

ORDINANCE 2007-2

**BOROUGH OF KULPMONT
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

AN ORDINANCE TO AMEND THE KULPMONT BOROUGH 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 HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Kulpmont, Northumberland County, Pennsylvania, as follows:

SECTION I. 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. 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 the 2nd day of March, 2004, the Council of the Borough of Kulpmont enacted Ordinance No. 2004-2, the Kulpmont Borough Uniform Construction Code Ordinance.

The Kulpmont Borough Uniform 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, 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 of the Borough of Kulpmont desires to amend the Kulpmont Borough Uniform Construction Code Ordinance to require permits for certain accessory structures and certain repairs and alterations.

SECTION II. The Kulpmont Borough Construction Code Ordinance, Ordinance No. 2004-2, is hereby amended by adding additional Subsections which shall provide as follows:

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

(a) The construction, erection, or placement of any accessory structure which is equal to or greater than 120 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 120 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.

(c) 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.

1. Replacement of windows and doors when there is no changes in the size of the existing opening.
2. Re-roofing of less than 25% of the total existing roof square footage.
3. Replacement of hot water heater, boiler, or furnace, of the replacement of any part of a hot water heater, boiler or furnace with the same efficiency rating, electrical and plumbing requirements.
4. Addition or replacement of siding on the exterior of the residential structure.
5. Repair or replacement of any nonstructural portion of a deck, porch or stoop.
6. Replacement of an appliance switch or receptacle with a switch or receptacle which is the same or has a like rating.
7. The addition of an appliance switch or receptacle.
8. The repair or replacement of any nonstructural member.
9. The repair or replacement of any sink, toilet, tub, shower or similar plumbing fixture without relocation of any drain or venting device.

SECTION III. All other sections, parts and provisions of the Kulpmont Borough Construction Code Ordinance, Ordinance No. 2004-2, shall remain in full force and effect as previously enacted and amended.

SECTION IV. In the event 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 Kulpmont Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION V. This Ordinance shall take effect and be in force thirty-five (35) days after its approval by the PA Dept. of Labor and Industry, subsequent to enactment by the Kulpmont Borough Council as provided by law.

DULY ORDAINED and ENACTED this 12th day of June, 2007, by the Council of the Borough of Kulpmont and the Mayor, Northumberland County, in a lawful session duly assembled.

Approved this 12th day of June, 2007.

ATTEST:

**ROBERT M. SLABY, JR.
BOROUGH SECRETARY**

**JOSEPH A. WINHOFER
PRESIDENT OF COUNCIL**

**ROBERT M. SLABY
MAYOR**