

Willig, Robert A.

From: [REDACTED]
Sent: Monday, May 9, 2022 12:14 PM
To: Willig, Robert A.
Cc: uptlptwp@comcast.net; [REDACTED]
Subject: [EXTERNAL] Upper Tulpehocken Township Response to [REDACTED] ACRE Review Request
Attachments: Response to [REDACTED] ACRE Review Request.pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Willig,

On behalf of the Upper Tulpehocken Township Board of Supervisors, I have attached the Township's response to your request for their position on the Fuhrmann-ACRE review that your office has received from [REDACTED]

Please review the attached documents and feel free to reach out to me directly if you need any additional information or clarification. A hard copy of this information will also be mailed to your office.

Thank you,

Click [here](#) to report this email as spam.

Upper Tulpehocken Township

[REDACTED]
[REDACTED]
[REDACTED]

May 9, 2022

Mr. Robert A. Willig, Senior Deputy Attorney General
Office of Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222

RE: ACRE Request for Review – Upper Tulpehocken Township – Berks County
[REDACTED]

Dear Mr. Willig:

This correspondence is in response to your request for the position of Upper Tulpehocken Township, Berks County, as it relates to the ACRE Request for Review that your office has received from [REDACTED] and her husband [REDACTED] are the property owners of [REDACTED] located in Upper Tulpehocken Township, Berks County.

I have prepared a timeline of events for your reference, along with several attached documents that should provide additional clarification on the Township's position regarding this matter and the applicability of the Pennsylvania Uniform Construction Code (UCC).

- September 14, 2010 – Please refer to Attachment 1 which is a copy of the meeting minutes from the Upper Tulpehocken Township Board of Supervisors meeting on September 14, 2010. At this meeting, the Board of Supervisors approved [REDACTED] use of her property for making tea, jam, etc. as an agricultural use with respect to the agricultural zoning regulations of the Township. The minutes reflect that the use of the land was considered agricultural by the Board.
- April 19, 2016 – [REDACTED] submitted a zoning permit application and applicable fees to Upper Tulpehocken Township to construct a building addition onto an existing building on her property. Please refer to Attachment 2, Page 3 and the description of proposed construction. [REDACTED] states that she is "adding storage and a walk-in cooler onto my Pure Wild Tea processing building." A site plan (Attachment 2, Page 5) was also included that depicts a 30' by 30' addition onto 60' by 36' processing building.
- May 10, 2016 – A Zoning Permit was issued by a previous Zoning Officer and Building Code Official for the proposed 30' x 30' building addition. Please refer to Attachment 2, Page 2 to review the Special Instructions/Restrictions that were placed on the Zoning Permit. [REDACTED] was advised that "Per the attached Code Documents, the proposed structure requires a UCC Building Permit since the activity & processing/bottling is not an AG exempted building. The Zoning Permit does NOT permit the construction of the structure, and until a building permit is approved, no work on the structure shall occur".

- May 17, 2016 – Please refer to Attachment 2, Pages 1, 7, 8, and 9. [REDACTED] received her zoning permit with additional instruction that a UCC building permit is required. Page 7 detailed the definition of an Agricultural Building from the UCC at that time. Pages 8 and 9 provided additional information regarding the definition of processing from the Pennsylvania Code. Specifically, Item (vii) on Page 9 defines the "production, processing and bottling of nonalcoholic beverages as processing.
- The building addition for which the zoning permit was issued on May 10, 2016 was never constructed as no UCC building permit was ever applied for or issued.
- June 25, 2021 – The Township received reports of construction occurring on the [REDACTED] property without any permits being issued. [REDACTED] was asked to investigate and issue stop work orders as necessary. Construction of a large pole building was observed. Additional pictures observed from a social media website depicted other concrete construction activity occurring within a building addition on the property.
- June 28, 2021 – A Stop Work Order was issued at the property. Construction activity was stopped and the [REDACTED] stated they would submit a permit application.
- June 28, 2021 – A zoning permit application was submitted by [REDACTED] to construct a 30' by 56' storage building. Please refer to Attachment 5, Pages 3 through 6 for the application and site plan. You will note that on Attachment 5, Page 4 there is a notation on the right side that says "Cooler area 30 by 30 cinderblock wall". Based on the site plan, Attachment 5, Page 3, the permit application was also intended for a 30' by 30' cooler addition onto a separate existing building on the property.
- July 26, 2021 – Based on the use description that [REDACTED] provided for the new 30' by 56' storage building, it was determined that the proposed use met the definition of an agricultural building as regulated by the UCC and therefore no UCC building permit was required for this structure. While we agreed that the proposed storage of farm equipment in the 30' by 60' building met the definition of an agricultural building under the UCC, we did not agree that the 30' by 30' cooler addition to the second building met the agricultural building definition. As a result, a zoning permit was issued for this 30' by 56' storage building, but the zoning plan review comments (Attachment 5, Page 2) specifically stated that the proposed 30' by 30' cooler addition with a cinderblock wall/slab foundation must have a separate permit application and complete engineered construction drawings submitted for review and approval in accordance with UCC requirements. This decision was based on the Township files of the property that this was the exact same building addition that was determined to need a UCC building permit in 2016, along with the above-noted information from [REDACTED] that the partially constructed building addition was an addition to a

processing building, therefore not qualifying for an agricultural building exemption under the UCC.

- August 4, 2021 – Several conversations occurred between [REDACTED] and the [REDACTED] about the need for additional permits and construction plans for the building addition. They had stated that they were in the process of obtaining construction drawings from a licensed engineer and that they would submit the plans and required permit applications. Because the construction work had already been started without proper permits, formal Notice of Violations were issued in accordance with both zoning ordinance and UCC regulations. Please refer to Attachments 3 and 4.
- October 22, 2021 – Architectural and structural construction drawings were issued by [REDACTED] and submitted for permit. A building code review of those construction drawings was completed by [REDACTED] and plan review comments were issued to [REDACTED]
- November 4, 2021 – See Attachment 6 for the code review comments issued by [REDACTED]. This was previously provided to you by [REDACTED]
- January 5, 2022 – Construction plan revisions and responses were issued by [REDACTED]. Those plans were reviewed and multiple email correspondences occurred with [REDACTED] during January, February and March of 2022. Much of this correspondence was regarding the need for additional construction drawings that were for the electrical and mechanical portions of the project. Throughout the course of all discussions with [REDACTED] they continue to claim that this building addition should be exempt from UCC regulations because it is agricultural. We have continued to reiterate that per the UCC definition of an agricultural building, "the term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged..." Please refer to Attachment 7, Page 3. Again, I understand this is information that you already possess.
- April 12, 2022 – An additional meeting was held with [REDACTED] and their representatives at the Upper Tulpehocken Township Office. The Chairman of the Board of Supervisors was present for this meeting. We continued to disagree about the applicability of the UCC. The Township's position is no different than it was in 2016 when [REDACTED] were previously notified of the UCC requirements. It was recommended to the Fuhrmanns that they appeal to the Upper Tulpehocken Township UCC Board of Appeals for an interpretation on whether or not their proposed construction meet the definition of an agricultural building or not.
- April 21, 2022 – [REDACTED] submitted an application to the Upper Tulpehocken Township UCC Board of Appeals. A hearing date has been set for June 1, 2022.

