

INSTRUCTION SHEET FOR APPLICATION OF APPEAL  
UNIFORM CONSTRUCTION CODE APPEALS BOARD

All Pennsylvania Uniform Construction Code appeals for the Donegal-Elizabethtown Area Uniform Construction Appeals Board must be submitted to the Code Enforcement Official for the municipality in which the property is located (see attached list) with the attached forms completed. Forms improperly completed will be returned to the petitioner. Please consult the Code Enforcement Officer for the municipality in which the property is located ( see attached list) for the code(s) and version(s) that are applicable to appeal.

**Complete the attached forms as follows:**

1. Complete the Petitioner, Property Owner and Property Location Information
2. Choose Appeals Meeting or Appeals Hearing:
  - a) **Appeals Meeting:** Meeting format where the Appeals Board reviews the Appeal Application. It is recommended that the Applicant and Property Owner attend the meeting as questions may be asked of the applicants for clarification purposes. The decision rendered by the Appeals Board is based on the information presented in the application. This format does not provide for testimony of witnesses regarding the appeal.  
**Fee: \$ \_\_\_\_\_ for first code appeal plus \$ \_\_\_\_\_ for each additional code appeal and lawyer.**
  - b) **Appeals Hearing:** Hearing format where the Petitioner and owner presents the appeals request to the Appeals Board. This format provides for testimony from witnesses and/or counsel as deemed required by the applicant. All people whom present information will be testifying under oath during the proceedings. The Appeals Board may have legal counsel present and a stenographer at the Hearing.  
**Fee: \$500.00 for first code appeal plus \$ \_\_\_\_\_ for each additional code appeal, lawyer and stenographer.**
3. For appeals, select the appropriate ICC Code for which the appeal is requested. Attach a copy of the code section for which relief is being requested. Check the appropriate ICC Code and provide the code section number on the space provided.
4. Select reason for appeal. The Pennsylvania Uniform Construction Code Act contains justifications for appeal of the Pennsylvania Uniform Construction Code. These provisions for appeal are:
  - a) The true intent of the Act or Uniform Construction Code was incorrectly interpreted.
  - b) The provisions of the Act do not apply.
  - c) An equivalent form of construction is to be used.
5. Provide supporting documentation and/or the relief requested from the Pennsylvania Uniform Construction Code. Use a separate sheet if necessary.
6. Complete Certification Page with Notary signature and seal.
7. Provide eight (8) copies of all documentation provided which is larger that 8-1/2" x 11".

**You should provide written explanation or arguments that demonstrate how your request is warranted pursuant to the Application. Provide appropriate drawings, plans, or illustrations, which explain your request. A cover sheet shall be included that lists the summary of material and exhibits provided. You should provide six (6) copies of any and all documents and materials submitted. All materials submitted with this Application or entered as exhibits during the hearing become the property of the Board, will be considered to be part of the Application and shall remain with the Application. You are responsible to submit all documentation and evidence that you deem necessary to support your request; the Board will render its decision based upon only that which you submit.**

**Appeals** - An Application shall be limited to consideration of only (1) whether the true intent of the Pennsylvania Construction Code (the "Act") or the Uniform Construction Code (the "UCC") have been incorrectly interpreted, (2) whether the provisions of the Act or Code do not apply, or (3) whether an equally good or better form of construction is proposed.

**Request for Variance or Extension of Time** - When considering a request for variance or extension of time, the UCC Board of Appeals (the "Board") may consider the following factors: (1) the reasonableness of the UCC's application in a particular case, (2) the extent to which granting of a variance or an extension of time will constitute a violation of the UCC or create an unsafe condition, (3) the availability of professional or technical personnel, or materials and equipment, needed to come into compliance, (4) the efforts being made to come into compliance as quickly as possible, (5) compensatory features that will provide an equivalent degree of protection to the UCC.

**THE BOARD SHALL HAVE NO AUTHORITY TO WAIVE REQUIREMENTS OF THE UCC. YOU MUST DEMONSTRATE, EITHER THROUGH WRITTEN DOCUMENTATION, OR THROUGH WRITTEN DOCUMENTATION AND TESTIMONY AT AN IN-PERSON HEARING, THAT YOUR REQUEST SATISFIES THE RELEVANT CRITERIA FOR GRANTING THE REQUEST.**

### **Fees**

a. In addition to any fees imposed by the municipality within which the property that is the subject of the appeal is located, there is a fee for submitting an Application to the Board. The Application will not be accepted if the fee is not included. Payment must be made in the form of cash, certified check, money order or check from an attorney's account. The fee shall be considered an integral part of such appeal or request, and failure to submit the fee at the time of filing of the appeal or request shall render the appeal or request for hearing, variance or extension of time incomplete as filed, and it will not be forwarded to the Board until such fee has been paid.

b. The postmark or date of personal service will establish the filing date of the Application. Such appeal shall automatically suspend any action to enforce an order to correct, until the matter is resolved, except that any action relating to an unsafe building, structure, or equipment shall not be stayed by the appeal, request for variance, or request for extension of time.

## Meetings

- a. The Board shall schedule meetings and provide for public notice of meetings in accordance with 65 Pa.C.S.A. Sections 701-716 (the Sunshine Act). The Board shall publish the date, time and location of the meetings for the following calendar year no later than December 31 of each year. The date, place and time of the meeting during which the Application will be considered will be confirmed by mail. A decision may be postponed to the next month's meeting if the Board determines that it requires additional time to consider the Application.
- b. A quorum of the Board shall consist of a majority of the then-appointed members or their seated alternates. The Board may deny any request in whole or in part, grant any request in whole or in part, or grant the request upon certain conditions being satisfied. Any decision shall require a majority vote of a majority of the members at the meeting. Failure to achieve such a vote shall result in a denial of the appeal or other action requested. Any other action by the County Board shall be by a majority vote of the quorum at any meeting. Failure to achieve a majority vote shall result in denial of the appeal or other action requested.
- c. Within sixty (60) days from the filing of the Application, the Board shall decide an appeal, variance request, or request for extension of time by reviewing documents and written brief or argument, unless the applicant requests a hearing. The Board may extend this time period if it determines that additional time is necessary upon notice to the applicant. The Board may hold more than one meeting on an Application.
- d. The Board shall hold a hearing if requested by the applicant within sixty (60) days from the date of request, unless the applicant agrees in writing to an extension of time. Upon the filing of a written request for a hearing with the payment of any fees, the Board shall schedule a hearing and notify the applicant and Building Code Official ("BCO") of the date, time and place of the hearing. The Board may extend the time period for issuance of its decision if it determines that additional time is necessary. The hearing may be held over several dates. Failure by the applicant or the applicant's representative to appear at the hearing will result in a decision be rendered based on the material submitted. There will be no refund of fees submitted for a hearing.
- e. The Board shall render all decisions in writing, with findings of fact and conclusions of law. A certified copy of the decision shall be provided to the applicant, with a copy to the BCO of the participating municipality. It shall be the responsibility of the BCO to forward a copy of each decision to the municipality.
- f. These Instructions and the Application shall be supplemented by the Act, the UCC, and any other applicable law and shall not be deemed or interpreted to conflict with those laws.