

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1857 Session of
2009

INTRODUCED BY MCGEEHAN, SOLOBAY, BRENNAN, JOSEPHS, W. KELLER,
MANN, M. O'BRIEN, K. SMITH AND WALKO, JULY 14, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, JULY 14, 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 legislative findings and purpose, for Uniform Construction
7 Code Review and Advisory Council, for revised or successor
8 codes and for changes in Uniform Construction Code.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 102(b) of the act of November 10, 1999
12 (P.L.491, No.45), known as the Pennsylvania Construction Code
13 Act, is amended to read:

14 Section 102. Legislative findings and purpose.

15 * * *

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

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

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

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

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

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

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

23 (7) To insure that existing Commonwealth laws and
24 regulations, including those which would be repealed or
25 rescinded by this act, would be fully enforced during the
26 transition to Statewide administration and enforcement of a
27 Uniform Construction Code. Further, it is the intent of this
28 act that the Uniform Construction Code requirements for
29 making buildings accessible to and usable by persons with
30 disabilities do not diminish from those requirements

1 previously in effect under the former provisions of the act
2 of September 1, 1965 (P.L.459, No.235), entitled, as amended,
3 "An act requiring that certain buildings and facilities
4 adhere to certain principles, standards and specifications to
5 make the same accessible to and usable by persons with
6 physical handicaps, and providing for enforcement."

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

10 Section 2. Sections 107(b) and 304(a) and (d) of the act,
11 amended or added October 9, 2008 (P.L.1386, No.106), are amended
12 to read:

13 Section 107. Uniform Construction Code Review and Advisory
14 Council.

15 * * *

16 (b) Duties.--The council shall do the following:

17 (1) Gather information from municipal officers, building
18 code officials, construction code officials, licensed design
19 professionals, builders and property owners concerning issues
20 with the Uniform Construction Code raised by council members
21 or changes proposed by members of the General Assembly.

22 (2) Evaluate the information compiled under paragraph
23 (1) and make recommendations to the following:

24 (i) The Governor.

25 (ii) The Secretary of Labor and Industry.

26 (iii) The members of any legislative committee
27 considering amendments to this act.

28 (iv) The President pro tempore of the Senate.

29 (v) The Speaker of the House of Representatives.

30 (vi) The Code Development Councils of the

International Code Council.

(3) With the exception of the provisions of Chapter 11 and Appendix E of the International Building Code of 2006, or its successor codes, or any other accessibility requirements contained in or referenced by the Uniform Construction Code relating to persons with physical disabilities, review new and amended provisions contained in triennial revisions of the codes issued by the International Code Council to any of its codes. The council shall inform the department of any code provisions that should be [excluded from] added to the Uniform Construction Code by May 1 of the year of issuance of the latest triennial code issued by the International Code Council.

* * *

Section 304. Revised or successor codes.

(a) Building code.--

(1) Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of the issuance of a new triennial ICC International Building Code, or its successor building code, the department shall promulgate regulations adopting the new code as the Uniform Construction Code unless the council informs the department that it should [exclude] add any provisions of the triennial code [from] to the Uniform Construction Code. If the council provides this notification, the department [shall] may submit regulations adopting the triennial code with [provisions omitted] additions by the council under this section within 90 days following council notification.

(2) Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the

1 year of issuance of a new triennial ICC International
2 Residential Code, or its successor building code, the
3 department shall promulgate regulations providing that all
4 detached one-family and two-family dwellings and one-family
5 townhouses that are not more than three stories in height and
6 their accessory structures may be designed in accordance with
7 that code or the Uniform Construction Code at the option of
8 the building permit applicant. The department shall
9 promulgate regulations adopting the new code as the Uniform
10 Construction Code unless the council informs the department
11 that it should [exclude] add any provisions of the triennial
12 code [from] to the Uniform Construction Code. If the council
13 provides this notification, the department [shall] may submit
14 regulations adopting the triennial code with [provisions
15 omitted] additions by the council under this section within
16 90 days following council notification.

17 * * *

18 (d) Code revisions.--

19 (1) The council may determine that any new or amended
20 provision contained in a triennial revision by the ICC to any
21 of the codes which have been adopted by regulation of the
22 department as part of the Uniform Construction Code is not,
23 in the opinion of the council, consistent with or fulfills
24 the intent and purpose of this act [or is otherwise
25 inappropriate for inclusion in the Uniform Construction
26 Code]. The council may recommend additional provisions to
27 meet the intent of this act. In making a determination on the
28 new or amended triennial revisions, the council may consider
29 the provisions of section 102, as well as other relevant
30 factors, including, but not limited to:

1 (i) The impact that the provisions may have upon the
2 health, safety and welfare of the public.

3 (ii) The economic reasonableness and financial
4 impact of the provisions.

5 (iii) The technical feasibility of the provisions.

6 (2) When adopting the latest triennial versions of the
7 ICC codes, the department [shall exclude a specific new or
8 amended code provision rejected] may include additional code
9 provisions as recommended by the council under paragraph (1)
10 and shall provide that the relevant provisions of the prior
11 versions of the code shall remain in effect.

12 Section 3. Section 503(j) of the act, amended November 29,
13 2006 (P.L.1440, No.157), is amended to read:

14 Section 503. Changes in Uniform Construction Code.

15 * * *

16 (j) Challenge of ordinance.--

17 (1) Aggrieved parties shall have 30 days from date of
18 enactment of the ordinance to file a written challenge with
19 the department and shall serve a copy of the challenge upon
20 the municipality. The challenge shall state the reason or
21 reasons for the challenge. A municipal ordinance may not take
22 effect for a period of 35 days following its enactment. If a
23 challenge is filed in writing with the department within 30
24 days, the department has five business days from the end of
25 the 30-day filing period to notify a municipality of the
26 challenge. There may be no enforcement of the ordinance until
27 a ruling is issued by the secretary or 45 days after the
28 filing date of the last challenge to the ordinance, whichever
29 occurs first.

30 (2) The department shall review any ordinance which

1 would equal or exceed the minimum requirements of the Uniform
2 Construction Code based on the following standards:

3 [(i) that certain clear and convincing local
4 climatic, geologic, topographic or public health and
5 safety circumstances or conditions justify the
6 exception;]

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

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

13 (iv) the exception would not be inconsistent with
14 the legislative findings and purpose described in section
15 102.

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

22 * * *

23 Section 4. This act shall take effect immediately.