

TESTIMONY OF INVITED PANELIST JOHN M. EBY IMMEDIATE PAST PRESIDENT, PABCO

House Labor and Industry
Subcommittee on Workers' Compensation and Worker Protection
Hearing – Overview of the Uniform Construction Code (Administration/Enforcement/Code
Adoption)
May 27, 2021
11:00 AM – 12:30 PM
515 Irvis Office Building

Acronyms

BCO = Building Code Official. A BCO administers a UCC compliance program at the state or local level and is also responsible for enforcement tasks. Each opt-in municipality must designate a BCO who must be certified by DLI BIOS.

BIOS = DLI Bureau of Industrial and Occupational Safety. BIOS oversees certification of code officials, audits of local accessibility plan review and inspection competency, complaints v. code officials, UCC compliance for state-owned buildings, RAC process, promulgation of UCC regulations, and related duties.

CCO = Construction Code Official. A CCO examines construction documents and inspects construction to verify compliance with UCC regulations. A CCO may only perform UCC tasks within the disciplines he or she is certified by DLI BIOS. (e.g. mechanical, plumbing, electrical, accessibility).

DLI = PA Department of Labor and Industry

ICC = International Code Council. ICC develops and publishes model codes.

PABCO = PA Association of Building Code Officials. PABCO is a statewide professional chapter of the ICC focused on regulatory and legislative issues impacting municipal code administration.

PENNBOK = PA Building Officials Conference. PENNBOK is a statewide ICC chapter focused on training, certification and professional development for municipal code officials.

RAC = UCC Review and Advisory Council. Refer to testimony of Dr. Schneider for RAC duties and timelines.

UCC = PA Uniform Construction Code, regulations promulgated in accordance with the PA Construction Code Act, Act 45 of 1999, as amended.

Panelist introduction

Thank you for the invitation to testify before you today regarding the UCC adoption process and administration and enforcement of UCC regulations.

I am John Eby, Building and Zoning Coordinator for Lower Allen Township, Cumberland County. I have been administering and enforcing model codes adopted by local ordinance and state statute for over 40 years. I am a DLI-certified BCO and CCO.

I am immediate Past President and current Government Affairs Committee Chair of PABCO, the PA Association of Building Officials. PABCO is a statewide chapter of the ICC that has primarily focused its efforts upon legislative and regulatory issues impacting local code administration programs. I am also the 2021 Chair of ICC Region VII serving DE, DC, MD, NJ, PA, VA and WV. Region VII is significantly involved with the ICC code development process and ICC governance issues.

Contact information

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UCC chronology

PCCA signed into law November 1999 was hailed as a consumer protection bill. Many cities and metropolitan area boroughs and townships had adopted nationally published model codes by the 1970s, but construction code adoption elsewhere in the commonwealth was random and sporadic. In areas where code adoption was prevalent, variable code editions and local amendments created difficulties for construction design professionals and contractors. There was no mandatory competency certification of code officials.

PA had a statewide accessibility standard established when the PCCA was going through the legislative process, so accessibility advocacy groups lobbied to delete these national model code standards and retain the PA statute. To address the counterpoint that the model codes are interrelated and integrated with respect to this code content, the model code accessibility standards were retained; however, automatic updating and quality control over local accessibility administration were added to the bill.

- DLI maintained jurisdiction over local UCC accessibility plan review and inspection until local CCO became certified in this code discipline.
- DLI performs periodic performance audits to monitor quality of local administration and enforcement of accessibility regulations.
- DLI is responsible for accessibility issues in all state-owned buildings.
- The RAC review of triennial code editions does not include accessibility standards. The most recent edition of the building code accessibility chapter and appendix, and the accessibility standards referenced therein, are automatically written into the DLI regulatory updates. PA is currently using 2015 I-codes with the exception of 2018 for accessibility issues.

The PCCA authorized adoption of the 1999 BOCA National Building Code and related codes and standards; however, the final DLI-promulgated regulations did not become effective until early 2004. By then, BOCA had merged with the 2 other predominant regional model code producers to form the ICC, and the UCC regulations utilized the 2003 ICC codes. Municipalities could begin to “opt in” to administer and enforce the UCC beginning in April 2004.

