

CHAPTER 4

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CHAPTER 4

BUILDINGS

Part 1

Building Permits

§101. Statement of Intent.

(1) It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, the construction, reconstruction, enlargement, alteration, or relocation of any building or structure unless an approved building permit has been obtained from the Building Permit Officer.

(2) A building permit shall not be required for repairs to existing buildings or structures, provided that no structural changes or modifications are involved or that the total expense of any work done as set forth in §101(1), does not exceed the sum of One Thousand (\$1,000.00) Dollars.

§102. Definitions. For the purpose of this Part, the following definitions shall apply:

BUILDING – A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers used for human habitation.

STRUCTURE – A combination of materials to form anything permanently affixed to or in the ground or to any other building or structure permanently affixed to or in the ground. Included shall be such things as driveways, carports, porches, swimming pools, etc.

§103. Application Procedures. Application for such permits shall be made in writing to the Building Permit Officer on forms supplied by the municipality. Such application shall contain at least the following:

(1) The name and address of:

(a) The applicant.

(b) The owner of the land on which the work will be performed.

(c) The contractor or individual performing the work.

(2) An identification and description of the work to be covered by the permit for which the application is made.

(3) A description of the land on which the proposed work is to be done, by lot, block, tract address, or similar description which will readily identify and locate the proposed work.

(4) An estimate of the value of the proposed work.

(5) Such other information as reasonably may be required by the Building Permit Officer.

§104. Issuance of Permit.

(1) The Building Permit Officer shall examine all applications for permits to ascertain if the construction development and/or alteration is within the Floodway, the Floodway Fringe or the Approximated Flood Plain each as defined and designated by the Flood Insurance Study, prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, dated August 1975. The zone designations appear on the Flood Insurance Rate Map (FIRM) effective April 1, 1977. The delineation of the Flood Plain District may be revised, amended and modified by the Resolution of the Supervisors in compliance with the National Flood Insurance Program when:

(a) There are changes through natural or other causes; or

(b) Changes are indicated by future detailed hydrologic and hydraulic studies.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

(2) If construction, reconstruction or alteration is to be performed in areas outside the Floodway, Floodway Fringe or Approximated Flood Plain, the building permits shall be granted or denied within three (3) days of filing of the application. A dated receipt will be issued to the property owner upon presenting an application for building permit.

(3) For all building permit applications which indicate that the area is within the Approximated Flood Plain, the following must be established before a permit may be granted:

(a) All necessary permits have been received from governmental agencies from which approval is required under Federal or Pennsylvania law; copies being supplied to the Building Permit Officer and kept on file by him;

(b) All new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage, and adequate drainage shall be provided to reduce exposure of flood hazard;

(c) All new and replacement water systems whether public or private shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(d) All new and replacement sanitary sewer systems whether public or private shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters; and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;

(e) All other new or replacement public and/or private utilities and facilities shall be elevated or flood-proofed to the Base Flood Elevation or Hundred (100) Year Flood Level;

(f) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the Base Flood Elevation or Hundred (100) Year Flood Level; all new construction and substantial improvements of non-residential structures shall have the lowest floor (including basement) elevated to or above the Hundred (100) Year Flood Level or be designed so that below such level the structure is watertight;

(g) For mobile homes, the anchoring shall be over-the-top ties provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations and mobile homes less than fifty feet long require one additional tie per side, all attached to ground anchors; frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than fifty feet long requiring four additional ties per side; all components of the anchoring system being capable of carrying a force of 4,800 pounds; and any additions to the mobile home shall be similarly anchored.

(h) A determination of elevations of the existing ground, proposed finished ground, and lowest floors certified by a Registered Professional Engineer, Surveyor or Architect, shall be supplied.

