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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1173 Session of  
1997

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CORNELL, APRIL 3, 1997

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 3, 1997

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AN ACT

1 Creating a Uniform Construction Code; imposing powers and duties  
2 on municipalities and the Department of Labor and Industry;  
3 providing for enforcement; imposing penalties; and making  
4 repeals.

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

23 CHAPTER 1

24 PRELIMINARY PROVISIONS

25 Section 101. Short title.

26 This act shall be known and may be cited as the Uniform  
27 Construction Code Act.

28 Section 102. Legislative findings and purpose.

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

30 (1) Many municipalities within this Commonwealth have no

1 construction codes to provide for the protection of life,  
2 health, property and the environment and for the safety and  
3 welfare of the consumer, general public and the owners and  
4 occupants of buildings and structures. Consumers and  
5 occupants may be at risk from substandard construction.

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

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

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

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

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

1           (2) To encourage standardization and economy in  
2 construction by providing requirements for construction and  
3 construction materials consistent with nationally recognized  
4 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 inclusion of all  
8 aspects of the design, construction and alteration of  
9 buildings under a uniform standard.

#### 10 Section 103. Definitions.

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

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

16 "Agricultural building." A structure utilized to store farm  
17 implements, hay, feed, grain or other agricultural or  
18 horticultural products or to house poultry, livestock or other  
19 farm animals. The term shall not include habitable space, spaces  
20 in which agricultural products are processed, treated or  
21 packaged and shall not be construed to mean a place of occupancy  
22 by the general public.

23 "Board of appeals." The body created by a municipality or  
24 more than one municipality to hear appeals from decisions of the  
25 code administrator as provided for by Chapter 1 of the Building  
26 Officials and Code Administrators International, Inc., National  
27 Building Code.

28 "BOCA." Building Officials and Code Administrators  
29 International, Inc.

30 "CABO." Council of American Building Officials.

1 "Code administrator." A municipal code official, a  
2 construction code official, a third party agency or the  
3 Department of Labor and Industry.

4 "Construction code official." An individual certified by the  
5 Department of Labor and Industry in an appropriate category  
6 established pursuant to section 701(b) of this act to perform  
7 plan review of construction documents, inspect construction or  
8 administer and enforce codes and regulations in such code  
9 category under this act or related acts.

10 "Department." The Department of Labor and Industry of the  
11 Commonwealth.

12 "Elevator." All machinery and equipment used in raising and  
13 lowering personnel, material, equipment or other goods or cargo  
14 by means of a car, cage or platform vertically between permanent  
15 rails or guides. The term shall also include all elevators,  
16 dumbwaiters, escalators, gravity elevators, inclined passenger  
17 lifts, hoists and other lifting or lowering apparatus. The term  
18 shall not include:

19 (1) Elevators, hoists and lifting or lowering apparatus  
20 used in raising and lowering a car, cage or platform in the  
21 coal mines and on slopes used in open-pit coal mining in this  
22 Commonwealth and in the breakers, washeries and cleaning  
23 plants connected with mining and which are under the  
24 jurisdiction of the Department of Environmental Protection  
25 and mine inspectors.

26 (2) Elevators, hoists and lifting apparatus used on  
27 farms.

28 (3) Elevators, hoists and lifting or lowering apparatus  
29 used in raising and lowering a car, cage or platform in an  
30 ore mine.

1 "Habitable space." Space in a structure for living,  
2 sleeping, eating or cooking. Bathrooms, toilet compartments,  
3 closets, halls, storage or utility spaces and similar areas are  
4 not considered habitable spaces.

5 "Industrialized housing." The term shall have the meaning  
6 ascribed to it in the act of May 11, 1972 (P.L.286, No.70),  
7 known as the Industrialized Housing Act.

8 "Manufactured housing." Housing which bears a label, as  
9 required by and referred to in the act of November 17, 1982  
10 (P.L.676, No.192), known as the Manufactured Housing  
11 Construction and Safety Standards Authorization Act, which  
12 certifies that it conforms to Federal construction and safety  
13 standards adopted under the Housing and Community Development  
14 Act of 1974 (Public Law 93-383, 88 Stat. 139).

