

**EAST CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-04

AN ORDINANCE OF EAST CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF EAST CALN TOWNSHIP AT CHAPTER 90, "CONSTRUCTION CODES, UNIFORM", IN ACCORDANCE WITH THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, CHAPTER 5 SECTION 501(a)(1), AND THE INTERNATIONAL FUEL GAS CODE FOR PURPOSES DESCRIBED IN SECTION 302(A) OF SAID ACT 45.

WHEREAS, Act 45 requires municipalities who desire to enforce the Uniform Construction Code ("UCC") to adopt it by ordinance; and

WHEREAS, on April 7, 2004, the Board of Supervisors ("Board") approved Ordinance No.: 2004-02, effectively adopting the UCC; and

WHEREAS, on July 1, 2004, the Pennsylvania Legislature passed Senate Bill 1139 of 2004 (Act 92), signed into law by Governor Rendell on July 15, 2004, amending Act 45 to exempt any regulation of utility and miscellaneous use structures less than 1,000 square feet from the UCC; and

WHEREAS, SB 1139 also amended Act 45 to permit municipalities to adopt ordinance enacting stricter code requirement for the regulation of utility and miscellaneous use structures, and to adopt ordinances placing additional code requirement upon the alteration and repair of residential buildings; and

WHEREAS, SB 1139 and Act 45 allow municipalities to adopt stricter code requirements for the regulation of certain building construction; and

WHEREAS, the Board desires to address certain issues not otherwise addressed by the UCC.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Board of Supervisors of the Township of East Caln, Chester County, Pennsylvania, that the following sections of Chapter 90 of the existing East Caln Township Code shall be amended as follows:

SECTION 1. PERMIT REQUIREMENTS

The following additional permit standards shall apply:

- A. Pursuant to and in accordance with State Act 92 Section 104(B), permits are required for all residential alterations and repairs pursuant to the International Residential Code 2021, Chapter 1, Section 105, or any subsequent edition thereof or amendment thereto, unless otherwise exempted by this section.
- B. Pursuant to and in accordance with State Act 92, Section 104(B), zoning permits are required for all Utility and Miscellaneous use structures. Building permits are also required for Utility and Miscellaneous use structures in excess of two hundred (200) square feet.
- C. No water heater shall be installed in any structure without first having procured a plumbing permit for such installation.
- D. No fireplace shall be installed or altered, and no permanently wired appliance shall be changed over or altered, without first securing either a building, plumbing or electrical permit, as applicable to the installation and/or alteration.
- E. Occupancy of any structure which is altered or erected without securing the permits required by this section is hereby declared unlawful and a violation of the UCC, unless the alteration or erection would otherwise have been exempt from permit requirements pursuant to International Residential Code ("IRC") 2021, Section R 105.2, which is incorporated herein by reference as though otherwise fully set forth at length.
- F. A building permit shall be required for the refinishing of a residential basement to make said area into a recreation room or other habitable space.

SECTION 2. EMERGENCY ESCAPE AND RESCUE REQUIREMENTS

- A. All habitable space and every sleeping room shall comply with the provisions of Chapter 3, Section 310 of the International Residential Code 2021, and of any subsequent edition thereof or amendment thereto.

SECTION 3. SEVERABILITY/REPEALER.

Invalidity. If any sentence, clause, section, or part of this Ordinance is, for any reason, found to be unconstitutional, illegal, and/or invalid, such unconstitutionality, illegality, and/or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, and/or parts of this

Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, and/or invalid sentence, clause, section, or part thereof not been included herein.

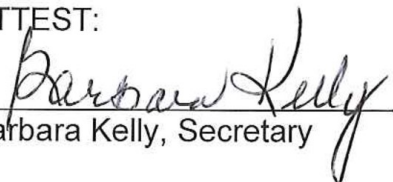
Repealer. All Ordinances or part of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Renumbering. The location and numerical designation of these revised sections shall be delegated to the discretion of the General Code Publishers, which may renumber and/or reorder these revised Sections as deemed is necessary.

SECTION 5. Effective Date. The Ordinance shall become effective in five (5) days or as otherwise in accordance with law.

ENACTED AND ORDAINED this 19th day of April, 2023.

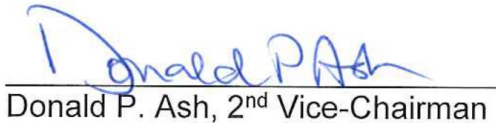
ATTEST:


Barbara Kelly, Secretary

**EAST CALN TOWNSHIP
BOARD OF SUPERVISORS**


Bruce Taylor, Chairman


Charles A. DeLone, 1st Vice-Chairman


Donald P. Ash, 2nd Vice-Chairman