

BOROUGH OF MT. PENN

Berks County, Pennsylvania

ORDINANCE NO. 771

AN ORDINANCE TO AMEND THE BOROUGH OF MT. PENN 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 Borough Council of the Borough of Mt. 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 regulations governing certification and training of persons to administer the Uniform Construction Code. 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 and ordinance on or before July 8, 2004. On June 29, 2004, the Borough enacted Ordinance No. 738, the Borough of Mt. Penn Construction Code Ordinance.

The Borough of Mt. Penn Construction Code Ordinance incorporated Department of Labor and Industry regulations which required permits for accessory structures exceeding 500 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, and approved by the Governor on July 15, 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 Borough Council desires to amend the

Borough of Mt. Penn Construction Code Ordinance to require permits for certain accessory structures and certain repairs and alterations.

Section 2. The Borough of Mt. Penn Construction Code Ordinance, Ordinance No. 738, Section 3, Administration and Enforcement of Borough of Mt. Penn Construction Code, is hereby amended by adding a new Paragraph which shall provide as follows:

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

1. The construction, erection, or placement of any accessory structure which is equal to or greater than 400 square feet, whether or not such accessory structure is connected to any utility.
2. The construction, erection, or placement of any accessory structure which is less than 400 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.
3. All alterations or repairs to residential buildings which are exempt from the UCC by Act 92 of 2004; provided, however, that the following types of alterations and repairs shall continue to be exempt and no permit will be required:
 - (a) Replacement of windows and doors when there is no change in size of the existing opening.
 - (b) Re-roofing of less than 25% of the total existing roof square footage.
 - (c) Replacement of a hot water heater, boiler, or furnace, or the replacement of any part of a hot water heater, boiler, or furnace with the same efficiency rating, electrical, and plumbing requirements.
 - (d) Addition or replacement of siding on the exterior of the residential structure.

- (e) Repair or Replacement of any nonstructural portion of a deck or porch stoop.
- (f) Replacement of an appliance switch or receptacle with a switch or receptacle which is the same or has a like rating.
- (g) The addition of one appliance switch or receptacle.
- (h) The repair or replacement of any nonstructural member.
- (i) The repair or replacement of any sink, toilet, tub, shower, or similar plumbing fixture without relocation of any drain or venting device.

Section 3. All other sections, parts, and provisions of the Borough of Mt. Penn Construction Code Ordinance, Ordinance No. 738, shall remain in full force and effect as previously enacted and amended.

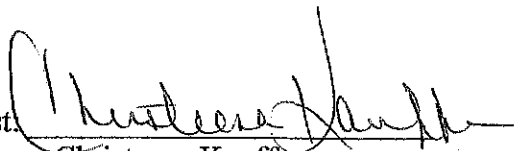
Section 4. In the event that any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Borough Council 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 enactment by the Borough Council of the Borough of Mt. Penn as provided by law.


DULY ORDAINED AND ENACTED this 8th day of April, 2008, by the Borough Council of the Borough of Mt. Penn, Berks County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MT. PENN
Berks County, Pennsylvania

Attest:


Christeena Kauffman
Secretary

By:


Thomas A. Staron
President

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of Borough Council of the Borough of Mt. Penn Berks County, Pennsylvania certify that: The foregoing is a true and correct copy of an Ordinance of the Council of the Borough which duly was enacted by affirmative vote of a majority of the members of the Borough Council of the Borough of Mt. Penn at a meeting duly held on the 8th day of April, 2008; that such Ordinance has been duly recorded in the Ordinance Book of the

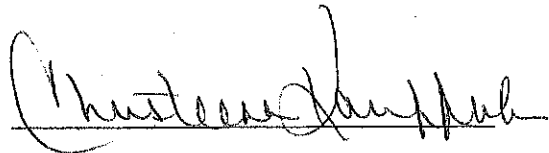
BOROUGH
OF MT. PENN

such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Borough Council of the Mount Penn Borough met the advance notice and the public comment requirements of the Sunshine Act, 53 Pa. C.S. 701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Mount Penn or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the

, this 8th day of April, 2008



Christeena Kauffman

Secretary

(Seal)