

ORDINANCE NO. 99

**AN ORDINANCE OF THE TOWNSHIP OF HAYCOCK, BUCKS COUNTY, PENNSYLVANIA AMENDING HAYCOCK TOWNSHIP ORDINANCE NO. 97 ADOPTING THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE AS THE HAYCOCK TOWNSHIP BUILDING CODE TO APPLY THE CONSTRUCTION CODE TO UTILITY AND MISCELLANEOUS USE STRUCTURES GREATER THAN OR EQUAL TO 1,000 SQUARE FEET IN BUILDING AREA; TO CORRECT A TYPOGRAPHICAL ERROR IN THE PROVISIONS RELATING TO THE CODE'S APPLICABILITY TO CERTAIN RESIDENTIAL CONSTRUCTION ACTIVITY**

**BACKGROUND:**

A. The Haycock Township Board of Supervisors ("Board") has, by Ordinance No. 97, enacted on June 28, 2004 and effective on July 2, 2004, adopted by reference the Pennsylvania Uniform Construction Code [34 Pa. Code §401.1 et seq.] (the "Code") as the building code of Haycock Township;

B. On July 15, 2004, the Pennsylvania General Assembly enacted Act 93 of 2004 ("Act 93"), which amended the Code to re-define "utility and miscellaneous use structures" as specific accessory structures having a building area of less than 1,000 square feet. Such structures were previously defined as having a building area of less than 500 square feet;

C. Act 93 allows municipalities that enact ordinances electing to administer and enforce the Code in their jurisdiction to adopt stricter Code standards and regulations pertaining to "utility and miscellaneous use structures" regardless of size;

D. Ordinance No. 97 exempted utility and miscellaneous use structures from the Code and from the requirement of obtaining a building permit only if the structure had a building area of less than 500 square feet. The Board wishes to set the square foot exemption limitation for utility and miscellaneous use structures at less than 1,000 square feet;

E. The Board also wishes to amend Schedule A to Ordinance No. 97 to correct a typographical error to accurately reflect that certain activity is exempt from the Code's scope; and

F. This ordinance is enacted pursuant to the legislative authority set forth in the Pennsylvania Second Class Township Code [53 P.S. §53101 et seq.] and the Pennsylvania Construction Code Act, as amended (the "Act").

**Section 01:** Section 08 of Ordinance 97, relating to Modifications to the Code, is amended to add the following subsection a:

"a. In accordance with §503.C of the Pennsylvania Construction Code Act, as amended, the provisions of the Code, this Ordinance and Schedule "A" as adopted

by Haycock Township do not apply to utility and miscellaneous use structures that have a building area of less than 1,000 square feet. Utility and miscellaneous use structures equaling or exceeding 1,000 square feet in building area must comply with the provisions of the Code, this Ordinance and Schedule "A."

**Section 02:** The introductory sentences of Section 403.62(c), Permits and Exemption Residential Construction, of Schedule A, Modifiable Provisions, to Ordinance No. 97 are amended in full to read as follows:

"Except as otherwise specifically provided in this Ordinance, this Schedule "A" or the Code, a permit is not required for the exceptions listed in §403.1(b) (relating to scope). A permit is not required for the following construction if the work does not violate a law or ordinance:"

**Section 03:** The Haycock Township Secretary and Haycock Township Building Code Official are hereby directed to forward a certified copy of this Ordinance to the Pennsylvania Department of Labor and Industry.

**Section 04:** In addition, all inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Haycock Township not governed by this Ordinance, the Code or the Act shall remain in full force and effect.

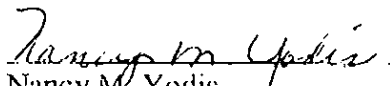
**Section 05:** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Ordinance.

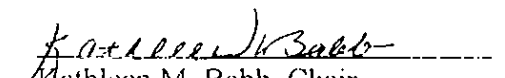
**Section 06:** This Ordinance shall be effective five (5) days after the date it is adopted at a public hearing by the Haycock Township Board of Supervisors.

ADOPTED this 7<sup>th</sup> day of September, 2004.

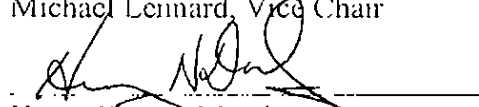
Attest:

**BOARD OF SUPERVISORS  
HAYCOCK TOWNSHIP**

  
Nancy M. Yodis  
Township Secretary

  
Kathleen M. Babb, Chair

  
Michael Leonard, Vice Chair

  
Henry Depue, Member