The PCCA originally authorized automatic adoption of the triennial ICC; consequently, the 2006 and 2009 I-code updates were written into DLI UCC updates. Act 1 of 2011 ended this practice and created the RAC process to determine what “code updates” should be adopted in the DLI periodic regulatory updates. The RAC process was further amended several years later to create technical advisory committees to advise the RAC within diverse areas of subject matter expertise, thus facilitating a broader and more comprehensive evaluation of updated codes and standards for use in PA.

Stakeholders and the general public may submit commentary in support or opposition to regulations contained in the model codes for vetting by the RAC.

ICC code development process

The ICC code development process is open, transparent, maintains balance of interest and due process. It is a consensus process with an appeals process. The ICC Board of Directors establishes and amends policies for participation and procedures. ICC staff facilitates committee action and public comment hearings, and correlates/publishes the results. The 15 separate I-codes are correlated for content consistency. See attachment for more details, and feel free to browse content at www.iccsafe.org.

<https://cdn-web.iccsafe.org/cs/codes/Documents/misc/CodeDevelopmentProcess.pdf>

<https://www.iccsafe.org/products-and-services/i-codes/code-development/>

DLI administration and enforcement of the UCC

DLI had jurisdiction for UCC compliance on all state-owned building construction projects. DLI also maintains primacy for elevators and lifting devices, boilers and pressure vessels, and flammable and combustible liquids facilities that are either excluded from UCC regulations or otherwise reserved for DLI jurisdiction.

DLI provides accessibility plan review and inspection for local UCC programs that do not have a CCO certified in this discipline.

DLI assumes jurisdiction over commercial construction UCC compliance in "opt out" municipalities. Residential UCC compliance is conducted by third part agencies hired by property owners or their contractors.

See DLI UCC attachments regarding UCC website content, DLI and Local administration and enforcement and feel free to browse the DLI UCC content at <https://www.dli.pa.gov/ucc/Pages/default.aspx>

Local jurisdiction election to administer and enforce the UCC

Well over 90% of 2,562 PA municipalities have elected to administer and enforce the UCC locally.

They must enact an ordinance in accordance with Section 403.102 of the UCC regulations (attached). Standards must meet or exceed UCC standards. Additional regulations pertaining to residential alterations and repairs and more stringent standards for residential accessory structures may be included in the ordinance. Some provisions are subject to DLI review and approval.

The municipality must designate a BCO to administer and enforce its local UCC program. It must also provide sufficient CCO staff to perform plan review and inspection services to meet customer service demand and statutory deadlines to complete permit approval decisions.

Most opt-in municipalities employ a BCO or contract with a third party agency to perform BCO services. Few municipalities provide all CCO services with employees only. Many rely upon third party agencies, contracts with nearby municipalities, forming a joint municipal agency through an intergovernmental cooperation agreement, or a combination thereof.

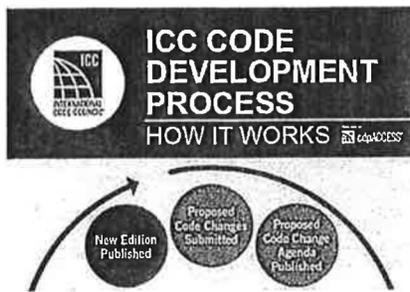
Challenges facing locally-administered UCC programs

Workforce

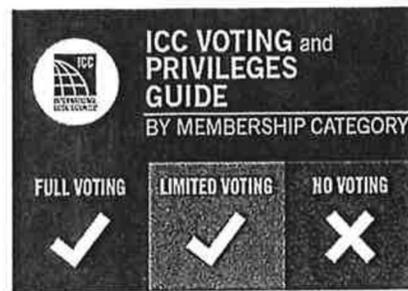
- Attracting and retaining certified BCO and CCO—there is a dearth of qualified candidates to meet a fairly high demand for replacement and additional employees by municipalities and third-party agencies.
- Current higher wages and steady work in the construction industry is resulting in fewer construction trade professionals changing career paths into code administration.
- High retirement rate due to aging of original UCC-certified BCO and CCO.
- Construction code certificate and associates degree programs at community colleges were discontinued during the great recession and have not resumed.
- Small third party and municipal UCC agencies do not have ample staff to mentor trainees without straining the capabilities of highly certified staff.
- Lack of focus on this employment opportunity in programs that retrain displaced worker and retiring veterans.