15 "Municipal code official." An individual employed by a  
16 municipality or more than one municipality and certified by the  
17 Department of Labor and Industry under this act to perform plan  
18 review of construction documents, inspect construction or  
19 administer and enforce codes and regulations under this act or  
20 related acts.

21 "Municipality." Any city, borough, incorporated town,  
22 township or home rule municipality.

23 "Occupancy." The purpose for which a building, or portion  
24 thereof, is used.

25 "Secretary." The Secretary of Labor and Industry of the  
26 Commonwealth.

27 "Third-party agency." A person, firm or corporation  
28 certified by the Department of Labor and Industry as a  
29 construction code official and contracted to perform plan review  
30 of construction documents, inspect construction or administer

1 and enforce codes and regulations under this act.

2 "Utility and miscellaneous use structures." Buildings or  
3 structures of an accessory character and miscellaneous  
4 structures not classified by the Building Officials and Code  
5 Administrators International, Inc., in any specific use group.  
6 The term includes carports, detached private garages,  
7 greenhouses and sheds having a building area less than 1,000  
8 square feet.

9 Section 104. Application.

10 (a) General rule.--This act shall apply to the construction,  
11 alteration, repair and occupancy of all buildings in this  
12 Commonwealth.

13 (b) Exclusions.--This act shall not apply to any new  
14 buildings or renovations to existing buildings:

15 (1) for which an application for a building permit has  
16 been made to the municipality prior to the effective date of  
17 the regulations promulgated under this act;

18 (2) on which a contract for design or construction has  
19 been signed prior to the effective date of the regulations  
20 promulgated under this act on projects requiring department  
21 approval; or

22 (3) to any accessory structure to a detached one-family  
23 dwelling or to any agricultural building.

24 (c) Prior permits and construction.--A construction permit  
25 issued under valid construction regulations prior to the  
26 effective date of the regulations issued under this act shall  
27 remain valid, and the construction of any building or structure  
28 may be completed pursuant to and in accordance with the permit.  
29 However, if the requirements of the permit have not been  
30 actively prosecuted within two years of the effective date of



1 the regulations or the period specified by a municipal  
2 ordinance, whichever is less, the former permit holder shall be  
3 required to acquire a new permit. Where construction of a  
4 building or structure commenced before the effective date of the  
5 regulations promulgated under this act and a permit was not  
6 required at that time, construction may be completed without a  
7 permit.

8 (d) Preemption.--

9 (1) Except as otherwise provided in this act, any  
10 construction standards provided by any statute or local  
11 ordinance or regulation promulgated or adopted by a board,  
12 department, commission, agency of State government or agency  
13 of local government shall continue in effect only until the  
14 effective date of regulations promulgated under this act, at  
15 which time they shall be preempted by regulations promulgated  
16 under this act and deemed thereafter to be rescinded.

17 (2) (i) Except as otherwise provided in this act and as  
18 specifically excepted in subparagraph (ii), a homeowners'  
19 association or community association shall be preempted  
20 from imposing any building construction standards or  
21 building codes for buildings to be constructed,  
22 renovated, altered or modified.

23 (ii) In municipalities which have not adopted an  
24 ordinance for the administration and enforcement of this  
25 act, a homeowners' association or community association  
26 may enact by board regulations the Uniform Construction  
27 Code or the CABO One and Two-Family Dwelling Code, latest  
28 edition. The applicable building code shall constitute  
29 the standard governing building structures in the  
30 association's community.

1 (e) Municipal regulation.--Nothing in this act shall  
2 prohibit a municipality from licensing any persons engaged in  
3 construction activities or from establishing any work rules or  
4 qualifications for such persons.