(i) In addition, whenever a developer intends to alter or relocate a watercourse within the Floodway, Floodway Fringe or Approximated Flood Plain, the developer shall notify in writing by certified mail all adjacent communities and the State Coordinating Office of all such intended activities prior to any alteration or relocation of the watercourse, and shall submit copies of such notification to the Federal Insurance Administrator. The developer shall also assure the Supervisors, in writing, that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

(4) For all building permit applications which indicate that the area is within the Floodway Fringe, the following must be established before a permit may be granted:

(a) All terms and conditions set forth under §104(3) above shall be met;

(b) All mobile homes shall be located such that stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the Base Flood Elevation; adequate surface drainage and access for a hauler are provided; and in the instance of elevation on pilings, lots are large enough to permits steps, piling foundations are placed in stable soil no more than ten feet apart, and reinforcement is provided for piers more than six feet above ground level.

(5) For all building permit applications which indicate that the area is within the Floodway, the following must be established before a permit may be granted:

(a) All terms and conditions set forth under §104(3) and §104(4) shall be met;

(b) No encroachment, including fill, new construction, substantial improvements or other development shall be permitted which would result in any increase in flood levels within the Township during the occurrence of the Hundred (100) Year Flood; and

(c) No mobile homes may be brought in except in any existing mobile home park or mobile home subdivision.

(6) In all instances, strict compliance with the Union County Subdivision Ordinance shall be required. In addition, if not otherwise required, a map showing the location of any proposed subdivision and/or development with respect to the municipality's flood-prone areas, proposed lots and sites, flood or erosion protective facilities and areas subject to special deed restrictions shall be supplied. In addition, it is required that all subdivision proposals and other proposed new developments greater than 50 lots or five (5) acres, whichever is the lesser, shall include base flood elevation data.

(7) Variances from the provisions relating to construction, reconstruction or alteration within a flood-prone area, as specified in §104(2) through (5) above shall only be granted on the following terms and conditions:

(a) No development in the Floodway which would increase flood levels during the Hundred (100) Year Flood discharge;

(b) Good and sufficient cause must be shown; failure to grant the variance would result in exceptional hardship to the applicant; granting the variance would not result in increased flood heights, additional threats to public safety, create nuisances, cause fraud on or victimization of the public or conflict with existing local ordinances;

(c) The variance granted is the minimum necessary considering the flood hazard, to afford relief; and

(d) The Building Permit Officer shall accompany the grant of a variance with written notice over his signature that the issuance of the variance may result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 insurance, and that risks to life and property are increased.

(8) The Building Permit Officer shall issue or deny a permit under §104(3) within fifteen (15) days from the date of the application but if he is unable to determine if the proposed work will be in conformance with all applicable requirements and any regulation of state or federal agencies then applicable, he may notify the applicant and extend the time until able to make such determination. A dated receipt will be issued to the property owner upon presenting an application for building permit. He shall (i) maintain a record of all decisions including justification for their issuance, and (ii) report such decisions issued in its annual report submitted to the Federal Insurance Administration.

(9) The following definitions shall apply in this Part:

BASE FLOOD – The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this Part, the one-hundred (100) year flood.

BASE FLOOD ELEVATION – The 100 year flood elevation.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD – A general and temporary inundation of normally dry land areas.

FLOOD PLAIN – (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING – Any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

MOBILE HOME – A structure, transportable in one or more sections, which is eight body feet or more in width and is thirty-two body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MOBILE HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.

NEW CONSTRUCTION – Structures for which the Start of Construction as herein defined commenced on or after the effective date of this Part. This term does not apply to any work on a structure existing before the effective date of this Part.

ONE HUNDRED (100) YEAR FLOOD – A flood that has one chance in one-hundred or a one percent chance of being equaled or exceeded in any given year.

PERSON – Any individual or group of individuals, corporation, partnership, association, or other entity, including State and local governments and agencies.

PRINCIPALLY ABOVE GROUND – Where at least 51 percent of the actual case value of a structure, less land value, is above ground.

START OF CONSTRUCTION – The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footing or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation. For mobile homes not within a mobile home part or mobile home park or mobile home subdivision, “start of construction” means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed.

STRUCTURE – A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENTS – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

(1) Before the improvement or repair is started or

(2) If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either,

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

WATERTIGHT – Having walls substantially impermeable to the passages of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

§105. Permit Changes. After the issuance of a permit by the Building Permit Officer, no changes of any kind shall be made to the application permit or any of the plans, specifications or other documents submitted with the application without written consent or approval of the Building Permit Officer.

