

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 647 Session of  
1999

---

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

---

REFERRED TO LOCAL GOVERNMENT, MARCH 24, 1999

---

AN ACT

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

5 TABLE OF CONTENTS

6 Chapter 1. Preliminary Provisions

7 Section 101. Short title.

8 Section 102. Legislative findings and purpose.

9 Section 103. Definitions.

10 Section 104. Application.

11 Section 105. Department of Labor and Industry.

12 Section 106. Accessibility Advisory Board.

13 Chapter 3. Uniform Construction Code

14 Section 301. Adoption by regulations.

15 Section 302. Related standards.

16 Section 303. Existing municipal building codes.

17 Section 304. Revised or successor codes.

18 Chapter 5. Adoption and Enforcement by Municipalities

19 Section 501. Administration and enforcement.

1 Section 502. Consideration of applications and inspections.  
2 Section 503. Changes in Uniform Construction Code.  
3 Section 504. Appeals.  
4 Chapter 7. Training and Certification of Inspectors  
5 Section 701. Training of inspectors.  
6 Section 702. Reciprocity.  
7 Chapter 9. Exemptions and Penalties  
8 Section 901. Exemptions.  
9 Section 902. Penalties.  
10 Chapter 11. Miscellaneous Provisions  
11 Section 1101. Savings.  
12 Section 1102. Repeals.  
13 Section 1103. Effective date.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 CHAPTER 1

17 PRELIMINARY PROVISIONS

18 Section 101. Short title.

19 This act shall be known and may be cited as the Pennsylvania  
20 Construction Code Act.

21 Section 102. Legislative findings and purpose.

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

23 (1) Many municipalities within this Commonwealth have no  
24 construction codes to provide for the protection of life,  
25 health, property and the environment and for the safety and  
26 welfare of the consumer, general public and the owners and  
27 occupants of buildings and structures. Consumers and  
28 occupants may be at risk from substandard construction.

29 (2) Likewise, in some regions of this Commonwealth a  
30 multiplicity of construction codes currently exist and some

1 of these codes may contain cumulatively needless requirements  
2 which limit the use of certain materials, techniques or  
3 products and lack benefits to the public. Moreover, the  
4 variation of construction standards caused by the  
5 multiplicity of codes may slow the process of construction  
6 and increase the costs of construction.

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

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

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

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

24 (2) To encourage standardization and economy in  
25 construction by providing requirements for construction and  
26 construction materials consistent with nationally recognized  
27 standards.

28 (3) To permit to the fullest extent feasible the use of  
29 state-of-the-art technical methods, devices and improvements  
30 consistent with reasonable requirements for the health,

1 safety and welfare of occupants or users of buildings and  
2 structures.

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

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

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

16 (7) To insure that existing Commonwealth laws and  
17 regulations, including those which would be repealed or  
18 rescinded by this act, would be fully enforced during the  
19 transition to Statewide administration and enforcement of a  
20 Uniform Construction Code. Further, it is the intent of this  
21 act that the Uniform Construction Code requirements for  
22 making buildings accessible to and usable by persons with  
23 disabilities do not diminish from those requirements  
24 previously in effect under the former provisions of the act  
25 of September 1, 1965 (P.L.459, No.235), entitled, as amended,  
26 "An act requiring that certain buildings and facilities  
27 adhere to certain principles, standards and specifications to  
28 make the same accessible to and usable by persons with  
29 physical handicaps, and providing for enforcement."

30 (8) To start a process leading to the design,

1 construction and alteration of buildings under a uniform  
2 standard.

3 Section 103. Definitions.

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

7 "Advisory board." The Accessibility Advisory Board created  
8 in section 106.

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

16 "Board of appeals." The body created by a municipality or  
17 more than one municipality to hear appeals from decisions of the  
18 code administrator as provided for by Chapter 1 of the Building  
19 Officials and Code Administrators International, Inc., National  
20 Building Code.

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

23 "CABO." Council of American Building Officials.

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

27 "Construction code official." An individual certified by the  
28 Department of Labor and Industry in an appropriate category  
29 established pursuant to section 701(b) of this act to perform  
30 plan review of construction documents, inspect construction or

1 administer and enforce codes and regulations in such code  
2 category under this act or related acts.

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

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

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

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, certifying  
16 that it conforms to Federal construction and safety standards  
17 adopted under the Housing and Community Development Act of 1974  
18 (Public Law 93-383, 88 Stat. 139).

