

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 647 Session of  
1999

INTRODUCED BY WAUGH, WAGNER, KUKOVICH, HART, CORMAN, SALVATORE,  
BRIGHTBILL, THOMPSON, WOZNIAK, BOSCOLA AND CONTI,  
MARCH 24, 1999

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 4, 1999

## AN ACT

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

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

20 CHAPTER 1

21 PRELIMINARY PROVISIONS

22 Section 101. Short title.

23 This act shall be known and may be cited as the Pennsylvania  
24 Construction Code Act.

25 Section 102. Legislative findings and purpose.

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

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

1 occupants of buildings and structures. Consumers and  
2 occupants may be at risk from substandard construction.

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

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

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

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

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

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

standards.

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

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

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

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

(7) To insure that existing Commonwealth laws and regulations, including those which would be repealed or rescinded by this act, would be fully enforced during the transition to Statewide administration and enforcement of a Uniform Construction Code. FURTHER, IT IS THE INTENT OF THIS ACT THAT THE UNIFORM CONSTRUCTION CODE REQUIREMENTS FOR MAKING BUILDINGS ACCESSIBLE TO AND USABLE BY PERSONS WITH DISABILITIES DO NOT DIMINISH FROM THOSE REQUIREMENTS PREVIOUSLY IN EFFECT UNDER THE FORMER PROVISIONS OF THE ACT OF SEPTEMBER 1, 1965 (P.L.459, NO.235), ENTITLED, AS AMENDED, "AN ACT REQUIRING THAT CERTAIN BUILDINGS AND FACILITIES

<—

ADHERE TO CERTAIN PRINCIPLES, STANDARDS AND SPECIFICATIONS TO  
MAKE THE SAME ACCESSIBLE TO AND USABLE BY PERSONS WITH  
PHYSICAL HANDICAPS, AND PROVIDING FOR ENFORCEMENT."

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

Section 103. Definitions.

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

"ADVISORY BOARD." THE ACCESSIBILITY ADVISORY BOARD CREATED  
IN SECTION 106. <—

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

"Board of appeals." The body created by a municipality or  
more than one municipality to hear appeals from decisions of the  
code administrator as provided for by Chapter 1 of the Building  
Officials and Code Administrators International, Inc., National  
Building Code. ~~or Chapter 1 of the I.C.C. International One and~~ <—  
~~Two Family Dwelling Code.~~

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

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

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

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

9 "Habitable space." Space in a structure for living,  
10 sleeping, eating or cooking. Bathrooms, toilet compartments,  
11 closets, halls, storage or utility spaces and similar areas  
12 shall not be construed as habitable spaces.

13 "Health care facility." As defined in section 802.1 of the  
14 act of July 19, 1979 (P.L.130, No.48), known as the Health Care  
15 Facilities Act.

16 "I.A.P.M.O." THE INTERNATIONAL ASSOCIATION OF PLUMBING AND  
17 MECHANICAL OFFICIALS. <—

18 "I.C.C." The International Code Council.

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, certifying  
26 that it conforms to Federal construction and safety standards  
27 adopted under the Housing and Community Development Act of 1974  
28 (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." A city, borough, incorporated town, township  
6 or home rule municipality.

7 "NCSBCS." The National Conference of State Building Codes  
8 and Standards.

9 "Occupancy." The purpose for which a building, or portion  
10 thereof, is used.

11 "Secretary." The Secretary of Labor and Industry of the  
12 Commonwealth.

13 "State institutions." As defined in section 901 of the act  
14 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
15 Code.

16 "TECHNICALLY INFEASIBLE." AN ALTERATION OF A BUILDING OR A <—  
17 FACILITY THAT HAS LITTLE LIKELIHOOD OF BEING ACCOMPLISHED  
18 BECAUSE THE EXISTING STRUCTURAL CONDITIONS REQUIRE THE REMOVAL  
19 OR ALTERATION OF A LOAD-BEARING MEMBER THAT IS AN ESSENTIAL PART  
20 OF THE STRUCTURAL FRAME, OR BECAUSE OTHER EXISTING PHYSICAL OR  
21 SITE CONSTRAINTS PROHIBIT MODIFICATION OR ADDITION OF ELEMENTS,  
22 SPACES OR FEATURES WHICH ARE IN FULL AND STRICT COMPLIANCE WITH  
23 THE MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND WHICH ARE  
24 NECESSARY TO PROVIDE ACCESSIBILITY.

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

30 ~~"Uniform Construction Code." The Commonwealth's Statewide~~ <—

1 ~~minimum construction code based on the 1999 BOCA National~~  
2 ~~Building Code, Fourteenth Edition and the International Fuel Gas~~  
3 ~~Code or their successor editions or codes.~~

4 "UNIFORM CONSTRUCTION CODE." THE CODE ESTABLISHED IN SECTION <—  
5 301.

6 "Utility and miscellaneous use structures." Buildings or  
7 structures of an accessory character and miscellaneous  
8 structures not classified by the Building Officials and Code  
9 Administrators International, Inc., in any specific use group.  
10 The term includes carports, detached private garages,  
11 greenhouses and sheds having a building area less than 500  
12 square feet.

13 Section 104. Application.

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

17 (b) Exclusions.--This act shall not apply to:

18 (1) new buildings or renovations to existing buildings  
19 for which an application for a building permit has been made  
20 to the municipality prior to the effective date of the  
21 regulations promulgated under this act;

22 (2) new buildings or renovations to existing buildings  
23 on which a contract for design or construction has been  
24 signed prior to the effective date of the regulations  
25 promulgated under this act on projects requiring department  
26 approval;

27 (3) utility and miscellaneous use structures that are  
28 accessory to detached one-family dwellings except for  
29 swimming pools and spas; or

30 (4) any agricultural building.



1 (c) Prior permits and construction.--

2 (1) Subject to paragraph (2) 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  
6 structure may be completed pursuant to and in accordance with  
7 the permit.

8 (2) If the requirements of the permit have not been  
9 actively prosecuted within two years of the effective date of  
10 the regulations or the period specified by a municipal  
11 ordinance, whichever is less, the former permit holder shall  
12 be required to acquire a new permit. Where construction of a  
13 building or structure commenced before the effective date of  
14 the regulations promulgated under this act and a permit was  
15 not required at that time, construction may be completed  
16 without a permit.

17 (d) Preemption.--

18 (1) Except as otherwise provided in this act,  
19 construction standards provided by any statute or local  
20 ordinance or regulation promulgated or adopted by a board,  
21 department, commission, agency of State government or agency  
22 of local government ~~which does not equal or exceed the~~ <—  
23 ~~Uniform Construction Code~~ shall continue in effect only until  
24 the effective date of regulations promulgated under this act,  
25 at which time they shall be preempted by regulations  
26 promulgated under this act and deemed thereafter to be  
27 rescinded.