5 Section 105. Department of Labor and Industry.

6 (a) Review.--Except for complaints arising out of a  
7 municipal ordinance enacted under section 503(a), the department  
8 may with reasonable cause review municipalities, municipal code  
9 officials, third-party agencies, construction code officials and  
10 code administrators concerning the enforcement and  
11 administration of the Uniform Construction Code, including  
12 specifically complaints concerning accessibility requirements.  
13 The department shall make a report to the governing body of the  
14 municipality that was the subject of the review. The report  
15 shall include recommendations to address any deficiency observed  
16 by the department and may require compliance with the Statewide  
17 building code through proceedings in Commonwealth Court.

18 (b) State-owned buildings.--The department shall maintain  
19 plan and specification review and inspection authority over all  
20 State-owned buildings. State-owned buildings shall be subject to  
21 regulations promulgated under this act. The department shall  
22 notify municipalities of all inspections of State-owned  
23 buildings and give municipalities the opportunity to observe the  
24 department inspection of such buildings. Municipalities shall  
25 notify the department of all inspection of buildings owned by  
26 political subdivisions and give the department the opportunity  
27 to observe municipal inspection of such buildings. The  
28 department shall make available to municipalities, upon request,  
29 copies of all building plans and plan review documents in the  
30 custody of the department for State-owned buildings. A

1 municipality shall make available to the department upon request  
2 copies of all building plans and plan review documents in the  
3 custody of the municipality for buildings owned by political  
4 subdivisions.

5 (c) Elevators.--

6 (1) The department shall maintain Statewide  
7 administration and inspection authority over elevators.

8 (2) Notwithstanding Chapters 3 and 5, the department may  
9 by regulation modify the Statewide standards for elevator  
10 construction, repair, maintenance and inspection. The  
11 department shall not require reshackling more than once every  
12 two years.

13 (3) Nothing in this section shall be construed to  
14 disallow third-party elevator inspections.

15 Section 106. Accessibility Advisory Board.

16 (a) Creation and composition.--There is hereby created an  
17 Accessibility Advisory Board which shall be composed of 11  
18 members appointed by the secretary. At least six members of the  
19 advisory board shall be public members, three of whom shall be  
20 persons with physical disabilities, one shall be an architect  
21 registered in Pennsylvania, one shall be a member of the  
22 business community and one shall be a representative of the  
23 multifamily housing industry. One member shall be a municipal  
24 official. The chairman and minority chairman of the Labor and  
25 Industry Committee of the Senate and the chairman and minority  
26 chairman of the Labor Relations Committee of the House of  
27 Representatives, or their designees, shall be members. All  
28 members of the advisory board, except the members of the General  
29 Assembly, shall serve for a term of two years and until their  
30 successors are appointed. The members of the advisory board

1 shall be paid traveling expenses and other necessary expenses  
2 and may receive a per diem compensation at a rate to be  
3 determined by the secretary for each day of actual service in  
4 the performance of their duties under this act. Meetings of the  
5 advisory board shall be called by the secretary. A quorum of the  
6 advisory board shall consist of four members. The initial  
7 advisory board shall be the body constituted under the former  
8 provisions of section 3.1 of the act of September 1, 1965  
9 (P.L.459, No.235), entitled, as amended, "An act requiring that  
10 certain buildings and facilities adhere to certain principles,  
11 standards and specifications to make the same accessible to and  
12 usable by persons with physical handicaps, and providing for  
13 enforcement."

14 (b) Advice on regulation.--The advisory board shall review  
15 all proposed regulations under this act and shall offer comment  
16 and advice to the secretary on all issues relating to  
17 accessibility by persons with physical disabilities, including  
18 those which relate to the enforcement of the accessibility  
19 requirements.

20 (c) Recommendations for modifications and variances.--The  
21 advisory board shall review all applications for modifications  
22 of the provisions of Chapter 11 (Accessibility) of the Uniform  
23 Construction Code, and shall advise the secretary regarding  
24 whether modification should be granted or whether compliance by  
25 existing facilities with provisions of Chapter 11  
26 (Accessibility) of the Uniform Construction Code is technically  
27 infeasible.