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

25 "Municipality." A city, borough, incorporated town, township  
26 or home rule municipality.

27 "Occupancy." The purpose for which a building, or portion  
28 thereof, is used.

29 "Secretary." The Secretary of Labor and Industry of the  
30 Commonwealth.

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

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

15 "Uniform Construction Code." The code established in section  
16 301.

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

24 Section 104. Application.

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

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

29 (1) new buildings or renovations to existing buildings  
30 for which an application for a building permit has been made

1 to the municipality prior to the effective date of the  
2 regulations promulgated under this act;

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

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

11 (4) any agricultural building.

12 (c) Prior permits and construction.--

13 (1) Subject to paragraph (2) a construction permit  
14 issued under valid construction regulations prior to the  
15 effective date of the regulations issued under this act shall  
16 remain valid, and the construction of any building or  
17 structure may be completed pursuant to and in accordance with  
18 the permit.

19 (2) If the requirements of the permit have not been  
20 actively prosecuted within two years of the effective date of  
21 the regulations or the period specified by a municipal  
22 ordinance, whichever is less, the former permit holder shall  
23 be required to acquire a new permit. Where construction of a  
24 building or structure commenced before the effective date of  
25 the regulations promulgated under this act and a permit was  
26 not required at that time, construction may be completed  
27 without a permit.

28 (d) Preemption.--

29 (1) Except as otherwise provided in this act,  
30 construction standards provided by any statute or local



1 ordinance or regulation promulgated or adopted by a board,  
2 department, commission, agency of State government or agency  
3 of local government shall continue in effect only until the  
4 effective date of regulations promulgated under this act, at  
5 which time they shall be preempted by regulations promulgated  
6 under this act and deemed thereafter to be rescinded.

7 (2) (i) Except as otherwise provided in this act and as  
8 specifically excepted in subparagraph (ii), a homeowners'  
9 association or community association shall be preempted  
10 from imposing building construction standards or building  
11 codes for buildings to be constructed, renovated, altered  
12 or modified.

13 (ii) In municipalities which have not adopted an  
14 ordinance for the administration and enforcement of this  
15 act, a homeowners' association or community association  
16 may enact by board regulations the Uniform Construction  
17 Code or the CABO One and Two Family Dwelling Code, latest  
18 edition. The applicable building code shall constitute  
19 the standard governing building structures in the  
20 association's community.

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

25 Section 105. Department of Labor and Industry.

26 (a) Review.--

27 (1) Except for complaints arising out of a municipal  
28 ordinance enacted under section 503(a), the department may  
29 with reasonable cause review municipalities, municipal code  
30 officials, third-party agencies, construction code officials

1 and code administrators concerning the enforcement and  
2 administration of this act, including specifically complaints  
3 concerning accessibility requirements.

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

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

10 (b) State-owned buildings.--

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

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

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

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

30 (c) Elevators and conveying systems.--

1           (1) The department shall maintain Statewide  
2       administration and inspection authority over ski lifts,  
3       inclined passenger lifts and related devices, and elevators,  
4       conveying systems and related equipment as defined in section  
5       3002.0 (definitions) of Chapter 30 of the 1996 BOCA National  
6       Building Code, Thirteenth Edition.

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

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

16      (d) Limitation.--Nothing in this act, the regulations under  
17      this act nor the administration of the act or the regulations by  
18      the department shall contravene the right of builders to freely  
19      compete for and perform contracts for construction of commercial  
20      buildings in this Commonwealth.

21      Section 106. Accessibility Advisory Board.

22      (a) Creation and composition.--

23          (1) There is hereby created an Accessibility Advisory  
24      Board which shall be composed of 11 members appointed by the  
25      secretary. At least six members of the advisory board shall  
26      be public members, three of whom shall be persons with  
27      physical disabilities, one shall be an architect registered  
28      in Pennsylvania, one shall be a member of the business  
29      community and one shall be a representative of the  
30      multifamily housing industry. One member shall be a municipal

1 official. The chairman and minority chairman of the Labor and  
2 Industry Committee of the Senate and the chairman and  
3 minority chairman of the Labor Relations Committee of the  
4 House of Representatives, or their designees, shall be  
5 members. All members of the advisory board, except the  
6 members of the General Assembly, shall serve for a term of  
7 two years and until their successors are appointed.

