

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1173 Session of
1997

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STEVENSON, GRUITZA, ROHRER, SERAFINI, LAUGHLIN, PETRARCA AND
CORNELL, APRIL 3, 1997

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 3, 1997

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.

1 (b) Scope of regulations.--

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

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

16 Section 302. Related standards.

17 (a) National Fuel Gas Code.--The department shall, within
18 180 days of the effective date of this section, promulgate
19 regulations adopting the National Fuel Gas Code (NFPA 54-
20 1996/ANSI Z223.1-1996) for the installation of fuel gas piping
21 systems, fuel gas utilization equipment and related accessories.
22 Where differences occur between provisions of the Uniform
23 Construction Code and the National Fuel Gas Code, the provisions
24 of the National Fuel Gas Code shall apply.

25 (b) Referenced standards.--The standards referenced in
26 Chapters 30 and 35, or the applicable chapter, of the BOCA
27 National Building Code and the American National Standards for
28 Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lists
29 and Tows, ASME/ANSI B77.1, shall be considered part of the
30 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.

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

5 Section 503. Changes in Uniform Construction Code.

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

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

14 (c) Modification of minimum requirement.--The municipal
15 governing body may propose an ordinance to equal or exceed the
16 minimum requirements of the Uniform Construction Code under the
17 law governing the adoption of ordinances in that jurisdiction.

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

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

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

29 (g) Municipal action.--Following the public hearing, the
30 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

1 time as municipal code administrators meet the requirements
2 for certification.

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

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

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

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

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

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

22 Section 702. Reciprocity.

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

28 CHAPTER 9

29 EXEMPTIONS AND PENALTIES

30 Section 901. Exemptions.

1 This act shall not apply to manufactured housing which bears
2 a label, as required by and referred to in the act of November
3 17, 1982 (P.L.676, No.192), known as the Manufactured Housing
4 Construction and Safety Standards Authorization Act, which
5 certifies that it conforms to Federal construction and safety
6 standards adopted under the Housing and Community Development
7 Act of 1974 (Public Law 93-383, 88 Stat. 139), nor shall it
8 apply to industrialized housing, as defined in the act of May
9 11, 1972 (P.L.286, No.70), known as the Industrialized Housing
10 Act.

11 Section 902. Penalties.

12 Any individual, firm or corporation that violates any
13 provision of this act commits a summary offense and shall, upon
14 conviction, be sentenced to pay a fine of not more than \$1,000
15 and costs. The amount of the penalty shall be forwarded to the
16 entity with enforcement jurisdiction.

17 CHAPTER 11

18 MISCELLANEOUS PROVISIONS

19 Section 1101. Savings.

20 This act shall not repeal or in any way affect:

21 Sections 1, 3.3, 3.4, 3.5, 3.6(f)(1)(i) and (g), 10.1, 13, 14
22 and 15 of the act of April 27, 1927 (P.L.465, No.299), referred
23 to as the Fire and Panic Act.

24 Act of May 2, 1929 (P.L.1513, No.451), referred to as the
25 Boiler Regulation Law.

26 Act of August 24, 1951 (P.L.1304, No.315), known as the Local
27 Health Administration Law, insofar as it applies to counties of
28 the second class, and rules and regulations adopted by counties
29 of the second class under the act. Any construction standard
30 adopted after October 31, 1996, by counties of the second class

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.