§106. Placards. In addition to the permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show in the number of the permit the date of issuance and be signed by the Building Permit Officer.

§107. State of Work and Expiration of Permit.

(1) The proposed work shall begin within six (6) months after the date of issuance of the permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer.

(2) All work shall be completed within two (2) years of the date of issuance of the permit. If any work is to be performed beyond this period, a new permit must be obtained under the conditions and requirements cited in §103 and §104 of this Part.

§108. Inspection and Revocation. During the permitted work period, the Building Permit Officer may inspect the premises to determine that the work is progressing in

compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there have been false statements or misrepresentations by any applicant, the Building Permit Officer shall revoke the permit and report such facts to the Supervisors for whatever action is considered necessary.

§109. Prohibitions. The following uses shall be totally prohibited within the Floodway, Floodway Fringe or Approximated Floodplain and within fifty (50) feet of the top-of-bank of any watercourses and no variance will be granted to permit these uses:

(1) Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring a maintenance of a supply (more than 550 gallons or other comparable volume, or any amount or radioactive substances) of any of the following materials or substances on the premises:

- (a) Acetone
- (b) Ammonia
- (c) Benzene
- (d) Calcium carbide
- (e) Carbon disulfide
- (f) Celluloid
- (g) Chlorine
- (h) Hydrochloric acid
- (i) Hydrocyanic acid
- (j) Magnesium
- (k) Nitric acid and oxides of nitrogen
- (l) Petroleum products (gasoline, fuel, oil, etc.)
- (m) Phosphorus
- (n) Potassium
- (o) Sodium
- (p) Sulphur and sulphur products
- (q) Pesticides (including insecticides, fungicides, and rodenticides)
- (r) Radioactive substances, insofar as such substances are not otherwise regulated.

(2) Hospitals, public or private.

(3) Nursing homes, public or private.

(4) Jails.

(5) Mobile home parks and mobile home subdivisions.

(Ordinance No. 12-6-82, adopted December 6, 1982)

§110. Fees (Building and Zoning Permit Fees). Application for a building permit as required by this Part, as well as application for a zoning permit as required by the existing Buffalo Township Zoning Chapter, shall be accompanied by a fee payable to the Secretary of Buffalo Township, or other designated individual, which may include the Buffalo Township Zoning Officer, pursuant to the following fee schedule:

(1) New Residential Homes. Base fee up to 1,000 square feet - \$120.00; .05 for each additional square foot.

(2) Duplex Homes. Base fee up to 1,500 square feet - \$270.00; .05 for each additional square foot.

(3) Commercial Structure. Base fee up to 1,00 square feet - \$120.00; .05 for each additional square foot.

(4) Agricultural Commercial Structures. Base fee up to 1,000 square feet - \$120.00; .05 for each additional square foot (total fee not to exceed \$1,000.00).

(5) Accessory Buildings and House Additions & Mobile Homes. Base fee up to 500 square feet - \$20.00; .05 for each additional square foot.

(6) Zoning Permit Fee. \$30.00.

(Ordinance No. 32, adopted October 5, 1992)

§111. Appeals. In case of denial of any building permit, the applicant shall receive from the Building Permit Officer, a written notice, signed, and dated, as to the cause or reason for denial.

In case of denial of a permit by the Building Permit Officer, the applicant may appeal within fifteen (15) days to the Buffalo Township Supervisors, and the appeal must be honored. The Supervisors shall convene on the appeal within thirty (30) days after receiving notification of the application for appeal at the Buffalo School and this must be an open meeting. Final decision by the Supervisors shall be made within thirty (30) days after receipt of appeal.

§112. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Building Permit Officer or Supervisors Appeal Board shall be guilty of an offense and upon conviction shall pay a fine to Buffalo Township of not less than Twenty-Five (\$25.00) dollars, nor more than One Hundred (\$100.00) dollars, plus costs of prosecution. In default of such

payment, such person shall be imprisoned in the county prison for a period not to exceed ten (10) days. Each day during which any violation of this Part continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or non-compliance with, this Part shall not excuse the violation or non-compliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time.