28 Section 107. Account.

29 All fees collected by the department under this act and the  
30 regulations promulgated under this act shall be deposited in a

1 separate restricted revenue account in the State Treasury. All  
2 moneys in the account are hereby appropriated to the Department  
3 of Labor and Industry on a continuing basis to carry out the  
4 purposes of this act.

5 CHAPTER 3

6 STATEWIDE CONSTRUCTION CODE

7 Section 301. Adoption by regulations.

8 (a) Regulations.--The department shall, within 180 days of  
9 the effective date of this section, promulgate regulations  
10 adopting the 1996 BOCA National Building Code, Thirteenth  
11 Edition as a Uniform Construction Code, except as provided in  
12 section 105(c)(2). The department shall promulgate separate  
13 regulations which may make changes to Chapter 1 of the 1996 BOCA  
14 National Building Code that are necessary for the department's  
15 implementation of this act. The regulations shall include a  
16 provision that all detached one-family and two-family dwellings  
17 that are not more than three stories in height shall be designed  
18 and constructed either in accordance with the CABO One and Two-  
19 Family Dwelling Code, latest edition, or in accordance with the  
20 requirements of the Uniform Construction Code at the option of  
21 the building permit applicant. The provision shall require that  
22 an irrevocable election be made at the time plans are submitted  
23 for review and approval. The regulations shall include a  
24 provision that the secretary shall have the exclusive power to  
25 grant modifications and decide issues of technical infeasibility  
26 under Chapter 11 (Accessibility) of the Uniform Construction  
27 Code. The secretary shall consider the recommendations of the  
28 advisory board as provided in section 106(c). The department  
29 shall consider the comments of the advisory board with respect  
30 to accessibility issues in any proposed regulations.

(b) Scope of regulations.--

(1) The regulations adopted by the department implementing these codes shall supersede and preempt all local building codes regulating any aspect of the construction, alteration and repair of buildings adopted or enforced by any municipality or authority or pursuant to any deed restriction, rule, regulation, ordinance, resolution, tariff or order of any public utility or any State or local board, agency, commission or homeowners' association, except as may be otherwise specifically provided in this act.

(2) The department may establish by regulation plan review and inspection fees where the department is responsible for administration and enforcement and requirements for municipal notification to the department of ordinance adoption and repeal under Chapter 5.

Section 302. Related standards.

(a) National Fuel Gas Code.--The department shall, within 180 days of the effective date of this section, promulgate regulations adopting the National Fuel Gas Code (NFPA 54-1996/ANSI Z223.1-1996) for the installation of fuel gas piping systems, fuel gas utilization equipment and related accessories. Where differences occur between provisions of the Uniform Construction Code and the National Fuel Gas Code, the provisions of the National Fuel Gas Code shall apply.

(b) Referenced standards.--The standards referenced in Chapters 30 and 35, or the applicable chapter, of the BOCA National Building Code and the American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lifts and Tows, ASME/ANSI B77.1, shall be considered part of the requirements of the Uniform Construction Code to the prescribed

1 extent of each such reference except that BNPMC-96 BOCA National  
2 Property Maintenance Code and ASME/ANSI A17.3 (safety code for  
3 existing elevators and escalators) shall be excluded. Nothing  
4 contained in this act shall preempt the ability of a  
5 municipality to adopt or enforce the codes referred to in this  
6 subsection to the extent not referenced, in whole or in part, in  
7 Chapter 35 or applicable chapter of the BOCA National Building  
8 Code.

9 (c) Prescriptive methods for energy-related standards.--The  
10 department shall, within 180 days of the effective date of this  
11 section, by regulation promulgate prescriptive methods to  
12 implement the energy-related standards of the Uniform  
13 Construction Code which take into account the various climatic  
14 conditions through this Commonwealth and which the initial costs  
15 are recoverable through energy savings within seven years.  
16 Section 303. Existing municipal building codes.