- Based on the proposed addition being constructed onto an existing building being used for the processing and packaging of tea, the existing building and addition do not meet the definition of an agricultural building per the UCC. As such, the buildings are then regulated by the commercial building codes adopted in accordance with the UCC. [REDACTED] email to you dated April 6, 2022 specially states that the building is used to process her grown tea by hot brewing it and bottling it into mint tea. The Township maintains that this processing does not meet the requirements of the agricultural building definition in the UCC and will defend that position before the Upper Tulpehocken Township UCC Board of Appeals at the June 1, 2022 hearing.

If you have any questions or concerns regarding this matter, please do not hesitate to call or email me at my [REDACTED] office.

Respectfully submitted,

[REDACTED]

Upper Tulpehocken Township

[REDACTED]

Enclosures

Cc: Upper Tulpehocken Township Board of Supervisors

[REDACTED] er
[REDACTED]
[REDACTED]

**Upper Tulpehocken Township
Board of Supervisors
September 14, 2010**

Meeting called to order by Wilson Balthaser at 7:30 pm, in the township municipal office followed by the Pledge of Allegiance.

Roll Call: Wilson Balthaser, Chairman; Kenneth Grimes, Vice-Chairman; Shirley Adam, member; Chad Lubas, Solicitor; Susan Ehrets, Secretary/Treasurer; Tom Unger, Zoning Officer/ Systems Design Engineering; Todd Meltsch, Building Code Official; Arthur 'Sonny' Wessner, Roadmaster; Dwain Schlappich, Assistant Roadmaster; Walter Axsmith; Judy & William Lando; Harry Nelson; [REDACTED] Garry Dieter; Seth Riffey; Mark Riffey; Pam Kramer; Sam Dalton

Wilson Balthaser made a motion to approve the August 10, 2010 minutes, seconded by Kenneth Grimes. The motion passed unanimously.

Public Participation: Walter Axsmith informed the BOS he will be attending the **Airport Hazard Zoning Ordinance Workshop** on behalf of the UTT Planning Commission. Mr. Axsmith will also attend the meeting for the review of the **Joint Comprehensive Plan** and will report back with details.

Harry Nelson reported a very large structure being built by **PA Dutch Campsite** close to his property line. Wilson Balthaser made a motion that **Tom Unger make a site inspection** and if necessary issue a stop work order. The motion was seconded by Kenneth Grimes and passed unanimously.

Mr. Riffey asked the Board the permit requirements of placing a temporary cover over tomato plants in the field during the growing season. Wilson Balthaser made a motion to allow Mr. Riffey to apply for a Zoning Permit the first year with an annual renewal of the Use & Occupancy Permit. The motion was seconded by Shirley Adam and passed unanimously.

Judy Lando asked the Board about a letter addressed to the Residents of Upper Tulpehocken Township that is currently on the bulletin board in the Township office. The letter is in regard to a private matter between Kenneth Grimes and Shirley Adam.

The **Zoning Report** was presented.

Mention was made to the property at **6027 Old Route 22**. The property is currently being advertised for sale with in-law quarters in an accessory building. Mr. Unger will notify the realtor that this is an unlawful non-conforming use.

[REDACTED] would like to make tea, jam, etc. in her accessory building. The BOS determined that this is a permitted use. At this time the use is considered agricultural and not commercial. Mr. Unger stressed the fact the on-lot septic system must be addressed to accommodate the processing. Todd Meltsch was instructed there is no need for any inspections. Kenneth Grimes made a motion to issue a **U&O and Zoning permit** retroactive to the original date based on the agricultural zoning regulations. The motion was seconded by Wilson Balthaser and passed unanimously.

SDE is continuing to conduct field verifications and on-lot well testing throughout the township. Mr. Unger reported all 17 UTT residents that were required to connect to the Strausstown Sewer System have done so.

Jody Pointer, 10 Cabin Creek Lane has contacted the Township regarding grading a swale on her property and tying it into the existing swale on the Township property. The BOS has no objections and Mrs. Pointer may proceed with the application process.

Upper Tulpehocken Township

**6501 Old Route 22
Bernville, PA 19506**

610-488-7170

fax: 610-488-6394

uptlptwp@comcast.net

May 17, 2016

[REDACTED]
[REDACTED]
[REDACTED] 19506

Dear [REDACTED]:

Enclosed please find zoning permit number Z16-009 for your walk-in cooler addition; please note specifications on the permit. Per the enclosed UCC Code documents, the proposed structure requires a building permit before construction may begin. I have included a building permit application for your convenience.

When the construction that is permitted on this permit is completed, please fill out the enclosed Certificate of Use form, by filling in the applicable items, and return to the above address. After the Zoning Officer has reviewed and signed the certificate, it will be returned to you for your records.

If you have any questions, please do not hesitate to contact me at [REDACTED]

Sincerely,

[REDACTED]
[REDACTED]

Enclosures

ZONING PERMIT NO.

UPPER TULPEHOCKEN TOWNSHIP, Berks County, PA

Z16-009**ZONING PERMIT**For Erection of New Buildings, Alteration of
Buildings, Erection of Signs or BillboardsDate: 5/10/16In consideration of the permit fee assessed, receipt of which is acknowledged,
permission is hereby given to:Name: [REDACTED]Address: [REDACTED]To: Addition of a Walk-in Cooler/Storage Building
(Type of Construction)At: Same as above
(Location of Construction)Dimensions of permitted structure must not exceed 30 by 30 feet.Approximate Construction Cost: \$ 7,500.00Work to be completed on or before 5/10/2017
(One year after issue date)

This Permit is issued subject to the strict observance of all laws, ordinances and regulations enacted for the protection of the Township, so far as they may apply and particularly to those set forth in an ordinance relating to the establishing of lines and grades, excavation and restoration of Township property. It is subject to revocation at any time by the Zoning Officer or Township Supervisors, or in the event of the failure of the permittee to comply with any of the terms or conditions upon which the same is granted.

(Note: Certificate of Use and Occupancy is required in accordance with the Zoning Ordinance, before any building structure or land or portion thereof may be lawfully used.)

All permits must also be in compliance with any and all applicable State and Federal Regulations.