Public and legislative perceptions about the role of BCO and CCO

- Although many local government services are provided through a sole source (police protection, garbage collection, professional engineering and financial services, etc.) there have been continued legislative efforts to mandate multiple third-party agency services and prescribe how the local jurisdiction must select and utilized these services.
- Some areas of the commonwealth that did not have widespread model construction code adoption prior to the UCC are still resistant to the concept that the UCC regulations are intended to provide for safer, more resilient and more sustainable buildings. “My home is my castle” doctrine prevails over community minimum standards for construction and occupancy.
- When BCO and CCO perform their tasks correctly and consistently, bad things such as fires, fall accidents, CO poisoning, illness due to contaminated water piping, major flood wind and snow damage do not happen. The public safety departments do not have to respond to incidents, and there are no news headlines to broadcast.



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The following principles are adhered to in the Code Council's governmental consensus process:

Openness

- Participation in the development of the codes, including code hearings, is open to all at no cost.
- Anyone can submit a code change proposal or make a public comment.
- Code committees must consider all views before voting.

Transparency

- Evidence of committee vote, with reason, must be documented.
- Final decisions are made in an open hearing by public safety officials.

Balance of Interest

- Committee members represent general interests, user interests, producer interests, or multiple interests. One-third of the committee's members must be public safety officials.
- Committee members cannot vote on issues that are a conflict of interest.
- ICC membership is not a condition of committee membership.

Due Process

- A code change proponent has the opportunity to rebut opponents and vice versa.
- Anyone who attends the hearing can testify.
- Committees are required to consider all views, objections and the cost impact of all code change proposals.

Appeals Process

- Anyone can appeal an action or inaction of the code committee.
- ICC renders its decision on the appeal based on whether due process was served.

Consensus

- Committee members vote to approve the code change, make modifications to it, or vote against it.
- A simple majority from the committee decides the action of the proposed code change.
- ICC assembly action allows members to challenge the action of the committee.

Code Development Procedures

- [Corporate Governance \(bylaws, procedures and council policies\)](#)
- [Council Policy on Code Development](#)
- [Code Council Code Development Process](#)
- [Board Committee On Long-Term Code Development Process](#)
- [Other Code Committees and Councils](#)
- [Link to cdpACCESS](#)
- [ICC Code Development Process \(Powerpoint\)](#)

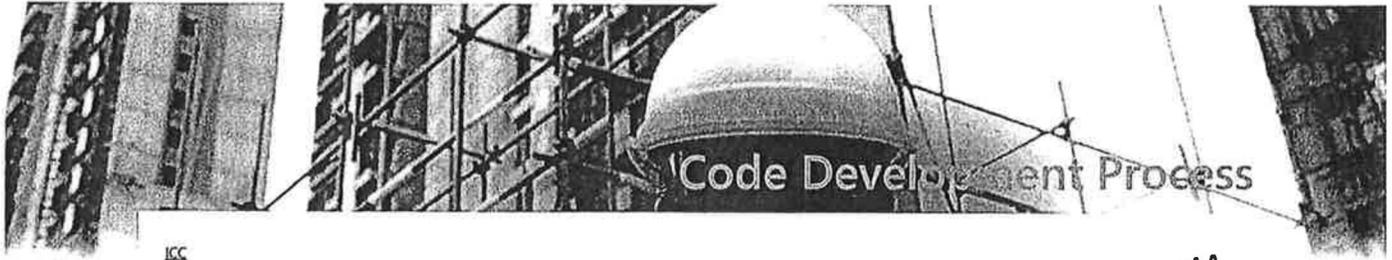
For more information on the Code Development Process, contact [Mike Pfeiffer, SVP, Technical Services](#).

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The Code Development Process

Important Links

[Final Action on the 2019 Group B Cycle](#)

Imagine a world where you can shape the regulations that ensure the health, safety and welfare of the people who live in, work in and visit the community you serve. You don't have to.

The International Code Council develops construction and public safety codes through a governmental consensus process. **The governmental consensus process leaves the final determination of code provisions in the hands of public safety officials who, with no vested financial interest, can legitimately represent the public interest.** This system of code development has provided the highest level of safety in the world for more than 90 years.

