

ORDINANCE NO. 582 - 2010

**AN ORDINANCE OF THE BOROUGH OF SINKING SPRING,  
BERKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 196 OF  
THE CODE OF THE BOROUGH OF SINKING SPRING BY REPEALING  
AND REENACTING CHAPTER 196, ARTICLE 6, SECTION 617(6) OF  
THE CODE OF THE BOROUGH OF SINKING SPRING TO AMEND  
THE RULES AND REGULATIONS REGARDING THE REBUILDING OF  
NON-CONFORMING STRUCTURES.**

WHEREAS, the Borough of Sinking Spring has adopted a comprehensive zoning ordinance to promote, protect and facilitate the public health, safety, morals and general welfare through coordinated and practical community development; and

WHEREAS, the Borough Council of the Borough of Sinking Spring believes that amending the regulations regarding the rebuilding of non-conforming buildings and/or structures shall provide for a more coordinated development of property throughout the Borough; and

WHEREAS, the Borough Council of the Borough of Sinking Spring desires to set forth regulations for the reconstruction of non-conforming buildings and structures which are totally destroyed.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Sinking Spring, County of Berks, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Chapter 196, Article VI, Section 617(6) of the Code of the Borough of Sinking Spring is hereby repealed and reenacted to read as follows:

Section 617 Non-Conforming Building or Uses.

6. Damage or Construction.

a. Any building or structure which is totally destroyed by any means may not be rebuilt and used for a non-conforming use, unless said structure or building is re-constructed pursuant to the requirements herein below set forth.

b. A non-conforming building which is partially destroyed by any means may be reconstructed and used for the same non-conforming use as long as the basic structural elements of the original buildings are retained. Such determination shall be made by the Borough building code official. The reconstructed portions of a non-conforming building shall conform to the area, height and bulk regulations of the zoning district in which it is located.

c. A non-conforming building or structure which is totally destroyed by fire, explosion, acts of God or act of the public enemy shall be permitted to be reconstructed pursuant to the following provisions:

1. The reconstruction of the non-conforming building or structure shall begin within one (1) year of the destruction of said building or structure and continue uninterrupted until such building or structure is completely rebuilt.

2. The reconstruction of the building or structure will not increase the non-conformity of the building or structure from the way it existed before it was destroyed.

3. Based on plans and evidence submitted to the building code official and the zoning officer, the size, architecture and design of the reconstructed building or structure is not appreciably changed from the way it existed before it was destroyed.

4. The reconstructed non-conforming building or structure shall conform to the area, height and bulk regulations of the zoning district in which it is located.

5. Unless the building or structure is determined to be a significant building that could be reconstructed under the Historic Building Code or is otherwise determined by the building official, the structure shall meet the current Uniform Building Code in place at the time that a building permit for the reconstruction of the building or structure is sought.

SECTION 2. Inconsistent Ordinances Repealed. All ordinances or parts of ordinances conflicting with any provisions of this Ordinance are hereby repealed, insofar as the same effects this Ordinance.

SECTION 3. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or words in this Ordinance is for any reason declared to be illegal, invalid or unconstitutional by any court of competent jurisdiction, this decision shall not effect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Borough Council of the Borough of Sinking Spring, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases or words that may be declared illegal, invalid or unconstitutional.

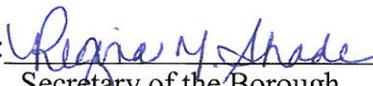
SECTION 4. Effective Date. This Ordinance shall become effective on the earliest date permitted by law.

SECTION 5. Code of Ordinances. The Code of the Borough of Sinking Spring, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

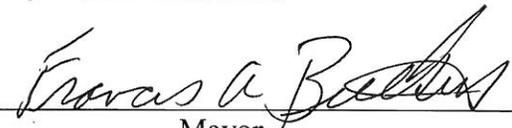
ENACTED and ORDAINED as an ordinance of the Borough of Sinking Spring this 2nd day of December, 2010 in lawful session duly assembled.

BOROUGH OF SINKING SPRING

BY:   
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President of Borough Council

ATTEST:   
\_\_\_\_\_  
Secretary of the Borough

APPROVED as an ordinance this 2nd day of December, 2010.

  
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Mayor