Pamela Stevens
Zoning Officer

Special Instructions/Restrictions: Per the attached Code Documents, the proposed structure requires a VCC Building Permit since the activity & processing/bathing is not an AG exempted building. The zoning permit does NOT

permit the construction of the structure, and until a building permit is approved, no work on the structure shall occur. Attached is a copy of a Building Permit Application.

UPPER TULPEHOCKEN TOWNSHIP
6501 Old Route 22
Bernville, PA 19506
Ph: (610) 488-7170 Fax: (610) 488-6394

ZONING OFFICER Systems Design Engineering
1032 James Drive
Leesport, PA 19533
Ph: (610) 916-8500 Fax: (610) 916-8501

APPLICATION FOR ZONING PERMIT

PERMIT NUMBER _____

FEE 40
20 DATE PD 4.19.16 CHK. NO. _____

ZONING PERMIT FEE
CERTIFICATE OF USE AND OCCUPANCY FEE

*NAME OF APPLICANT (may be record owner and/or equitable owner of property) _____

*TELEPHONE NO. _____

*MAILING ADDRESS OF APPLICANT _____

ZIP CODE _____

*PHYSICAL ADDRESS OF PROPERTY (If different from Mailing Address) (i.e.: E. Side PA 183 1 mi. N. of I-78) _____

*Deed Book Volume _____

*Tax Parcel Identification No. _____

Subdivision/Lot Number (Attach Subdivision Plan) Sewage Permit # (Attach Design) Lot Size Width Length

*I am adding additional storage and a walk-in-cooler onto my existing
ice processing room. The walk will be block 2x15 courses high. There will be
150 sq ft of walk-in-cooler erected on top of wooden trusses. Also I will
put up a 10x10 walk in.*

*Description of proposed construction/land use. Type (i.e. new residential dwelling, in-ground pool, one room addition; flea market, etc.) &
Materials (i.e. block foundation, wood frame, vinyl siding, pole building, etc.)

30' x 30' 900 sq ft 1 1,500
*Dimensions Area No. Stories/Height *Value of Construction

Zoning District

RP Required >>
Provided >>

Building Setback

Side Yard, ea.

100 ft

Rear Yard

75'

DO NOT WRITE BELOW -- SHADED AREA FOR TOWNSHIP USE ONLY

Permit Denied Reason _____

Zoning Officer Signature _____ Date Permit Issued _____

Special Instructions/Restrictions _____

EasementsDoes your property contain easements of any kind? ☒ Yes ☐ No ☐ Don't Know (If YES, attach copy of deed.)Do you have a utility pole on your property? ☒ Yes ☐ No ☐ Don't KnowDo you have a swale, ditch, stream, etc. on your property? ☒ Yes ☐ No ☐ Don't KnowDo you have underground utilities through your property? ☒ Yes ☐ No ☐ Don't KnowDo you have shrubs, plants along the rear of your property? ☒ Yes ☐ No ☐ Don't KnowRestrictionsDoes your property contain any deed restrictions? ☐ Yes ☒ No ☐ Don't Know. (If YES, attach copy of deed.)

If yes, please list what restrictions: _____

VariancesHas your property received any zoning variances or relief from the Zoning Ordinance? ☐ Yes ☒ No ☐ Don't Know

If yes, please explain what relief: _____

Has your property been rezoned (zoning district change)? ☐ Yes ☒ No ☐ Don't Know

If yes, please explain what district you changed to: _____

Environmental FeaturesDoes your property contain steep slopes? or contours? ☒ Yes ☐ No ☐ Don't KnowDoes your property flood or are you located within a flood zone? ☐ Yes ☒ No ☐ Don't KnowDoes your property contain any wetlands? ☐ Yes ☒ No ☐ Don't Know

If the subject property was ever granted any type of variance, special exception, and/or other form of relief from the regulations contained in the Zoning Ordinance, by the Zoning Hearing Board AND/OR if the subject property was ever subject to any restrictions by deed, recorded plan, action of the Zoning Hearing Board and/or other means, the applicant must divulge said information in the space provided below. Please be specific as to the date of any Zoning Hearings, etc. The applicant must also attach a photocopy of any deed, recorded plan, agreement, will, covenant, and/or Zoning Hearing Board decision which contains said restrictions, variances, and/or special exceptions which affect the subject property.

If, to the best of the applicant's knowledge and belief there are no such variances, special exceptions, and/or other restrictions which would affect the use of the subject property for the activity for which a zoning permit is being applied for, please indicate your opinion by signing below.

VERIFICATION STATEMENT

I [REDACTED], hereby verify that the information contained in this application, including all statements, representations, and other entries, is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 PA. C. S. §4904, relating to unsworn falsification to authorities, and §4911, relating to tampering with official records.

[REDACTED]
Applicant's Signature

[REDACTED]
Date

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL BE REJECTED

Pursuant to PA Act 38 (amending Act 287 and 172) notification to the "One Call System" is required at least three working days prior to disturbing earth with any type of powered equipment. Call Toll Free 1-800-242-1776 Please note that it is the responsibility of the applicant to make this notification.

***** Please Note: If an application is submitted without all required information, a review will not begin until all missing information is submitted. If information is not submitted the application can be deemed incomplete and can be denied.**

VERIFICATION STATEMENT

I, [REDACTED], hereby verify that the information contained in this application, including all statements, representations, and other entries, is true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 PA. C. S. §4904, relating to unsworn falsification to authorities, and §4911, relating to tampering with official records.

[REDACTED]
Applicant's Signature

[REDACTED]
Date

ZONING PERMIT AND RELATED ISSUES APPLICATION FEE SCHEDULE

1. Zoning Permit Application Fees for All Construction Related Activities:

| <u>Cost of Construction in U.S. Dollars:</u> | <u>Corresponding Fee.</u> |
|--|---------------------------|
| Up to \$250 | \$10.00 |
| 251 - 2,000 | \$30.00 |
| 2,001 - 10,000 | \$40.00 |
| 10,001 - 11,000 | \$50.00* |

* For every \$1,000 beyond \$11,000 add an additional \$1.00 to the fee.
(For example: \$12,000 cost of construction = \$51.00 fee)

2. Certificate of Use & Occupancy Fee is a \$20.00 Flat Fee (Due with filing of every Zoning Permit Application)
3. Zoning Permit Application Fees for All Land Use, or Change in Land Use Permit Applications and for All Home Occupation, Farm Occupations, Farm-related Businesses, or any other type of Applications is **\$100.00**.
4. Certificate of Use and Occupancy Fee for Travel Trailer Parks/Campgrounds is **\$50.00** minimum, plus **\$1.00** per Campsite exceeding 25 sites, per year.
5. Fee for any type of Zoning Hearing Board Appeals, Special Exceptions, Variances, Amendments to the Zoning Ordinance, Driveway Permit Appeals, Conditional Use Hearings, and any other appeal proceedings that may come before the Upper Tulpehocken Township Zoning Hearing Board, Board of Supervisors, or the Zoning Officer is **\$500.00**. This fee is paid in advance along with this application. PLUS any additional administrative expenses shall also be paid for by the applicant, at the conclusion of the hearing(s). These costs are non refundable regardless of the outcome of said proceedings.

