

BIRMINGHAM TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF BIRMINGHAM, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 47 OF THE BIRMINGHAM TOWNSHIP CODE, TITLED, "CONSTRUCTION CODES, UNIFORM", TO REQUIRE A BUILDING PERMIT FOR STRUCTURES AND BUILDINGS WHICH ARE ACCESSORY TO SINGLE FAMILY DWELLINGS WHICH ARE GREATER THAN 250 SQUARE FEET IN AREA AND TO REQUIRE A BUILDING PERMIT FOR ALL UNENCLOSED DECKS.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Birmingham Township that Chapter 47 of the Birmingham Township Code, titled, "Construction Codes, Uniform", shall be amended as follows:

SECTION I. A new Section 47-6 shall be added to the Code and shall read as follows:

"§47-6. Building Permit Required for Structures and Buildings which are accessory to a single family dwelling. Notwithstanding the provisions of the Uniform Construction Code, 34 Pa.C.S. §403.1(b)(3), a building permit shall be required for all structures and buildings which are accessory to a single family dwelling which have an area greater than two hundred and fifty square feet (250 sq. ft.)."

SECTION II. A new Section 47-7 shall be added to the Code and shall read as follows:

"§47-7. Building Permit Required for All Unenclosed Decks. Notwithstanding the provisions of the Uniform Construction Code and the Regulations issued pursuant thereto, a building permit shall be required for all unenclosed decks."

SECTION III. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining

provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Birmingham Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

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 All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION V. Effective Date. This Ordinance shall become effective thirty-five (35) days after its enactment as law provides.

ENACTED AND ORDAINED this ____ day of _____, 2008.

ATTEST:

**BIRMINGHAM TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

John L. Conklin, Chairman

William J. Kirkpatrick, Vice Chairman

Alfred W. Bush, Member