17 (a) Failure to meet requirements.--All municipal building  
18 code ordinances in effect on January 1, 1996, that do not comply  
19 with the minimum requirements of the regulations promulgated  
20 under this act shall be amended by the effective date of the  
21 regulations promulgated under this act to provide for the  
22 minimum requirements.

23 (b) Provisions which equal or exceed the Uniform  
24 Construction Code.--All municipal building code ordinances in  
25 effect on January 1, 1996, or reenactments of provisions of  
26 simultaneously repealed ordinances which were originally adopted  
27 prior to January 1, 1996, which contain provisions which equal  
28 or exceed the specific requirements of the regulations  
29 promulgated under this act shall remain in effect until December  
30 31, 2002, by which time they shall be amended to incorporate the

1 specific requirements of the regulations promulgated under this  
2 act or shall be amended using the provisions of Chapter 5 to  
3 incorporate provisions which equal or exceed the specific  
4 requirements of the regulations promulgated under this act.

5 (c) Ordinance adopted after January 1, 1996.--Any municipal  
6 building code ordinance adopted or effective after January 1,  
7 1996, except reenactments of provisions of simultaneously  
8 repealed ordinances which were originally adopted prior to  
9 January 1, 1996, shall continue in effect only until the  
10 effective date of this act, at which time the municipal building  
11 code ordinance shall be preempted by the regulations promulgated  
12 under this act and shall be deemed thereafter to be rescinded.

13 Section 304. Revised or successor codes.

14 (a) Building code.--By December 31 of the year of the  
15 issuance of a new triennial BOCA National Building Code, or its  
16 successor building code, the department shall promulgate  
17 regulations adopting the new code as the Uniform Construction  
18 Code.

19 (b) National Fuel Gas Code.--By December 31 of the year of  
20 the issuance of a new National Fuel Gas Code, the department  
21 shall promulgate regulations adopting the new code.

22 (c) Prior permits and construction.--A construction permit  
23 issued under valid construction regulations prior to the  
24 effective date of regulations for a subsequent Uniform  
25 Construction Code or National Fuel Gas Code issued under this  
26 act shall remain valid, and the construction of any building or  
27 structure may be completed pursuant to and in accordance with  
28 the permit. However, if the permit has not been actively  
29 prosecuted within two years of the effective date of the  
30 regulation or the period specified by a municipal ordinance,



1   whichever is less, the former permit holder shall be required to  
2   acquire a new permit. Where construction of a building or  
3   structure commenced before the effective date of the regulations  
4   for a subsequent Uniform Construction Code or National Fuel Gas  
5   Code issued under this act and a permit was not required at that  
6   time, construction may be completed without a permit.

7                                   CHAPTER 5

8                   ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

9   Section 501.   Administration and enforcement.

10       (a)   Adoption of ordinance.--In order to administer and  
11   enforce the provisions of this act, municipalities shall enact  
12   an ordinance concurrently adopting the Uniform Construction Code  
13   as their municipal building code and the National Fuel Gas Code  
14   for the purposes described in section 302(a). Municipalities may  
15   adopt the Uniform Construction Code and incorporated codes and  
16   the National Fuel Gas Code by reference.

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

20           (1)   By the designation of an employee to serve as the  
21   municipal code official to act on behalf of the municipality  
22   for administration and enforcement of this act.

23           (2)   A construction code official or third-party agency  
24   may be retained by a municipality to act on behalf of the  
25   municipality for administration and enforcement of this act.

26           (3)   Two or more municipalities may provide for the joint  
27   administration and enforcement of this act through an  
28   intermunicipal agreement under the act of July 12, 1972  
29   (P.L.762, No.180), referred to as the Intergovernmental  
30   Cooperation Law.

