
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 832 Session of
2007

INTRODUCED BY REGOLA, D. WHITE, FOLMER AND McILHINNEY,
MAY 3, 2007

REFERRED TO LABOR AND INDUSTRY, MAY 3, 2007

AN ACT

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

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

8 Section 1. The act of November 10, 1999 (P.L.491, No.45),
9 known as the Pennsylvania Construction Code Act, is repealed:

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23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:
25 AN ACT
26 Establishing a uniform construction code; imposing powers and
27 duties on municipalities and the Department of Labor and
28 Industry; providing for enforcement; imposing penalties; and
29 making repeals.
30 Section 101. Short title.

1 This act shall be known and may be cited as the Pennsylvania
2 Construction Code Act.

3 CHAPTER 1

4 PRELIMINARY PROVISIONS

5 Section 101. Short title.

6 This act shall be known and may be cited as the Pennsylvania
7 Construction Code Act.

8 Section 102. Legislative findings and purpose.

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

10 (1) Many municipalities within this Commonwealth have no
11 construction codes to provide for the protection of life,
12 health, property and the environment and for the safety and
13 welfare of the consumer, general public and the owners and
14 occupants of buildings and structures. Consumers and
15 occupants may be at risk from substandard construction.

16 (2) Likewise, in some regions of this Commonwealth a
17 multiplicity of construction codes currently exist and some
18 of these codes may contain cumulatively needless requirements
19 which limit the use of certain materials, techniques or
20 products and lack benefits to the public. Moreover, the
21 variation of construction standards caused by the
22 multiplicity of codes may slow the process of construction
23 and increase the costs of construction.

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

27 (4) The model code of the Building Officials and Code
28 Administrators International, Inc. (BOCA), is a construction
29 code which has been widely adopted in this Commonwealth and
30 in the geographical region of the United States of which this

1 Commonwealth is a part. Adoption of a nationally recognized
2 code will insure that this Commonwealth has a uniform, modern
3 construction code which will insure safety, health and
4 sanitary construction.

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

7 (1) To provide standards for the protection of life,
8 health, property and environment and for the safety and
9 welfare of the consumer, general public and the owners and
10 occupants of buildings and structures.

11 (2) To encourage standardization and economy in
12 construction by providing requirements for construction and
13 construction materials consistent with nationally recognized
14 standards.

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

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

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

30 (6) To assure that officials charged with the

1 administration and enforcement of the technical provisions of
2 this act are adequately trained and supervised.

3 (7) To insure that existing Commonwealth laws and
4 regulations, including those which would be repealed or
5 rescinded by this act, would be fully enforced during the
6 transition to Statewide administration and enforcement of a
7 Uniform Construction Code. Further, it is the intent of this
8 act that the Uniform Construction Code requirements for
9 making buildings accessible to and usable by persons with
10 disabilities do not diminish from those requirements
11 previously in effect under the former provisions of the act
12 of September 1, 1965 (P.L.459, No.235), entitled, as amended,
13 "An act requiring that certain buildings and facilities
14 adhere to certain principles, standards and specifications to
15 make the same accessible to and usable by persons with
16 physical handicaps, and providing for enforcement."

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

20 Section 103. Definitions.

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

24 "Addition." An extension or increase in floor area or height
25 of a building or structure.

26 "Advisory board." The Accessibility Advisory Board created
27 in section 106.

28 "Agricultural building." A structure utilized to store farm
29 implements, hay, feed, grain or other agricultural or
30 horticultural products or to house poultry, livestock or other

1 farm animals, a milk house and a structure used to grow
2 mushrooms. The term includes a carriage house owned and used by
3 members of a recognized religious sect for the purposes of
4 housing horses and storing buggies. The term shall not include
5 habitable space or spaces in which agricultural products are
6 processed, treated or packaged and shall not be construed to
7 mean a place of occupancy by the general public.

8 "Alteration." Any construction or renovation to an existing
9 structure other than repair or addition.

10 "Board of appeals." The body created by a municipality or
11 more than one municipality to hear appeals from decisions of the
12 code administrator as provided for by Chapter 1 of the 1999
13 Building Officials and Code Administrators International, Inc.,
14 National Building Code, Fourteenth Edition.

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

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

20 "Construction code official." An individual certified by the
21 Department of Labor and Industry in an appropriate category
22 established pursuant to section 701(b) to perform plan review of
23 construction documents, inspect construction or administer and
24 enforce codes and regulations in such code category under this
25 act or related acts.

26 "Department." The Department of Labor and Industry of the
27 Commonwealth.

28 "Habitable space." Space in a structure for living,
29 sleeping, eating or cooking. Bathrooms, toilet compartments,
30 closets, halls, storage or utility spaces and similar areas

1 shall not be construed as habitable spaces.

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

5 "ICC." The International Code Council.

6 "Industrial Board." The Industrial Board under sections 445
7 and 2214 of the act of April 9, 1929 (P.L.177, No.175), known as
8 The Administrative Code of 1929, which hears requests for
9 variances and extensions of time and appeals of decisions of the
10 Department of Labor and Industry under the Uniform Construction
11 Code.

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

15 "Manufactured housing." Housing which bears a label, as
16 required by and referred to in the act of November 17, 1982
17 (P.L.676, No.192), known as the Manufactured Housing
18 Construction and Safety Standards Authorization Act, certifying
19 that it conforms to Federal construction and safety standards
20 adopted under the Housing and Community Development Act of 1974
21 (Public Law 93-383, 88 Stat. 633).

22 "Municipal code official." An individual employed by a
23 municipality or more than one municipality and certified by the
24 Department of Labor and Industry under this act to perform plan
25 review of construction documents, inspect construction or
26 administer and enforce codes and regulations under this act or
27 related acts.

28 "Municipality." A city, borough, incorporated town, township
29 or home rule municipality.

30 "NCSBCS." The National Conference of State Building Codes

1 and Standards.

2 "Occupancy." The purpose for which a building, or portion
3 thereof, is used.

4 "Recreational cabin." A structure which is:

5 (1) utilized principally for recreational activity;

6 (2) not utilized as a domicile or residence for any
7 individual for any time period;

8 (3) not utilized for commercial purposes;

9 (4) not greater than two stories in height, excluding
10 basement;

11 (5) not utilized by the owner or any other person as a
12 place of employment;

13 (6) not a mailing address for bills and correspondence;
14 and

15 (7) not listed as an individual's place of residence on
16 a tax return, driver's license, car registration or voter
17 registration.

18 "Repair." The reconstruction or renewal of any part of an
19 existing building for the purpose of its maintenance.

20 "Residential building." Detached one-family and two-family
21 dwellings and multiple single-family dwellings which are not
22 more than three stories in height with a separate means of
23 egress, which includes accessory structures.