MAKE ALL CHECKS PAYABLE TO: "UPPER TULPEHOCKEN TOWNSHIP"

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL BE REJECTED

Relevant Pennsylvania Code References

§ 401.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Agricultural building—

(i) A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms.

(ii) The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies.

~~X~~ (iii) The term does not include habitable space or spaces in which agricultural products are processed, treated or packaged and will not be construed to mean a place of occupancy by the general public.

§ 403.1. Scope.

(a) *Application.*

(1) The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.

(b) *Exclusions and exemptions.* The Uniform Construction Code does not apply to:

(4) An agricultural building.

(ii) The term does not include groups which merely support or encourage the cause of education in general or a specific educational institution, or disseminate information on safety, or which are concerned with the welfare of persons engaged in educational work, including groups such as PTA, alumni groups, scholastic groups, professional associations and contributor groups even if the groups are sponsored by or affiliated with a nonprofit educational institution, and even if the groups benefit or generally inform the public.

Photofinisher—A person who is engaged in producing printed pictures from developed or undeveloped film is a photofinisher.

Photographer—A person engaged in the business of performing the total photography operation of picture taking, development of exposed film and the finishing and printing of pictures. The term also includes a person engaged in the business of performing a photography operation using microfilm, videotape, videocassettes or the like.

Photo-refinisher—A person engaged in the business of tinting, coloring or altering of finished photographic prints, microfilm, videotape, videocassettes or the like, in any form. A photo-refinisher is to be distinguished from a photographer engaged in the finishing segment of the photography operation on the basis that a photo-refinisher performs an activity which is not in conjunction with the photography operation and which, in fact, occurs subsequent to the completion of the photography operation.

Printed matter—The term includes but is not limited to books, booklets, letterheads, billheads, printed envelopes, folders, printed packages and packaging materials, advertising circulars, programs, newspapers, magazines, periodicals and similar items.

Printer—A person engaged in the business of printing.

Printing—The term includes the following:

(i) The performance of an integrated series of operations engaged in as a business which is predominantly and directly related to the production of multiple copies of substantial similar printed matter upon which a sales or use tax is due or for which an exemption exists. Based upon a 12-month period, property is predominantly used in printing when multiple copies are produced for 50% or more of the time or the total copies of printed matter, divided by the number of orders for substantially similar items, exceeds 50 or more copies.

(ii) When part of an integrated series of operations, the process of organization and arrangement of graphic material into page or other final format, whether by manual operation, computer operation or otherwise. It does not include data processing, word processing, photocopying or automatic typewriters, except where the activities are part of the integrated series of operations. Where equipment is used for both exempt and nonexempt purposes, the predominant use test shall determine its tax status.



Processing—The following operations when engaged in as a business enterprise have been defined by the General Assembly as processing:

(i) The cooking or freezing of fruits, vegetables, mushrooms, fish, sea food, meats or poultry, when the person engaged in business packages such property in sealed containers for wholesale distribution.


(ii) The scouring, carbonizing, cording, combing, throwing, twisting or winding of natural or synthetic fibers, or the spinning, bleaching, dyeing, printing or finishing of yarns of fabrics when the activities are performed prior to the sale to the ultimate consumer.

(iii) The electroplating, galvanizing, enameling, anodizing, coloring, finishing, impregnating or heat-treating of metals or plastics for sale or in the process of manufacturing.

(iv) The rolling, drawing or extruding of ferrous and nonferrous metals.

(v) The fabrication for sale of ornamental or structural metal or of metal stairs, staircases, gratings, fire escapes or railings, not including fabrication work done at the construction site.

(vi) The preparation of animal feed or poultry feed for sale.

 (vii) The production, processing and bottling of nonalcoholic beverages for wholesale distribution.

(viii) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale.

(ix) The milling for sale of flour or meal from grains.

(x) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale, and the preparation of meat products, including lard, tallow, grease, cooking and inedible oils for wholesale distribution.

(xi) The processing of used lubricating oils.

(xii) The broadcasting of radio and television programs of licensed commercial or educational stations.

Public utility—A person engaged in the performance of public utility service, as that term is defined in this section.

Public utility service—The performance of services for compensation for the general public, without discrimination, which is subject to regulation by a governmental agency rather than determined by contract with the person for whom the services are performed; provided that the services so performed shall be affected with a public interest.

Purchase price—The total value of anything paid or delivered, or promised to be paid or delivered, whether it be money or otherwise, in complete performance of a sale at retail, without any deductions on account of expenses incurred, such as travel time, rentals of rooms or equipment, salaries or wages paid to assistants or models, and charges for the developing of negatives, even though the expenses are separately itemized in billings to customers.

Refining—The collective operation of cleaning, grading, cracking, crushing and similar processing of natural resources, minerals and mineral aggregates after their extraction from the earth, waste or stock piles, pits or banks including blast furnace slag.

ZONING PERMIT
 Permit #: UT21-06-05
 Map Pin #: 87445300045049

 Upper Tulpehocken Township
 6501 Old Route 22, Bernville, PA 19506
 610-488-7170

In consideration of the sum of 150.00 dollars,
 receipt of which is hereby acknowledged by [REDACTED],
 has permission to do the following work within the township, providing all work is in compliance with
 all township ordinances.

Project Type: Accessory Structure

Description of Work: Construct new 56' x 30' x 16' pole building

Location of Work: [REDACTED]

Cost of Improvement: \$ 0.00

Subdivision:
Lot Size: 6.59

Zoning District: W-P

Bldg Width (ft): 56

Bldg Length (ft): 30

Lot: 5

Dwelling Units: 1

Bldg Height (ft): 16

Area (sq ft): 1680

Block:
Stories: 1

Owner Name: [REDACTED]

POST THIS FORM SO IT IS VISIBLE FROM STREET

PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUE. PERMIT WILL
 BECOME NULL AND VOID IF CONSTRUCTION WORK IS NOT STARTED WITHIN SIX
 MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED ABOVE.

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES
 OF CONSTRUCTION.

