

Township of Cass

Schuylkill County, Pennsylvania

ORDINANCE NO 2012-2

AN ORDINANCE TO AMEND THE CASS 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 Township of  
Cass, Schuylkill 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 an ordinance  
on or before July 8, 2004. On July 8, 2004, the Township of Cass enacted Ordinance  
2004-001, the Township of Cass Construction Code Ordinance.

The Township of Cass Construction Code Ordinance incorporated  
Department of Labor and Industry regulations, which required permits for accessory  
structures exceeding 200 square feet and for numerous specifically identified repairs and  
alterations of residential structures. By Act 92 of 2004 (most recently amended on  
December 24, 2009), 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 Township of Cass desires to amend the Township of Cass Construction

Code Ordinance to require permits for certain accessory structures and certain repairs and alterations.

Section 2 The Township of Cass Construction Code Ordinance, Ordinance 2004-001, Administration and Enforcement of Township of Cass Construction Code, is hereby amended by adding a new Paragraph 1 which shall provide as follows:

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

a. The construction, erection, or placement of any accessory structure, which is equal to or greater than 200 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 650 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 percent of total area.

(3) Replacement of any water heater, boiler, or furnace with the same electrical, plumbing and venting 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 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 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.
- (10) Fences that are no more than six feet (6') high.
- (11) Retaining walls that are not over four feet (4') high measures from the lowest level of grade to the top of the wall unless the wall supports a surcharge.
- (12) 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.
- (13) Prefabricated swimming pools that are less than 24 inches deep.
- (14) Swings and other playground equipment accessory to a one- or two-family dwelling.
- (15) 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.
- (16) Installation or rearrangement of communications wiring.
- (17) Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4 of the International Residential Code.
- (18) An ordinary repair does not require a permit. The following are NOT ordinary repairs:
  - (a) Cutting away a load bearing wall, partition or portion of a wall.
  - (b) The removal or cutting of any structural beam or load bearing support.
  - (c) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
  - (d) The addition to, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar

pipng, electric wiring (except as in #7 above)  
or mechanical (except as in #3 above).

Section 3 All other sections, parts, and provisions of the Township of Cass Construction Code Ordinance, Ordinance 2004-001, shall remain in full force and effect as previously enacted and amended.


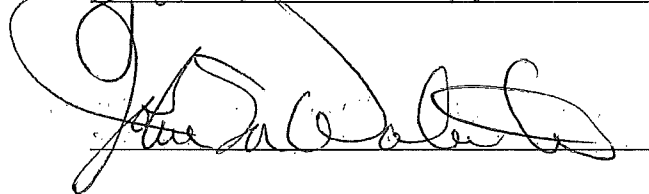
Section 4 In the event that any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Township of Cass that the remainder of the Ordinance shall be and shall remain in full force and effect.

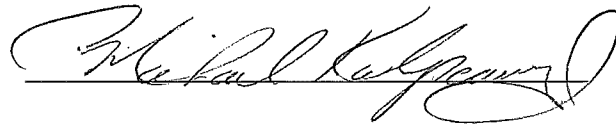
Section 5 This Ordinance shall take effect and be in force thirty-five (35) days after its enactment by the Township of Cass as provided by law.

**DULY ORDAINED AND ENACTED** this 29<sup>th</sup> day of MARCH,

2012, by the Township of Cass, Schuylkill County, Pennsylvania, in lawful session duly assembled.

**CASS TOWNSHIP**

  
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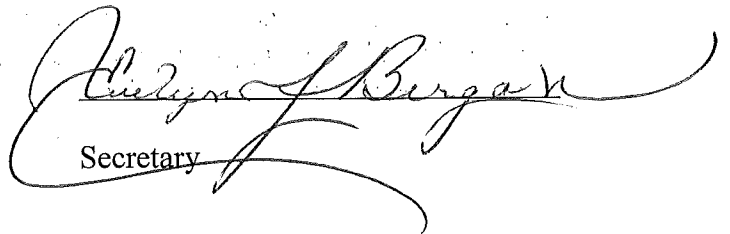
  
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**CERTIFICATE**

I, the undersigned, Secretary of Township of Cass, Schuylkill County, Pennsylvania certify that: The foregoing is a true and correct copy of an Ordinance of the Township of Cass which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors, of the Township of Cass at a meeting duly held on the 29<sup>th</sup> day of March, 2012; that such Ordinance has been duly recorded in the Ordinance Book of the Township of Cass; 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 Township of Cass 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 Township of Cass 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 Township of Cass, this 29 day of March, 2012.

  
Secretary

(Seal)