

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1128

Session of
1995

INTRODUCED BY WAUGH, BUXTON, CIVERA, HASAY, FLEAGLE, BATTISTO, MASLAND, LYNCH, KREBS, FARGO, STURLA, SCHULER, HERMAN, MARKOSEK, MUNDY, BELARDI, WOGAN, NICKOL, DEMPSEY, ZUG, LEH, MARSICO, KENNEY, ALLEN, CORRIGAN, CHADWICK, FAIRCHILD, GODSHALL, ADOLPH, NAILOR, STERN, PLATTS, CURRY, BARLEY, DeLUCA, D. W. SNYDER, BUNT, VAN HORNE, MILLER, BOSCOLA, WOZNIAK, TULLI, L. I. COHEN, TANGRETTI, ITKIN, ROHRER, E. Z. TAYLOR, McCALL, SATHER, MAITLAND, GEIST, RAYMOND, CAPPABIANCA, CORNELL, PHILLIPS, SAYLOR, STETLER, HERSHEY, ROONEY, RUDY, HANNA, STEELMAN, LEDERER, GORDNER AND HESS, MARCH 13, 1995

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 24, 1996

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.

5

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17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

22 This act shall be known and may be cited as the Uniform
23 Construction Code Act.

24 Section 102. Legislative findings and purpose.

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

26 (1) Many municipalities within this Commonwealth have no
27 construction codes to provide for the protection of life,
28 health, property and the environment and for the safety and
29 welfare of the consumer, general public and the owners and
30 occupants of buildings and structures. Consumers and

1 occupants may be at risk from substandard construction.

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

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

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

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

23 (1) To provide standards for the protection of life,
24 health, property and environment and for the safety and
25 welfare of the consumer, general public and the owners and
26 occupants of buildings and structures.

27 (2) To encourage standardization and economy in
28 construction by providing requirements for construction and
29 construction materials consistent with nationally recognized
30 standards.

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

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

13 (5) To eliminate unnecessary duplication of effort and
14 fees related to the review of construction plans and the
15 inspection of construction projects.

16 (6) To assure that officials charged with the
17 administration and enforcement of the technical provisions of
18 this act are adequately trained and supervised.

19 (7) To insure that existing Commonwealth laws and
20 regulations, including those which would be repealed or
21 rescinded by this act, would be fully enforced during the
22 transition to Statewide administration and enforcement of a
23 Uniform Construction Code.

24 (8) To start a process leading to the inclusion of all
25 aspects of the design, construction and alteration of
26 buildings under a uniform standard.

27 Section 103. Definitions.

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

1 "AGRICULTURAL BUILDING." A STRUCTURE UTILIZED TO STORE FARM <—
2 IMPLEMENTS, HAY, FEED, GRAIN OR OTHER AGRICULTURAL OR
3 HORTICULTURAL PRODUCTS OR TO HOUSE POULTRY, LIVESTOCK OR OTHER
4 FARM ANIMALS. THE TERM SHALL NOT INCLUDE HABITABLE SPACE, SPACES
5 IN WHICH AGRICULTURAL PRODUCTS ARE PROCESSED, TREATED OR
6 PACKAGED, AND SHALL NOT BE CONSTRUED TO MEAN A PLACE OF
7 OCCUPANCY BY THE GENERAL PUBLIC.

8 "Board of appeals." The body created by a municipality or
9 more than one municipality to hear appeals from decisions of the
10 code administrator as provided for by Chapter 1 of the Building
11 Officials and Code Administrators International, Inc., National
12 Building Code.

13 "BOCA." Building Officials and Code Administrators
14 International, Inc.

15 "CABO." Council of American Building Officials.

16 "Code administrator." A municipal code official, a
17 construction code official, a third party agency or the
18 Department of Labor and Industry.

19 "Construction code official." An individual certified by the
20 Department of Labor and Industry under this act to perform plan
21 review of construction documents, inspect construction or
22 administer and enforce codes and regulations under this act or
23 related acts.

24 "Department." The Department of Labor and Industry of the
25 Commonwealth.