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

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

29 "Technically infeasible." An alteration of a building or a
30 facility that has little likelihood of being accomplished

1 because the existing structural conditions require the removal
2 or alteration of a load-bearing member that is an essential part
3 of the structural frame or because other existing physical or
4 site constraints prohibit modification or addition of elements,
5 spaces or features which are in full and strict compliance with
6 the minimum requirements for new construction and which are
7 necessary to provide accessibility.

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

13 "Uncertified building." An existing building which, prior to
14 April 9, 2004, was not approved for use and occupancy by the
15 Department of Labor and Industry or a municipality which was
16 enforcing a building code. The term does not include a
17 residential building.

18 "Utility and miscellaneous use structures." Buildings or
19 structures of an accessory character and miscellaneous
20 structures not classified by the Building Officials and Code
21 Administrators International, Inc., in any specific use group.
22 The term includes carports, detached private garages,
23 greenhouses and sheds having a building area less than 1,000
24 square feet. The term does not include swimming pools or spas.
25 Section 104. Application.

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

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

30 (1) new buildings or renovations to existing buildings

1 for which an application for a building permit has been made
2 to the municipality prior to the effective date of the
3 regulations promulgated under this act;

4 (2) new buildings or renovations to existing buildings
5 on which a contract for design or construction has been
6 signed prior to the effective date of the regulations
7 promulgated under this act on projects requiring department
8 approval;

9 (3) utility and miscellaneous use structures that are
10 accessory to detached one-family dwellings;

11 (4) any agricultural building;

12 (5) alterations to residential buildings which do not
13 make structural changes or changes to means of egress, except
14 as might be required by ordinances in effect pursuant to
15 section 303(b)(1) or adopted pursuant to section 503. For
16 purposes of this paragraph, a structural change does not
17 include a minor framing change needed to replace existing
18 windows or doors;

19 (6) repairs to residential buildings, except as might be
20 required by ordinances in effect pursuant to section
21 303(b)(1) or adopted pursuant to section 503;

22 (6.1) the installation of aluminum siding or vinyl
23 siding onto an existing residential or an existing commercial
24 building, except as might be required by ordinances in effect
25 pursuant to section 301 or adopted pursuant to section 503;

26 (7) any recreational cabin if:

27 (i) the cabin is equipped with at least one smoke
28 detector, one fire extinguisher and one carbon monoxide
29 detector in both the kitchen and sleeping quarters; and

30 (ii) the owner of the cabin files with the

1 municipality either:

2 (A) an affidavit on a form prescribed by the
3 department attesting to the fact that the cabin meets
4 the definition of a "recreational cabin" in section
5 103; or

6 (B) a valid proof of insurance for the
7 recreational cabin, written and issued by an insurer
8 authorized to do business in this Commonwealth,
9 stating that the structure meets the definition of a
10 "recreational cabin" as defined in section 103.

11 (b.1) Continuity of exclusion.--

12 (1) If a recreational cabin is subject to exclusion
13 under subsection (b)(7), upon transfer of ownership of the
14 recreational cabin, written notice must be provided in the
15 sales agreement and the deed that the recreational cabin:

16 (i) is exempt from this act;

17 (ii) may not be in conformance with the Uniform
18 Construction Code; and

19 (iii) is not subject to municipal regulation.

20 (2) Failure to comply with the notice requirement under
21 paragraph (1) shall render the sale voidable at the option of
22 the purchaser.

23 (c) Prior permits and construction.--

24 (1) Subject to paragraph (2), a construction permit
25 issued under valid construction regulations prior to the
26 effective date of the regulations issued under this act shall
27 remain valid, and the construction of any building or
28 structure may be completed pursuant to and in accordance with
29 the permit.

30 (2) If the requirements of the permit have not been

1 actively prosecuted within two years of the effective date of
2 the regulations or the period specified by a municipal
3 ordinance, whichever is less, the former permit holder shall
4 be required to acquire a new permit. Where construction of a
5 building or structure commenced before the effective date of
6 the regulations promulgated under this act and a permit was
7 not required at that time, construction may be completed
8 without a permit.

9 (d) Preemption.--

10 (1) Except as otherwise provided in this act,
11 construction standards provided by any statute or local
12 ordinance or regulation promulgated or adopted by a board,
13 department, commission, agency of State government or agency
14 of local government shall continue in effect only until the
15 effective date of regulations promulgated under this act, at
16 which time they shall be preempted by regulations promulgated
17 under this act and deemed thereafter to be rescinded.

18 (2) (i) Except as otherwise provided in this act and as
19 specifically excepted in subparagraph (ii), a homeowners'
20 association or community association shall be preempted
21 from imposing building construction standards or building
22 codes for buildings to be constructed, renovated, altered
23 or modified.

24 (ii) In municipalities which have not adopted an
25 ordinance for the administration and enforcement of this
26 act, a homeowners' association or community association
27 may adopt by board regulations the Uniform Construction
28 Code or the ICC International One and Two Family Dwelling
29 Code, 1998 Edition. The applicable building code shall
30 constitute the standard governing building structures in

1 the association's community.

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

8 (4) Nothing in this act shall limit the ability of the
9 Department of Aging, the Department of Health or the
10 Department of Public Welfare to promulgate or enforce
11 regulations which exceed the requirements of this act.

12 (e) Municipal regulation.--Nothing in this act shall
13 prohibit a municipality from licensing any persons engaged in
14 construction activities or from establishing work rules or
15 qualifications for such persons.

16 (f) Application to swimming pools and spas.--

17 (1) The provisions of this act as they relate to
18 swimming pools and spas shall not be applicable to those
19 constructed or installed prior to the effective date of this
20 act.

21 (2) All swimming pools and spas constructed or installed
22 after the effective date of this act shall be governed by the
23 requirements of this act, including section 503.

24 Section 105. Department of Labor and Industry.

25 (a) Review.--

26 (1) The department shall with reasonable cause review
27 municipalities, municipal code officials, third-party
28 agencies, construction code officials and code administrators
29 concerning the enforcement and administration of this act,
30 including specifically complaints concerning accessibility

1 requirements.

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

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

8 (b) State-owned buildings.--

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

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

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

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

28 (c) Elevators and conveying systems.--

29 (1) The department shall maintain Statewide
30 administration and inspection authority over ski lifts,

1 inclined passenger lifts and related devices, and elevators,
2 conveying systems and related equipment as defined in section
3 3002.0 (definitions) of Chapter 30 of the 1999 BOCA National
4 Building Code, Fourteenth Edition.

5 (2) Notwithstanding Chapters 3 and 5, the department
6 may, subject to the act of June 25, 1982 (P.L.633, No.181),
7 known as the Regulatory Review Act, by regulation modify the
8 1999 BOCA National Building Code, Fourteenth Edition,
9 Referenced Standards for elevator construction, repair,
10 maintenance and inspection. The department shall not require
11 reshackling more than once every two years.