28 (2) (i) Except as otherwise provided in this act and as  
29 specifically excepted in subparagraph (ii), a homeowners'  
30 association or community association shall be preempted

1 from imposing building construction standards or building  
2 codes for buildings to be constructed, renovated, altered  
3 or modified.

4 (ii) In municipalities which have not adopted an  
5 ordinance for the administration and enforcement of this  
6 act, a homeowners' association or community association  
7 may adopt by board regulations the Uniform Construction  
8 Code or the I.C.C. International One and Two Family  
9 Dwelling Code, 1998 edition. The applicable building code  
10 shall constitute the standard governing building  
11 structures in the association's community.

12 (3) Nothing in this act shall preempt any licensure or  
13 Federal certification requirements for health care  
14 facilities, intermediate care facilities for the mentally  
15 retarded or for persons with related conditions or State  
16 institutions. This paragraph includes building and life  
17 safety code standards set forth in applicable regulations.

18 (4) Nothing in this act shall limit the ability of the  
19 Department of Aging, the Department of Health or the  
20 Department of Public Welfare to promulgate or enforce  
21 regulations which exceed the requirements of this act.

22 (e) Municipal regulation.--Nothing in this act shall  
23 prohibit a municipality from licensing any persons engaged in  
24 construction activities or from establishing work rules or  
25 qualifications for such persons.

26 Section 105. Department of Labor and Industry.

27 (a) Review.--

28 (1) The department ~~may~~ SHALL with reasonable cause  
29 review municipalities, municipal code officials, third-party  
30 agencies, construction code officials and code administrators

<—

1 concerning the enforcement and administration of this act, <—  
2 INCLUDING SPECIFICALLY COMPLAINTS CONCERNING ACCESSIBILITY  
3 REQUIREMENTS.

4 (2) The department shall make a report to the governing  
5 body of the municipality that was the subject of the review.  
6 The report shall include recommendations to address any  
7 deficiency observed by the department.

8 (3) The department may require compliance with this act  
9 through proceedings in Commonwealth Court.

10 (b) State-owned buildings.--

11 (1) The department shall maintain plan and specification  
12 review and inspection authority over all State-owned  
13 buildings. State-owned buildings shall be subject to  
14 regulations promulgated under this act. The department shall  
15 notify municipalities of all inspections of State-owned  
16 buildings and give municipalities the opportunity to observe  
17 the department inspection of such buildings.

18 (2) Municipalities shall notify the department of all  
19 inspection of buildings owned by political subdivisions and  
20 give the department the opportunity to observe municipal  
21 inspection of such buildings.

22 (3) The department shall make available to  
23 municipalities, upon request, copies of all building plans  
24 and plan review documents in the custody of the department  
25 for State-owned buildings.

26 (4) A municipality shall make available to the  
27 department upon request copies of all building plans and plan  
28 review documents in the custody of the municipality for  
29 buildings owned by political subdivisions.

30 (c) Elevators and conveying systems.--

1           (1) The department shall maintain Statewide  
2       administration and inspection authority over ski lifts,  
3       inclined passenger lifts and related devices, and elevators,  
4       conveying systems and related equipment as defined in section  
5       3002.0 (definitions) of Chapter 30 of the 1999 BOCA National  
6       Building Code, Fourteenth Edition.

7           (2) Notwithstanding Chapters 3 and 5, the department  
8       may, subject to the act of June 25, 1982 (P.L.633, No.181),  
9       known as the Regulatory Review Act, by regulation, modify the  
10      BOCA National Building Code Referenced Standards for elevator  
11      construction, repair, maintenance and inspection. The  
12      department shall not require reshackling more than once every  
13      two years.

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

16      ~~(d) Accessibility. The department shall maintain plan~~       <—  
17      ~~review and inspection authority for accessibility compliance~~  
18      ~~through its administration and enforcement of the act of~~  
19      ~~September 1, 1965 (P.L.459, No.235), entitled, as amended, "An~~  
20      ~~act requiring that certain buildings and facilities adhere to~~  
21      ~~certain principles, standards and specifications to make the~~  
22      ~~same accessible to and usable by persons with physical~~  
23      ~~handicaps, and providing for enforcement."~~

24      ~~(e) (D) Department of Health.--~~       <—

25          (1) Health care facilities, intermediate care facilities  
26      for the mentally retarded or for persons with related  
27      conditions and State institutions shall continue to comply  
28      with building codes and standards set forth in the applicable  
29      licensure laws and regulations. This paragraph includes the  
30      applicable edition of the National Fire Protection

1 Association's Life Safety Code, NFPA No. 101, and the  
2 applicable edition of the Guidelines for Construction and  
3 Equipment of Hospital and Medical Facilities.

4 (2) The department may delegate its responsibility for  
5 conducting plan reviews and inspections for health care  
6 facilities to the Department of Health.

7 ~~(f)~~ (E) Limitation.--Nothing in this act, the regulations <—  
8 under this act nor the administration of the act or the  
9 regulations by the department shall contravene the right of  
10 builders to freely compete for and perform contracts for  
11 construction of commercial buildings in this Commonwealth.

12 SECTION 106. ACCESSIBILITY ADVISORY BOARD. <—

13 (A) CREATION AND COMPOSITION.--

14 (1) THERE IS HEREBY CREATED AN ACCESSIBILITY ADVISORY  
15 BOARD WHICH SHALL BE COMPOSED OF 11 MEMBERS APPOINTED BY THE  
16 SECRETARY. AT LEAST SIX MEMBERS OF THE ADVISORY BOARD SHALL  
17 BE PUBLIC MEMBERS, THREE OF WHOM SHALL BE PERSONS WITH  
18 PHYSICAL DISABILITIES, ONE SHALL BE AN ARCHITECT REGISTERED  
19 IN PENNSYLVANIA, ONE SHALL BE A MEMBER OF THE BUSINESS  
20 COMMUNITY AND ONE SHALL BE A REPRESENTATIVE OF THE  
21 MULTIFAMILY HOUSING INDUSTRY. ONE MEMBER SHALL BE A MUNICIPAL  
22 OFFICIAL. THE CHAIRMAN AND MINORITY CHAIRMAN OF THE LABOR AND  
23 INDUSTRY COMMITTEE OF THE SENATE AND THE CHAIRMAN AND  
24 MINORITY CHAIRMAN OF THE LABOR RELATIONS COMMITTEE OF THE  
25 HOUSE OF REPRESENTATIVES, OR THEIR DESIGNEES, SHALL BE  
26 MEMBERS. ALL MEMBERS OF THE ADVISORY BOARD, EXCEPT THE  
27 MEMBERS OF THE GENERAL ASSEMBLY, SHALL SERVE FOR A TERM OF  
28 TWO YEARS AND UNTIL THEIR SUCCESSORS ARE APPOINTED.