26 "ELEVATOR." ALL MACHINERY AND EQUIPMENT USED IN RAISING AND <—
27 LOWERING PERSONNEL, MATERIAL, EQUIPMENT OR OTHER GOODS OR CARGO
28 BY MEANS OF A CAR, CAGE OR PLATFORM VERTICALLY BETWEEN PERMANENT
29 RAILS OR GUIDES. THE TERM SHALL ALSO INCLUDE ALL ELEVATORS,
30 DUMBWAITERS, ESCALATORS, GRAVITY ELEVATORS, INCLINED PASSENGER

1 LIFTS, HOISTS AND OTHER LIFTING OR LOWERING APPARATUS. THE TERM
2 SHALL NOT INCLUDE:

3 (1) ELEVATORS, HOISTS AND LIFTING OR LOWERING APPARATUS
4 USED IN RAISING AND LOWERING A CAR, CAGE OR PLATFORM IN THE
5 COAL MINES AND ON SLOPES USED IN OPEN-PIT COAL MINING IN THIS
6 COMMONWEALTH, AND IN THE BREAKERS, WASHERIES AND CLEANING
7 PLANTS CONNECTED WITH MINING AND WHICH ARE UNDER THE
8 JURISDICTION OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
9 AND MINE INSPECTORS.

10 (2) ELEVATORS, HOISTS AND LIFTING APPARATUS USED ON
11 FARMS.

12 (3) ELEVATORS, HOISTS AND LIFTING OR LOWERING APPARATUS
13 USED IN RAISING AND LOWERING A CAR, CAGE OR PLATFORM IN AN
14 ORE MINE.

15 "HABITABLE SPACE." SPACE IN A STRUCTURE FOR LIVING,
16 SLEEPING, EATING OR COOKING. BATHROOMS, TOILET COMPARTMENTS,
17 CLOSETS, HALLS, STORAGE OR UTILITY SPACES AND SIMILAR AREAS ARE
18 NOT CONSIDERED "HABITABLE SPACES."

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

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

29 "Municipal code official." An individual employed by a
30 municipality or more than one municipality and certified by the

1 Department of Labor and Industry under this act to perform plan
2 review of construction documents, inspect construction or
3 administer and enforce codes and regulations under this act or
4 related acts.

5 "Municipality." Any city, borough, incorporated town,
6 township or home rule municipality.

7 "Secretary." The Secretary of Labor and Industry of the
8 Commonwealth.

9 "Third-party agency." A person, firm or corporation
10 certified by the Department of Labor and Industry as a
11 construction code official and contracted to perform plan review
12 of construction documents, inspect construction or administer
13 and enforce codes and regulations under this act.

14 "Utility and miscellaneous use structures." Buildings or
15 structures of an accessory character and miscellaneous
16 structures not classified by the Building Officials and Code
17 Administrators International, Inc., in any specific use group.
18 The term includes agricultural buildings, barns, carports, grain
19 silos, stables, livestock shelters, detached private garages,
20 greenhouses and sheds having a building area less than 2,500
21 square feet.

22 Section 104. Application.

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

26 (b) Exclusions.--This act shall not apply to any new
27 buildings or renovations to existing buildings on which a
28 contract for design or construction has been signed prior to the
29 effective date of regulations promulgated under this act or to
30 any accessory structure to a detached one-family dwelling or to

1 any AGRICULTURAL building ~~used for agricultural purposes.~~ <—

2 (c) Prior permits and construction.--A construction permit
3 issued under valid construction regulations prior to the
4 effective date of the regulations issued under this act shall
5 remain valid, and the construction of any building or structure
6 may be completed pursuant to and in accordance with the permit.
7 However, if the requirements of the permit have not been
8 actively prosecuted within two years of the effective date of
9 the regulations or the period specified by a municipal
10 ordinance, whichever is less, the former permit holder shall be
11 required to acquire a new permit. Where construction of a
12 building or structure commenced before the effective date of the
13 regulations promulgated under this act and a permit was not
14 required at that time, construction may be completed without a
15 permit.

16 (d) Preemption.--

17 (1) Except as otherwise provided in this act, any
18 building or construction regulations adopted under the
19 authority of another statute shall remain in effect to the
20 extent that the regulations exceed the minimum requirements
21 of the Uniform Construction Code.

22 (2) Except as otherwise provided in this act, any
23 construction regulations issued under the terms of a local
24 ordinance or promulgated or adopted by a board, department,
25 commission, agency of State government, agency of local
26 government or homeowners' association or community
27 association shall continue in effect only until the effective
28 date of regulations promulgated under this act, at which time
29 they shall be preempted by regulations promulgated under this
30 act and deemed thereafter to be rescinded.

