

**BOROUGH OF SCHWENKSVILLE
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 38__ OF 2016

AN ORDINANCE OF THE BOROUGH OF SCHWENKSVILLE, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING SECTIONS 71-5 OF THE CODE OF ORDINANCES OF THE BOROUGH OF SCHWENKSVILLE; AMENDING THE UNIFORM CONSTRUCTION CODE TO REQUIRE PERMITS FOR CERTAIN ACTIVITIES PERFORMED ON BUILDINGS AS PERMITTED BY THE UNIFORM CONSTRUCTION CODE, AND EXEMPTING CERTAIN ACTIVITIES FROM THE REQUIREMENT THAT A PERMIT BE OBTAINED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Schwenksville Borough Council has elected to enforce the provisions of the Pennsylvania Uniform Construction Code, and lawfully adopted ACT 45 of 1999, 35 P.S. §§7210.101-7210.1103 and in so doing, must require that permits be obtained for certain activities performed on buildings as required by the Uniform Construction Code; and

WHEREAS, Act 1 of 2004 amended the Uniform Construction Code to provide for numerous activities performed on residential buildings that do not require a permit; and

WHEREAS, Schwenksville Borough Council desires to incorporate the provisions of the Uniform Construction Code that both require permits for activities performed on buildings and exempt certain activities from the requirement for permits for activities performed on residential buildings; and

WHEREAS, the amendments proposed herein are determined to be in the best interests of the health, safety and general welfare of the residents of the Schwenksville Borough;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by Schwenksville Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section I Chapter 71 of the Schwenksville Borough Codified Code is Amended to add Subsections E., F., G., H., I., J., and K. and L. to Section 71-5 of the Code of Ordinances of the Borough of Schwenksville to read as follows:

E. The provisions of the Pennsylvania Uniform Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended by Act 1, of 2004 and as amended from time to time, and its regulations contained in 34 Pa. Code, Chapters 401- 405 as Amended from time to time, are hereby confirmed and the following supplemental provisions, consistent with and in conformance with the same are hereby added.

F. **Residential 403.62 (a) and Commercial 403.42 (a) of the UCC**: An owner or authorized agent of a residential property who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a structure; or erect, install, enlarge, alter, repair a structure, repair roof in excess of 25% of the roof; and an owner or authorized agent of a residential or commercial property who intends to remove, convert or replace an electrical, gas, mechanical, plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit.

G. **Residential 403.1(b)(3) of the UCC**: An owner or authorized agent of a residential property who intends to construct or locate an Accessory Structure 250 square feet and larger shall first apply to the building code official and obtain the required permit.

H. **Residential 403.62 (a) and Commercial 403.42 (a)**: An owner or authorized agent of a residential or commercial property who intends to repair or replace a sewer lateral or water service shall first apply to the building code official and obtain the required permit.

I. **Residential 403.62 (a) and Commercial 403.42 (a)**: An emergency repair or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within 3 business days of the repair or replacement.

J. The following is a list taken from ACT 45 of 1999, 35 P.S. §§7210.101-7210.1103 [34 Pa. Code §403.1 Scope to 403.62 Permit Requirements and Exemptions] of work where a permit is not required for construction on residentially used properties if the work does not violate a law or ordinance. Should any conflict between the Borough Code and the Uniform Construction Code [UCC] exist, the UCC shall govern:

(1) §403.1 Scope. The following structures if the structure has a building area less than 250 square feet and is accessory to a detached one-family dwelling:

- (a) Carports.
- (b) Detached private garages.
- (c) Greenhouses.
- (d) Sheds

(2) §403.62. The following building construction, replacement or repairs:

- (a) Fences that are no more than 6 feet high.
- (b) Retaining walls that are not over 4 feet in height measured from the lowest level of grade to the top of the wall unless the wall supports a surcharge.
- (c) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- (d) Sidewalks located entirely outside of the right-of-way and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.
- (e) Exterior or interior painting, papering, tiling, carpeting, flooring, cabinets, counter tops and similar finishing work.
- (f) Prefabricated swimming pools that are less than 24 inches deep.
- (g) Swings and other playground equipment accessory to a one- or two-family dwelling.
- (h) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
- (i) Replacement of glass in any window or door. The replacement glass shall comply with the minimum requirements of the International Residential Code.
- (j) Installation and replacement of a window, door, garage door, storm window and storm door in the same opening if the dimensions or framing of the original opening are not altered. The installation of means of egress and emergency escape windows may be made in the same opening, without altering the dimensions or framing of the original opening if the required height, width or net clear opening of the previous window or door assembly is not reduced.
- (k) Replacement of existing roof material that does not exceed 25% of the total roof area performed within any 12-month period.
- (l) Replacement of existing siding.
- (m) Repair or replacement of any part of a porch or stoop which does not structurally support a roof located above the porch or stoop.
- (n) Installation of additional roll or batt insulation.
- (o) Replacement of exterior rain water gutters and leaders.
- (p) Installation of an uncovered deck where the floor of the deck is no more than 30 inches above grade.

