

**BOROUGH OF MODENA**  
**CHESTER COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2019-121**

AN ORDINANCE TO AMEND THE MODENA 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 IS HEREBY ORDAINED AND ENACTED by the COUNCIL OF  
MODENA Borough, Chester 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 regulation. 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 21, 2004, the Modena Borough Council enacted Ordinance No. 117A -05 1/12/05, 1, the Borough of Modena Uniform Construction Code Ordinance.

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

Section 2. The Borough of Modena Uniform Construction Code Ordinance, Ordinance No. 117A -05 1/12/05, 1, Individual Code Completion of Borough of Modena Construction Code, is hereby amended by adding in Section 2(b), a new Subsection 5, which shall provide as follows:

5. 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 Borough of Medena, Uniform Construction Code for all of the following:

a. The construction, erection, or placement of any accessory structure which is equal to or greater than 500 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 500 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 the size of the existing opening.

(2) Replacement of hot water heater, boiler, or furnace, or the replacement of any part of a hot water heater, boiler or furnace with the same or greater efficiency rating, electrical and plumbing requirements.

(3) Re-roofing of all or any portion of existing roof.

(4) Addition or replacement of siding on the exterior of the residential structure.

(5) Repair or replacement of any 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 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.*

Section 5(d). All other sections, parts and provisions of the Borough of Modena Construction Code Ordinance, Ordinance No. 117A -05 1/12/05, 1, shall remain in full force and effect as previously enacted and amended.

Section 5(e). 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 Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 5(f). This Ordinance shall take effect and be in force thirty five (35) days after its approval by PA Dept. of L&I, subsequent to enactment by the Board of Council in the Borough of Modena, Chester County, Pennsylvania

DULY ORDAINED AND ENACTED this 18<sup>th</sup> day of March, 2019, by the Board of Council in the Borough of Modena, Chester County, Pennsylvania, in lawful session duly assembled.

MODENA BOROUGH

Chester County, Pennsylvania

Attest: Victoria Cloud  
(Assistant) Secretary

By: Christopher Caruso  
Council President