The Code Council governmental consensus process meets the principles defined by the National Standards Strategy of 2000, and the OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities (1998). It complies with Public Law 104-113 National Technology Transfer and Advancement Act of 1995.

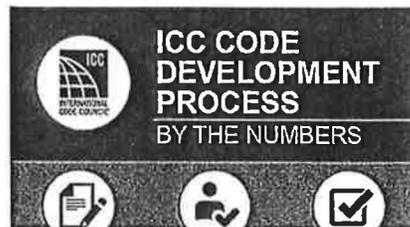
Click below to download our brochure to learn more.

[Benefits of Participating in the ICC Code Development Process](#)

Learn more about the code development process by downloading the infographics below.



(Click to download a [jpg](#) or [pdf](#))



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2021/2022 ICC CODE DEVELOPMENT SCHEDULE

(Posted March 17, 2020)

(Updated December 1, 2020 - red)

(Updated January 20, 2021- ~~strikeout~~/underline)

(Updated May 24, 2021 – see Notes 1 & 2)

STEP IN CODE DEVELOPMENT CYCLE	DATE	
	2021 – Group A Codes (see pg. xi) IBC- E, IBC - FS, IBC -G, IFC, IFGC, IMC, IPC, IPMC, IPSDC, IRC – M, IRC- P, ISPSC, IWUIC, IZC	2022 – Group B Codes (see pg. xi) Admin, IBC-S, IEBC, IgCC (Ch. 1), IRC – B (see note 2)
2021 EDITION OF I-CODES PUBLISHED	IMC and IPC are published. Remaining I-Codes in the Fall/2020 (See Group B Codes on page vi for the 2021 IgCC)	
DEADLINE FOR RECEIPT OF APPLICATIONS FOR ALL CODE COMMITTEES	June 1, 2020 for the 2021/2022 Cycle. Call for Committee posted in March/2020.	
DEADLINE FOR cdpACCESS ONLINE RECEIPT OF CODE CHANGE PROPOSALS	January 11, 2021	January 10, 2022
WEB POSTING OF "PROPOSED CHANGES TO THE I-CODES"	March 1, 2021*	February 23, 2022*
COMMITTEE ACTION HEARING (CAH)	2021 CAH to be held virtually during the period of April 11 – May 5, 2021 See general notes	March 27 – April 6, 2022 Rochester Riverside Convention Center Rochester, NY
ONLINE CAH ASSEMBLY FLOOR MOTION VOTE	<u>Assembly consideration removed from process. See CP 28 dated 12/3/20; Section 5.7 (see notes)</u>	<u>Assembly consideration removed from process. See CP 28 dated 12/3/20; Section 5.7 (see notes)</u>
WEB POSTING OF "REPORT OF THE COMMITTEE ACTION HEARING"	May 24, 2021	May 9, 2022
DEADLINE FOR cdpACCESS ONLINE RECEIPT OF PUBLIC COMMENTS	July 2, 2021	June 20, 2022
WEB POSTING OF "PUBLIC COMMENT AGENDA"	August 13, 2021*	August 4, 2022*
PUBLIC COMMENT HEARING (PCH) ANNUAL CONFERENCE DATES NOTED BY AC	September 21 –28, 2021 David L Lawrence Convention Center Pittsburgh, PA AC: September 19 – 22 (see note 1)	September 14 - 21, 2022 Kentucky International Convention Center Louisville, KY AC: September 11 - 14

STEP IN CODE DEVELOPMENT CYCLE	DATE	
	2021 – Group A Codes (see pg. xi) IBC- E, IBC - FS, IBC -G, IFC, IFGC, IMC, IPC, IPMC, IPSDC, IRC – M, IRC- P, ISPSC, IWUIC, IZC	2022 – Group B Codes (see pg. xi) Admin, IBC-S, IEBC, IgCC (Ch. 1), IRC – B (see note 2)
ONLINE GOVERNMENTAL CONSENSUS VOTE (OGCV)	Starts approx. two weeks after last day of the PCH. Open for 2 weeks.	Starts approx. two weeks after last day of the PCH. Open for 2 weeks.
WEB POSTING OF FINAL ACTION	Following Validation Committee certification of OGCV and ICC Board confirmation.	Following Validation Committee certification of OGCV and ICC Board confirmation.