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

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

11          (c) Board of appeals.--Where the municipality has adopted an  
12          ordinance for the administration and enforcement of this act, it  
13          shall establish a board of appeals as provided by Chapter 1 of  
14          the BOCA National Building Code to hear appeals from decisions  
15          of the code administrator. Members of the municipality's  
16          governing body may not serve as members of the board of appeals.  
17          An application for appeal shall be based on a claim that the  
18          true intent of this act or regulations legally adopted under  
19          this act have been incorrectly interpreted, the provisions of  
20          this act do not fully apply or an equivalent form of  
21          construction is to be used. When a municipality cannot find  
22          persons to serve on a board of appeals who meet the minimum  
23          qualifications of Chapter 1 of the BOCA National Building Code,  
24          the municipality may fill a position on the board with a  
25          qualified person who resides outside of the municipality.

26          (d) Registration.--Nothing in this act shall allow a  
27          municipality to prohibit a construction code official who meets  
28          the requirements of Chapter 7 and remains in good standing from  
29          performing inspections in the municipality.

30          (e) Nonmunicipal administration.--

1           (1) In municipalities which have not adopted an  
2 ordinance for the administration and enforcement of this act,  
3 it shall be the duty of the municipality to notify an  
4 applicant for a construction permit that it shall be the  
5 responsibility of the permit applicant of one-family or two-  
6 family dwelling units and utility and miscellaneous use  
7 structures to obtain the services of a construction code  
8 official or third-party agency with appropriate categories of  
9 certification to conduct the plan review and inspections. For  
10 one-family and two-family dwelling units and utility and  
11 miscellaneous use structures, all of the following six  
12 inspections shall be required:

13           (i) A footing and open trench inspection.

14           (ii) A basement and foundation wall forms  
15 inspection.

16           (iii) A footing drains and dampproofing inspection.

17           (iv) A framing and electrical inspection.

18           (v) A wall board inspection.

19           (vi) A final inspection. The final inspection shall  
20 not be deemed approved until all previous inspections  
21 have been successfully completed and passed.

22           (2) In municipalities which have not adopted an  
23 ordinance for the administration and enforcement of this act,  
24 it shall be the duty of the municipality to notify an  
25 applicant for a construction permit that it shall be the  
26 responsibility of the owner of structures other than one-  
27 family or two-family dwelling units and utility and  
28 miscellaneous structures to obtain the services of the  
29 department to conduct the plan review and inspections  
30 required by this act.

1           (3) A copy of the final inspection report shall be sent  
2       to the property owner and to the builder and to a lender  
3       designated by the builder.

4           (4) In municipalities which require a building permit or  
5       a certificate of occupancy but do not conduct inspections,  
6       the code administrator shall also be required to submit a  
7       copy of the report to the municipality.

8       Section 502. Consideration of applications and inspections.

9       (a) Applications for construction permits.--Every  
10      application for a construction permit for one-family and two-  
11      family dwelling units and utility and miscellaneous use  
12      structures shall be granted or denied, in whole or in part,  
13      within 15 business days of the filing date. All other  
14      construction permits shall be granted or denied, in whole or in  
15      part, within 30 business days of the filing date. Municipalities  
16      may establish different time limits to consider applications for  
17      construction permits in historic districts. If an application is  
18      denied in whole or in part, the code administrator shall set  
19      forth the reasons in writing. If the code administrator fails to  
20      act on an application within the time prescribed, the  
21      application shall be deemed approved. The time limits  
22      established in this section for permit applications other than  
23      one-family and two-family dwellings may be extended upon  
24      agreement in writing between the applicant and the municipality  
25      for a specific number of additional days.

26       (b) Certificates of occupancy.--All applications for  
27      certificates of occupancy shall be considered and acted upon in  
28      accordance with the provisions of the Uniform Construction Code.  
29      No certificate of occupancy shall be issued except in accordance  
30      with the provisions of the Uniform Construction Code.

(c) Financial interest prohibited.--A code administrator shall not review or approve any plans for or construction of any building or structure in which the code administrator has any financial interest.

Section 503. Changes in Uniform Construction Code.

(a) Administration.--Municipalities may enact ordinances which equal or exceed the minimum requirements of Chapter 1 of the BOCA National Building Code without following the special provisions of this act, except as specifically provided by this act.

