

**RADNOR TOWNSHIP, DELAWARE COUNTY, PA  
ORDINANCE NO. 2022-28**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY,  
PENNSYLVANIA, AMENDING CHAPTER 15 OF THE RADNOR  
TOWNSHIP CODE TO MAKE CHANGES TO CONCERNING THE CODE  
APPEALS BOARD.**

*Upon recommendation of the Radnor Township Staff, the Radnor Township Board of Commissioners hereby ENACTS and ORDAINS the following:*

**ARTICLE I            CODE APPEALS BOARD**

Chapter 15 of the Radnor Township Code is hereby amended to read as follows:

**§15-1 Establishment; qualification; composition.**

A Code Appeals Board is hereby established in conformity with the requirements of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103; Section 501.(c) and Title 34 Pa. Code, Section 403.121. This Code Appeals Board shall consist of five qualified persons appointed by the Board of Commissioners. The members of the Code Appeals Board shall, in the discretion of the Board of Commissioners, 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, or training or experience as an inspector or plan reviewer. No member of the Board of Commissioners nor any code inspector employed by the Township may serve on the Code Appeals Board. Ideally, the Code Appeals Board shall consist of two architects or structural engineers licensed within the Commonwealth of Pennsylvania; a general contractor, a master plumber, and a master electrician. If the Board of Commissioners is unable to find a sufficient number of qualified individuals who reside within the Township, it may appoint a qualified person who resides outside of the Township to fill a position.

**§15-2 Terms of office of members.**

The Code Appeals Board shall consist of five members appointed by the Board of Commissioners. Initially, one member shall be appointed to serve a five year term; one member shall serve a four year term; one member shall serve a three year term; one member shall serve a two year term; and one member shall serve a one year term. After the initial appointments, each new member of or re-appointment to the Code Appeals Board shall serve for five years or until a successor has been appointed by the Board of Commissioners.

### **§15-3 Responsibilities.**

The Code Appeals Board shall have responsibility for hearing all appeals and requests for relief, such as variances and extensions of time, concerning Chapter 125, Building Construction; Chapter 132, Buildings, Existing; Chapter 144A, Construction Codes, Uniform; Chapter 156, Electrical Standards; Chapter 158, Energy Conservation; Chapter 166, Fire Prevention; Chapter 172, Fuel Gas; Chapter 195, Mechanical Standards; Chapter 218, Plumbing; Chapter 222, Property Maintenance; and Chapter 258, Swimming Pools and Spas; as well as any other code or ordinances so designated by the Board of Commissioners. A member of the Code Appeals Board shall not hear an appeal in which that member has any personal, professional, or financial interest.

### **§15-4 General powers; quorum; hearings.**

The Code Appeals Board shall elect a Chairperson and Vice Chair; create, alter, and rescind rules for procedure; and hold meetings as frequently as the law and proper and efficient discharge of its business shall require. A majority of the Board shall constitute a quorum necessary for the transaction of any and all business. All meetings and hearings shall be scheduled, noticed, held, and conducted in accordance with the Pennsylvania Sunshine Act. No hearing shall be held until the fees for such hearing established by the Board of Commissioners have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended. Any procedure established for notice and conduct of hearings shall be consistent with Pennsylvania law and regulations of the Pennsylvania Department of Labor and Industry.

### **§15-5 Applications.**

- A. An owner or owner's agent may seek a variance; an extension of time; or appeal a building code official's decision by filing an application with the Code Appeals Board on the proper Township form. Such an application shall be filed by submitting it to the Department. The Board shall decide any application submitted to it by reviewing documents and written brief or argument submitted with the application, unless the owner or owner's agent requests a hearing. If the owner or owner's agent requests a hearing, the Board 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.
- B. An application involving an appeal of the building code official's decision shall be based on a claim that the true intent of the Pennsylvania Construction Code Act or Uniform Construction Code has been incorrectly interpreted, the provisions of this Act or Code do not fully apply, or an equivalent form of construction is to be used.

### **§15-6 Timing requirements; decision.**

- A. The Code Appeals Board shall hold a hearing within sixty (60) days from the date an application has been received by the Department, unless the applicant agreed in writing to an extension of time. The Board shall convene a hearing within thirty (30) days of receipt of an application involving the construction of a one- or two-family residential building, unless the applicant agreed in writing to an extension of time.

- B. The Code Appeals Board shall provide a written notice of its decision to the owner and to the building code official. Where the application involves the construction of a one- or two-family residential building, the Board shall render this written decision within five (5) business days of the latest hearing.

**§15-7 Alternate Members.**

The Board of Commissioners may appoint up to two alternate members who shall be called by the Code Appeals Board Chairperson to hear appeals in the event of the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership, and shall be appointed for five (5) years or until a successor has been appointed.

**§15-8 Intergovernmental Cooperation.**

The Board of Commissioners is hereby authorized to enter into an intergovernmental cooperation agreement with one (1) or more municipalities to create a Joint Code Appeals Board.

**ARTICLE II REPEALER**

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed. In particular, Radnor Township Ordinance No. 90-47, adopted October 22, 1990, is specifically repealed in full.

**ARTICLE III SEVERABILITY**

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

**ARTICLE IV EFFECTIVE DATE**

This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

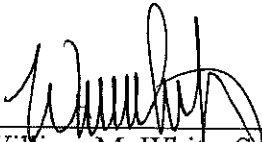
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[Signatures to follow]

**RADNOR TOWNSHIP, DELAWARE COUNTY, PA  
ORDINANCE NO. 2022-28  
Code Appeals Board**

*ENACTED* and *ORDAINED* this 3rd day of January, 2023.

**RADNOR TOWNSHIP**

By: Mona Mulkeny  
Name: \_\_\_\_\_  
Title: President

ATTEST:   
William M. White, Secretary