

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1809 Session of 2009

INTRODUCED BY BUXTON, BENNINGHOFF, BOYD, CARROLL, CIVERA, DALLY, EVERETT, FAIRCHILD, FLECK, FRANKEL, GINGRICH, GODSHALL, GOODMAN, GRELL, HALUSKA, HARHAI, HELM, HORNAMAN, LONGIETTI, MARKOSEK, McILVAINE SMITH, MILLARD, MILLER, MOUL, MUNDY, OBERLANDER, REED, REICHLEY, SAINATO, SAYLOR, SEIP, SIPTROTH, S. H. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TRUE, VULAKOVICH, YOUNGBLOOD AND BEAR, JULY 1, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, JULY 1, 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 adoption by regulations, for changes in Uniform Construction
7 Code and for exemptions.

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

10 Section 1. Section 301 of the act of November 10, 1999
11 (P.L.491, No.45), known as the Pennsylvania Construction Code
12 Act, is amended by adding a subsection to read:

13 Section 301. Adoption by regulations.

14 * * *

15 (e) Application of ICC codes.--All ICC codes adopted by
16 department regulations as part of the Uniform Construction Code
17 other than the International Building Code and International
18 Residential Code shall be part of the Uniform Construction Code

only to the extent referenced by the International Building Code
or International Residential Code.

Section 2. Section 503(c) and (j) of the act, amended
November 29, 2006 (P.L.1440, No.157), are amended to read:
Section 503. Changes in Uniform Construction Code.

* * *

(c) Modification of minimum requirement.--Subject to the
provisions of this act, the municipal governing body may propose
and enact an ordinance to equal or exceed the minimum
requirements of the Uniform Construction Code under the law
governing the adoption of ordinances in that jurisdiction. An
ordinance under this subsection shall not be effective nor
enforceable unless subsections (d), (e), (f), (g), (h) and (i)
have been satisfied. Municipalities may enact ordinances
pursuant to this section which adopt additional code
requirements for alterations or repairs to residential
buildings. Municipalities may enact ordinances pursuant to this
section which adopt stricter code requirements than required by
this act for the regulation of utility and miscellaneous use
structures. Any ordinance requiring fire sprinkler systems in
residential buildings adopted or enacted on or after July 1,
1999, shall provide for the design and installation of such
systems consistent with the provisions of the International
Residential Code (2009) or its successor triennial.

* * *

(j) Challenge of ordinance.--

(1) Aggrieved parties shall have 30 days from date of
enactment of the ordinance to file a written challenge with
the department and shall serve a copy of the challenge upon
the municipality. The challenge shall state the reason or

1 reasons for the challenge. A municipal ordinance may not take
2 effect for a period of 35 days following its enactment. If a
3 challenge is filed in writing with the department within 30
4 days, the department has five business days from the end of
5 the 30-day filing period to notify a municipality of the
6 challenge. There may be no enforcement of the ordinance until
7 a ruling is issued by the secretary or 45 days after the
8 filing date of the last challenge to the ordinance, whichever
9 occurs first.

10 (2) [The] Except as provided in paragraphs (3) and (4),
11 the department shall review any ordinance which would equal
12 or exceed the minimum requirements of the Uniform
13 Construction Code based on the following standards:

14 (i) that certain clear and convincing local
15 climatic, geologic, topographic or public health and
16 safety circumstances or conditions justify the exception;

17 (ii) the exception shall be adequate for the purpose
18 intended and shall meet a standard of performance equal
19 to or greater than that prescribed by the Uniform
20 Construction Code;

21 (iii) the exception would not diminish or threaten
22 the health, safety and welfare of the public; and

23 (iv) the exception would not be inconsistent with
24 the legislative findings and purpose described in section
25 102.

