

ORDINANCE NO. 2008-08

AN ORDINANCE TO AMEND THE PENN TOWNSHIP UNIFORM CONSTRUCTION CODE ORDINANCE TO REQUIRE ISSUANCE OF PERMITS FOR CERTAIN ACCESSORY STRUCTURES AND FOR CERTAIN ALTERATIONS OR REPAIRS TO RESIDENTIAL BUILDINGS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Penn, Berks County, Pennsylvania, as follows:

Section 1. Legislative Intent. By Act 45 of 1999, the Pennsylvania Legislature provided for the adoption of a Pennsylvania Uniform Construction Code and directed the Department of Labor and Industry to promulgate regulations for the Uniform Construction Code. In 2002, the Department of Labor and Industry adopted final regulation. The Department of Labor and Industry issued final regulations for administration of the Uniform Construction Code on January 10, 2004, which required all municipalities within the Commonwealth to determine whether the municipality would elect to administer and enforce the Uniform Construction Code by enacting an ordinance on or before July 8, 2004. On July 2, 2004, the Board of Supervisors enacted Ordinance No. 2004-01, the Penn Township Uniform Construction Code Ordinance.

The Penn Township Uniform Construction Code Ordinance incorporated Department of Labor and Industry regulations which required permits for accessory structures exceeding 1,000 square feet and for numerous specifically identified repairs and alterations of residential structures. By Act 92 of 2004, which was signed in the Pennsylvania House and Pennsylvania Senate on July 4, 2004, the Legislature amended Act 45 of 1999 to completely exempt accessory residential structures and repairs to residential buildings and alterations to residential buildings which do not make structural changes or changes to means of egress. Act 92 of 2004 authorized municipalities to enact ordinances to require permits for such structures, repairs, and alterations. The Board of Supervisors desires to amend the Penn Township Uniform Construction Code Ordinance to require permits for certain accessory structures and certain repairs and alterations.

Section 2. The Penn Township Construction Code Ordinance, Ordinance No. 2004-01, is hereby amended by adding Section 6(a) which shall provide as follows:

Section 6(a). In addition to all types of construction, placement of structures, repairs, and alterations for which the Uniform Construction Code requires a permit, the Township pursuant to the authorization of Act 92 of 2004 shall require persons to obtain permits under the Penn Township Uniform Construction Code for all of the following:

- a. The construction, erection, or placement of any accessory structure which is equal to or greater than 300 square feet, whether or not such accessory structure is connected to any utility.

b. The construction, erection, or placement of any accessory structure which is less than 300 square feet if such accessory structure is provided with any utility service. The applicant shall obtain a permit only for the purpose of inspection for the utility or utilities being installed or provided to the accessory structure.

Section 3. Any and all other ordinances, which conflict herewith, are hereby repealed, and all other sections, parts and provisions of the Penn Township Construction Code Ordinance, Ordinance No. 2004-01, shall remain in full force and effect as previously enacted and amended.

Section 4. The provisions of this Ordinance are severable, and if any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect of impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

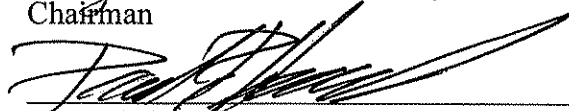
Section 5. This Ordinance shall take effect and be in force thirty five (35) days after its approval by PA Dept. of L&I, subsequent to enactment by the Board of Supervisors of the Township of Penn as provided by law.

DULY ORDAINED AND ENACTED this 27th day of October, 2008, by the Board of Supervisors of the Township of Penn, Berks County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF PENN
TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA



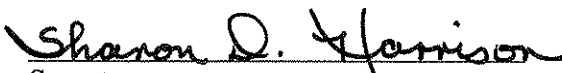
Chairman



Vice-Chairperson

Member

ATTEST:



Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2008-08 of Penn Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on October 27, 2008.

WITNESS my hand and seal this 27th day of October, 2008.

Sharon D. Harrison
Secretary, Penn Township