

**BENTON TOWNSHIP, PENNSYLVANIA**  
**ORDINANCE NO: 10-1-08**

**AN ORDINANCE AMENDING THE UNIFORM  
CONSTRUCTION CODE BY REQUIRING CODE  
COMPLIANCE AND EXEMPTIONS FOR UTILITY  
AND MISCELLANEOUS USE STRUCTURES**

**WHEREAS**, by Ordinance No. 10-1-08, Benton Township opted to administer and enforce the Pennsylvania Construction Code, Act 45 of 1999, 35 P.S. §§ 7210.101-7210.1103, and adopted the Uniform Construction Code contained in 34 Pa. Code, Chapters 401-405; and,

**WHEREAS**, Act 92 of 2004 (P.L. 748, July 15, 2004) (hereinafter "Act") amended 35 P.S. § 7210.104 including, in relevant part, by excluding certain utility and miscellaneous use structures from compliance with the Uniform Construction Code; and,

**WHEREAS**, the Act authorizes municipalities to enact ordinances to adopt, implement and enforce changes to standards and requirements of the Uniform Construction Code, including with respect to the standards applicable to regulation of utility use structures, provided such changes meet or exceed the minimum requirements of the Uniform Construction Code; and,

**WHEREAS**, Benton Township desires to change and adopt additional code requirements for the regulation of utility and miscellaneous use structures in order to promote the general health, safety and welfare of the citizens of Benton Township.

**NOW, THEREFORE**, it is hereby enacted and ordained by the Board of Supervisors of Benton Township as follows:

Section 1. All "utility and miscellaneous use structures" -- as defined by the Uniform Construction Code and as such definition is amended by this Ordinance -- shall be subject to compliance with the Uniform Construction Code as referenced in 34 PA Code, Chapters 401-405, as amended from time to time, provided that the following shall be exempt from such compliance:

Utility and miscellaneous use structures that are accessory to detached one family dwellings.

Section 2. For the purpose of future administration of the Uniform Construction Code, the definition of "utility and miscellaneous use structures" is amended to the following:

"Utility and miscellaneous use structures." Any building or structure of an accessory character and miscellaneous structures not classified by the Building Officials and Code Administrators International, Inc. (current edition or successor) in any specific use group, having a building area less than two hundred (200) square feet, specifically including detached carports, detached private garages, greenhouses and sheds.

Section 3. Except as provided herein, all other provisions of the Uniform Construction Code, as adopted and enacted in and by Benton Township according to Benton Township Ordinance No. 10-1-08, shall remain in full force and effect.

Section 4. This ordinance shall be effective thirty-five (35) days after enactment. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ENACTED AND ORDAINED this 1st day of October, 2008  
by the Board of Supervisors of Benton Township during a duly advertised, public meeting.

BENTON TOWNSHIP BOARD OF SUPERVISORS

By: Larry Seymour, Chairman  
Bruce Rosick, Vice Chairman  
Norman J. Galvin

ATTEST:

Mary P. Barton

Secretary

(Municipality Seal)