

**BOROUGH OF FRACKVILLE**  
**SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-2009

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

Council of the Borough of Frackville, Schuylkill County, Pennsylvania (the "Borough") hereby enacts and ordains as follows:

WHEREAS, Council of the Borough of Frackville recently enacted and ordained an ordinance adopting the Uniform Construction Code pursuant to the Pennsylvania Construction Code Act as its municipal building code; and

WHEREAS, Section 46202 of the Borough Code, 53 P.S. 46202 entitled "Specific Powers", authorizes any borough council to make and adopt ordinances concerning building, housing, property maintenance, plumbing, and other regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by Council of the Borough of Frackville, Schuylkill County, Pennsylvania, in accordance with the specific powers permitted by the Borough Code (53 P.S. §46202) and the statutes noted above as follows:

**SECTION 101. 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 an ordinance on or before July 8, 2004. On June 14, 2004, the Borough of Frackville enacted Ordinance No. 2004-03, the Borough of Frackville Construction Code Ordinance.

The Borough of Frackville 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 of Frackville desires to amend the Borough of Frackville Construction Code Ordinance to require

permits for certain accessory structures and certain repairs and alterations.

## **SECTION 102.**

The Borough of Frackville Construction Code Ordinance, Ordinance No. 2004-03, Section \_\_\_\_\_, is hereby amended by adding a new paragraph 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, pursuant to the authorization of Act 92 of 2004 shall require persons to obtain permits under the Construction Code for all of 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 change in size of the existing opening
  - (2) Re-roofing of less than 25% of the total existing roof square footage
  - (3) 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
  - (4) Addition or replacement of siding on the exterior of the residential structure
  - (5) Repair or replacement of any non-structural portion of a deck or porch 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 one appliance switch or receptacle
- (8) The repair or replacement of any non-structural 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 103.**

All other sections, parts, and provisions of the Borough of Frackville Construction Code Ordinance, Ordinance No. 2004-03, shall remain in full force and effect as previously enacted and amended.

### **SECTION 104.**

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 105.**

This ordinance shall take effect and be in force thirty-five (35) days after its enactment by the Borough of Frackville as provided by law.

ENACTED AND ORDAINED this 11<sup>th</sup> day of March, 2009, by Council of the Borough of Frackville in lawful session duly assembled.

ATTEST:

Brenda Deeter  
Secretary

**BOROUGH OF FRACKVILLE**

By: GS Jackson  
President, Borough Council

APPROVED:

Alma Phillips  
Mayor