1 Section 105. Department of Labor and Industry.

2 (a) Complaints.--~~The~~ EXCEPT FOR COMPLAINTS ARISING OUT OF A <—
3 MUNICIPAL ORDINANCE ENACTED UNDER SECTION 503(A), THE department
4 is empowered to investigate all complaints made against
5 municipalities, municipal code officials, third-party agencies,
6 construction code officials and code administrators concerning
7 the enforcement and administration of the Uniform Construction
8 Code, including specifically complaints concerning accessibility
9 requirements. THE DEPARTMENT SHALL MAKE A REPORT TO THE <—
10 GOVERNING BODY OF THE MUNICIPALITY THAT WAS THE SUBJECT OF THE
11 COMPLAINT. THE REPORT SHALL INCLUDE RECOMMENDATIONS TO ADDRESS
12 ANY DEFICIENCY OBSERVED BY THE DEPARTMENT.

13 (b) State-owned buildings.--The department shall maintain
14 plan and specification review and inspection authority over all
15 State-owned buildings. STATE-OWNED BUILDINGS SHALL BE SUBJECT TO <—
16 REGULATIONS PROMULGATED UNDER THIS ACT.

17 (C) ELEVATORS.--THE DEPARTMENT SHALL MAINTAIN STATEWIDE
18 ADMINISTRATION AND INSPECTION AUTHORITY OVER ELEVATORS.

19 CHAPTER 3

20 STATEWIDE CONSTRUCTION CODE

21 Section 301. Adoption by regulations.

22 (a) Regulations.--The department shall, within 180 days of
23 the effective date of this section, promulgate regulations
24 adopting the 1996 BOCA National Building Code, Thirteenth
25 Edition as a Uniform Construction Code. THE DEPARTMENT SHALL <—
26 PROMULGATE SEPARATE REGULATIONS WHICH MAY MAKE CHANGES TO
27 CHAPTER 1 OF THE 1996 BOCA NATIONAL BUILDING CODE THAT ARE
28 NECESSARY FOR THE DEPARTMENT'S IMPLEMENTATION OF THIS ACT.

29 (b) Scope of regulations.--

30 (1) The regulations adopted by the department

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

10 (2) The department may establish by regulation plan
11 review and inspection fees, ~~minimum recordkeeping~~ <—
12 ~~requirements~~ WHERE THE DEPARTMENT IS RESPONSIBLE FOR <—
13 ADMINISTRATION AND ENFORCEMENT and REQUIREMENTS FOR municipal <—
14 notification to the department of ordinance adoption and
15 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 ~~Chapter 35~~ CHAPTERS 30 AND 35, OR THE APPLICABLE CHAPTER, of the <—
27 BOCA National Building Code AND THE AMERICAN NATIONAL STANDARDS <—
28 FOR PASSENGER TRAMWAYS, AERIAL TRAMWAYS, AERIAL LIFTS, SURFACE
29 LISTS 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. Where <—
4 ~~ifferences occur between provisions of the Uniform Construction~~
5 ~~Code and referenced standards, the provisions of the Uniform~~
6 ~~Construction Code shall apply.~~ NOTHING CONTAINED IN THIS ACT <—
7 SHALL PREEMPT THE ABILITY OF A MUNICIPALITY TO ADOPT OR ENFORCE
8 THE CODES REFERRED TO IN THIS SUBSECTION TO THE EXTENT NOT
9 REFERENCED, IN WHOLE OR IN PART, IN CHAPTER 35 OR APPLICABLE
10 CHAPTER OF THE BOCA NATIONAL BUILDING CODE.

11 (c) CABO provisions.--To the extent that the CABO One and
12 Two-Family Dwelling Code, latest edition OR ITS SUCCESSOR, <—
13 prescribes specific construction methods which achieve the
14 performance standards of the Uniform Construction Code, the CABO
15 One-Family and Two-Family Dwelling Code, latest edition OR ITS <—
16 SUCCESSOR, is incorporated as a referenced code. Where a
17 specific standard in the Uniform Construction Code exceeds the
18 comparable standard of the CABO Code, the provisions of the
19 Uniform Construction Code shall apply.

20 (d) Prescriptive methods for energy-related standards.--The
21 department shall, within 180 days of the effective date of this
22 section, by regulation promulgate prescriptive methods to
23 implement the energy-related standards of the Uniform
24 Construction Code.