* Web posting of the “Proposed Changes to the I-Codes” and “Public Comment Agenda” will be posted no later than scheduled. ICC will make every effort to post these documents earlier, subject to code change/public comment volume and processing time.

2021/2022 Cycle notes referenced from the table:

Note 1: PCH dates revised from the original schedule dates of September 22 – 29 to September 21 – 28

Note 2: The 2022 Group B codes noted in the table reflect the Code Council Board of Directors decision to update the energy provisions of the 2021 International Energy Conservation Code and Chapter 11 of the International Residential Code by utilizing ICC's Consensus Procedures for developing and updating standards. Both codes will be published with the remaining I-Codes in the fall of 2023. Based on this new development, the CAH dates of March 27 – April 6 are subject to change.

SEE NEXT PAGE FOR IDENTIFICATION OF THE 2021 GROUP A & 2022 GROUP B CODES/CODE COMMITTEES AS WELL AS OTHER CODE DEVELOPMENT PROCESS NOTES.

2021 Group A Codes/Code committees:

- IBC-E: IBC Egress provisions. Chapters 10 and 11.
- IBC-FS: IBC Fire Safety provisions. Chapters 7, 8, 9 (partial), 14 and 26. Majority of IBC Chapter 9 is maintained by the IFC. See notes.
- IBC-G: IBC General provisions. Chapters 3 – 6, 12, 13, 27 – 33.
- IFC: The majority of IFC Chapter 10 is maintained by IBC-E. See notes.
- IFGC
- IMC
- IPC
- IPMC: Code changes heard by the IPM/ZC (combined IPMC & IZC code committee)
- IPSDC (code changes heard by the IPC code committee)
- IRC-M: IRC Mechanical provisions. Chapters 12 – 23 (code changes heard by the IRC - MP code committee)
- IRC-P: IRC Plumbing provisions. Chapters 25 – 33 (code changes heard by the IRC - MP code committee)
- ISPSC
- IWUIC (code changes heard by the IFC code committee)
- IZC: Code changes heard by the IPM/ZC (combined IPMC & IZC code committee)

2022 Group B Codes/Code committees:

- Admin: Chapter 1 of all the I-Codes except the IECC, IgCC and IRC. Also includes the update of currently referenced standards in all of the 2021 Codes, except the IgCC.
- IBC-S: IBC Structural provisions. IBC Chapters 15 – 25 and IEBC structural provisions. See notes.
- IEBC: IEBC Non-structural provisions. See notes.
- IgCC: Chapter 1 of the IgCC. Remainder of the code is based on the provisions of ASHRAE Standard 189.1 *Standard for the Design of High-Performance Green Buildings, Except Low-Rise Residential Buildings*. The 2021 IgCC is scheduled to be published in the Spring/2021.
- IRC-B: IRC Building provisions. Chapters 1 – 10.

Process Notes:

- **2021 Virtual CAH:** The 2021 CAH, originally scheduled for April 11 – 21, 2021 in Rochester, NY has been rescheduled to be held virtually. The hearings will be held in two consecutive tracks, with a break in between. The tentative schedule is as follows:
 - Track 1: April 11 – 21, 2021: IBC – E; IBC – FS; IBC – G; IPMC/IZC; ISPSC
 - No Hearings: April 22 – 24
 - Track 2: April 25 – May 5, 2021: IFC/IWUIC; IFGC; IMC; IPC/IPSDC; IRC – M; IRC - P

Definitive tracks, codes, order of codes and track end date(s) may change based on code change volume and the creation of the hearing schedule. This document as well as all other updates are posted on a dedicated [webpage](#) to keep participants apprised of the virtual CAH progress/logistics. The webpage is also linked from the top of the [2021/2022 Cycle](#) webpage.

Be sure to consult updated Council Policy 28 (12/3/20) for procedural revisions applicable to the 2021 Virtual CAH (noted in CP 28 section titles as “2021 virtual CAH only”).

