidence shall not apply and either party or it's representative may present relevant evidence and call witnesses.

\_\_\_\_.5 Postponed hearing:

When three 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.

\_\_\_\_.6 Board decision:

The board shall approve, modify or reverse the decision of the code official by a majority vote.

\_\_\_\_.6.1 Resolution:

The decision of the board shall be by resolution and prepared in writing within forty-five (45) days of the date of the hearing. Certified copies shall be furnished to the appellant and to the code official.

\_\_\_6.2 Administration:

The code official shall take immediate action in accordance with the decision of the board and any appeal therefrom shall not act as a stay of enforcement.

\_\_\_7 Court review:

Any aggrieved person, whether or not a previous party of the appeal, shall have the right to appeal to the appropriate court.

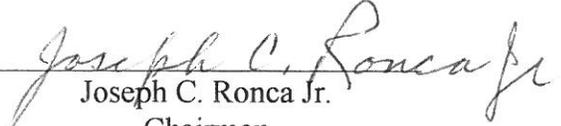
VII. INCONSISTENT ORDINANCES REPEALED

That sections of previous ordinances of the Township of East Norriton dealing with appeals of orders pursuant to the codes addressed herein and all other rules, regulations, policies or procedures, or parts of ordinances in conflict herewith are hereby repealed.

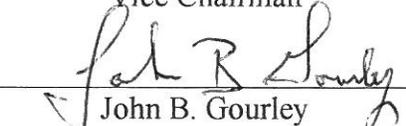
VIII. SEVERABILITY

The provisions of this ordinance are severable, and if any section, sentence, clause or part of provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance and they shall remain in full effect. It is hereby declared to be the intent of the Board of Supervisors of East Norriton Township that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**ORDAINED AND ENACTED** by Board of Supervisors of East Norriton Township, this  
9<sup>th</sup> day of March, 1999, A.D.

  
Joseph C. Ronca Jr.  
Chairman

  
Lewis K. McQuirns  
Vice Chairman

  
John B. Gourley  
Supervisor

  
Helmut J. Baerwald  
Secretary