INSPECTIONS INDICATED ON THE ATTACHED CHECKLIST CAN BE ARRANGED FOR BY
 TELEPHONE OR WRITTEN NOTIFICATION.

| | | | | | |
|-----------------------------|------------------|-----------------------------|----------------|------------------------------|------------------|
| Zoning Fee: | \$ 150.00 | Accessibility Fee: | \$ 0.00 | Occupancy Fee: | \$ 0.00 |
| Building Permit Fee: | \$ 0.00 | Demolition Fee: | \$ 0.00 | PA UCC Fee: | \$ 0.00 |
| Mechanical Fee: | \$ 0.00 | Driveway Permit Fee: | \$ 0.00 | Mun. Admin Fee: | \$ 0.00 |
| Electrical Fee: | \$ 0.00 | Stormwater Mgmt Fee: | \$ 0.00 | Total of All Fees: | \$ 150.00 |
| Plumbing Fee: | \$ 0.00 | Other Fee: | \$ 0.00 | Less Application Fee: | \$ 100.00 |
| Sprinkler Fee: | \$ 0.00 | | | TOTAL AMT DUE: | \$ 50.00 |

Signature of Applicant

07/26/2021

Date of Issue

File Copy

ZONING PLAN REVIEW COMMENTS

Permit Number [REDACTED]

Date: July 26, 2021

Project: Construct new 56' x 30' x 16' pole building

Project Address: [REDACTED]

Applicant: [REDACTED]

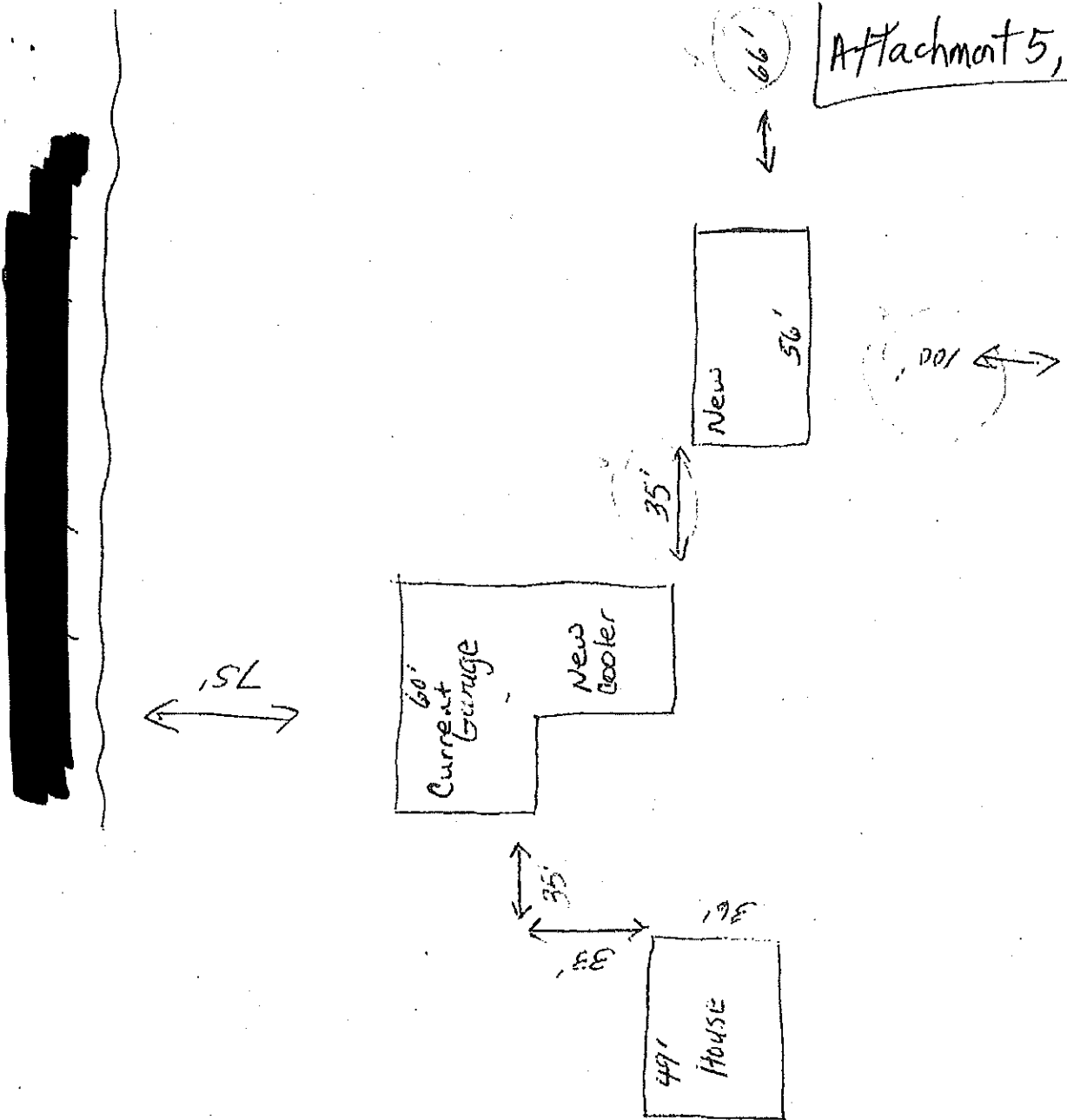
Review Status: Approved as noted

ZONING

1. This Zoning Permit only applies to the 56' x 30' x 16' detached pole building. The construction for the 30' x 30' cooler and cinderblock wall/slab foundation must have separate permit application and complete engineered construction drawings submitted for review and approval.
2. The accessory structure must be placed in accordance with the Upper Tulpehocken Zoning Ordinance. All provisions stated in Section 460-78 must be followed. The setbacks for the accessory structure location are as follows; no closer than fifty (50) feet from the side lot lines and no closer than fifty (50) feet from the rear lot line.
3. The minimum distance between any accessory buildings or structures shall be five (5) feet. The minimum distance between any accessory building or structure and a principal building shall be ten (10) feet.
4. The accessory structure may not encroach on any easement, right-of-way or the clear sight triangle.
5. It is the responsibility of the property owner to know the property lot lines.
6. Upon completion of the accessory structure, a zoning inspection must be scheduled and completed.

Note: The structure must always maintain the definition of an 'agricultural building' per section 103 (Definitions) of the Uniform Construction Code (UCC). If the use of the structure goes beyond what is defined as agricultural, it will no longer be exempt from the UCC and will therefore be in violation.

"Agricultural building. A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a mil house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public. (Amended by Act 92 of 2004) (Amended by Act 157 of 2006) (Amended by Act 35 of 2017).



Only property detached storage garage

Noted comply with Applicant's
Zoning Ordinance and all other
Township Ordinances

Approved
as shown
1/16/20
[Signature]

ZONING PERMIT APPLICATION

Municipality in which work will be performed: Upper Tulpehocken Twp.

