

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1574 Session of 2009

INTRODUCED BY SONNEY, BOYD, BROOKS, CREIGHTON, CUTLER, J. EVANS, GIBBONS, GINGRICH, HALUSKA, M. KELLER, MILLARD, MOUL, MURT, PICKETT, PYLE, RAPP, REICHLEY AND SIPTROTH, JUNE 1, 2009

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 1, 2009

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2 "An act establishing a uniform construction code; imposing
3 powers and duties on municipalities and the Department of
4 Labor and Industry; providing for enforcement; imposing
5 penalties; and making repeals," further providing for
6 administration and enforcement.

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

9 Section 1. Section 501(b) of the act of November 10, 1999
10 (P.L.491, No.45), known as the Pennsylvania Construction Code
11 Act, carried without amendment November 29, 2006 (P.L.1440,
12 No.157), is amended and the section is amended by adding a
13 subsection to read:

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

1 municipal code official to act on behalf of the municipality
2 for administration and enforcement of this act.

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

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

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

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

21 (b.1) Fee limitations.--

22 (1) A municipality administering and enforcing this act
23 pursuant to subsection (b) (1) or (3) shall collect fees that
24 represent their actual administrative costs of code
25 enforcement.

26 (2) Municipalities subject to paragraph (1) shall
27 annually report to the department, on a schedule determined
28 by the department, the fees that were collected and the
29 operating costs of their code enforcement program. The
30 department shall have the power to order municipalities to

1 readjust fee schedules which it reasonably believes to be
2 excessive. For the purposes of this paragraph, the term
3 "excessive" shall mean programs whose annual fees exceed
4 operating costs by 10%.

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

9 * * *

10 Section 3. This act shall take effect January 1, 2010.