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

13 (3) Meetings of the advisory board shall be called by  
14 the secretary. A quorum of the advisory board shall consist  
15 of four members.

16 (4) The initial advisory board shall be the body  
17 constituted under the former provisions of section 3.1 of the  
18 act of September 1, 1965 (P.L.459, No.235), entitled, as  
19 amended, "An act requiring that certain buildings and  
20 facilities adhere to certain principles, standards and  
21 specifications to make the same accessible to and usable by  
22 persons with physical handicaps, and providing for  
23 enforcement."

24 (b) Advice on regulation.--The advisory board shall review  
25 all proposed regulations under this act and shall offer comment  
26 and advice to the secretary on all issues relating to  
27 accessibility by persons with physical disabilities, including  
28 those which relate to the enforcement of the accessibility  
29 requirements.

30 (c) Recommendations for modifications.--The advisory board

1 shall review all applications from individual projects for  
2 modifications of the provisions of Chapter 11 (Accessibility) of  
3 the Uniform Construction Code and any other accessibility  
4 requirements contained in or referenced by the Uniform  
5 Construction Code, and shall advise the secretary regarding  
6 whether modification should be granted or whether compliance by  
7 existing facilities with provisions of Chapter 11  
8 (Accessibility) of the Uniform Construction Code and any other  
9 accessibility requirements contained in or referenced by the  
10 Uniform Construction Code is technically infeasible.

### 11 CHAPTER 3

#### 12 UNIFORM CONSTRUCTION CODE

13 Section 301. Adoption by regulations.

14 (a) Regulations.--

15 (1) The department shall, within 180 days of the  
16 effective date of this section, promulgate regulations  
17 adopting the 1996 BOCA National Building Code, Thirteenth  
18 Edition, as a Uniform Construction Code, except as provided  
19 in section 105(c)(2) and this section. The department shall  
20 promulgate separate regulations which may make changes to  
21 Chapter 1 of the 1996 BOCA National Building Code that are  
22 necessary for the department's implementation of this act.

23 (2) The regulations shall include a provision that all  
24 detached one-family and two-family dwellings that are not  
25 more than three stories in height shall be designed and  
26 constructed either in accordance with the CABO One and Two  
27 Family Dwelling Code, latest edition, or in accordance with  
28 the requirements of the Uniform Construction Code at the  
29 option of the building permit applicant. The provision shall  
30 require that an irrevocable election be made at the time

1 plans are submitted for review and approval.

2 (3) The regulations shall include a provision that the  
3 secretary shall have the exclusive power to grant  
4 modifications and decide issues of technical infeasibility  
5 under Chapter 11 (Accessibility) of the Uniform Construction  
6 Code and any other accessibility requirements contained in or  
7 referenced by the Uniform Construction Code for individual  
8 projects.

9 (4) The secretary shall consider the recommendations of  
10 the advisory board as provided in section 106(c). The  
11 department shall consider the comments of the advisory board  
12 with respect to accessibility issues in any proposed  
13 regulations.

14 (4) The regulations shall include the provisions of  
15 exception 8 to section 1014.6 (relative to stairway treads  
16 and risers) of the 1993 BOCA National Building Code, Twelfth  
17 Edition and the provisions of section R-213.1 (relative to  
18 stairways) of the CABO One and Two Family Dwelling Code, 1992  
19 edition, which provisions shall continue in effect until  
20 December 31, 2003, and such provisions shall be applicable  
21 notwithstanding section 303(b), which shall not apply to the  
22 provisions of any municipal building code ordinance which  
23 equals or exceeds these provisions.

24 (b) Scope of regulations.--

25 (1) The regulations adopted by the department  
26 implementing these codes shall supersede and preempt all  
27 local building codes regulating any aspect of the  
28 construction, alteration and repair of buildings adopted or  
29 enforced by any municipality or authority or pursuant to any  
30 deed restriction, rule, regulation, ordinance, resolution,

1 tariff or order of any public utility or any State or local  
2 board, agency, commission or homeowners' association, except  
3 as may be otherwise specifically provided in this act.

4 (2) The department may establish by regulation plan  
5 review and inspection fees where the department is  
6 responsible for administration and enforcement and  
7 requirements for municipal notification to the department of  
8 ordinance adoption and repeal under Chapter 5.