(b) Minimum requirement.--Subject to the provisions of this act, no municipality may propose any ordinance which is less than the minimum requirement of the BOCA National Building Code.

(c) Modification of minimum requirement.--The municipal governing body may propose 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.

(d) Public hearing.--The municipality must hold at least one public hearing prior to adoption of the ordinance.

(e) Notice of public hearing.--The municipality shall place notice in a newspaper of general circulation in the municipality at least seven days, but not more than 60 days, in advance of a public hearing to consider the proposed ordinance.

(f) Filing of proposed ordinance with department.--The municipality shall file a copy of the proposed ordinance with the department at least 30 days prior to public hearing. The department shall make proposed ordinances available for public inspection.

(g) Municipal action.--Following the public hearing, the municipal governing body may enact the ordinance under the law

1 governing the adoption of ordinance in that jurisdiction.

2 (h) Amendment of proposed ordinance.--If the municipality  
3 proposes any substantive amendment to a proposed ordinance, the  
4 municipal governing body shall be required to meet the  
5 advertising, filing, notice and public hearing requirements of  
6 this section before enacting the proposed ordinance.

7 (i) Department review.--The department shall review all  
8 proposed ordinances required to be filed with the department  
9 under subsection (f) for compliance with subsection (b). The  
10 department shall advise the municipality of its finding setting  
11 forth the reasons in writing.

12 (j) Challenge of ordinance.--

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

25 (2) The department shall review any ordinance which  
26 would equal or exceed the minimum requirements of the Uniform  
27 Construction Code based on the following standards:

28 (i) that certain unique and compelling local  
29 climatic, geologic, topographic or public health and  
30 safety circumstances or conditions justify the exception;

1 (ii) the exemption shall be adequate for the purpose  
2 intended and shall meet a standard of performance equal  
3 to or greater than that prescribed by the BOCA National  
4 Building Code; and

5 (iii) the exception would not diminish or threaten  
6 the health, safety and welfare of the public.

7 (k) Ruling by secretary.-- A ruling on a challenge by an  
8 aggrieved party shall be issued by the secretary within 45 days  
9 of receipt of the filing of the last challenge to the ordinance.  
10 If the secretary approves the ordinance, the municipality may  
11 begin to administer and enforce the ordinance. If the secretary  
12 disapproves the ordinance, the ordinance shall be null and void.  
13 The department shall state the reasons for the disapproval in  
14 writing to the municipality.

15 Section 504. Appeals.

16 (a) Ruling of secretary.--An appeal of the secretary's  
17 ruling may be taken to the Commonwealth Court within 30 days of  
18 the date of the ruling.

19 (b) Application for enforcement of ordinance.--Any person  
20 aggrieved by the application or enforcement of any provision of  
21 an ordinance adopted pursuant to section 503 shall have the  
22 right to challenge the validity of the ordinance in the  
23 appropriate court of common pleas.

## 24 CHAPTER 7

### 25 TRAINING AND CERTIFICATION OF INSPECTORS

26 Section 701. Training of inspectors.

27 (a) Training program.--The department, in consultation with  
28 the advisory board, BOCA and other interested parties, shall by  
29 regulation adopt a program of required training and  
30 certification for all categories of code administrators. This

1 education program shall include accessibility requirements  
2 contained in and referenced by the Uniform Construction Code.  
3 The department may contract with a third party to provide the  
4 code training and testing programs.

5 (b) Categories of inspectors.--The department, in  
6 consultation with the Pennsylvania Building Official Conference  
7 and the BOCA, shall establish appropriate categories of code  
8 administrators.

9 (c) Certification.--Upon determination of qualification, the  
10 department shall issue a certificate to the code administrator  
11 stating that he is so certified.

12 (d) Current officials.--

13 (1) The department shall by regulation determine the  
14 time period for current code administrators to meet the  
15 training and certification requirements of this act. This  
16 time period shall not be less than three years and not exceed  
17 seven years from the effective date of this act for  
18 individuals conducting plan review and inspections of one-  
19 family or two-family residential property or not be less than  
20 five years and not exceed ten years for individuals  
21 conducting plan reviews and inspections on all other  
22 buildings and structures.