29 (2) THE MEMBERS OF THE ADVISORY BOARD SHALL BE PAID  
30 TRAVELING EXPENSES AND OTHER NECESSARY EXPENSES AND MAY

1 RECEIVE A PER DIEM COMPENSATION AT A RATE TO BE DETERMINED BY  
2 THE SECRETARY FOR EACH DAY OF ACTUAL SERVICE IN THE  
3 PERFORMANCE OF THEIR DUTIES UNDER THIS ACT.

4 (3) MEETINGS OF THE ADVISORY BOARD SHALL BE CALLED BY  
5 THE SECRETARY. A QUORUM OF THE ADVISORY BOARD SHALL CONSIST  
6 OF FOUR MEMBERS.

7 (4) THE INITIAL ADVISORY BOARD SHALL BE THE BODY  
8 CONSTITUTED UNDER THE FORMER PROVISIONS OF SECTION 3.1 OF THE  
9 ACT OF SEPTEMBER 1, 1965 (P.L.459, NO.235), ENTITLED, AS  
10 AMENDED, "AN ACT REQUIRING THAT CERTAIN BUILDINGS AND  
11 FACILITIES ADHERE TO CERTAIN PRINCIPLES, STANDARDS AND  
12 SPECIFICATIONS TO MAKE THE SAME ACCESSIBLE TO AND USABLE BY  
13 PERSONS WITH PHYSICAL HANDICAPS, AND PROVIDING FOR  
14 ENFORCEMENT."

15 (B) ADVICE ON REGULATION.--THE ADVISORY BOARD SHALL REVIEW  
16 ALL PROPOSED REGULATIONS UNDER THIS ACT AND SHALL OFFER COMMENT  
17 AND ADVICE TO THE SECRETARY ON ALL ISSUES RELATING TO  
18 ACCESSIBILITY BY PERSONS WITH PHYSICAL DISABILITIES, INCLUDING  
19 THOSE WHICH RELATE TO THE ENFORCEMENT OF THE ACCESSIBILITY  
20 REQUIREMENTS.

21 (C) RECOMMENDATIONS FOR MODIFICATIONS.--THE ADVISORY BOARD  
22 SHALL REVIEW ALL APPLICATIONS FROM INDIVIDUAL PROJECTS FOR  
23 MODIFICATIONS OF THE PROVISIONS OF CHAPTER 11 (ACCESSIBILITY) OF  
24 THE UNIFORM CONSTRUCTION CODE AND ANY OTHER ACCESSIBILITY  
25 REQUIREMENTS CONTAINED IN OR REFERENCED BY THE UNIFORM  
26 CONSTRUCTION CODE, AND SHALL ADVISE THE SECRETARY REGARDING  
27 WHETHER MODIFICATION SHOULD BE GRANTED OR WHETHER COMPLIANCE BY  
28 EXISTING FACILITIES WITH PROVISIONS OF CHAPTER 11  
29 (ACCESSIBILITY) OF THE UNIFORM CONSTRUCTION CODE AND ANY OTHER  
30 ACCESSIBILITY REQUIREMENTS CONTAINED IN OR REFERENCED BY THE

1 UNIFORM CONSTRUCTION CODE IS TECHNICALLY INFEASIBLE.

2 CHAPTER 3

3 UNIFORM CONSTRUCTION CODE

4 ~~Section 301. Establishment.~~ <—

5 ~~(a) General rule. The 1999 BOCA National Building Code,~~  
6 ~~Fourteenth Edition is hereby established as the Uniform~~  
7 ~~Construction Code in this Commonwealth. The Uniform Construction~~  
8 ~~Code shall be construed to be a minimum code, the provisions of~~  
9 ~~which may be exceeded at any time by a municipality upon~~  
10 ~~adoption of an ordinance establishing a local building code~~  
11 ~~exceeding the requirements of the Uniform Construction Code.~~

12 ~~(b) International Fuel Gas Code. The International Fuel Gas~~  
13 ~~Code is hereby established as the standard for the installation~~  
14 ~~of fuel gas piping systems and fuel gas utilization equipment~~  
15 ~~and related accessories in this Commonwealth and shall be~~  
16 ~~construed to be part of the Uniform Construction Code. Where~~  
17 ~~differences occur between provisions of the 1999 BOCA National~~  
18 ~~Building Code, Fourteenth Edition and the International Fuel Gas~~  
19 ~~Code, the provisions of the International Fuel Gas Code shall~~  
20 ~~apply.~~

21 Section ~~302~~ 301. Adoption by regulations. <—

22 (a) Regulations.--

23 (1) The department shall, within 180 days of the  
24 effective date of this section, promulgate regulations  
25 adopting the 1999 BOCA National Building Code, Fourteenth  
26 Edition, as a Uniform Construction Code, except as provided  
27 in section 105(c)(2) and this section. The department shall  
28 promulgate separate regulations which may make changes to  
29 Chapter 1 of the 1999 BOCA National Building Code relating to  
30 administration that are necessary for the department's

1 implementation of this act.

2 (2) The regulations shall include a provision that all  
3 detached one-family and two-family dwellings that are not  
4 more than three stories in height shall be designed and  
5 constructed either in accordance with the I.C.C.  
6 International One and Two Family Dwelling Code, 1998 edition,  
7 or in accordance with the requirements of the Uniform  
8 Construction Code at the option of the building permit  
9 applicant. The provision shall require that an irrevocable  
10 election be made at the time plans are submitted for review  
11 and approval.

12 (3) The regulations shall ~~exempt compliance with Chapter~~ <—  
13 ~~11 (Accessibility) of the BOCA National Building Code.~~

14 INCLUDE A PROVISION THAT THE SECRETARY SHALL HAVE THE <—  
15 EXCLUSIVE POWER TO GRANT MODIFICATIONS AND DECIDE ISSUES OF  
16 TECHNICAL INFEASIBILITY UNDER CHAPTER 11 (ACCESSIBILITY) OF  
17 THE UNIFORM CONSTRUCTION CODE AND ANY OTHER ACCESSIBILITY  
18 REQUIREMENTS CONTAINED IN OR REFERENCED BY THE UNIFORM  
19 CONSTRUCTION CODE FOR INDIVIDUAL PROJECTS.

20 (4) THE SECRETARY SHALL CONSIDER THE RECOMMENDATIONS OF  
21 THE ADVISORY BOARD AS PROVIDED IN SECTION 106(C). THE  
22 DEPARTMENT SHALL CONSIDER THE COMMENTS OF THE ADVISORY BOARD  
23 WITH RESPECT TO ACCESSIBILITY ISSUES IN ANY PROPOSED  
24 REGULATIONS.