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

14 (d) Department of Health.--

15 (1) Health care facilities, intermediate care facilities
16 for the mentally retarded or for persons with related
17 conditions and State institutions shall continue to comply
18 with building codes and standards set forth in the applicable
19 licensure laws and regulations. This paragraph includes the
20 applicable edition of the National Fire Protection
21 Association's Life Safety Code, NFPA No. 101, and the
22 applicable edition of the Guidelines for Construction and
23 Equipment of Hospital and Medical Facilities.

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

27 (e) Limitation.--Nothing in this act, the regulations under
28 this act or the administration of the act or the regulations by
29 the department shall contravene the right of builders to freely
30 compete for and perform contracts for construction of commercial

1 buildings in this Commonwealth.

2 Section 106. Accessibility Advisory Board.

3 (a) Creation and composition.--

4 (1) There is hereby created an Accessibility Advisory
5 Board which shall be composed of 11 members appointed by the
6 secretary. At least six members of the advisory board shall
7 be public members, three of whom shall be persons with
8 physical disabilities, one shall be an architect registered
9 in Pennsylvania, one shall be a member of the business
10 community, and one shall be a representative of the
11 multifamily housing industry. One member shall be a municipal
12 official. The chairman and minority chairman of the Labor and
13 Industry Committee of the Senate and the chairman and
14 minority chairman of the Labor Relations Committee of the
15 House of Representatives, or their designees, shall be
16 members. All members of the advisory board, except the
17 members of the General Assembly, shall serve for a term of
18 two years and until their successors are appointed.

19 (2) The members of the advisory board shall be paid
20 traveling expenses and other necessary expenses and may
21 receive a per diem compensation at a rate to be determined by
22 the secretary for each day of actual service in the
23 performance of their duties under this act.

24 (3) Meetings of the advisory board shall be called by
25 the secretary. A quorum of the advisory board shall consist
26 of four members.

27 (4) The initial advisory board shall be the body
28 constituted under the former provisions of section 3.1 of the
29 act of September 1, 1965 (P.L.459, No.235), entitled, as
30 amended, "An act requiring that certain buildings and

1 facilities adhere to certain principles, standards and
2 specifications to make the same accessible to and usable by
3 persons with physical handicaps, and providing for
4 enforcement."

5 (b) Advice on regulation.--The advisory board shall review
6 all proposed regulations under this act and shall offer comment
7 and advice to the secretary on all issues relating to
8 accessibility by persons with physical disabilities, including
9 those which relate to the enforcement of the accessibility
10 requirements.

11 (c) Recommendations for modifications.--The advisory board
12 shall review all applications from individual projects for
13 modifications of the provisions of Chapter 11 (Accessibility) of
14 the Uniform Construction Code and any other accessibility
15 requirements contained in or referenced by the Uniform
16 Construction Code and shall advise the secretary regarding
17 whether modification should be granted or whether compliance by
18 existing facilities with provisions of Chapter 11
19 (Accessibility) of the Uniform Construction Code and any other
20 accessibility requirements contained in or referenced by the
21 Uniform Construction Code is technically infeasible.

22 CHAPTER 3

23 UNIFORM CONSTRUCTION CODE

24 Section 301. Adoption by regulations.

25 (a) Regulations.--

26 (1) The department shall, within 180 days of the
27 effective date of this section, promulgate regulations
28 adopting the 1999 BOCA National Building Code, Fourteenth
29 Edition, as a Uniform Construction Code, except as provided
30 in section 105(c)(2) and this section. The department shall

1 promulgate separate regulations which may make changes to
2 Chapter 1 of the 1999 BOCA National Building Code, Fourteenth
3 Edition, relating to administration that are necessary for
4 the department's implementation of this act.

5 (2) The regulations shall include a provision that all
6 detached one-family and two-family dwellings and one-family
7 townhouses that are not more than three stories in height and
8 their accessory structures shall be designed and constructed
9 either in accordance with the ICC International One and Two
10 Family Dwelling Code, 1998 Edition, or in accordance with the
11 requirements of the Uniform Construction Code at the option
12 of the building permit applicant. The provision shall require
13 that an irrevocable election be made at the time plans are
14 submitted for review and approval. If the building permit
15 applicant does not indicate a code, the design and
16 construction shall be in accordance with the Uniform
17 Construction Code.

18 (3) The regulations shall include a provision that the
19 secretary shall have the exclusive power to grant
20 modifications and decide issues of technical infeasibility
21 under Chapter 11 (Accessibility) of the Uniform Construction
22 Code and any other accessibility requirements contained in or
23 referenced by the Uniform Construction Code for individual
24 projects.

25 (4) The secretary shall consider the recommendations of
26 the advisory board as provided in section 106(c). The
27 department shall consider the comments of the advisory board
28 with respect to accessibility issues in any proposed
29 regulations.

30 (5) The regulations shall provide for a system of

1 periodic compliance reviews conducted by the department and
2 for enforcement procedures conducted by the department to
3 ensure that code administrators are adequately administering
4 and enforcing Chapter 11 (Accessibility) of the Uniform
5 Construction Code and any other accessibility requirements
6 contained in or referenced by the Uniform Construction Code.

7 (6) The regulations shall include the provisions of
8 exception 8 to section 1014.6 (relative to stairway treads
9 and risers) of the 1993 BOCA National Building Code, Twelfth
10 Edition, and the provisions of section R-213.1 (relative to
11 stairways) of the CABO One and Two Family Dwelling Code, 1992
12 Edition, and such provisions shall be applicable
13 notwithstanding section 303(b), which shall not apply to the
14 provisions of any municipal building code ordinance which
15 equals or exceeds these provisions.

16 (7) The department shall consult with the Department of
17 Health in the development of regulations relating to health
18 care facilities, intermediate care facilities for the
19 mentally retarded or for persons with related conditions and
20 State institutions.

21 (8) The regulations shall exclude section R313.1.1 of
22 the 2003 International Residential Code for One- and Two-
23 Family Dwellings or its successor code from applying to
24 existing one-family and two-family unit dwellings undergoing
25 alterations, repairs or additions but shall include
26 provisions requiring non-interconnected battery-operated
27 smoke alarms in one-family and two-family dwellings in
28 accordance with section R313.1.1 of the 2003 International
29 Residential Code for One- and Two-Family Dwellings.

30 (9) Regulations under this subsection shall include the

1 adoption of section 110.3 (temporary occupancy) of the
2 International Building Code.

3 (b) International Fuel Gas Code.--The department shall,
4 within 180 days of the effective date of this section,
5 promulgate regulations adopting the International Fuel Gas Code
6 for the installation of fuel gas piping systems, fuel gas
7 utilization equipment and related accessories as the standard
8 for the installation of piping, equipment and accessories in
9 this Commonwealth.