23 (2) Notwithstanding the provisions of this subsection,  
24 the department shall adopt regulations specifically providing  
25 for the department's administration and enforcement of the  
26 provisions of Chapter 11 (Accessibility) of the Uniform  
27 Construction Code until code administrators have been  
28 certified regarding accessibility provisions. The department  
29 shall maintain jurisdiction over the provisions of Chapter 11  
30 (Accessibility) of the Uniform Construction Code until such



time as municipal code administrators meet the requirements for certification.

(e) Continuing education.--The department shall, by regulation, adopt and implement the continuing education program and all code administrators shall participate in the department's continuing education programs.

(f) Remedial education.--The department is empowered to require code administrators to participate in remedial education programs for just cause.

(g) Decertification.--The department is empowered to decertify code administrators for just cause.

(h) List of code administrators.--The department shall maintain a list of code administrators, indicating the categories of certifications, which shall be made available to municipalities and, upon request, the public.

(i) Fees.--The department shall determine and approve reasonable fees for educational programs, testing and certification of code administrators.

(j) Insurance.--The department shall promulgate regulations requiring code administrators in third-party agencies to carry minimum levels of liability insurance.

## Section 702. Reciprocity.

The department shall develop reciprocity agreements with other states or jurisdictions which have established accreditations and certification requirements which the department determines to be substantially similar to those set forth in this act.

## CHAPTER 9

### EXEMPTIONS AND PENALTIES

## Section 901. Exemptions.



1 under the authority of the Local Health Administration Law shall  
2 comply with Chapters 3 and 5 of this act.

3 Act of December 27, 1951 (P.L.1793, No.475), referred to as  
4 the Liquefied Petroleum Gas Act.

5 Act of January 24, 1966 (1965 P.L.1535, No.537), known as the  
6 Pennsylvania Sewage Facilities Act, and regulations promulgated  
7 under the act.

8 Act of October 4, 1978 (P.L.851, No.166), known as the Flood  
9 Plain Management Act, and regulations and ordinances promulgated  
10 under the act.

11 Section 1102. Repeals.

12 (a) Absolute.--The following acts and parts of acts are  
13 repealed:

14 Sections 2, 3, 3.1, 3.2, 3.6(a), (b), (c), (d), (e),  
15 (f)(1)(ii), (iii) and (2), 4, 4.1, 4.2, 5, 6, 7, 8, 9, 10, 11,  
16 12 and 15.1 of the act of April 27, 1927 (P.L.465, No.299),  
17 referred to as the Fire and Panic Act.

18 Act of May 2, 1929 (P.L.1518, No.452), referred to as the  
19 Elevator Regulation Law.

20 Act of September 1, 1965 (P.L.459, No.235), entitled, as  
21 amended, "An act requiring that certain buildings and facilities  
22 adhere to certain principles, standards and specifications to  
23 make the same accessible to and usable by persons with physical  
24 handicaps, and providing for enforcement."

25 Act of December 15, 1980 (P.L.1203, No.222), known as the  
26 Building Energy Conservation Act, and regulations promulgated  
27 thereunder.

28 Act of December 17, 1990 (P.L.742, No.185), entitled "An act  
29 providing for restrooms in facilities where the public  
30 congregates; and requiring that restroom facilities be provided

1 for women on an equitable basis."

2 Act of December 19, 1990 (P.L.1387, No.214), known as the Dry  
3 Cleaning Law.

4 (b) General.--All other acts and parts of acts are repealed  
5 insofar as they are inconsistent with this act.

6 Section 1103. Effective date.

7 This act shall take effect as follows:

8 (1) Sections 301, 302, 701 and this section shall take  
9 effect immediately.

10 (2) The remainder of this act shall take effect 90 days  
11 following publication of notice in the Pennsylvania Bulletin  
12 that the regulations required by this act have been finally  
13 adopted.