26 (3) In the case of municipal ordinance provisions
27 requiring automatic fire sprinkler systems in townhouses
28 consistent with the provisions of the International
29 Residential Code, in all or specified geographic areas of the
30 municipality, which do not exceed the provisions of R313.1

1 (relating to townhouse automatic fire sprinkler systems) of
2 the International Residential Code (2009) or its successor
3 triennial provisions, the secretary shall approve such
4 provisions if evidence establishes that the following
5 standards have been met:

6 (i) that no fire station is located within a five-
7 mile radius of any townhouse subject to the ordinance;
8 and

9 (ii) that a reliable public water supply to any
10 townhouse unit is provided by a municipality, municipal
11 authority or public utility which satisfies the
12 requirements of section P2904.5 (relating to water
13 supply) of the International Residential Code (2009) or
14 its successor triennial revisions.

15 (4) In the case of municipal ordinance provisions
16 requiring automatic fire sprinkler systems in one and two
17 family dwellings consistent with the provisions of the
18 International Residential Code, in all or specified
19 geographic areas of the municipality, which do not exceed the
20 provisions of R313.2 (relating to one and two family dwelling
21 automatic fire sprinkler systems) of the International
22 Residential Code (2009) or its successor triennial
23 provisions, the secretary shall approve such provisions if
24 evidence establishes that the following standards have been
25 met:

26 (i) that no fire station is located within a five-
27 mile radius of any one and two family dwelling subject to
28 the ordinance;

29 (ii) that a reliable public water supply to any one
30 or two family dwelling is provided by a municipality,

1 municipal authority or public utility which satisfies the
2 requirements of section P2904.5 of the International
3 Residential Code (2009) or its successor triennial
4 revisions;

5 (iii) that certain local, climatic, geologic,
6 topographic or public health and safety circumstances or
7 conditions justify the ordinance;

8 (iv) that the ordinance shall be adequate for the
9 purpose intended and shall meet a standard of performance
10 equal to or greater than that prescribed by the Uniform
11 Construction Code;

12 (v) the ordinance would not diminish or threaten the
13 health, safety and welfare of the public; and

14 (vi) the ordinance would not be inconsistent with
15 the legislative findings and purpose described in section
16 102. The department shall take into consideration in
17 rendering the determination, the provision, code
18 development process history, purpose and intent of
19 relevant provisions of the 2009 International Residential
20 Code or its successor codes.

21 The department shall take into consideration, in rendering the
22 determination, the provision, code development process history,
23 purpose and intent of relevant provisions of the 1999 BOCA
24 National Building Code, Fourteenth Edition, ICC International
25 One and Two Family Dwelling Code, 1998 Edition, or their
26 successor codes.

27 * * *

28 Section 3. Section 901(f) of the act is amended by adding a
29 subsection to read:

30 Section 901. Exemptions.

1 * * *

2 (f) Automatic fire sprinkler systems in residential
3 buildings.--

4 (1) Section R313 (relating to automatic fire sprinkler
5 systems) of the International Residential Code (2009) and any
6 successor triennial revisions are excluded from this act and
7 shall not be part of the Uniform Construction Code.
8 Municipalities may propose and enact standards providing for
9 automatic fire sprinkler systems in residential buildings or
10 units subject to the International Residential Code pursuant
11 to the provisions of section 503.

12 (2) A builder of a residential building or dwelling unit
13 subject to the International Residential Code shall offer to
14 his buyer of a new residential dwelling unit, at or before
15 the time of entering into the purchase contract, the option
16 to install or equip an automatic fire sprinkler system in the
17 building or dwelling unit at the buyer's expense. At the same
18 time, the builder must provide his buyer with information
19 that explains the initial and ongoing cost of installing and
20 equipping an automatic fire sprinkler system in the building
21 or dwelling unit.

22 (3) Notwithstanding the provisions of section 302 of the
23 International Residential Code (2009), or its successors
24 triennial revisions, any townhouse that does not have
25 sprinklers installed shall be required to be separated by
26 common two-hour fire-resistance-rated walls if such walls do
27 not contain plumbing or mechanical equipment, ducts or vents
28 in the cavity of the common wall. The wall shall be rated for
29 fire exposure from both sides and shall extend to and be
30 tight against exterior walls and the underside of the roof

1 sheathing. Electrical installations shall be installed in
2 accordance with the Uniform Construction Code. Penetrations
3 shall be in accordance with the Uniform Construction Code.
4 Section 4. This act shall take effect in 60 days.