§113. Building to Conform to all Zoning Ordinances. No permit shall be issued unless the provisions of the applicable zoning and subdivision ordinances then in effect permit the planned activity at the location sought.

§114. Severability Clause. If any section, paragraph, sentence or phrase of this Part should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Part which shall remain in full force and effect. For this purpose, the provisions of this Part are hereby declared to be severable.

(Ordinance No. 10, adopted December 6, 1972, revised December 4, 1974, revised April 10, 1977, revised December 7, 1977, revised December 6, 1982; Ordinance No. 24, adopted September 4, 1990; Ordinance No. 32, adopted October 5, 1992)

CHAPTER 4

BUILDINGS

Part 2

Building Code

§201. Adoption and Purpose. The purpose of this Part is to promote the general health, safety and welfare of the citizens of this Municipality and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the “Code”). The Pennsylvania Construction Code Act requires enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and its regulations. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.

§202. Administration and Enforcement. Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:

- (1) By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
- (2) By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;
- (3) By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement;
- (4) By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;
- (5) By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

§203. Appeals. A Board of Appeals shall be established by resolution of the governing body of this Municipality in conformity with the requirements of the relevant

provisions of the Code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

§204. Prior Ordinances. All building code ordinances or portions of ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.

§205. Fees. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code shall be established by the governing body by resolution from time to time.

(Ordinance No. 48, adopted June 7, 2004)

CHAPTER 4

BUILDINGS

Part 3

Central Keystone Council of Governments Maintenance Code

§301. Adoption and Purpose. The Central Keystone Council of Governments Maintenance Code, Property, Fire Safety & Building (CMC) as published by the Central Keystone COG, or subsequent editions as it may be amended, supplemented or changed by the Executive Committee of the Board of Directors of the CKCOG, is hereby adopted as the Maintenance Code for Property, Fire Safety & Buildings of Buffalo Township, Union County, Pennsylvania, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplies utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Central Keystone Council of Governments Maintenance Code, Property, Fire Safety & Building (CMC) on file in the office of Buffalo Township, Union County, Pennsylvania, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions, and changes, if any, prescribed in §302 of this Part.

§302. Insertions and Revisions. Central Keystone Council of Governments Maintenance Code, Property, Fire Safety & Building (CMC), as published by the Central Keystone COG, is revised as follows:

(1) Delete Section 104.2;

(2) Delete Section 104.3;

(3) Delete Section 104.4.1 and replace with: "Inspections shall be made at the direction of the Board of Supervisors of Buffalo Township.";

(4) Section 104.7 is amended by adding the following: "The times within which corrective action shall be taken shall be established from time to time by the Board of Supervisors of Buffalo Township by resolution.";

(5) Delete Section 106.3.3;

(6) Amend Section 107.3 by adding “or” at the end of subsections 1, 2 and 3;

(7) Section 112.2 is amended by adding: “The stop work order shall be posted on the premises.”;

(8) Section 302.4 is amended to change 10” (ten inches) to 8” (eight inches);

(9) Chapter 7 is deleted;

(10) Chapter 8 is deleted; and

(11) Chapter 9 is deleted.

§303. Fees. Buffalo Township does hereby adopt and maintain the fee schedule as established by the Executive Committee of the Board of Directors of the CKCOG as amended from time to time. A copy of this fee schedule shall be retained by the CKCOG and shall be maintained as Appendix C of the CKCOG Maintenance Code, Property, Fire Safety & Building (CMC).

§304. Penalties. Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney. The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Such penalties for violation of any notice to cease violation or notice and order to correct shall begin to accrue on the first day such notice is served and shall cease on the day the violation is stopped or abated.

§305. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed.

§306. Severability. That if any section, subsection, sentence, clause, or phrase of this Part is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part. Buffalo Township hereby declares that it would have passed this Part, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses and phrases be declared unconstitutional.

§307. Applicability. That nothing in this Part or in the CKCOG Maintenance Code, Property, Fire Safety & Building (CMC), hereby adopted, shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or

ordinance hereby repealed by this Part nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part.

(Ordinance No. 19-1, adopted August 5, 2019)