- Be sure to review the document entitled “2021/2022 Code Committee Responsibilities” which will be posted. This identifies responsibilities which are different than Group A and B codes and committees which may impact the applicable code change cycle and resulting code change deadline. As an example, throughout Chapter 9 of the IBC (IBC- Fire Safety), there are numerous sections which include the designation “[F]” which indicates that the provisions of the section are maintained by the IFC code committee. Similarly, there are numerous sections in the IEBC which include the designation “[BS]”. These are structural provisions which will be heard by the IBC – Structural committee. The designations in the code are identified in the Code Committee Responsibilities document.
- I-Code Chapter 1: Proposed changes to the provisions in Chapter 1 of the majority of the I-Codes are heard in Group B (see Admin above for exceptions). Be sure to review the brackets ([]) of the applicable code.
- Definitions. Be sure to review the brackets ([]) in Chapter 2 of the applicable code and the Code Committee Responsibilities document to determine which code committee will consider proposed changes to the definitions.
- Proposed changes to the ICC Performance Code will be heard by the code committee noted in brackets ([]) in the section of the code and in the Code Committee Responsibilities document

Uniform Construction Code

These pages provide information regarding Pennsylvania's statewide building code, generally known as the Uniform Construction Code (UCC). Enforcement of the UCC began in April 2004.

(<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2017&sessInd=0&smthLWInd=0&act=35>)

Act 35 of 2017

and

(<http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2017&sessInd=0&smthLWInd=0&act=36>)

Act 36 of 2017

went into effect October 25, 2017. These acts amend the Pennsylvania Construction Code Act. Please go to "Regulations and Statutes" for further information.

See "Codes and Standards Enforced Under the UCC" below for information about which version of the triennial codes applies to your construction project.

Administration and Enforcement of the UCC

Over 90% of Pennsylvania's 2,562 municipalities have elected to administer and enforce the UCC locally, using their own employees or via certified third party agencies (private code enforcement agencies) that they have retained. In these municipalities, the Department has no code enforcement authority, except where the municipality lacks the services of a person certified as an "Accessibility Inspector/Plans Examiner."

Resources:

[Continuing Education Provider](#)

(</ucc/Pages/Continuing-Education-Providers.aspx>)

[Contractor Licensing](#)

(</ucc/Pages/Contractor-Licensing.aspx>)

[L&I Enforcement](#)

(</ucc/Pages/L-I-Enforcement.aspx>)

[Local Enforcement](#)

(</ucc/Pages/Local-Enforcement.aspx>)

(</ucc/Pages/Forms>

[Forms](#)[.aspx](#))

[UCC Review & Advisory Council](#)

(</ucc/Pages/UCC-Review-and-Advisory-Council.aspx>)

(</ucc/Pages/Contacts.a>

[Contacts](#)[.spx](#))

Chapter 11, Appendix E of the International Building Code of 2018 and any other accessibility requirements contained in the 2018 I-codes referenced by the Uniform Construction Code were published in the Pennsylvania Bulletin and became effective on June 15, 2019.

The [Pennsylvania Bulletin outlines the changes](https://www.pabulletin.com/secure/data/vol49/49-24/891.html) 
 (<https://www.pabulletin.com/secure/data/vol49/49-24/891.html>)

that will occur in the Regulations.

The Regulations will be updated to reflect these changes in approximately 60 days.

<p>COVID-19 Re-opening Occupancy Guidance</p> <p>(https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Pages/COVID19-Occupancy-Guidance.aspx)</p>	<p>Regulations and Statutes</p> <p>(https://www.dli.pa.gov/ucc/Pages/Regulations-and-Statutes.aspx)</p>	<p>UCC Codes</p> <p>(https://www.dli.pa.gov/ucc/Pages/UCC-Codes.aspx)</p>
<p>Certified Code Officials</p> <p>(https://www.dli.pa.gov/ucc/Pages/Certified-Code-Officials.aspx)</p>	<p>Certification of Individuals and Third...</p> <p>(https://www.dli.pa.gov/ucc/Pages/Certification-of-Individuals-and-Third-Party-Agencies.aspx)</p>	<p>Certified TPA (Buildings)</p> <p>(https://www.dli.pa.gov/ucc/buildings/Pages/default.aspx)</p>
<p>Certified TPA (Elevators)</p> <p>(https://www.dli.pa.gov/ucc/elevators/Pages/default.aspx)</p>	<p>Plan Review and Inspection Fees</p> <p>(https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/fee-schedules/Pages/Buildings.aspx)</p>	<p>UCC Certification Fees</p> <p>(https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/fee-schedules/Pages/UCC.aspx)</p>