25 (5) THE REGULATIONS SHALL PROVIDE FOR A SYSTEM OF  
26 PERIODIC COMPLIANCE REVIEWS CONDUCTED BY THE DEPARTMENT AND  
27 FOR ENFORCEMENT PROCEDURES CONDUCTED BY THE DEPARTMENT TO  
28 ENSURE THAT CODE ADMINISTRATORS ARE ADEQUATELY ADMINISTERING  
29 AND ENFORCING CHAPTER 11 (ACCESSIBILITY) OF THE UNIFORM  
30 CONSTRUCTION CODE AND ANY OTHER ACCESSIBILITY REQUIREMENTS



1 CONTAINED IN OR REFERENCED BY THE UNIFORM CONSTRUCTION CODE.

2 ~~(4)~~ (6) The regulations shall include the provisions of <—  
3 exception 8 to section 1014.6 (relative to stairway treads  
4 and risers) of the 1993 BOCA National Building Code, Twelfth  
5 Edition and the provisions of section R-213.1 (relative to  
6 stairways) of the CABO One and Two Family Dwelling Code, 1992  
7 edition, which provisions shall continue in effect until  
8 December 31, 2003, and such provisions shall be applicable  
9 notwithstanding section 304(b), which shall not apply to the  
10 provisions of any municipal building code ordinance which  
11 equals or exceeds these provisions.

12 ~~(5)~~ (7) The department shall consult with the Department <—  
13 of Health in the development of regulations relating to  
14 health care facilities, intermediate care facilities for the  
15 mentally retarded or for persons with related conditions and  
16 State institutions.

17 (b) International Fuel Gas Code.--The department shall,  
18 within 180 days of the effective date of this section,  
19 promulgate regulations adopting the International Fuel Gas Code  
20 for the installation of fuel gas piping systems, fuel gas  
21 utilization equipment and related accessories as the standard  
22 for the installation of piping, equipment and accessories in  
23 this Commonwealth.

24 (c) Prescriptive methods for energy-related standards.--The  
25 department shall, within 180 days of the effective date of this  
26 section, by regulation promulgate prescriptive methods to  
27 implement the energy-related standards of the Uniform  
28 Construction Code which take into account the various climatic  
29 conditions through this Commonwealth. In deriving these  
30 standards the department shall seek to balance energy savings

1 with initial construction costs.

2 (d) Scope of regulations.--

3 (1) The regulations adopted by the department  
4 implementing these codes shall supersede and preempt all  
5 local building codes ~~which do not equal or exceed the Uniform~~ <—  
6 ~~Construction Code~~ regulating any aspect of the construction,  
7 alteration and repair of buildings adopted or enforced by any  
8 municipality or authority or pursuant to any deed  
9 restriction, rule, regulation, ordinance, resolution, tariff  
10 or order of any public utility or any State or local board,  
11 agency, commission or homeowners' association, except as may  
12 be otherwise specifically provided in this act.

13 (2) The department may establish by regulation plan  
14 review and inspection fees where the department is  
15 responsible for administration and enforcement and  
16 requirements for municipal notification to the department of  
17 ordinance adoption and repeal under Chapter 5. The department  
18 shall consult with the Department of Aging, the Department of  
19 Health or the Department of Public Welfare, as appropriate,  
20 to determine fees for health care facilities, intermediate  
21 care facilities for the mentally retarded or for persons with  
22 related conditions and State institutions.

23 (3) The department shall establish by regulation  
24 standards for the retention and sharing of building plans and  
25 other documents, for other than one-family or two-family  
26 dwelling units and utility and miscellaneous use structures,  
27 by the department, municipalities and third-party agencies.

28 SECTION 302. ESTABLISHMENT. <—

29 (A) UNIFORM PLUMBING CODE.--THE UNIFORM PLUMBING CODE AS  
30 PUBLISHED BY THE IAPMO IS HEREBY ESTABLISHED AS THE STANDARD FOR

1 THE INSTALLATION OF PLUMBING SYSTEMS IN THIS COMMONWEALTH AND  
2 SHALL BE CONSTRUED TO BE PART OF THE UNIFORM CONSTRUCTION CODE.  
3 WHERE DIFFERENCES OCCUR BETWEEN PROVISIONS OF THE 1999 BOCA  
4 NATIONAL BUILDING CODE, FOURTEENTH EDITION AND THE UNIFORM  
5 PLUMBING CODE, THE PROVISIONS OF THE UNIFORM PLUMBING CODE SHALL  
6 APPLY.

7 (B) UNIFORM MECHANICAL CODE.--THE UNIFORM MECHANICAL CODE AS  
8 PUBLISHED BY THE IAPMO IS HEREBY ESTABLISHED AS THE STANDARD FOR  
9 THE INSTALLATION OF MECHANICAL SYSTEMS IN THIS COMMONWEALTH AND  
10 SHALL BE CONSTRUED TO BE PART OF THE UNIFORM CONSTRUCTION CODE.  
11 WHERE DIFFERENCES OCCUR BETWEEN PROVISIONS OF THE 1999 BOCA  
12 NATIONAL BUILDING CODE, FOURTEENTH EDITION AND THE UNIFORM  
13 MECHANICAL CODE, THE PROVISIONS OF THE UNIFORM MECHANICAL CODE  
14 SHALL APPLY.

15 Section 303. Referenced standards.

16 (a) General rule.--The standards referenced in Chapters 30  
17 and 35 relating to elevators and conveying systems and  
18 referenced standards, respectively, or the applicable chapter,  
19 of the BOCA National Building Code and the American National  
20 Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts,  
21 Surface Lifts and Tows, ASME/ANSI B77.1, shall be considered  
22 part of the requirements of the Uniform Construction Code to the  
23 prescribed extent of each such reference except that BNPMC-96  
24 BOCA National Property Maintenance Code and ASME/ANSI A17.3  
25 (safety code for existing elevators and escalators) shall be  
26 excluded.

27 (b) No preemption.--Nothing contained in this act shall be  
28 construed to preempt the ability of a municipality to adopt or  
29 enforce the codes referred to in this subsection to the extent  
30 not referenced, in whole or in part, in Chapter 35 relating to

1 referenced standards or applicable chapter of the BOCA National  
2 Building Code.

3 Section 304. Existing municipal building codes.

4 (a) Failure to meet requirements.--Except as provided in  
5 subsection ~~(e)~~ (D), all municipal building code ordinances in <—  
6 effect on ~~the effective date of this act~~ JANUARY 1, 1998, that <—  
7 do not comply with the minimum requirements of the regulations  
8 promulgated under this act shall be amended by the effective  
9 date of the regulations promulgated under this act to provide  
10 for the minimum requirements.