10 (c) Prescriptive methods for energy-related standards.--The
11 department shall, within 180 days of the effective date of this
12 section, by regulation promulgate prescriptive methods to
13 implement the energy-related standards of the Uniform
14 Construction Code which take into account the various climatic
15 conditions through this Commonwealth. In deriving these
16 standards the department shall seek to balance energy savings
17 with initial construction costs.

18 (d) Scope of regulations.--

19 (1) The regulations adopted by the department
20 implementing these codes shall supersede and preempt all
21 local building codes regulating any aspect of the
22 construction, alteration and repair of buildings adopted or
23 enforced by any municipality or authority or pursuant to any
24 deed restriction, rule, regulation, ordinance, resolution,
25 tariff or order of any public utility or any State or local
26 board, agency, commission or homeowners' association except
27 as may be otherwise specifically provided in this act.

28 (2) The department may establish by regulation plan
29 review and inspection fees where the department is
30 responsible for administration and enforcement and

1 requirements for municipal notification to the department of
2 ordinance adoption and repeal under Chapter 5. The department
3 shall consult with the Department of Aging, the Department of
4 Health or the Department of Public Welfare, as appropriate,
5 to determine fees for health care facilities, intermediate
6 care facilities for the mentally retarded or for persons with
7 related conditions and State institutions.

8 (3) The department shall establish by regulation
9 standards for the retention and sharing of building plans and
10 other documents, for other than one-family or two-family
11 dwelling units and utility and miscellaneous use structures,
12 by the department, municipalities and third-party agencies.

13 Section 302. Referenced standards.

14 (a) General rule.--

15 (1) Subject to paragraph (2), the standards referenced
16 in Chapters 30 and 35 relating to elevators and conveying
17 systems and referenced standards, respectively, or the
18 applicable chapter, of the 1999 BOCA National Building Code,
19 Fourteenth Edition, and the American National Standards for
20 Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface
21 Lifts and Tows, ASME/ANSI B77.1, shall be considered part of
22 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 (2) The standards under paragraph (1) shall include the
28 latest ANSI standards applicable to the operation of ski
29 lifts.

30 (b) No preemption.--Nothing contained in this act shall be

1 construed to preempt the ability of a municipality to adopt or
2 enforce the codes referred to in this section to the extent not
3 referenced, in whole or in part, in Chapter 35 relating to
4 referenced standards or applicable chapter of the 1999 BOCA
5 National Building Code, Fourteenth Edition.

6 Section 303. Existing municipal building codes.

7 (a) Failure to meet minimum requirements.--

8 (1) Except as provided in paragraph (2), the provisions
9 of municipal building code ordinances in effect on the
10 effective date of this act that do not equal or exceed the
11 minimum requirements of the regulations promulgated under
12 this act shall be amended by the effective date of the
13 regulations promulgated under this act to provide for the
14 minimum requirements.

15 (2) A municipal building code ordinance provision in
16 effect in or adopted by a city of the first class on or
17 before January 1, 1998, shall remain in effect until December
18 31, 2003, by which time those provisions of the ordinance
19 which do not comply with the minimum requirements of the
20 regulations promulgated under this act shall be amended to
21 provide for the minimum requirements of regulations
22 promulgated under this act.

23 (b) Provisions which equal or exceed the Uniform
24 Construction Code.--

25 (1) Municipal building code ordinances in effect on July
26 1, 1999, or reenactments of provisions of simultaneously
27 repealed ordinances which were originally adopted prior to
28 July 1, 1999, which contain provisions which equal or exceed
29 the specific requirements of the regulations promulgated
30 under this act shall remain in effect until such time as any

1 such provisions fail to equal or exceed the minimum
2 requirements of the regulations promulgated under this act,
3 at which time the provisions of such ordinances shall be
4 amended to provide for the minimum requirements of the
5 regulations promulgated under this act.

6 (2) Municipal building code ordinances adopted or
7 effective after July 1, 1999, except reenactments of
8 provisions of simultaneously repealed ordinances which were
9 originally adopted prior to July 1, 1999, shall continue in
10 effect only until the effective date of the regulations
11 promulgated under this act, at which time the municipal
12 building code ordinance shall be preempted by the regulations
13 promulgated under this act and shall be deemed thereafter to
14 be rescinded.

15 Section 304. Revised or successor codes.

16 (a) Building code.--

17 (1) Subject to sections 105(c) and (d), 301(a)(3), (4),
18 (5), (6) and (7), (c) and (d) and 302, by December 31 of the
19 year of the issuance of a new triennial BOCA National
20 Building Code, or its successor building code, the department
21 shall promulgate regulations adopting the new code as the
22 Uniform Construction Code.

23 (2) Subject to sections 105(c) and (d), 301(a)(3), (4),
24 (5), (6) and (7), (c) and (d) and 302, by December 31 of the
25 year of issuance of a new triennial ICC International One and
26 Two Family Dwelling Code, or its successor building code, the
27 department shall promulgate regulations providing that all
28 detached one-family and two-family dwellings and one-family
29 townhouses that are not more than three stories in height and
30 their accessory structures may be designed in accordance with

1 that code or the Uniform Construction Code at the option of
2 the building permit applicant.

3 (b) International Fuel Gas Code.--By December 31 of the year
4 of the issuance of a new International Fuel Gas Code, or its
5 successor code, the department shall promulgate regulations
6 adopting the new code.

7 (c) Prior permits and construction.--

8 (1) A construction permit issued under valid
9 construction regulations prior to the effective date of
10 regulations for a subsequent Uniform Construction Code or
11 International Fuel Gas Code issued under this act shall
12 remain valid, and the construction of any building or
13 structure may be completed pursuant to and in accordance with
14 the permit.

15 (2) If the permit has not been actively prosecuted
16 within two years of the effective date of the regulation or
17 the period specified by a municipal ordinance, whichever is
18 less, the former permitholder shall be required to acquire a
19 new permit.

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

25 Section 305. Existing municipality or municipal authority
26 standards for lateral connections.

27 (a) General rule.--Municipality or municipal authority
28 standards for lateral connections located on private property
29 and connecting to public infrastructure owned by a municipality
30 or municipal authority that were in effect on January 1, 2005,

1 and contain provisions that equal or exceed the requirements of
2 the regulations promulgated under this act, the Internal
3 Residential Code or under the International Plumbing Code shall
4 remain in effect until such time as any such provisions fail to
5 equal or exceed the minimum requirements of the regulations
6 promulgated under this act, at which time the standards shall be
7 amended to equal or exceed the minimum requirements of the
8 regulations promulgated under this act.