Forms (<https://www.dli.pa.gov/ucc/Pages/Forms.aspx>)

L&I Enforcement (<https://www.dli.pa.gov/ucc/Pages/L-I-Enforcement.aspx>)

Local Enforcement (<https://www.dli.pa.gov/ucc/Pages/Local-Enforcement.aspx>)

RAC 2015 ICC Code Re-Review (<https://www.dli.pa.gov/ucc/RAC2015ReReview/Pages/default.aspx>)

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DEPARTMENT ENFORCEMENT

§ 403.141. Enforcement by the Department.

- (a) The Department will conduct plan and specification review and inspections for all State-owned buildings under section 105(b) of the act (35 P. S. § 7210.105(b)). The Department will notify municipalities of all inspections of State-owned buildings and provide municipalities the opportunity to observe inspection of the buildings.
- (b) The Department will retain jurisdiction over the provisions of Chapter 11 (Accessibility), and any other accessibility requirements contained in or referenced by the Uniform Construction Code, until a municipality administering and enforcing the Uniform Construction Code obtains the services of a code administrator certified as an accessibility specialist.
- (c) The Department will enforce the Uniform Construction Code for all buildings and structures except for residential buildings and utility and miscellaneous use structures in municipalities that have not adopted an ordinance to enforce the act under section 501(a)(1) of the act (35 P. S. § 7210.501(a)(1)).
- (d) The Industrial Board will decide petitions for variances and extensions of time and appeals of Department decisions under the Uniform Construction Code. The Industrial Board will hold the first hearing on a petition within 45 days of receipt of the petition.
- (e) An owner or owner's agent may file a petition for variance or extension of time or an appeal with the Industrial Board under § 403.122 (relating to appeals, variances and extensions of time). An owner or owner's agent may file an appeal concerning technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

Cross References

This section cited in 34 Pa. Code § 401.2 (relating to Department fees).

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§ 403.102. Municipalities electing to enforce the Uniform Construction Code.

(a) A municipality which elects to enforce the Uniform Construction Code shall enact an ordinance adopting the Uniform Construction Code as its municipal building code under section 501(a) of the act (35 P. S. § 7210.501(a)).

(b) The initial election period is from April 9, 2004, through July 8, 2004. A municipality shall enact an ordinance adopting the Uniform Construction Code by July 8, 2004.

(c) A municipality shall submit written notification to the Department of adoption of the ordinance and the following information within 30 days of its adoption:

- (1) The number and date of adoption of the ordinance.
- (2) The name of building code official.
- (3) The business address of building code official.
- (4) The business phone number of building code official.
- (5) The electronic mail address of building code official, if available.

(d) A municipality may retain ordinances in effect on July 1, 1999, that contain standards that equal or exceed the Uniform Construction Code under section 303(b) of the act (35 P. S. § 7210.303(b)).

(e) A municipality that administers and enforces the Uniform Construction Code may cease administration and enforcement if it provides 180 days notice to the Department of its intention to adopt an ordinance ceasing administration and enforcement.

(f) A municipality shall notify the Department in writing within 30 days of any changes to the information it provided under subsections (b) and (e).

(g) A municipality that elects to administer and enforce the Uniform Construction Code shall utilize any of the following ways under section 501(b) of the act:

- (1) Employ at least one construction code official and designating an employee to serve as a building code official.
- (2) Retaining one or more third-party agencies.
- (3) Utilizing an intermunicipal agreement under 53 Pa.C.S. § § 2301—2315 (relating to intergovernmental cooperation).
- (4) Contracting with another municipality.

(5) Contracting with the Department for plan reviews, inspection and enforcement of structures other than one-family and two-family dwelling units and utility and miscellaneous use structures.

(h) A municipality may charge fees under § 401.2a (relating to municipal and third-party agency fees).