11 (b) Provisions which equal or exceed the Uniform  
12 Construction Code.--Except as provided in subsection ~~(e)~~ (D), <—  
13 all municipal building code ordinances in effect on ~~the~~ <—  
14 ~~effective date of this act~~ JANUARY 1, 1998, OR REENACTMENTS OF <—  
15 PROVISIONS OF SIMULTANEOUSLY REPEALED ORDINANCES WHICH WERE  
16 ORIGINALLY ADOPTED PRIOR TO JANUARY 1, 1998, which contain  
17 provisions which equal or exceed the specific requirements of  
18 the regulations promulgated under this act shall remain in  
19 effect.

20 (C) ORDINANCE ADOPTED AFTER JANUARY 1, 1998.--EXCEPT AS <—  
21 PROVIDED IN SUBSECTION (D), ANY MUNICIPAL BUILDING CODE  
22 ORDINANCE ADOPTED OR EFFECTIVE AFTER JANUARY 1, 1998, EXCEPT  
23 REENACTMENTS OF PROVISIONS OF SIMULTANEOUSLY REPEALED ORDINANCES  
24 WHICH WERE ORIGINALLY ADOPTED PRIOR TO JANUARY 1, 1998, SHALL  
25 CONTINUE IN EFFECT ONLY UNTIL THE EFFECTIVE DATE OF THE  
26 REGULATIONS PROMULGATED UNDER THIS ACT, AT WHICH TIME THE  
27 MUNICIPAL BUILDING CODE ORDINANCE SHALL BE PREEMPTED BY THE  
28 REGULATIONS PROMULGATED UNDER THIS ACT AND SHALL BE DEEMED  
29 THEREAFTER TO BE RESCINDED.

30 ~~(e)~~ (D) Cities of the first class.--Any municipal building <—

1 code ordinance in effect or adopted by a city of the first class  
2 by July 1, 1998, shall remain in effect until December 31, 2003,  
3 by which time the ordinance shall be amended to incorporate the  
4 specific requirements of the regulations promulgated under this  
5 act or shall be amended using the provisions of Chapter 5 to  
6 incorporate provisions which equal or exceed the specific  
7 requirements of the regulations promulgated under this act.

8 Section 305. Revised or successor codes.

9 (a) Building code.--By December 31 of the year of the  
10 issuance of a new triennial BOCA National Building Code, or its  
11 successor building code, the department shall promulgate  
12 regulations adopting the new code as the Uniform Construction  
13 Code.

14 (b) International Fuel Gas Code.--By December 31 of the year  
15 of the issuance of a new International Fuel Gas Code, or its  
16 successor code, the department shall promulgate regulations  
17 adopting the new code.

18 (c) Prior permits and construction.--

19 (1) A construction permit issued under valid  
20 construction regulations prior to the effective date of  
21 regulations for a subsequent Uniform Construction Code or  
22 International Fuel Gas Code issued under this act shall  
23 remain valid, and the construction of any building or  
24 structure may be completed pursuant to and in accordance with  
25 the permit.

26 (2) If the permit has not been actively prosecuted  
27 within two years of the effective date of the regulation or  
28 the period specified by a municipal ordinance, whichever is  
29 less, the former permitholder shall be required to acquire a  
30 new permit.

1 (3) Where construction of a building or structure  
2 commenced before the effective date of the regulations for a  
3 subsequent Uniform Construction Code or International Fuel  
4 Gas Code issued under this act and a permit was not required  
5 at that time, construction may be completed without a permit.

## 6 CHAPTER 5

### 7 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

#### 8 Section 501. Administration and enforcement.

##### 9 (a) Adoption of ordinance.--

10 (1) In order to administer and enforce the provisions of  
11 this act, municipalities shall enact an ordinance ~~providing~~ <—  
12 ~~for a local building code which at a minimum shall~~  
13 concurrently ~~adopt~~ ADOPTING the Uniform Construction Code as <—  
14 their municipal building code and the International Fuel Gas  
15 Code for the purposes described in section 303(a). ~~A local~~ <—  
16 ~~building code ordinance enacted by a municipality may exceed~~  
17 ~~the provisions of the Uniform Construction Code.~~

18 Municipalities may adopt the Uniform Construction Code and  
19 incorporated codes and the International Fuel Gas Code by  
20 reference.

21 (2) The ordinance shall provide for reciprocal  
22 acceptance of a certificate of registration issued for a  
23 contractor or dealer by another municipality.

24 (3) Municipalities shall have 90 days after the  
25 effective date of this act to adopt such an ordinance.  
26 Municipalities shall notify the department of the adoption of  
27 such an ordinance within 30 days. A municipality may adopt  
28 such an ordinance at any time thereafter, upon giving the  
29 department 180 days' notice of its intention to adopt such  
30 ordinance.

1 (b) Municipal administration and enforcement.--This act may  
2 be administered and enforced by municipalities in any of the  
3 following ways:

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

7 (2) By the retention of one or more construction code  
8 officials or third-party agencies to act on behalf of the  
9 municipality for administration and enforcement of this act.

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

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

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

24 (c) Board of appeals.--

25 (1) Where the municipality has adopted an ordinance for  
26 the administration and enforcement of this act, the  
27 municipality shall or two or more municipalities may  
28 establish a board of appeals as provided by Chapter 1 of the  
29 BOCA National Building Code ~~or Chapter 1 of the I.C.C.~~ <—  
30 ~~International One and Two Family Dwelling Code~~ to hear

1 appeals from decisions of the code administrator. Members of  
2 the municipality's governing body may not serve as members of  
3 the board of appeals.

4 (2) An application for appeal shall be based on a claim  
5 that the true intent of this act or regulations legally  
6 adopted under this act have been incorrectly interpreted, the  
7 provisions of this act do not fully apply or an equivalent  
8 form of construction is to be used.

9 (3) WHEN A MUNICIPALITY CANNOT FIND PERSONS TO SERVE ON <—  
10 A BOARD OF APPEALS WHO MEET THE MINIMUM QUALIFICATIONS OF  
11 CHAPTER 1 OF THE BOCA NATIONAL BUILDING CODE, THE  
12 MUNICIPALITY MAY FILL A POSITION ON THE BOARD WITH A  
13 QUALIFIED PERSON WHO RESIDES OUTSIDE OF THE MUNICIPALITY.