9 (b) Filing requirement.--Municipality or municipal authority
10 standards qualifying under subsection (a) shall be filed with
11 the department and any local governments served by the
12 municipality or municipal authority with such standards.

13 CHAPTER 5

14 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

15 Section 501. Administration and enforcement.

16 (a) Adoption of ordinance.--

17 (1) In order to administer and enforce the provisions of
18 this act, municipalities shall enact an ordinance
19 concurrently adopting the current Uniform Construction Code
20 as their municipal building code and the current
21 International Fuel Gas Code for the purposes described in
22 section 102. Municipalities may adopt the Uniform
23 Construction Code and incorporated codes and the
24 International Fuel Gas Code by reference.

25 (2) Municipalities shall have 90 days after the
26 promulgation of regulations under section 301 to adopt such
27 an ordinance. Municipalities shall notify the department of
28 the adoption of such an ordinance within 30 days. A
29 municipality may adopt such an ordinance at any time
30 thereafter, upon giving the department 180 days' notice of

1 its intention to adopt such ordinance.

2 (a.1) Counties of the second class.--Notwithstanding the
3 provisions of subsection (a), a municipality located within a
4 county of the second class shall not administer and enforce
5 plumbing code provisions of an ordinance adopting the Uniform
6 Construction Code and incorporated codes for the purposes of
7 section 102. A county of the second class that has adopted a
8 plumbing code and accompanying rules and regulations pursuant to
9 the act of August 24, 1951 (P.L.1304, No.315), known as the
10 Local Health Administration Law, shall retain the authority to
11 promulgate and enforce such plumbing code and to make such
12 changes as it deems necessary, provided that such changes meet
13 the minimum requirements as defined in the Uniform Construction
14 Code.

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

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

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

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

28 (4) By entering into a contract with the proper
29 authorities of another municipality for the administration
30 and enforcement of this act. When such a contract has been

1 entered into, the municipal code official shall have all the
2 powers and authority conferred by law in the municipality
3 which has contracted to secure such services.

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

8 (c) Board of appeals.--

9 (1) A municipality which has adopted an ordinance for
10 the administration and enforcement of this act or
11 municipalities which are parties to an agreement for the
12 joint administration and enforcement of this act shall
13 establish a board of appeals as provided by Chapter 1 of the
14 1999 BOCA National Building Code, Fourteenth Edition, to hear
15 appeals from decisions of the code administrator. Members of
16 the municipality's governing body may not serve as members of
17 the board of appeals.

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

23 (3) When a municipality cannot find persons to serve on
24 a board of appeals who meet the minimum qualifications of
25 Chapter 1 of the BOCA National Building Code, the
26 municipality may fill a position on the board with a
27 qualified person who resides outside of the municipality.

28 (4) The fee for an appeal to the Board of Appeals for a
29 municipality that is administering and enforcing this act
30 shall not exceed actual costs of the public notice of the

1 hearing, appearance fee for the court reporter and
2 administrative fees as necessary.

3 (5) In the case of an appeal or request for variance or
4 extension of time involving the construction of a one-family
5 or two-family residential building, the board of appeals
6 shall convene a hearing within 30 days of the appeal. The
7 Board of Appeals shall render a written decision to the
8 parties within five business days, or within ten business
9 days in cities of the first class, of the last hearing. If
10 the board of appeals fails to act within the time period
11 under this paragraph, the appeal shall be deemed granted.

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

18 (e) Nonmunicipal administration.--

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

1 (i) Foundation inspection.

2 (ii) Plumbing, mechanical and electrical inspection.

3 (iii) Frame and masonry inspection.

4 (iv) Wallboard inspection.

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

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

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

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

1 with the accessibility requirements contained in the Uniform
2 Construction Code unless a variance for the space has been
3 obtained in accordance with this act.

4 (f) Private right of action.--

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

28 (2) Any individual, partnership, agency, association or
29 corporation aggrieved by a final determination of the
30 enforcement agency of a complaint filed pursuant to paragraph

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

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

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

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

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

11 (g) Technical assistance to municipalities.--The Governor's
12 Center for Local Government Services in the Department of
13 Community and Economic Development shall be the principal agency
14 for developing and providing technical assistance to
15 municipalities for implementing, administering and enforcing
16 the provisions of this act.

17 (h) Interpretation of Uniform Construction Code.--In
18 interpreting a provision of a code adopted by regulation of the
19 department as part of the Uniform Construction Code, a
20 construction code official, a board of appeal and a court shall
21 consider and may rely upon relevant written interpretations of
22 the ICC or any organization whose referenced standard is
23 relevant and listed in the Uniform Construction Code, or the
24 regulations promulgated under this act or any municipal
25 construction code ordinance.

26 Section 502. Consideration of applications and inspections.

27 (a) Applications for permits and inspections.--

28 (1) Every application for a construction permit for one-
29 family and two-family dwelling units and utility and
30 miscellaneous use structures shall be granted or denied, in

1 whole or in part, within 15 business days of the filing date
2 or, if the drawings have been prepared by design
3 professionals who are licensed or registered under the laws
4 and regulations of this Commonwealth and the application
5 contains a certification by the licensed or registered design
6 professional that the plans meet the applicable standards of
7 the Uniform Construction Code and ordinance as appropriate,
8 within five business days of the filing date. Every
9 application for a certificate of occupancy for one-family and
10 two-family dwelling units and miscellaneous use structures
11 shall be granted or denied, in whole or in part, within five
12 business days, or within ten business days in cities of the
13 first class, after receipt of a final inspection report
14 indicates compliance with the Uniform Construction Code and
15 ordinance as appropriate. All other construction permits
16 shall be granted or denied, in whole or in part, within 30
17 business days of the filing date. Municipalities may
18 establish different time limits to consider applications for
19 construction permits in historic districts. A code
20 administrator shall review a construction plan of a building
21 permit application upon submission and shall issue a notice
22 of construction plan approval on a building permit
23 application within the periods set forth in this section if
24 the construction plans comply with the Construction Code Act
25 and any other applicable municipal construction code
26 ordinance. The municipality shall also provide a list of all
27 other required permits necessary prior to issuance of the
28 building permit. The municipality will not be liable for the
29 completeness of any list. When a construction plan has been
30 approved, a code administrator shall issue a building permit

1 immediately upon receipt of all other required permits or
2 approvals related to the construction. All revisions or
3 changes to construction plans so approved under this
4 subsection shall necessitate an additional plan review prior
5 to the issuing of the building permit.

6 (2) If an application is denied in whole or in part, the
7 code administrator shall set forth the reasons in writing,
8 identifying the elements of the application which are not in
9 compliance with the relevant provisions of the Uniform
10 Construction Code and ordinance as appropriate and providing
11 a citation to the relevant provisions of the Uniform
12 Construction Code and ordinance as appropriate.