25 Section 303. Existing municipal building codes.

26 (a) Failure to meet requirements.--All municipal building
27 code ordinances in effect on January 1, 1996, that do not comply
28 with the minimum requirements of the regulations promulgated
29 under this act shall be amended by the effective date of the
30 regulations promulgated under this act to provide for the

1 minimum requirements.

2 (b) Provisions which equal or exceed the Uniform
3 Construction Code.--All municipal building code ordinances in
4 effect on January 1, 1996, which contain provisions which equal
5 or exceed the specific requirements of the regulations
6 promulgated under this act shall remain in effect until December
7 31, 2002, by which time they shall be amended to incorporate the
8 specific requirements of the ~~Uniform Construction Code~~ <—

9 REGULATIONS PROMULGATED UNDER THIS ACT or shall be amended using <—
10 the provisions of Chapter 5 to incorporate provisions which
11 equal or exceed the specific requirements of the regulations
12 promulgated under this act.

13 (c) Ordinance adopted after January 1, 1996.--Any municipal
14 building code ordinance adopted or effective after January 1,
15 1996, shall continue in effect only until the effective date of
16 this act, at which time the municipal building code ordinance
17 shall be preempted by the regulations promulgated under this act
18 and shall be deemed thereafter to be rescinded.

19 Section 304. Revised or successor codes.

20 (a) Building code.--By December 31 of the year of the
21 issuance of a new triennial BOCA National Building Code, or its
22 successor building code, the department shall promulgate
23 regulations adopting the new code as the Uniform Construction
24 Code.

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

28 (c) Prior permits and construction.--A construction permit
29 issued under valid construction regulations prior to the
30 effective date of regulations for a subsequent Uniform

1 Construction Code or National Fuel Gas Code issued under this
2 act shall remain valid, and the construction of any building or
3 structure may be completed pursuant to and in accordance with
4 the permit. However, if the permit has not been actively
5 prosecuted within two years of the effective date of the
6 regulation or the period specified by a municipal ordinance,
7 whichever is less, the former permit holder shall be required to
8 acquire a new permit. Where construction of a building or
9 structure commenced before the effective date of the regulations
10 for a subsequent Uniform Construction Code or National Fuel Gas
11 Code issued under this act and a permit was not required at that
12 time, construction may be completed without a permit.

13 CHAPTER 5

14 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

15 Section 501. Administration and enforcement.

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

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

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

29 (2) A construction code official or third-party agency
30 may be retained by a municipality to act on behalf of the

1 municipality for administration and enforcement of this act.

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

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

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

17 ~~(c) Administrative fees. Where the municipality has adopted~~ <—
18 ~~an ordinance for the administration of this act, the governing~~
19 ~~body may adopt a fee schedule which shall include any fees~~
20 ~~established by the department for oversight and administration.~~

21 ~~(d)~~ (C) Board of appeals.--Where the municipality has <—
22 adopted an ordinance for the administration and enforcement of
23 this act, it shall establish a board of appeals as provided by
24 Chapter 1 of the BOCA National Building Code to hear appeals
25 from decisions of the code administrator. Members of the
26 municipality's governing body may not serve as members of the
27 board of appeals. An application for appeal shall be based on a
28 claim that the true intent of this act or regulations legally
29 adopted under this act have been incorrectly interpreted, the
30 provisions of this act do not fully apply or an equivalent form

1 of construction is to be used. When a municipality cannot find
2 persons to serve on a board of appeals who meet the minimum
3 qualifications of Chapter 1 of the BOCA National Building Code,
4 the municipality may fill a position on the board with a
5 qualified person who resides outside of the municipality.

6 ~~(e)~~ (D) Nonmunicipal administration.--

<—

7 (1) In municipalities which have not adopted an
8 ordinance for the administration and enforcement of this act,
9 it shall be the duty of the municipality to notify an
10 applicant for a construction permit that it shall be the
11 responsibility of the owner of one-family or two-family
12 dwelling units and utility and miscellaneous use structures
13 to obtain the services of a construction code official or
14 third-party agency with appropriate categories of
15 certification to conduct the plan review and inspections. For
16 one-family and two-family dwelling units and utility and
17 miscellaneous use structures, only the following four
18 inspections shall be conducted:

19 (i) A footer foundation inspection.

20 (ii) A close-in inspection of plumbing, mechanical
21 and frame.

22 (iii) An electrical inspection.

23 (iv) A final inspection.

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

department to conduct the plan review and inspections
required by this act.