PROPERTY INFORMATION

Owner: [REDACTED] Phone #: [REDACTED]

Street Address: [REDACTED]

City/State/ Zip: [REDACTED] PA [REDACTED]

Cell #: [REDACTED]

Fax #: [REDACTED]

Email: [REDACTED]

CONTRACTOR INFORMATION

Contractor: [REDACTED] Phone #: [REDACTED]

Street Address: [REDACTED]

City/State/ Zip: [REDACTED]

Contact Person: [REDACTED]

Cell #: [REDACTED]

Fax #: [REDACTED]

Email: [REDACTED]

Cooler area
30 x 30
Cinderblock
Wall

IMPROVEMENT INFORMATION:

Cost of improvement: [REDACTED] Use of property: ☐ Residential ☐ Commercial ☐ IndustrialType of use/structure: ☐ Single family detached dwelling ☐ Single family semi-detached dwelling☐ Detached garage ☐ Shed ☐ Fence ☐ Deck☐ Addition ☐ Swimming pool ☐ Carport ☐ Covered porch☐ Home Occupation/No Impact Home-Based Business (attach letter detailing proposed business)☒ Other: Ag-building store tractor skid loader, plastic layer waterThe proposed building or structure is to be used as a equipmentSize: Length 56' Width 30' Height To peak of trusses @ 16' / 12' to bottomWill electric service be installed? ☐ Yes ☒ No (If yes, electrical permit required)Will water supply/drain pipe be installed? ☐ Yes ☒ No (If yes, plumbing permit required)

By applying for this permit, I acknowledge that all information provided in this application is complete and accurate, that the work performed will be in conformance with the Pennsylvania Uniform Construction Code and/or any applicable ordinances of the municipality in which the work is to be performed as well as in accordance with the approved plan after a plan review has been completed. I understand that this is not a permit to begin work, but only an application for a permit and that work is not to start without a permit and that the fees for the permit may be doubled if work starts without a permit. I understand that if I give false information regarding this permit application that any permits issued based on this information will be invalid and the municipality could initiate legal proceedings against me, which could result in my being fined or imprisoned, or in the improvement being removed at my expense or any other legal remedy appropriate under the circumstances.

Applicant Signature: [REDACTED]

Date: 6/28/21

BUILDING PERMIT APPLICATION

Municipality in which work will be performed:

Upper Tulpehocken Twp.

PROPERTY INFORMATION

Location:

Owner:

Phone #:

Email:

Cell #:

Street address:

City/ State/Zip:

CONTRACTOR INFORMATION

Company Name:

Phone #:

Street address:

City/ State/Zip:

Contact Person:

Cell #:

Email:

Fax #:

ARCHITECT/ENGINEER INFORMATION

Company Name:

Phone #:

Street address:

City/ State/Zip:

Contact Person:

Cell #:

Email:

Fax #:

PROJECT INFORMATION

Cost of Improvement:

Subdivision Name:

Lot #:

Lot Size:

Use Group:

Type of Improvement (check all that apply):

☒ New Building

☐ Addition

☐ Alteration

☐ Demolition

☐ Repair/replacement

☐ Other (describe):

Proposed use (residential):

☐ One family

☐ Two family

☒ Accessory structure

☒ Other (describe):

Ag-related store tractors skid loader, plastic layer, water wheel transplanter & miscellaneous items.

PROJECT INFORMATION (CONTINUED)

Proposed use (non-residential/commercial):

- ☐ Amusement ☐ Church ☐ Industrial ☐ Parking
☐ Utility ☐ Hospital ☐ Office ☐ Store

☒ Other (describe):*Ag-related*

Describe in detail the proposed use of the building (e.g. food processing, machine shop, parking garage, laundry building, etc.) If the use of the building is being changed from the current use, describe the new use:

This building will house ag equipment keeping it out of the weather. Tractors, skid loader, Kubota, plastic layer, walk-behind transplanter & miscellaneous items

| | | | |
|---|---|---|---|
| Principal Type of Construction: | | | |
| <input type="checkbox"/> Masonry (Wall Bearing) | <input checked="" type="checkbox"/> Wood Frame | <input type="checkbox"/> Steel Structure | <input type="checkbox"/> Reinforced Concrete |
| Energy/Insulation Compliance Path (only one of the following may be selected): | | | |
| <input type="checkbox"/> IRC Chapter 11 | <i>None</i> | <input type="checkbox"/> PA Alternative | <input type="checkbox"/> International Energy Conservation Code - IECC (RESCHECK/COMCHECK software) |
| Principal Type of Heating: | | | |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Oil | <input type="checkbox"/> Electric | <input type="checkbox"/> Other: <i>None</i> |
| Type of Sewage: | | Type of Water Supply: | |
| <input type="checkbox"/> Public | <input type="checkbox"/> Private (on-site system) | <input type="checkbox"/> Public | <input type="checkbox"/> Private (well) <i>None</i> |
| Facilities: | | | |
| # of bedrooms | # of full bathrooms | # of partial bathrooms | <i>None</i> |
| Dimensions (residential): | | | |
| Basement (sq ft) | 1 st floor (sq ft) | 2 nd floor (sq ft) | |
| Garage (sq ft) | Deck (sq ft) | Other | <i>30' x 56'</i> |
| Size of building: | | | |
| # of stories | Width | Length | Height |
| <i>1</i> | <i>30'</i> | <i>56'</i> | <i>16' App. to peak 10' to bottom of rafters App.</i> |
| Central Air Conditioning? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| Elevator? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| Number of Off-Street Parking Spaces: Enclosed | | Outdoor <input checked="" type="checkbox"/> | |

By applying for this permit, I acknowledge that all information provided in this application is complete and accurate, that the work performed will be in conformance with the Pennsylvania Uniform Construction Code and/or any applicable ordinances of the municipality in which the work is to be performed as well as in accordance with the approved plan after a plan review has been completed. I understand that this is not a permit to begin work, but only an application for a permit and that work is not to start without a permit and that the fees for the permit may be doubled if work starts without a permit. I understand that if I give false information regarding this permit application that any permits issued based on this information will be invalid and the municipality could initiate legal proceedings against me, which could result in my being fined or imprisoned, or in the improvement being removed at my expense or any other legal remedy appropriate under the circumstances.