13 (3) If the code administrator fails to act on an
14 application for a construction permit for one-family and two-
15 family dwelling units and utility and miscellaneous use
16 structures within the time prescribed, the application shall
17 be deemed approved. The time limits established in this
18 section for permit applications other than one-family and
19 two-family dwellings may be extended upon agreement in
20 writing between the applicant and the municipality for a
21 specific number of additional days.

22 (a.1) Exceptions.--A permit is not required for the
23 installation, alteration or repair of generation, transmission,
24 distribution, metering or other related equipment under the
25 ownership or control of public service agencies.

26 (b) Highway occupancy permit.--

27 (1) No building permit shall be issued for any property
28 which will require access to a highway under the jurisdiction
29 of the Department of Transportation unless the permit
30 contains a notice that a highway occupancy permit is required

1 pursuant to section 420 of the act of June 1, 1945 (P.L.1242,
2 No.428), known as the State Highway Law, before driveway
3 access to a State highway is permitted.

4 (2) The Department of Transportation shall, within 60
5 days of the date of receipt of an application for a highway
6 occupancy permit:

7 (i) approve the permit;

8 (ii) deny the permit;

9 (iii) return the application for additional
10 information or correction to conform with regulations of
11 the Department of Transportation; or

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

15 (3) (i) If the Department of Transportation fails to
16 take any action within the 60-day period, the permit
17 shall be deemed to be issued. The permit shall be marked
18 to indicate that access to the State highway shall be
19 only as authorized by a highway occupancy permit.

20 (ii) Notwithstanding the provisions of subparagraph
21 (i), if the highway occupancy permit requires a
22 determination by the United States Department of
23 Transportation, the Pennsylvania Department of
24 Transportation shall have 60 days from the receipt of the
25 determination to take action on the permit or the permit
26 shall be deemed to be issued.

27 (4) (i) Neither the Department of Transportation nor
28 any municipality to which permit-issuing authority has
29 been delegated under section 420 of the State Highway Law
30 shall be liable in damages for any injury to persons or

property arising out of the issuance or denial of a
driveway permit or for failure to regulate any driveway.

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

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

Section 503. Changes in Uniform Construction Code.

(a) Administration.--Municipalities may enact ordinances
which equal or exceed the minimum requirements of Chapter 1 of
the 1999 BOCA National Building Code, Fourteenth Edition, or
successor codes, relating to administration consistent with the
provisions of section 501(c).

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

(c) Modification of minimum requirement.--Subject to the
provisions of this act, the municipal governing body may propose
and enact an ordinance to equal or exceed the minimum
requirements of the Uniform Construction Code under the law
governing the adoption of ordinances in that jurisdiction. An
ordinance under this subsection shall not be effective nor
enforceable unless subsections (d), (e), (f), (g), (h) and (i)
have been satisfied. Municipalities may enact ordinances
pursuant to this section which adopt additional code

1 requirements for alterations or repairs to residential
2 buildings. Municipalities may enact ordinances pursuant to this
3 section which adopt stricter code requirements than required by
4 this act for the regulation of utility and miscellaneous use
5 structures.

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

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

12 (f) Filing of proposed notice and ordinance with
13 department.--The municipality shall provide notice and file a
14 copy of the proposed ordinance with the department at least 30
15 days prior to public hearing. The notice shall contain the time
16 and place of the public hearing and a summary of the changes
17 proposed by the ordinance, including code sections affected by
18 the changes. The department shall make proposed ordinances
19 available for public inspection and shall post the notice on its
20 Internet website within seven business days after receipt.

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

24 (h) Amendment of proposed ordinance.--If the municipality
25 proposes any substantive amendment to a proposed ordinance, the
26 municipal governing body shall be required to meet the
27 advertising, filing, notice and public hearing requirements of
28 this section before enacting the proposed ordinance.

29 (i) Department review.--The department shall review all
30 proposed ordinances required to be filed with the department

1 under subsection (f) for compliance with subsection (b). If the
2 proposed ordinance does not comply with subsection (b), the
3 department shall advise the municipality of its findings,
4 setting forth the reasons in writing. The municipality shall
5 then withdraw the proposed ordinance or revise the proposed
6 ordinance to meet the minimum requirements of the Uniform
7 Construction Code.

8 (j) Challenge of ordinance.--

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

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

25 (i) that certain clear and convincing local
26 climatic, geologic, topographic or public health and
27 safety circumstances or conditions justify the exception;

28 (ii) the exception shall be adequate for the purpose
29 intended and shall meet a standard of performance equal
30 to or greater than that prescribed by the Uniform

Construction Code;

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

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

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

(k) Ruling by secretary.--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 or within 30 days of the hearing on the challenge which must be held by the department upon the request of the municipality in the municipality wherein the ordinance is proposed, whichever last occurs. 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. The secretary shall state the reasons for the disapproval in writing to the municipality.

Section 504. Appeals.

(a) Ruling of secretary.--An appeal of the secretary's ruling may be taken to the appropriate court of common pleas within 30 days of the date of the ruling.

(b) Application for enforcement of ordinance.--Any person aggrieved by the application or enforcement of any provision of an ordinance adopted pursuant to section 503 shall have the

1 right to challenge the validity of the ordinance in the
2 appropriate court of common pleas. In order to be aggrieved, a
3 person must have a direct, immediate and substantial interest in
4 the application or enforcement of the ordinance. The appropriate
5 court of common pleas shall determine the validity of the
6 ordinance.

7 CHAPTER 7

8 TRAINING AND CERTIFICATION OF INSPECTORS

9 Section 701. Training of inspectors.

10 (a) Training program.--The department, in consultation with
11 the advisory board, BOCA, NCSBCS and other interested parties,
12 shall by regulation adopt a program of required training and
13 certification for all categories of code administrators. This
14 education program shall include accessibility requirements
15 contained in and referenced by the Uniform Construction Code.
16 The department may contract with third parties to provide the
17 code training and testing programs.

18 (b) Categories of inspectors.--

19 (1) The department, in consultation with BOCA and other
20 interested parties, shall establish appropriate categories of
21 code administrators.

22 (2) A code administrator may act in place of a lumber
23 grading or inspection agency to satisfy the requirement set
24 forth under section 2303.1.1 of the 2003 International
25 Building Code or its successor code or section R404.2.1,
26 R502.1, R602.1 or R802.1 of the 2003 International
27 Residential Code for One- and Two-Family Dwellings or its
28 successor code.

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. The department may also consider past work
8 experience as an inspector when deciding a request for a waiver.
9 Any waiver shall not apply to continuing education requirements.

