

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1857 Session of  
2009

---

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

---

REFERRED TO COMMITTEE ON LABOR RELATIONS, JULY 14, 2009

---

AN ACT

1 Amending the act of November 10, 1999 (P.L.491, No.45), entitled  
2 "An act establishing a uniform construction code; imposing  
3 powers and duties on municipalities and the Department of  
4 Labor and Industry; providing for enforcement; imposing  
5 penalties; and making repeals," further providing for  
6 legislative findings and purpose, for Uniform Construction  
7 Code Review and Advisory Council, for revised or successor  
8 codes and for changes in Uniform Construction Code.

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

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

14 Section 102. Legislative findings and purpose.

15 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

15 \* \* \*

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

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

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

24 (i) The Governor.

25 (ii) The Secretary of Labor and Industry.

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

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

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

30 (vi) The Code Development Councils of the

1 International Code Council.

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

14 \* \* \*

15 Section 304. Revised or successor codes.

16 (a) Building code.--

17 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),  
18 (5), (6) and (7), (c) and (d) and 302, by December 31 of the  
19 year of the issuance of a new triennial ICC International  
20 Building Code, or its successor building code, the department  
21 shall promulgate regulations adopting the new code as the  
22 Uniform Construction Code unless the council informs the  
23 department that it should [exclude] add any provisions of the  
24 triennial code [from] to the Uniform Construction Code. If  
25 the council provides this notification, the department  
26 [shall] may submit regulations adopting the triennial code  
27 with [provisions omitted] additions by the council under this  
28 section within 90 days following council notification.

29 (2) Subject to sections 105(c) and (d), 301(a)(3), (4),  
30 (5), (6) and (7), (c) and (d) and 302, by December 31 of the

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

17 \* \* \*

18 (d) Code revisions.--

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

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

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

5 (iii) The technical feasibility of the provisions.

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

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

14 Section 503. Changes in Uniform Construction Code.

15 \* \* \*

16 (j) Challenge of ordinance.--

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

30 (2) The department shall review any ordinance which

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

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

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

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

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

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

22 \* \* \*

23 Section 4. This act shall take effect immediately.