14 (d) Registration.--Nothing in this act shall allow a  
15 municipality to prohibit a construction code official who meets  
16 the requirements of Chapter 7 and remains in good standing from  
17 performing inspections in the municipality. This section does  
18 not alter the power and duties given to municipalities under  
19 ~~section 501(b)(1), (3) and (4).~~ SUBSECTION (B)(1), (3) AND (4). <—

20 (e) Nonmunicipal administration.--

21 (1) In municipalities which have not adopted an  
22 ordinance for the administration and enforcement of this act,  
23 it shall be the duty of the municipality to notify an  
24 applicant for a construction permit that it shall be the  
25 responsibility of the permit applicant of one-family or two-  
26 family dwelling units and utility and miscellaneous use  
27 structures to obtain the services of a construction code  
28 official or third-party agency with appropriate categories of  
29 certification to conduct the plan review and inspections. For  
30 one-family and two-family dwelling units and utility and



1 miscellaneous use structures, all of the following five  
2 inspections shall be required:

3 (i) Foundation inspection.

4 (ii) Plumbing, mechanical and electrical inspection.

5 (iii) Frame and masonry inspection.

6 (iv) Wallboard inspection.

7 (v) Final inspection. The final inspection shall not  
8 be deemed approved until all previous inspections have  
9 been successfully completed and passed.

10 (2) In municipalities which have not adopted an  
11 ordinance for the administration and enforcement of this act,  
12 it shall be the duty of the municipality to notify the  
13 department and an applicant for a construction permit that it  
14 shall be the responsibility of the owner of structures other  
15 than one-family or two-family dwelling units and utility and  
16 miscellaneous use structures to obtain the services of the  
17 department or a third-party agency with appropriate  
18 categories of certification under contract to the department  
19 to conduct the plan review and inspections required by this  
20 act.

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

24 (4) In municipalities which require a building permit or  
25 a certificate of occupancy but do not conduct inspections,  
26 the code administrator shall also be required to submit a  
27 copy of the report to the municipality. No certificate of  
28 occupancy shall be issued for a building unless it meets all  
29 of the provisions of the Uniform Construction Code or has  
30 been granted a variance for the requirements it does not

1 meet. A certificate of partial occupancy may be issued if the  
2 space to be occupied complies with the accessibility  
3 requirements contained in the Uniform Construction Code  
4 unless a variance for the space has been obtained in  
5 accordance with this act.

6 (f) Private right of action.--

7 (1) In relation to complaints arising out of Chapter 11  
8 (Accessibility) of the Uniform Construction Code, any  
9 individual, partnership, agency, association or corporation  
10 who reasonably believes there is a violation of this act and  
11 its regulations by a governmental entity or private owner may  
12 file a complaint with the body responsible for enforcement of  
13 the Uniform Construction Code Act. The complaint shall be in  
14 writing, shall be verified and shall set forth the grounds  
15 for the complaint. Within 60 days after the receipt of the  
16 complaint, the code enforcement body shall respond to the  
17 complaint by acknowledging receipt of the complaint in  
18 writing. The enforcement body shall investigate the  
19 complaints and respond to the complainant in writing with its  
20 findings, determinations and any enforcement measures  
21 initiated or contemplated within 120 days after the receipt  
22 of the complaint. For the purpose of investigating a  
23 complaint, an employee of the enforcement organization may  
24 inspect at reasonable times the building or building site  
25 which is the subject of the complaint and may make any  
26 additional investigation deemed necessary for the full and  
27 effective determination of compliance with this act and  
28 regulations promulgated pursuant to it.

29 (2) Any individual, partnership, agency, association or  
30 corporation aggrieved by a final determination of the

1 enforcement agency of a complaint filed pursuant to paragraph  
2 (1) hereof may file a petition for review within 30 days of  
3 the final determination in the Commonwealth Court pursuant to  
4 42 Pa.C.S. § 763(a) (relating to direct appeals from  
5 government agencies). The decision of the enforcement agency  
6 shall not be reversed unless it is found to be arbitrary,  
7 capricious, illegal or not supported by substantial evidence.

8 (3) (i) Any individual, partnership, agency,  
9 association or corporation who filed a complaint pursuant  
10 to paragraph (1) and received no written response from  
11 the enforcement agency acknowledging receipt of its  
12 complaint within 60 days or received a response from the  
13 enforcement agency indicating that a violation was found  
14 but enforcement measures were not contemplated or  
15 enforcement measures were contemplated but such measures  
16 were not initiated after a period of 60 days from said  
17 response may bring a civil action in the appropriate  
18 court of common pleas against the agency for failure to  
19 enforce the provisions of this act and the regulations  
20 promulgated thereto or a building owner or owner's agent  
21 for a violation of any provisions of this act or  
22 regulations promulgated pursuant to it.

23 (ii) If the court finds a violation of this act or  
24 of regulations adopted pursuant to it, the court may  
25 enjoin construction or remodeling of the building, direct  
26 the correction of violations within a reasonable and  
27 specified time period or order such other relief deemed  
28 appropriate. The court, in issuing any final orders in  
29 any action brought pursuant to this section, may award  
30 costs of litigation, attorney and expert witness fees, to

1 any party, whenever the court determines such an award is  
2 appropriate. The court may, if a temporary restraining  
3 order or preliminary injunction is sought, require the  
4 filing of a bond or equivalent security in accordance  
5 with the rules of civil procedure.

6 (iii) An architect or licensed design professional  
7 who has complied with the provisions of this act and its  
8 regulations and prepared construction documents in  
9 accordance with accepted professional standards shall  
10 have no further liability pursuant to litigation  
11 commenced under this section.

12 Section 502. Consideration of applications and inspections.

13 (a) Applications for construction permits.--

14 (1) Every application for a construction permit for one-  
15 family and two-family dwelling units and utility and  
16 miscellaneous use structures shall be granted or denied, in  
17 whole or in part, within 15 business days of the filing date.  
18 All other construction permits shall be granted or denied, in  
19 whole or in part, within 30 business days of the filing date.  
20 Municipalities may establish different time limits to  
21 consider applications for construction permits in historic  
22 districts.

23 (2) If an application is denied in whole or in part, the  
24 code administrator shall set forth the reasons in writing.

25 (3) If the code administrator fails to act on an  
26 application FOR A CONSTRUCTION PERMIT FOR ONE-FAMILY AND TWO- <—  
27 FAMILY DWELLING UNITS AND UTILITY AND MISCELLANEOUS USE  
28 STRUCTURES within the time prescribed, the application shall  
29 be deemed approved. The time limits established in this  
30 section for permit applications other than one-family and

1 two-family dwellings may be extended upon agreement in  
2 writing between the applicant and the municipality for a  
3 specific number of additional days.

4 (b) Highway occupancy permit.--

5 (1) No building permit shall be issued for any property  
6 which will require access to a highway under the jurisdiction  
7 of the Department of Transportation, unless the permit  
8 contains a notice that a highway occupancy permit is required  
9 pursuant to section 420 of the act of June 1, 1945 (P.L.1242,  
10 No.428), known as the State Highway Law, before driveway  
11 access to a State highway is permitted.

