

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1196 Session of  
2009

INTRODUCED BY BOYD, BENNINGHOFF, PHILLIPS, BAKER, BEAR,  
CALTAGIRONE, CARROLL, CASORIO, CUTLER, EVERETT, FABRIZIO,  
GEORGE, GERGELY, GIBBONS, GOODMAN, GRUCELA, HALUSKA,  
HORNAMAN, HUTCHINSON, KORTZ, MILLARD, MOUL, MUSTIO, PICKETT,  
RAPP, READSHAW, REICHLEY, ROCK, ROHRER AND SIPTROTH,  
APRIL 3, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 3, 2009

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled  
2 "An act establishing a uniform construction code; imposing  
3 powers and duties on municipalities and the Department of  
4 Labor and Industry; providing for enforcement; imposing  
5 penalties; and making repeals," further providing for  
6 definitions and for administration and enforcement; and  
7 providing for applicability.

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

10 Section 1. The definition of "board of appeals" in section  
11 103 of the act of November 10, 1999 (P.L.491, No.45), known as  
12 the Pennsylvania Construction Code Act, is amended to read:

13 Section 103. Definitions.

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

17 \* \* \*

18 "Board of appeals." The body created by a municipality or

1 more than one municipality to consider variance requests, to  
2 consider extensions of time and to hear appeals from decisions  
3 of the code administrator as provided for by Chapter 1 of the  
4 1999 Building Officials and Code Administrators International,  
5 Inc., National Building Code, Fourteenth Edition.

6 \* \* \*

7 Section 2. Section 501(c) (1) and (2) of the act, amended  
8 November 29, 2006 (P.L.1440, No.157), are amended to read:  
9 Section 501. Administration and enforcement.

10 \* \* \*

11 (c) Board of appeals.--

12 (1) A municipality which has adopted an ordinance for  
13 the administration and enforcement of this act or  
14 municipalities which are parties to an agreement for the  
15 joint administration and enforcement of this act shall  
16 establish a board of appeals [as provided by Chapter 1 of the  
17 1999 BOCA National Building Code, Fourteenth Edition, to hear  
18 appeals from decisions of the code administrator]. Members of  
19 the municipality's governing body may not serve as members of  
20 the board of appeals.

21 (2) [An application for appeal shall be based on a claim  
22 that the true intent of this act or regulations legally  
23 adopted under this act have been incorrectly interpreted, the  
24 provisions of this act do not fully apply or an equivalent  
25 form of construction is to be used.] A board of appeals shall  
26 consider variance requests, requests for extensions of time  
27 and appeals of decisions of code administrators. Appeals of  
28 code administrators decisions must be based on a claim that  
29 the decision meets any of the following criteria:

30 (i) The decision contravenes the true intent of the

1       act.

2           (ii) The Uniform Construction Code was incorrectly  
3       interpreted by the code administrator.

4           (iii) The Uniform Construction Code does not apply  
5       to the subject of the decision.

6           (iv) The requirements of the Uniform Construction  
7       Code impose an impracticable or unreasonable burden for  
8       which an exemption that poses no public safety hazard  
9       should be granted from the Uniform Construction Code.

10          (v) An equivalent form of construction can be used  
11       for the subject of the decision.

12          (vi) The Uniform Construction Code imposes a  
13       requirement which violates the basic tenets of a  
14       recognized religious sect for which an exemption that  
15       poses no public safety hazard should be granted from the  
16       Uniform Construction Code.

17       \* \* \*

18       Section 3. The amendment of section 501(c)(1) and (2) of the  
19   act shall apply to appeals filed on or after the effective date  
20   of this section.

21       Section 4. This act shall take effect in 60 days.