(3) Minor electrical work for the following:

- (a) Replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles

- (b) Replacement of a receptacle, switch or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. This **does not** include replacement of receptacles in locations where ground-fault circuit interrupter protection is required.
- (c) Replacement of installed electrically operated equipment such as doorbells, communication systems and any motor operated device.
- (d) Installation, alteration or rearrangement of communications wiring.
- (e) Replacement of dishwashers.
- (f) Replacement of kitchen range hoods.
- (g) Installation of battery-powered smoke detectors.

(4) The following gas work:

- (a) Portable heating, cooking or clothes drying appliances.
- (b) Replacement of a minor part that does not alter approval of equipment or make this equipment unsafe.
- (c) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(5) The following mechanical work or equipment:

- (a) A portable heating appliance.
- (b) Portable ventilation appliances.
- (c) A portable cooling unit.
- (d) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.
- (e) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
- (f) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors 1 horsepower.
- (g) Portable evaporative cooler.
- (h) A portable fuel cell appliance that is not connected to a fixed piping system and is not interconnected to a power grid.

(6) The following plumbing work:

- (a) Replacement of bib valves if the replacement hose bib valves are provided with an approved atmospheric vacuum breaker.
- (b) Refinishing of existing fixtures.
- (c) Replacement of ball cocks.
- (d) Repair of leaks.
- (e) Clearance of stoppages.
- (f) Replacement of faucets or working parts of faucets.
- (g) Replacement of valves other than shower or combination shower/bath valves.
- (h) Replacement of exposed traps.
- (i) Replacement of a water closet, lavatory or kitchen sink if the valves or pipes are not replaced or rearranged.
- (j) Replacement of domestic clothes washers and dishwashers.

(7) The following heating, ventilation and air conditioning work:

- (a) Replacement of motors, pumps and fans of the same capacity.
- (b) Repair and replacement of heating, supply and return piping and radiation elements which do not require rearrangement of the piping system.
- (c) Repair and replacement of duct work.
- (d) Repair and replacement of air conditioning equipment and systems.
- (e) Repair and replacement of control devices for heating and air conditioning equipment.
- (f) Replacement of kitchen range hoods.
- (g) Replacement of clothes dryers if there is no change in fuel type, location or electrical requirements.
- (h) Replacement of stoves and ovens if there is no change in fuel type, location or electrical characteristics.

K. An ordinary repair does not require a permit. The following **are not** ordinary repairs:

- (1) Cutting away a wall, partition or portion of a wall.
- (2) The removal or cutting of any structural beam or load-bearing support.
- (3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
- (4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

L. A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as the term "public utility" is defined in 66 Pa.C.S. § 102 (relating to the definitions)."

Section II. All ordinances, specifically Ordinance No. 253 as referenced in ARTICLE I §1-4 T., or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Schwenksville Borough.

IV. This Ordinance shall become effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this _____ day of _____, 2016.

ATTEST:

SCHWENKSVILLE BOROUGH COUNCIL

Gail Phillips, Municipal Secretary

Darren Rash, President

Joseph Giunta, Mayor

Schwenksville Borough Section 403.102 (i)(1) (2)
 (3) Meet or Exceed UCC

Schwenksville
 Ordinance
 Reference

Effect

UCC Code Reference

Difference

Section F. Will require a Permit for the following:
 a) construct, enlarge, alter, repair, move, demolish or change occupancy;
 a) 25 % or Greater of a Roof is being repaired, or replaced
 b) Remove /Convert/Replace an electrical System
 c) Remove/Convert/Replace a Gas System
 d) Remove/Convert/Replace a Mechanical System
 e) Remove/Convert/Replace a Plumbing System

Residential 403.62 (a)
 Residential 403.62 (a)
 Residential 403.62 (a) and Commercial 403.42 (a)

Borough Code will require a construction permit whereas the UCC Code does not.

Section G. Will require a Permit for the following:
 a) Construct or locate an accessory structure 250 square feet or larger

Residential 403.1 (b) (3)

Borough Code will require a construction permit for accessory structures 250square feet or larger whereas the UCC does not require a construction permit for accessory structures less than 1,000 square feet.

Section H. Will require a Plumbing Permit for the following:
 a) Repair/replace a sewer lateral or water service

Residential 403.62 (a)
 Commercial 403.42 (a)

Borough Code will require a plumbing permit for sewer lateral and water service line repairs or replacements where as UCC Code does not.

Section I. Permits Emergency Repairs or Replacements without first applying for a permit if the permit application is submitted within 3 business days of repair or replacement

Residential 403.62 (a)
 Commercial 403.42.(a)

Borough Code requires permits, this section added to provide clarification for emergency repair/replacement. No clarification needed in UCC Code.

Section J. Restates what work can be done without a permit

Residential

Consistent with the UCC

Section K. Clarifies what is not an ordinary repair

General

Consistent with the UCC

Section L. Exempts Public Utilities

General

Consistent with the UCC