12 (2) The Department of Transportation shall, within 60  
13 days of the date of receipt of an application for a highway  
14 occupancy permit:

15 (i) approve the permit;

16 (ii) deny the permit;

17 (iii) return the application for additional  
18 information or correction to conform with regulations of  
19 the Department of Transportation; or

20 (iv) determine that no permit is required, in which  
21 case the Department of Transportation shall notify the  
22 municipality and applicant in writing.

23 ~~(3) If the Department of Transportation fails~~ <—

24 (3) (I) IF THE DEPARTMENT OF TRANSPORTATION FAILS to <—  
25 take any action within the 60-day period, the permit  
26 shall be deemed to be issued. The permit shall be marked  
27 to indicate that access to the State highway shall be  
28 only as authorized by a highway occupancy permit.

29 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH <—

30 (I), IF THE HIGHWAY OCCUPANCY PERMIT REQUIRES A

1 DETERMINATION BY THE UNITED STATES DEPARTMENT OF  
2 TRANSPORTATION, THE PENNSYLVANIA DEPARTMENT OF  
3 TRANSPORTATION SHALL HAVE 60 DAYS FROM THE RECEIPT OF THE  
4 DETERMINATION TO TAKE ACTION ON THE PERMIT OR THE PERMIT  
5 SHALL BE DEEMED TO BE ISSUED.

6 (4) (i) Neither the Department of Transportation nor  
7 any municipality to which permit-issuing authority has  
8 been delegated under section 420 of the State Highway Law  
9 shall be liable in damages for any injury to persons or  
10 property arising out of the issuance or denial of a  
11 driveway permit, or for failure to regulate any driveway.

12 (ii) The municipality from which the building permit  
13 approval has been requested shall not be held liable for  
14 damages to persons or property arising out of the  
15 issuance or denial of a driveway permit by the Department  
16 of Transportation.

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

21 Section 503. Changes in Uniform Construction Code.

22 (a) Administration.--Municipalities may enact ordinances  
23 which equal or exceed the minimum requirements of Chapter 1 of  
24 the BOCA National Building Code ~~relating to administration~~ <—  
25 CONSISTENT WITH THE PROVISIONS OF SECTION 501(C). <—

26 (b) Minimum requirement.--Subject to the provisions of this  
27 act, no municipality may propose or enact any ordinance which is  
28 less than the minimum requirement of the Uniform Construction  
29 Code.

30 (c) Modification of minimum requirement.--Subject to the

1 provisions of this act, the municipal governing body may propose  
2 and enact an ordinance to equal or exceed the minimum  
3 requirements of the Uniform Construction Code under the law  
4 governing the adoption of ordinances in that jurisdiction.

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

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

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

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

19 (h) Amendment of proposed ordinance.--If the municipality  
20 proposes any substantive amendment to a proposed ordinance, the  
21 municipal governing body shall be required to meet the  
22 advertising, filing, notice and public hearing requirements of  
23 this section before enacting the proposed ordinance.

24 (i) Department review.--The department shall review all  
25 proposed ordinances required to be filed with the department  
26 under subsection (f) for compliance with subsection (b). If the  
27 proposed ordinance does not comply with subsection (b), the  
28 department shall advise the municipality of its finding setting  
29 forth the reasons in writing. The municipality shall then  
30 withdraw the proposed ordinance or revise the proposed ordinance

1 to meet the minimum requirements of the BOCA National Building  
2 Code.

3 (J) CHALLENGE OF ORDINANCE.--

<—

4 (1) AGGRIEVED PARTIES SHALL HAVE 30 DAYS FROM DATE OF  
5 ENACTMENT OF THE ORDINANCE TO FILE A WRITTEN CHALLENGE WITH  
6 THE DEPARTMENT AND THE MUNICIPALITY. THE CHALLENGE SHALL  
7 STATE THE REASON OR REASONS FOR THE CHALLENGE. A MUNICIPAL  
8 ORDINANCE MAY NOT TAKE EFFECT FOR A PERIOD OF 35 DAYS  
9 FOLLOWING ITS ENACTMENT. IF A CHALLENGE IS FILED IN WRITING  
10 WITH THE DEPARTMENT WITHIN 30 DAYS, THE DEPARTMENT HAS FIVE  
11 BUSINESS DAYS FROM THE END OF THE 30-DAY FILING PERIOD TO  
12 NOTIFY A MUNICIPALITY OF THE CHALLENGE. THERE MAY BE NO  
13 ENFORCEMENT OF THE ORDINANCE UNTIL A RULING IS ISSUED BY THE  
14 SECRETARY OR 45 DAYS AFTER THE FILING DATE OF THE LAST  
15 CHALLENGE TO THE ORDINANCE, WHICHEVER OCCURS FIRST.

16 (2) THE DEPARTMENT SHALL REVIEW ANY ORDINANCE WHICH  
17 WOULD EQUAL OR EXCEED THE MINIMUM REQUIREMENTS OF THE UNIFORM  
18 CONSTRUCTION CODE BASED ON THE FOLLOWING STANDARDS:

19 (I) THAT CERTAIN CLEAR AND CONVINCING LOCAL  
20 CLIMATIC, GEOLOGIC, TOPOGRAPHIC OR PUBLIC HEALTH AND  
21 SAFETY CIRCUMSTANCES OR CONDITIONS JUSTIFY THE EXCEPTION;

22 (II) THE EXEMPTION SHALL BE ADEQUATE FOR THE PURPOSE  
23 INTENDED AND SHALL MEET A STANDARD OF PERFORMANCE EQUAL  
24 TO OR GREATER THAN THAT PRESCRIBED BY THE BOCA NATIONAL  
25 BUILDING CODE; AND

26 (III) THE EXCEPTION WOULD NOT DIMINISH OR THREATEN  
27 THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

28 (K) RULING BY SECRETARY.--A RULING ON A CHALLENGE BY AN  
29 AGGRIEVED PARTY SHALL BE ISSUED BY THE SECRETARY WITHIN 45 DAYS  
30 OF RECEIPT OF THE FILING OF THE LAST CHALLENGE TO THE ORDINANCE.



1 IF THE SECRETARY APPROVES THE ORDINANCE, THE MUNICIPALITY MAY  
2 BEGIN TO ADMINISTER AND ENFORCE THE ORDINANCE. IF THE SECRETARY  
3 DISAPPROVES THE ORDINANCE, THE ORDINANCE SHALL BE NULL AND VOID.  
4 THE SECRETARY SHALL STATE THE REASONS FOR THE DISAPPROVAL IN  
5 WRITING TO THE MUNICIPALITY.

6 SECTION 504. APPEALS.

7 (A) RULING OF SECRETARY.--AN APPEAL OF THE SECRETARY'S  
8 RULING MAY BE TAKEN TO THE COMMONWEALTH COURT WITHIN 30 DAYS OF  
9 THE DATE OF THE RULING.