10 (e) Current officials.--

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

21 (2) Notwithstanding the provisions of this subsection,
22 the department shall adopt regulations specifically providing
23 for the department's administration and enforcement of the
24 provisions of Chapter 11 (Accessibility) of the Uniform
25 Construction Code and any other accessibility requirements
26 contained in or referenced by the Uniform Construction Code
27 until code administrators have been certified regarding
28 accessibility provisions. The department shall maintain
29 jurisdiction over the provisions of Chapter 11
30 (Accessibility) of the Uniform Construction Code and any

1 other accessibility requirements contained in or referenced
2 by the Uniform Construction Code until such time as municipal
3 code administrators meet the requirements for certification.

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

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

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

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

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

29 (k) Insurance.--The department shall promulgate regulations
30 requiring code administrators in third-party agencies to carry

1 minimum levels of liability insurance.

2 Section 702. Reciprocity.

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

7 Section 703. Education and training programs.

8 (a) Fee.--Municipalities administering and enforcing this
9 act under section 501(a) and third-party agencies providing
10 services under section 501(e) shall assess a fee of \$4 on each
11 construction or building permit issued under the authority of
12 this act. The fee shall be in addition to any other fee imposed
13 for the permit.

14 (b) Training accounts.--There is hereby established within
15 the State Treasury two restricted accounts which shall be known
16 as the Municipal Code Official Training Account and the
17 Construction Contractor Training Account.

18 (c) Deposit.--Moneys collected as authorized under
19 subsection (a) shall be transmitted quarterly to the State
20 Treasury and shall be equally divided and deposited in the
21 accounts established in subsection (b). Moneys so deposited are
22 hereby equally appropriated on approval of the Governor to the
23 Department of Community and Economic Development for the purpose
24 of education and training programs provided by the Pennsylvania
25 Construction Codes Academy for municipal code officials and
26 individuals employed by third-party agencies under contract to a
27 municipality and to a Pennsylvania-based housing research center
28 located at a land grant university for the construction
29 industry. To assure the programs meet the needs of the
30 construction industry, the education, training and other

1 activities provided by such a housing research center shall be
2 approved by its industry advisory committee.

3 CHAPTER 9

4 EXEMPTIONS, APPLICABILITY AND PENALTIES

5 Section 901. Exemptions.

6 (a) Manufactured housing.--This act shall not apply to
7 manufactured housing which bears a label, as required by and
8 referred to in the act of November 17, 1982 (P.L.676, No.192),
9 known as the Manufactured Housing Construction and Safety
10 Standards Authorization Act, which certifies that it conforms to
11 Federal construction and safety standards adopted under the
12 Housing and Community Development Act of 1974 (Public Law 93-
13 383, 88 Stat. 633), nor shall it apply to industrialized
14 housing, as defined in the act of May 11, 1972 (P.L.286, No.70),
15 known as the Industrialized Housing Act.

16 (b) Religious beliefs.--

17 (1) An applicant for a construction permit for a
18 dwelling unit or one-room schoolhouse utilized by a member or
19 members of a recognized religious sect may file an
20 application with a code administrator to be exempted from the
21 Uniform Construction Code, as provided in this subsection,
22 which conflicts with the applicant's religious beliefs. The
23 application shall state the manner in which the provision
24 conflicts with the applicant's religious beliefs and shall
25 include an affidavit by the applicant stating that:

26 (i) the applicant is a member of a recognized
27 religious sect;

28 (ii) the religious sect has established tenets or
29 teachings which conflict with:

30 (A) an electrical provision of the Uniform

1 Construction Code;

2 (B) a lumber or wood provision, not relating to
3 pressure treatment, of the Uniform Construction Code;
4 or

5 (C) a plumbing provision of the Uniform
6 Construction Code.

7 (iii) the applicant adheres to the established
8 tenets or teachings of the sect;

9 (iv) in the case of a dwelling unit, the dwelling
10 unit will be used solely as a residence for the applicant
11 and the applicant's household; and

12 (v) in the case of a one-room schoolhouse, the one-
13 room schoolhouse will be used solely by members of the
14 religious sect.

15 (2) A code administrator shall grant an application for
16 an exemption if made in accordance with paragraph (1).

17 (3) If an applicant receives an exemption for any
18 building under this subsection and the applicant subsequently
19 sells or leases the building, the applicant shall bring the
20 building into compliance with the provision of the Uniform
21 Construction Code from which it was exempted under this
22 subsection prior to the sale or lease of the building unless
23 the prospective subsequent owner or lessee files an affidavit
24 in compliance with paragraph (1)(i) through (iv).

25 (c) Natural cut trees.--Section 804.1.1 (relating to natural
26 cut trees) of the International Fire Code (2003) and any
27 successor provision is excluded from this act. A municipality
28 that elects to adopt an ordinance for the administration and
29 enforcement of this act may, by ordinance, restrict the
30 placement of natural cut trees in an occupancy group. The

1 ordinance restricting the placement shall not be subject to
2 section 503(b) through (k).

3 (d) Coal-fired boilers in residential buildings.--Coal-fired
4 boilers installed in residential buildings shall be designed,
5 constructed and tested in accordance with the requirements of
6 Chapter 20, Section M2001.1.1 of the International Residential
7 Code of 2003, or its successor provisions, except that these
8 boilers shall not be subject to the stamping requirements of
9 Section M2001.1.1.

10 Section 902. Applicability to certain buildings.

11 (a) Historic buildings, structures and sites.--The
12 provisions of the 1999 BOCA National Building Code, Fourteenth
13 Edition, relating to the construction, repair, alteration,
14 addition, restoration and movement of structures shall not apply
15 to existing buildings and structures, or new buildings and
16 structures not intended for residential use on historic sites,
17 that are identified and classified by the Federal, State or
18 local government authority as historic buildings or sites where
19 such buildings and structures are judged by the code official to
20 be safe and in the interest of public health, safety and
21 welfare.

22 (b) Uncertified buildings under department's jurisdiction.--
23 Subject to subsection (d), all of the following apply to a
24 building subject to the jurisdiction of the department:

25 (1) The department shall issue a certificate of
26 occupancy to an uncertified building if that building meets
27 the requirements of this subsection, unless the department
28 deems the building to be unsafe because of inadequate means
29 of egress, inadequate light and ventilation, fire hazards or
30 other dangers to human life or to public welfare.

1 (2) An uncertified building shall comply with the
2 following:

3 (i) Maximum story height, minimum allowable
4 construction type based on floor area, vertical opening
5 and shaft protection, means of egress requirements of the
6 International Building Code pertaining to minimum number
7 of exits, maximum travel distances to exits, means of
8 egress illumination, minimum egress widths and heights
9 for exit doors, exit stairs, exit ramps and exit
10 corridors. Waivers shall be as follows:

11 (A) The department may waive requirements for
12 minimum egress widths and heights for exits, exit
13 access doors, exit ramps and exit corridors if the
14 department determines that any nonconforming openings
15 provide sufficient width and height for building
16 occupants to pass through or egress the building.