(3) A COPY OF THE FINAL INSPECTION REPORT SHALL BE SENT
TO THE PROPERTY OWNER AND TO THE BUILDER AND TO A LENDER
DESIGNATED BY THE BUILDER.

(4) IN MUNICIPALITIES WHICH REQUIRE A BUILDING PERMIT OR
A CERTIFICATE OF OCCUPANCY BUT DO NOT CONDUCT INSPECTIONS,
THE CODE ADMINISTRATOR SHALL ALSO BE REQUIRED TO SUBMIT A
COPY OF THE REPORT TO THE MUNICIPALITY.

Section 502. Consideration of applications and inspections.

(a) Applications for construction permits.--Every
application for a construction permit for one-family and two-
family dwelling units and utility and miscellaneous use
structures shall be granted or denied, in whole or in part,
within 15 business days of the filing date. All other
construction permits shall be granted or denied, in whole or in
part, within 30 business days of the filing date. Municipalities
may establish different time limits to consider applications for
construction permits in historic districts. If an application is
denied in whole or in part, the code administrator shall set
forth the reasons in writing. If the code administrator fails to
act on an application within the time prescribed, the
application shall be deemed approved.

~~(b) Inspection reports. A copy of the final inspection
report shall be sent to the property owner, builder and lender
designated by the builder.~~

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

1 ~~(d)~~ (B) Financial interest prohibited.--A code administrator <—
2 shall not review or approve any plans for, or construction of,
3 any building or structure in which the code administrator has
4 any 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) Changes permitted. Subject to the provisions of this <—~~
12 ~~act, municipalities may, by ordinance, enact changes to the~~
13 ~~Uniform Construction Code which equal or exceed the standards of~~
14 ~~the Uniform Construction Code.~~

15 (B) MINIMUM REQUIREMENT.--SUBJECT TO THE PROVISIONS OF THIS <—
16 ACT, NO MUNICIPALITY MAY PROPOSE ANY ORDINANCE WHICH IS LESS
17 THAN THE MINIMUM REQUIREMENT OF THE BOCA NATIONAL BUILDING CODE.

18 ~~(c) Proposed ordinance~~ MODIFICATION OF MINIMUM <—
19 REQUIREMENT.--The municipal governing body may propose an
20 ordinance to equal or exceed the ~~provisions~~ MINIMUM REQUIREMENTS <—
21 of the Uniform Construction Code under the law governing the
22 adoption of ordinances in that jurisdiction.

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

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

29 (f) Filing of proposed ordinance with department.--The
30 municipality shall file a copy of the proposed ordinance with

1 the department at least 30 days prior to public hearing. The
2 department shall make proposed ordinances available for public
3 inspection.

4 (g) Municipal action.--Following the public hearing, the
5 municipal governing body may enact the ordinance under the law
6 governing the adoption of ordinance in that jurisdiction.

7 (h) Amendment of proposed ordinance.--If the municipality
8 proposes any substantive amendment to a proposed ordinance, the
9 municipal governing body shall be required to meet the
10 advertising, filing, notice and public hearing requirements of
11 this section before enacting the proposed ordinance.

12 (i) Department review.--The department shall review ~~and~~ <—
13 ~~approve or disapprove~~ all PROPOSED ordinances required to be <—
14 filed with the department under subsection (f) for compliance
15 with this act. ~~If the department disapproves the ordinance, it~~ <—
16 ~~shall be null and void.~~ SUBSECTION (B). THE DEPARTMENT SHALL <—
17 ADVISE THE MUNICIPALITY OF ITS FINDING.

18 (j) Challenge of ~~proposed~~ ordinance.-- <—

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

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

(i) that certain unique and compelling local climatic, geologic, topographic or public health circumstances or concerns justify the exception;

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

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

(k) Ruling by secretary.--

(1) ~~A WHERE NO CHALLENGE IS FILED, A ruling on compliance of a proposed AN ordinance with the provisions of this act~~ SUBSECTION (B) AND THE STANDARDS IN SUBSECTION (I) shall be issued by the secretary within 45 days of its filing with the department under subsection (f).

(2) A ruling on a challenge by an aggrieved party shall be issued by the secretary within 45 days of receipt of the filing of the last challenge to the ordinance. If the secretary approves the ordinance, the municipality may begin to administer and enforce the ordinance. If the secretary disapproves the ordinance, the ordinance shall be null and void.

Section 504. Appeal to court.

