

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 663 Session of 2017

INTRODUCED BY LAUGHLIN, DiSANTO, RESCHENTHALER, AUMENT, LANGERHOLC AND BARTOLOTTA, MAY 2, 2017

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 16, 2017

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," in adoption and enforcement
6 by municipalities, further providing for administration and
7 enforcement.

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

10 Section 1. Section 501(b) of the act of November 10, 1999
11 (P.L.491, No.45), known as the Pennsylvania Construction Code
12 Act, is amended and the section is amended by adding a
13 subsection to read:

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14 Section 501. Administration and enforcement.

15 * * *

16 (b) Municipal administration and enforcement.--This act may
17 be administered and enforced by municipalities in any of the
18 following ways:

19 (1) By the designation of an employee to serve as the
20 municipal code official to act on behalf of the municipality

1 for administration and enforcement of this act.

2 (2) By the retention of [one] three or more construction
3 code officials or third-party agencies to act on behalf of
4 the municipality for administration and enforcement of this
5 act.

6 (3) Two or more municipalities may provide for the joint
7 administration and enforcement of this act through an
8 intermunicipal agreement under 53 Pa.C.S. Ch. 23 Subch. A
9 (relating to intergovernmental cooperation).

10 (4) By entering into a contract with the proper
11 authorities of another municipality for the administration
12 and enforcement of this act. When such a contract has been
13 entered into, the municipal code official shall have all the
14 powers and authority conferred by law in the municipality
15 which has contracted to secure such services.

16 (5) By entering into an agreement with the department
17 for plan reviews, inspections and enforcement of structures
18 other than one-family or two-family dwelling units and
19 utility and miscellaneous use structures.

20 ~~(b.1) Fee limitations.~~

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21 ~~(1) A municipality administering and enforcing this act~~
22 ~~in accordance with subsection (b)(1) or (3) shall collect~~
23 ~~fees that represent the actual administrative costs of code~~
24 ~~enforcement.~~

25 ~~(2) A municipality subject to paragraph (1) shall~~
26 ~~annually report to the department, on a schedule determined~~
27 ~~by the department, the fees collected and the operating costs~~
28 ~~of the municipality's code enforcement program. The~~
29 ~~department shall have the power to order a municipality to~~
30 ~~readjust a fee schedule that the department reasonably~~

1 ~~believes to be excessive. For the purposes of this paragraph,~~
2 ~~the term "excessive" shall mean annual fees that exceed~~
3 ~~operating costs of the code enforcement program by 10%.~~

4 ~~(3) Municipalities administering and enforcing this act~~
5 ~~in accordance with paragraph (1) shall not require a~~
6 ~~standardized fee schedule and shall permit construction code~~
7 ~~officials or third party agencies to establish independent~~
8 ~~fee schedules.~~

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10 Section 2. This act shall take effect January 1, 2018.