10 (B) APPLICATION FOR ENFORCEMENT OF ORDINANCE.--ANY PERSON  
11 AGGRIEVED BY THE APPLICATION OR ENFORCEMENT OF ANY PROVISION OF  
12 AN ORDINANCE ADOPTED PURSUANT TO SECTION 503 SHALL HAVE THE  
13 RIGHT TO CHALLENGE THE VALIDITY OF THE ORDINANCE IN THE  
14 APPROPRIATE COURT OF COMMON PLEAS.

15 CHAPTER 7

16 TRAINING AND CERTIFICATION OF INSPECTORS

17 Section 701. Training of inspectors.

18 (a) Training program.--The department, in consultation with  
19 THE ADVISORY BOARD, BOCA, NCSBCS and other interested parties, <—  
20 shall by regulation adopt a program of required training and  
21 certification for all categories of code administrators. THIS <—  
22 EDUCATION PROGRAM SHALL INCLUDE ACCESSIBILITY REQUIREMENTS  
23 CONTAINED IN AND REFERENCED BY THE UNIFORM CONSTRUCTION CODE.  
24 The department may contract with third parties to provide the  
25 code training and testing programs.

26 (b) Categories of inspectors.--The department, in  
27 consultation with BOCA and other interested parties, shall  
28 establish appropriate categories of code administrators.

29 (c) Certification.--Upon determination of qualification, the  
30 department shall issue a certificate to the code administrator

1 stating that he is so certified.

2 (d) Waiver.--The department shall by regulation establish a  
3 procedure for the consideration of requests for waivers of the  
4 initial training and certification requirements for individuals  
5 who present documentation that they have previously satisfied  
6 substantially similar training, testing and certification  
7 requirements. Any waiver shall not apply to continuing education  
8 requirements.

9 (e) Current officials.--

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

20 (2) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, <—  
21 THE DEPARTMENT SHALL ADOPT REGULATIONS SPECIFICALLY PROVIDING  
22 FOR THE DEPARTMENT'S ADMINISTRATION AND ENFORCEMENT OF THE  
23 PROVISIONS OF CHAPTER 11 (ACCESSIBILITY) OF THE UNIFORM  
24 CONSTRUCTION CODE AND ANY OTHER ACCESSIBILITY REQUIREMENTS  
25 CONTAINED IN OR REFERENCED BY THE UNIFORM CONSTRUCTION CODE  
26 UNTIL CODE ADMINISTRATORS HAVE BEEN CERTIFIED REGARDING  
27 ACCESSIBILITY PROVISIONS. THE DEPARTMENT SHALL MAINTAIN  
28 JURISDICTION OVER THE PROVISIONS OF CHAPTER 11  
29 (ACCESSIBILITY) OF THE UNIFORM CONSTRUCTION CODE AND ANY  
30 OTHER ACCESSIBILITY REQUIREMENTS CONTAINED IN OR REFERENCED

1 BY THE UNIFORM CONSTRUCTION CODE UNTIL SUCH TIME AS MUNICIPAL  
2 CODE ADMINISTRATORS MEET THE REQUIREMENTS FOR CERTIFICATION.

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

10 (h) Decertification.--The department is empowered to  
11 decertify code administrators for just cause. The department  
12 shall, by regulation, establish a procedure for the notification  
13 of code administrators of decertification and the right of the  
14 individual to receive a hearing before the department on  
15 decertification.

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

20 (j) Fees.--The department shall determine and approve  
21 reasonable fees for educational programs, testing and  
22 certification of code administrators. The department shall  
23 consult with the Department of Aging, the Department of Health  
24 or the Department of Public Welfare, as appropriate, to  
25 determine fees for health care facilities, intermediate care  
26 facilities for the mentally retarded or for persons with related  
27 conditions and State institutions.

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

1 Section 702. Reciprocity.

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

6 CHAPTER 9

7 EXEMPTIONS AND PENALTIES

8 Section 901. Exemptions.

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

19 Section 902. Penalties.

20 (a) Violation of act.--

21 (1) Any individual, firm or corporation that violates  
22 any provision of this act commits a summary offense and  
23 shall, upon conviction, be sentenced to pay a fine of not  
24 more than \$1,000 and costs.

25 (2) Each day that a violation of this act continues  
26 shall be considered a separate violation.

27 (b) Disposition of penalties.--The amount of the penalty  
28 shall be forwarded to the entity with enforcement jurisdiction.

29 CHAPTER 11

30 MISCELLANEOUS PROVISIONS

1 Section 1101. Savings.

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

3 Sections 1, 3.3, 3.4, 3.5, 3.6(f)(1)(i), (f.1) and (g), 10.1,  
4 13, 14 and 15 of the act of April 27, 1927 (P.L.465, No.299),  
5 referred to as the Fire and Panic Act.

6 Section 2203-A of the act of April 9, 1929 (P.L.177, No.175),  
7 known as The Administrative Code of 1929.

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

10 Act of August 24, 1951 (P.L.1304, No.315), known as the Local  
11 Health Administration Law, insofar as it applies to counties of  
12 the first class and of the second class, and rules and  
13 regulations adopted by counties of the first class and of the  
14 second class under the act. Any construction standard adopted  
15 after October 31, 1996, by counties of the first class and of  
16 the second class under the authority of the Local Health  
17 Administration Law shall comply with Chapters 3 and 5 of this  
18 act.

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

21 Act of October 27, 1955 (P.L.744, No.222), known as the  
22 Pennsylvania Human Relations Act, and regulations promulgated  
23 under the act.

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

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 Act of June 13, 1967 (P.L.31, No.21), known as the Public  
3 Welfare Code.

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

7 Act of July 19, 1979 (P.L.130, No.48), known as the Health  
8 Care Facilities Act.

9 Act of July 11, 1990 (P.L.499, No.118), known as the Older  
10 Adult Daily Living Centers Licensing 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 July 9, 1976 (P.L.919, No.170), entitled "An act  
26 providing for the approval or disapproval of applications for a  
27 permit relating to the construction or maintenance of  
28 improvements to real estate."

29 Act of December 15, 1980 (P.L.1203, No.222), known as the  
30 Building Energy Conservation Act, and regulations promulgated

1 thereunder.

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

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

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

10 Section 1103. Effective date.

11 This act shall take effect as follows:

12 (1) Sections 104(d)(3) and (4), ~~302~~, 301, 303, 701 and <—  
13 this section shall take effect immediately.

14 (2) The remainder of this act shall take effect 90 days  
15 following publication of notice in the Pennsylvania Bulletin  
16 that the regulations required by this act have been finally  
17 adopted.