(i) A municipality may enact an ordinance containing standards that equal or exceed the Uniform Construction Code as adopted by § 403.21 (relating to the Uniform Construction Code) under section 503 of the act (35 P. S. § 7210.503) after Department review and approval. A municipality may enact ordinances under this section which adopt additional code requirements for alterations or repairs to residential buildings. A municipality may enact ordinances under this section which adopt stricter code requirements than required by the act for the regulation of utility and miscellaneous use structures. The municipality shall notify the Department of the proposed ordinance and submit the following to the Department for its review:

(1) The complete ordinance.

(2) The information required in subsection (c).

(3) A detailed statement containing the differences between the proposed ordinance and the Uniform Construction Code including code sections affected by the changes and how the ordinance will equal or exceed the Uniform Construction Code.

(4) The time and place of public hearing.

(j) The Department will review all proposed ordinances that are filed with the Department in accordance with section 503(f) and (i) of the act (35 P. S. § 7210.503(f) and (i)). The Department will provide written notification of its findings to the municipality including the Department's finding on the municipality's compliance with section 503(b) of the act.

(k) A written challenge of an ordinance is governed by the following:

(1) An aggrieved party may file a written challenge of an ordinance within 30 days of its enactment with the Department and shall serve a copy of the challenge upon the municipality under section 503(j) of the act.

(2) The Secretary will issue a ruling on the challenge within 45 days of receipt of the filing of the last challenge to the ordinance or within 30 days of the Department hearing on the challenge, whichever occurs last, under section 503(k) of the act.

(l) A municipality may enact an ordinance relating to the administration and enforcement of the Uniform Construction Code that meets or exceeds the requirements of the following sections:

(1) Section 403.42(b) and (c) (relating to permit requirements and exemptions).

(2) Section 403.42a(a)—(e) and (g)—(n) (relating to permit application).

(3) Section 403.43(b), (c), (g), (h) and (k) (relating to grant, denial and effect of permits).

(4) Section 403.44 (relating to alternative construction material and methods).

(5) Section 403.45 (relating to inspections).

(6) Section 403.46 (relating to certificate of occupancy).

(7) Section 403.47 (relating to public utility connections).

(8) Section 403.62(a)—(e) (relating to permit requirements and exemptions).

(9) Section 403.64 (relating to inspections).

(10) Section 403.65 (relating to certificates of occupancy).

- (11) Section 403.66 (relating to public utility connections).
- (12) Section 403.81(a) and (b) (relating to stop work order).
- (13) Section 403.82 (relating to notice of violations).
- (14) Section 403.83 (relating to order to show cause/ order to vacate).
- (15) Section 403.84(a)—(e) (relating to unsafe building structure or equipment).
- (16) Section 403.85(a)—(c) (relating to release, retention and sharing of commercial construction records).
- (m) A municipality may utilize forms provided by the Department of Community and Economic Development as the permit application under § § 403.42a and 403.62a.
- (n) A municipality will provide a list of all other required permits necessary before issuance of the building permit. A municipality will not be liable for the completeness of any list.
- (o) The Department will enforce Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code until a municipality employs or contracts with a code administrator certified as an accessibility inspector/plans examiner under this part.
- (p) A municipality may observe Department inspections of State-owned buildings in its jurisdiction under section 105(b)(1) of the act (35 P. S. § 7210.105(b)(1)). A municipality may review all building plans and plan review documents for State-owned buildings in the Department's custody.
- (q) A municipality may enact an ordinance imposing the code requirements spelled out in section 503(a)(2) of the act (35 P. S. § 7210.503(a)(2)) on the structures exempted under § 403.1(b)(12) (relating to scope).

Source

The provisions of this § 403.102 amended December 15, 2006, effective December 31, 2006, 36 Pa.B. 7548; amended December 24, 2009, effective December 31, 2009, 39 Pa.B. 7196. Immediately preceding text appears at serial pages (323818) to (323821).

Cross References

This section cited in 34 Pa. Code § 403.21 (relating to uniform construction code); 34 Pa. Code § 403.41 (relating to commercial construction); 34 Pa. Code § 403.42a (relating to permit application); 34 Pa. Code § 403.61 (relating to residential buildings); and 34 Pa. Code § 403.62a (relating to permit application).

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