
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1531 Session of
1995

INTRODUCED BY MELIO, JAROLIN, CORRIGAN, BELARDI, TRELLO,
BATTISTO, PETTIT, SEMMEL, YOUNGBLOOD, ITKIN, COLAIZZO,
COLAFELLA, GIGLIOTTI, BEBKO-JONES AND TANGRETTI, MAY 3, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 3, 1995

AN ACT

1 Authorizing a uniform construction code; providing for
2 enforcement and for penalties; and making repeals.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

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

8 Section 2. Intent and purpose.

9 It is the intent and purpose of this act to:

10 (1) Provide standards for the protection of life,
11 health, property and environment and for the safety and
12 welfare of the consumer, general public and the owners and
13 occupants of buildings and structures.

14 (2) Encourage innovation and economy in construction and
15 to provide requirements for construction and construction
16 materials consistent with nationally recognized standards.

17 Section 3. Legislative findings.

1 The General Assembly finds and declares as follows:

2 (1) A multiplicity of construction codes currently exist
3 in this Commonwealth. Moreover, the variation of construction
4 standards caused by the multiplicity of codes slows the
5 process of construction and increases the costs of
6 construction.

7 (2) The way to insure uniform, modern construction
8 standards and regulations throughout this Commonwealth is to
9 adopt a uniform construction code.

10 (3) The model codes of the Building Officials and Code
11 Administrators International, Inc. (BOCA), 1993 Edition, is a
12 construction code which has been widely adopted in this
13 Commonwealth and in the geographical region of the United
14 States of which this Commonwealth is a part. Adoption of a
15 nationally recognized code such as this pursuant to this act
16 will insure that this Commonwealth has a uniform, modern
17 construction code which will insure safe, healthy and
18 sanitary construction.

19 Section 4. Definitions.

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

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

25 "Building." Any structure use or intended for supporting or
26 sheltering any use or occupancy.

27 "Code." The Statewide Uniform Construction Code promulgated
28 under this act.

29 "Construction." The construction, erection, reconstruction,
30 alteration, conversion, demolition, removal, repair or equipping

1 of building of structures.

2 "Department." The Department of Labor and Industry of the
3 Commonwealth.

4 "Industrialized housing." As defined in the act of May 11,
5 1972 (P.L.286, No.70), known as the Industrialized Housing Act.

6 "Maintenance." The replacement or repair of existing work
7 with equivalent materials or the provision of additional work or
8 material for the purpose of the safety, healthfulness and upkeep
9 of the structure and the adherence to the other standards of
10 upkeep as are required in the interest of public health, safety
11 and welfare.

12 "Manufactured housing." Housing which bears a label, as
13 required by and referred to in the act of November 17, 1982
14 (P.L.676, No.192), known as the Manufactured Housing
15 Construction and Safety Standards Authorization Act, which
16 certifies that it conforms to Federal construction and safety
17 standards adopted pursuant to the Housing and Community
18 Development Act of 1974 (Public Law 93-383, 88 Stat. 139).

19 "Municipality." Any city, borough, incorporated town or
20 township.

21 "Structure." A combination of materials to form a
22 construction for occupancy, use or ornamentation whether
23 installed on, above or below the surface of a parcel of land.
24 The term shall be construed as though followed by the words "or
25 part thereof and all equipment therein" unless the context
26 clearly requires a different meaning.

27 Section 5. Application.

28 (a) General.--This act shall apply to the construction,
29 alteration, repair, use, occupancy and maintenance of all
30 buildings and structures in this Commonwealth.

1 (b) Exclusions.--This act shall not apply to any new
2 buildings or renovations to existing buildings on which a
3 contract for design has been signed prior to the effective date
4 of the regulations promulgated under this act.

5 (c) Prior permits and construction.--A construction permit
6 issued under valid construction regulations prior to the
7 effective date of the regulations issued under this act shall
8 remain valid, and the construction of any building or structure
9 may be completed pursuant to and in accordance with the permit.
10 The construction of any building or structure started before the
11 effective date of the regulations issued under this act that did
12 not as of the date construction commenced require a construction
13 permit may be completed without a construction permit.

14 (d) Preemption.--Any other construction regulations provided
15 by any statute or by local ordinance or validly promulgated or
16 enacted by any board, department, commission or agency of State
17 and local government shall continue in effect only until the
18 effective date of regulations promulgated under this act, at
19 which time they shall be preempted by such regulations and
20 deemed repealed unless the regulation or ordinance provides for
21 BOCA standards as the minimum requirement.

22 Section 6. Regulations.

23 The department shall, within 180 days of enactment of this
24 act, promulgate regulations adopting, as the State Uniform
25 Construction Code, the BOCA National Building Code, 1993
26 Edition. The regulations adopted by the Pennsylvania Fire
27 Commissioner implementing the code shall supersede and preempt
28 all local building and maintenance codes regulating any aspect
29 of the construction, alteration, repair, use, occupancy and
30 maintenance of buildings adopted or enforced by any municipality

1 or authority or pursuant to any deed restriction, rule,
2 regulation, ordinance, resolution, tariff or order of any public
3 utility or any State or local board, agency, commission or
4 homeowner's association, unless the minimum safety standard
5 complies with BOCA. No State, county, municipal or local board
6 or agency may hereafter adopt any ordinance, resolution, rule or
7 regulation which regulates construction, alteration, repair,
8 use, occupancy and maintenance of buildings and structures in
9 this Commonwealth unless the minimum safety standard complies
10 with BOCA.

11 Section 7. Exemptions.

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

22 Section 8. Savings.

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

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

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

30 Section 9. Penalties.

1 Any person, firm or corporation that violates any provision
2 of this act commits a summary offense and shall, upon
3 conviction, be sentenced to pay a fine of \$300 for each day of
4 noncompliance with this act.

5 Section 10. Repeals.

6 (a) Absolute.--The act of April 27, 1927 (P.L.465, No.299),
7 referred to as the Fire and Panic Act, is repealed.

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

10 Section 11. Effective date.

11 This act shall take effect in 60 days.