Signature of Applicant

Date

6/28/91



Upper Tulpehocken Township and Strausstown Village

NOTICE OF VIOLATION

August 4, 2021

[REDACTED]
[REDACTED]
[REDACTED]

SENT VIA REGULAR & CERTIFIED MAIL: #7014 1820 0001 7523 2454

RE: [REDACTED]
[REDACTED]
[REDACTED]

To whom it may concern,

It is my duty as the Zoning Officer for Upper Tulpehocken Township to inform you that you are currently in violation of the Upper Tulpehocken Zoning Ordinance, as adopted by the Township, with regard to your property located at [REDACTED] Upper Tulpehocken, Berks County. The specific violation(s) for which enforcement proceedings are being initiated against you are as follows:

Zoning Ordinance of Upper Tulpehocken Township

1. Per Section 460-110.a (Zoning permits)

"Requirements. No building or structure, except fences shall be erected, constructed, assembled, extended, reconstructed, replaced, demolished, converted, moved, added to or structurally altered nor shall land, buildings and structures be put to any use or additional use or have their use changed without a zoning permit therefor issued by the Zoning Officer. No such permit shall be issued unless there is conformity with the provisions of this Part 1, except upon written order from the Zoning Hearing Board in the form of a variance, or upon order from any court of competent jurisdiction."

Explanation and Corrective Order: (Violation #1)

The Township has discovered the construction of an addition has started at the above-mentioned property without first obtaining a required zoning permit. We acknowledge per our conversation (8/3/21) you are in the process of obtaining construction drawings from a licensed engineer and will submit a zoning permit application, however, at this time you are in violation and we must issue this formal notice.

Allotted Correction Time:

As a result, you must comply with this Notice of Violation promptly and must commence action to correct or remove the above listed violations within **fifteen (15) days (August 18, 2021)** from the date of this letter. All violations must be completely corrected or removed within **thirty (30) days (September 2, 2021)** from the date of this letter. In no case shall you abandon the premises in such condition as to create a hazard or menace to the public safety, health, moral, or welfare.

Violation Penalties:

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part 1 shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Part 1 to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part 1 shall be paid over to the Township.

Appeal Rights:

In accordance with the procedures set forth in the Upper Tulpehocken Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code, you have the right to appeal to the Upper Tulpehocken Township Zoning Hearing Board within thirty (30) days from the date of the receipt of this Enforcement Notice. Failure to take such an appeal to the Zoning Hearing Board will result in a waiver of your right to contest the fact of your violation (deemed violation for which a proceeding will be held before the Magisterial District Judge for the sole purpose of settling a penalty). Failure to comply with the Notice and Order within the time specified constitutes a violation, unless extended by appeal to the Upper Tulpehocken Township Zoning Hearing Board. Such failure to comply will subject you to the sanctions described above.

It is our intent to resolve these issues amicably and therefore your cooperation on this matter is greatly appreciated. If you have any questions regarding this matter, please contact [REDACTED] [REDACTED] 7165. We anticipate and appreciate your cooperation in helping to maintain Upper Tulpehocken Township as a clean and safe place to live.

Sincerely,

[REDACTED]

CC: Upper Tulpehocken Township Office



Upper Tulpehocken Township and Strasstown Village

NOTICE OF VIOLATION

August 4, 2021

SENT VIA REGULAR & CERTIFIED MAIL: #7014 1820 0001 7523 2454

RE: [REDACTED]

To whom it may concern,

It is my duty as the Building Code Official for Upper Tulpehocken Township to inform you that you are currently in violation of the Pennsylvania Uniform Construction Code (PA UCC), with regard to your property located at [REDACTED]. The specific violation(s) for which enforcement proceedings are being initiated against you are as follows:

Pennsylvania Uniform Construction Code (PA UCC)

1. Per Section 403.42.a Permit requirements and exemptions.

"An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit under section 403.42a (relating to permit application)."

Explanation & Corrective Order: (Violations #1)

The Township has discovered the construction of an addition has started at the above-mentioned property without first obtaining a required building permit. We acknowledge per our conversation (8/3/21) you are in the process of obtaining construction drawings from a licensed engineer and will submit a building permit application, however, at this time you are in violation and we must issue this formal notice.

Allotted Correction Time:

As a result, you must comply with this Notice of Violation promptly and must commence action to correct or remove the above listed violations within **fifteen (15) days (August 19, 2021)** from the date of this letter. All violations must be completely corrected or removed within **thirty (30) days (September 3, 2021)** from the date of this letter. In no case shall you abandon the premises in such condition as to create a hazard or menace to the public safety, health, moral, or welfare.

VIOLATION PENALTIES:

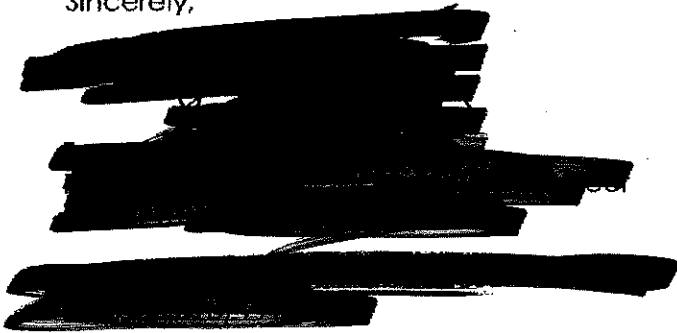
Any individual, firm or corporation that violates any provision of this order commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs. Each day that a violation of this act continues shall be considered a separate violation.

APPEAL RIGHTS:

You have the right to appeal this notice per section 403.122 of the Pennsylvania UCC. A written appeal must be made within ten (10) days from receipt of this notice to the Upper Tulpehocken Township Construction Code Board of Appeals. Forms are located at the Upper Tulpehocken Township Building, located at 6501 Old U.S. 22, Bernville, PA 19506. Normal Township hours are Monday through Friday, from 8:30 a.m. to 3:00 p.m. Appeals are considered based on the misinterpretation of the true intent of the UCC, the applicability of the provisions of the UCC or the use of equivalent forms of construction. Failure to take such an appeal will result in a waiver of your right to contest the fact of your violation.

It is our intent to resolve these issues amicably and therefore your cooperation on this matter is greatly appreciated. If you have any questions regarding this matter, please contact **Kraft Code Services at (610) 775-7185**. We anticipate and appreciate your cooperation in helping to maintain Upper Tulpehocken Township as a clean and safe place to live.

Sincerely,

A large, solid black rectangular redaction box covering the signature and any accompanying text or title.

CC: Upper Tulpehocken Township Office

Upper Tulpehocken Township
Kraft Code Services, LLC

6525 Shillington Plaza
Shillington, PA 19607
Ph. 610.775.7185 Fax: 610.775.7188

Commercial/Industrial Building and
Zoning Plan Review Comments

Permit Number: [REDACTED]
Project: [REDACTED]
Project Address: [REDACTED]
Applicant: [REDACTED]
Review Status: Not Approved re-submission required

Date: 11/04/2021

Submission Items discussed at 8/17/2021 Township Office Meeting, but not received with plan submission:

1. A completed Zoning and Building Permit Application along with all required application fees must be submitted to the Upper Tulpehocken Township office.
2. Complete engineered electrical plans for all proposed electrical work in the building addition.
3. Complete plans and specifications for the proposed cooler units that are going to be installed in the building addition. The submitted plans do not reflect the installation of any cooler units.
4. Complete engineered mechanical plans for all refrigeration equipment that is being installed for the cooler units. Any HVAC systems proposed for the building addition must also have engineered plans submitted for review.
5. Because the foundations, floor slabs, and masonry walls have been constructed without permits and no inspections were performed in accordance with PA Uniform Construction Code Section 403.45, the engineer of record must provide a structural sign-off of the existing construction certifying that all work has been completed in accordance with the design drawings and all building code requirements.