17 (B) The department may waive any requirements
18 under this subparagraph if:

19 (I) the department determines a requirement
20 to be technically infeasible; or

21 (II) the building owner demonstrates that
22 the building met the applicable egress
23 requirements which existed under the act of April
24 27, 1927 (P.L.465, No.299), referred to as the
25 Fire and Panic Act.

26 (C) A waiver shall be documented on the
27 certificate of occupancy.

28 (ii) Fire safety requirements of the International
29 Building Code with respect to fire alarms, fire
30 extinguishers, heat and smoke detectors, automatic

sprinkler systems and occupancy and incidental use separations. If the code requires that a building have automatic sprinkler systems, the only buildings required to install automatic sprinkler systems shall be those buildings classified in use groups E (educational), H (high-hazard), I (institutional), R-1 or R-2 (residential) and those buildings which have occupied floors more than 75 feet above lowest level of fire department access. Buildings in use groups R-1 and R-2 which do not have occupied floors more than 75 feet above lowest level of fire department access may, instead of installing automatic sprinkler systems, install hard-wired interconnected heat and smoke detectors located in all lobbies, corridors, equipment rooms, storage rooms and other spaces that are not normally occupied. If construction began on a building prior to May 19, 1984, there is no requirement for the installation of automatic sprinkler systems under this subparagraph. If construction of a building began after May 18, 1984, automatic sprinkler installation required under this subparagraph shall be completed within five years of the effective date of this subsection, or an occupancy permit issued under this subsection shall be invalid. Waivers shall be as follows:

(A) The department may waive any requirements under this subparagraph if:

(I) the department determines a requirement to be technically infeasible; or

(II) the building owner demonstrates that the building met the applicable fire safety

1 requirements which existed under the Fire and
2 Panic Act.

3 (B) A waiver shall be documented on the
4 certificate of occupancy.

5 (iii) Accessibility requirements as follows:

6 (A) If construction of a building began before
7 September 1, 1965, no accessibility requirements
8 shall be imposed.

9 (B) If construction of a building began after
10 August 31, 1965, and before February 18, 1989, and if
11 the building was subject to the requirements of the
12 former act of September 1, 1965 (P.L.459, No.235),
13 entitled "An act requiring that certain buildings and
14 facilities adhere to certain principles, standards
15 and specifications to make the same accessible to and
16 usable by persons with physical handicaps, and
17 providing for enforcement," it shall have:

18 (I) at least one accessible entrance;

19 (II) an accessible route from the accessible
20 entrance to any public spaces on the same level
21 as the accessible entrance; and

22 (III) if toilet rooms are provided, at least
23 one accessible toilet room for each sex or a
24 unisex toilet room, complying with the
25 accessibility requirements of the International
26 Building Code.

27 (C) If construction of the building began after
28 February 17, 1989, all accessibility requirements of
29 the International Building Code shall be met.

30 (3) Structural requirements shall not be imposed unless

1 the department determines that the building or a portion of
2 the building has defects which are dangerous as defined in
3 the International Existing Building Code. The department may
4 impose only those requirements minimally necessary to remove
5 any danger to the building's occupants.

6 (4) A building owner may file an application for a
7 variance from this subsection concerning accessibility with
8 the advisory board under section 106. A building owner may
9 file an application for a variance from this subsection
10 concerning other standards. The application must be filed
11 with the Industrial Board if any of the following apply:

12 (i) The building is located in a municipality where
13 the department has jurisdiction.

14 (ii) The building is a State-owned building. As used
15 in this subparagraph, the term "State-owned building"
16 means a building owned or constructed for Commonwealth
17 entities consisting of the General Assembly, the Unified
18 Judicial System, the Pennsylvania Higher Education
19 Assistance Agency, an executive agency, an independent
20 agency and a State-affiliated entity or State-related
21 institution, as defined in 62 Pa.C.S. § 103 (relating to
22 definitions).

23 (5) A building subject to this subsection shall be
24 permitted to maintain its current occupancy as long as the
25 owner demonstrates reasonable efforts to comply with this
26 subsection.

27 (6) An uncertified building which was built before April
28 27, 1927, shall be deemed a certified building for purposes
29 of this act.

30 (c) Uncertified buildings over which the department does not

1 have jurisdiction.--

2 (1) A construction code official shall issue a
3 certificate of occupancy to an uncertified building if it
4 meets the requirements of the latest version of the
5 International Existing Building Code or Chapter 34 of the
6 International Building Code, and the construction code
7 official shall utilize the code for the municipality which,
8 in his professional judgment, he deems to best apply.

9 (2) A construction code official may deny the issuance
10 of a certificate of occupancy if the official deems that a
11 building is unsafe because of inadequate means of egress,
12 inadequate lighting and ventilation, fire hazards or other
13 dangers to human life or to public welfare.

14 (3) A municipality subject to this subsection may
15 utilize the standards of subsection (b) for the issuance of
16 certificates of occupancy to uncertified buildings by
17 adopting an ordinance adopting the standards of issuance
18 pursuant to the procedures delineated in section 503.

19 (d) Applicability of Uniform Construction Code.--Nothing in
20 subsection (b) shall be construed as to affect applicability of
21 Chapter 3 if a building is subject to renovation, additions,
22 alterations or a change in use or occupancy.

23 Section 903. Penalties.

24 (a) Violation of act.--

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

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

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

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 1101. Savings.

This act shall not repeal or in any way affect:

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

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

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

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

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

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

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

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

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

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

8 Act of July 11, 1990 (P.L.499, No.118), known as the Older
9 Adult Daily Living Centers Licensing Act.

10 Section 1102. Repeals.

11 (a) Absolute.--The following acts and parts of acts are
12 repealed:

13 Sections 2, 3, 3.1, 3.2, 3.6(a), (b), (c), (d), (e),
14 (f)(1)(ii), (iii) and (2), 4, 4.1, 4.2, 5, 6, 7, 8, 9, 10, 11,
15 12 and 15.1 of the act of April 27, 1927 (P.L.465, No.299),
16 referred to as the Fire and Panic Act.

17 Act of May 2, 1929 (P.L.1518, No.452), referred to as the
18 Elevator Regulation Law.

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

24 Act of July 9, 1976 (P.L.919, No.170), entitled "An act
25 providing for the approval or disapproval of applications for a
26 permit relating to the construction or maintenance of
27 improvements to real estate."

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

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

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

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

9 Section 1103. Effective date.

10 This act shall take effect as follows:

11 (1) Sections 104(d)(3) and (4), 301, 302, 701 and this
12 section shall take effect immediately.

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

17 Section 2. This act shall take effect in 60 days.