An appeal of the secretary's ruling may be taken to the Commonwealth Court within 30 days of the date of the ruling.

CHAPTER 7

TRAINING AND CERTIFICATION OF INSPECTORS

1 Section 701. Training of inspectors.

2 (a) Training program.--The department, in consultation with
3 the Pennsylvania Building Official Conference and the BOCA,
4 shall, by regulation, adopt a program of required training and
5 certification for all categories of code administrators. This
6 education program shall include accessibility requirements
7 contained in and referenced by the Uniform Construction Code.
8 The department may contract with a third party to provide the
9 code training and testing programs.

10 (b) Categories of inspectors.--The department, in
11 consultation with the Pennsylvania Building Official Conference
12 and the BOCA, shall establish appropriate categories of code
13 administrators.

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

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

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

30 (F) REMEDIAL EDUCATION.--THE DEPARTMENT IS EMPOWERED TO

<—

1 REQUIRE CODE ADMINISTRATORS TO PARTICIPATE IN REMEDIAL EDUCATION
2 PROGRAMS FOR JUST CAUSE.

3 ~~(f)~~ (G) Decertification.--The department is empowered to <—
4 decertify code administrators for just cause.

5 ~~(g) Remedial education. The department is empowered to <—~~
6 ~~require code administrators to participate in remedial education~~
7 ~~programs.~~

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

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

15 CHAPTER 9

16 EXEMPTIONS AND PENALTIES

17 Section 901. Exemptions.

18 This act shall not apply to manufactured housing which bears
19 a label, as required by and referred to in the act of November
20 17, 1982 (P.L.676, No.192), known as the Manufactured Housing
21 Construction and Safety Standards Authorization Act, which
22 certifies that it conforms to Federal construction and safety
23 standards adopted under the Housing and Community Development
24 Act of 1974 (Public Law 93-383, 88 Stat. 139), nor shall it
25 apply to industrialized housing, as defined in the act of May
26 11, 1972 (P.L.286, No.70), known as the Industrialized Housing
27 Act.

28 Section 902. Penalties.

29 Any ~~person~~ INDIVIDUAL, firm or corporation that violates any <—
30 provision of this act commits a summary offense and shall, upon

1 conviction, be sentenced to pay a fine of not more than \$1,000
2 and costs. The amount of the penalty shall be forwarded to the
3 entity with enforcement jurisdiction.

4 CHAPTER 11

5 MISCELLANEOUS PROVISIONS

6 Section 1101. Savings.

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

8 Sections 1 through 63 of the act of June 7, 1901 (P.L.493,
9 No.245), entitled, as amended, "An act providing for the
10 examination, licensure and registration of persons, firms or
11 corporations engaged or engaging in the business or work of
12 plumbing or house drainage, and prescribing certain rules,
13 regulations and requirements for the construction of plumbing,
14 house drainage and cesspools, in cities of the second class,
15 second class A and third class and imposing fines, penalties and
16 forfeitures for violation thereof."

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

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

22 ~~Act of May 2, 1929 (P.L.1518, No.452), referred to as the~~ <—
23 ~~Elevator Regulation Law.~~

24 Act of August 24, 1951 (P.L.1304, No.315), known as the Local
25 Health Administration Law, and rules and regulations adopted by
26 counties under the act.

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

29 Act of January 24, 1966 (1965 P.L.1535, No.537), known as the
30 Pennsylvania Sewage Facilities Act, and regulations promulgated

1 under the act.

2 Section 1102. Repeals.

3 The following acts and parts of acts are repealed:

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

8 ACT OF MAY 2, 1929 (P.L.1518, NO.452), REFERRED TO AS THE
9 ELEVATOR REGULATION LAW. <—

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

15 ACT OF DECEMBER 15, 1980 (P.L.1203, NO.222), KNOWN AS THE <—
16 BUILDING ENERGY CONSERVATION ACT, AND REGULATIONS PROMULGATED
17 THEREUNDER.

18 Act of December 17, 1990 (P.L.742, No.185), entitled "An act
19 providing for restrooms in facilities where the public
20 congregates; and requiring that restroom facilities be provided
21 for women on an equitable basis."

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

24 Section 1103. Effective date.

25 This act shall take effect as follows:

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

28 (2) The remainder of this act shall take effect 90 days
29 following publication of notice in the Pennsylvania Bulletin
30 that the regulations required by this act have been finally

1 adopted.