Plan Review Comments for submitted design drawings signed and sealed by Jason W. Lessig, Professional Engineer:

Building

All construction must comply with the PA Uniform Construction Code (UCC) and the 2015 International Building Code (IBC).

General

1. Provide engineer-stamped spec sheets for the roof trusses per UCC Section 403.42a(c) and IBC Section 2303.4.1.4.1.

Drawing: A001

2. The Code Criteria must be revised to provide the following:
 - a. The governing code is not the 2015 International Residential Code. The proposed addition is for a commercial building and regulated by the 2015 International Building Code

- b. The Use Group is not R-3. This is not a residential dwelling and the appropriate occupancy classification from IBC Chapter 3 must be identified.
- c. A complete occupant load for the addition and the building must be provided. (UCC 403.42a(f) and IBC Section 1004)

Drawing: A101

- 3. As no side-hinged egress door has been provided from the building addition, provide a complete life safety plan for the building that demonstrates exiting and travel distance compliance in accordance with IBC Chapter 10 requirements.
- 4. Means of egress illumination with emergency back-up power must be provided in accordance with IBC Sections 1008.2 and 1008.3. Provide details and specifications accordingly.
- 5. Portable fire extinguishers must be provided and maintained in accordance with IBC section 906. Per Table 906.3(1), the maximum travel distance to an extinguisher shall be 75'.

Energy

All building thermal envelope and energy-efficient mechanical, lighting and power system installations must meet the requirements of the **2015** International Energy Conservation Code (IECC).

Drawing: A201

- 6. Ceiling and floor insulation have been specified on the submitted drawing however no wall insulation has been specified. If the building addition is to be heated or cooled, provide specifications for wall insulation that complies with IECC Table C402.1.3.

PENNSYLVANIA CONSTRUCTION CODE ACT
Act of Nov. 10, 1999, P.L. 491, No. 45
AN ACT

Attachment 7, Page 1

Cl. 35

Establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

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Chapter 3. Uniform Construction Code

- Section 301. Adoption by regulations.
- Section 302. Referenced standards.
- Section 303. Existing municipal building codes.
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- Section 501. Administration and enforcement.
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Chapter 7. Training and Certification of Inspectors

- Section 701. Training of inspectors.
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- Section 901. Exemptions.
- Section 902. Applicability to certain buildings.
- Section 903. Penalties.

Chapter 11. Miscellaneous Provisions

- Section 1101. Savings.
- Section 1102. Repeals.
- Section 1103. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1
PRELIMINARY PROVISIONS

Attachment 7, Page 2

Section 101. Short title.

This act shall be known and may be cited as the Pennsylvania Construction Code Act.

Section 102. Legislative findings and purpose.

(a) Findings.--The General Assembly finds as follows:

(1) Many municipalities within this Commonwealth have no construction codes to provide for the protection of life, health, property and the environment and for the safety and welfare of the consumer, general public and the owners and occupants of buildings and structures. Consumers and occupants may be at risk from substandard construction.

(2) Likewise, in some regions of this Commonwealth a multiplicity of construction codes currently exist and some of these codes may contain cumulatively needless requirements which limit the use of certain materials, techniques or products and lack benefits to the public. Moreover, the variation of construction standards caused by the multiplicity of codes may slow the process of construction and increase the costs of construction.

(3) The way to insure uniform, modern construction standards and regulations throughout this Commonwealth is to adopt a Uniform Construction Code.

(4) The model code of the Building Officials and Code Administrators International, Inc. (BOCA), is a construction code which has been widely adopted in this Commonwealth and in the geographical region of the United States of which this Commonwealth is a part. Adoption of a nationally recognized code will insure that this Commonwealth has a uniform, modern construction code which will insure safety, health and sanitary construction.

(b) Intent and purpose.--It is the intent of the General Assembly and the purpose of this act:

(1) To provide standards for the protection of life, health, property and environment and for the safety and welfare of the consumer, general public and the owners and occupants of buildings and structures.

(2) To encourage standardization and economy in construction by providing requirements for construction and construction materials consistent with nationally recognized standards.

(3) To permit to the fullest extent feasible the use of state-of-the-art technical methods, devices and improvements consistent with reasonable requirements for the health, safety and welfare of occupants or users of buildings and structures.

(4) To eliminate existing codes to the extent that these codes are restrictive, obsolete, conflicting and contain duplicative construction regulations that tend to unnecessarily increase costs or retard the use of new materials, products or methods of construction or provide preferential treatment to certain types or classes of materials or methods of construction.

(5) To eliminate unnecessary duplication of effort and fees related to the review of construction plans and the inspection of construction projects.

(6) To assure that officials charged with the administration and enforcement of the technical provisions of this act are adequately trained and supervised.

(7) To insure that existing Commonwealth laws and regulations, including those which would be repealed or rescinded by this act, would be fully enforced during the transition to Statewide administration and enforcement of a Uniform Construction Code. Further, it is the intent of this act that the Uniform Construction Code requirements for making buildings accessible to and usable by persons with disabilities do not diminish from those requirements previously in effect under the former provisions of the act of September 1, 1965 (P.L.459, No.235), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement."

(8) To start a process leading to the design, construction and alteration of buildings under a uniform standard.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Addition." An extension or increase in floor area or height of a building or structure. (Def. added July 15, 2004, P.L.748, No.92)

"Advisory board." The Accessibility Advisory Board created in section 106.

"Agricultural building." A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. ~~The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.~~ (Def. amended Oct. 25, 2017, P.L.353, No.35)

"Agricultural commodity." Any of the following, transported or intended to be transported in commerce:

- (1) Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products.
- (2) Livestock and the products of livestock.
- (3) Ranch-raised fur-bearing animals and the products of ranch-raised fur-bearing animals.
- (4) The products of poultry or bee raising.
- (5) Forestry and forestry products.
- (6) Products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

(Def. added Oct. 25, 2017, P.L.353, No.35)

"Alteration." Any construction or renovation to an existing structure other than repair or addition. (Def. added July 15, 2004, P.L.748, No.92)

"Board of appeals." The body created by a municipality or more than one municipality to hear appeals from decisions of the code administrator as provided for by regulations promulgated by the department. (Def. amended Oct. 25, 2017, P.L.356, No.36)