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

14 Section 302. Related standards.

15 (a) International Fuel Gas Code.--The department shall,  
16 within 180 days of the effective date of this section,  
17 promulgate regulations adopting the International Fuel Gas Code  
18 for the installation of fuel gas piping systems, fuel gas  
19 utilization equipment and related accessories. Where differences  
20 occur between provisions of the Uniform Construction Code and  
21 the International Fuel Gas Code, the provisions of the  
22 International Fuel Gas Code shall apply.

23 (b) Referenced standards.--

24 (1) The standards referenced in Chapters 30 and 35, or  
25 the applicable chapter, of the BOCA National Building Code  
26 and the American National Standards for Passenger Tramways,  
27 Aerial Tramways, Aerial Lifts, Surface Lifts and Tows,  
28 ASME/ANSI B77.1, shall be considered part of the requirements  
29 of the Uniform Construction Code to the prescribed extent of  
30 each such reference except that BNPMC-96 BOCA National

Property Maintenance Code and ASME/ANSI A17.3 (safety code for existing elevators and escalators) shall be excluded.

(2) Nothing contained in this act shall preempt the ability of a municipality to adopt or enforce the codes referred to in this subsection to the extent not referenced, in whole or in part, in Chapter 35 or applicable chapter of the BOCA National Building Code.

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

Section 303. Existing municipal building codes.

(a) Failure to meet requirements.--Except as provided in subsection (d), all municipal building code ordinances in effect on January 1, 1998, that do not comply with the minimum requirements of the regulations promulgated under this act shall be amended by the effective date of the regulations promulgated under this act to provide for the minimum requirements.

(b) Provisions which equal or exceed the Uniform Construction Code.--Except as provided in subsection (d), all municipal building code ordinances in effect on January 1, 1998, or reenactments of provisions of simultaneously repealed ordinances which were originally adopted prior to January 1, 1998, which contain provisions which equal or exceed the specific requirements of the regulations promulgated under this act shall remain in effect until December 31, 2003, by which



1 time they shall be amended to incorporate the specific  
2 requirements of the regulations promulgated under this act or  
3 shall be amended using the provisions of Chapter 5 to  
4 incorporate provisions which equal or exceed the specific  
5 requirements of the regulations promulgated under this act.

6 (c) Ordinance adopted after January 1, 1998.--Except as  
7 provided in subsection (d), any municipal building code  
8 ordinance adopted or effective after January 1, 1998, except  
9 reenactments of provisions of simultaneously repealed ordinances  
10 which were originally adopted prior to January 1, 1998, shall  
11 continue in effect only until the effective date of the  
12 regulations promulgated under this act, at which time the  
13 municipal building code ordinance shall be preempted by the  
14 regulations promulgated under this act and shall be deemed  
15 thereafter to be rescinded.

16 (d) Cities of the first class.--Any municipal building code  
17 ordinance in effect or adopted by a city of the first class by  
18 July 1, 1998, shall remain in effect until December 31, 2003, by  
19 which time the ordinance shall be amended to incorporate the  
20 specific requirements of the regulations promulgated under this  
21 act or shall be amended using the provisions of Chapter 5 to  
22 incorporate provisions which equal or exceed the specific  
23 requirements of the regulations promulgated under this act.  
24 Section 304. Revised or successor codes.

25 (a) Building code.--By December 31 of the year of the  
26 issuance of a new triennial BOCA National Building Code, or its  
27 successor building code, the department shall promulgate  
28 regulations adopting the new code as the Uniform Construction  
29 Code.

30 (b) International Fuel Gas Code.--By December 31 of the year

1 of the issuance of a new National Fuel Gas Code, or its  
2 successor code, the department shall promulgate regulations  
3 adopting the new code.

4 (c) Prior permits and construction.--

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

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

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

## 22 CHAPTER 5

### 23 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

24 Section 501. Administration and enforcement.

25 (a) Adoption of ordinance.--

26 (1) In order to administer and enforce the provisions of  
27 this act, municipalities shall enact an ordinance  
28 concurrently adopting the Uniform Construction Code as their  
29 municipal building code and the International Fuel Gas Code  
30 for the purposes described in section 302(a). Municipalities

1 may adopt the Uniform Construction Code and incorporated  
2 codes and the International Fuel Gas Code by reference.

3 (2) Municipalities shall have 90 days after the  
4 effective date of this act to adopt such an ordinance.  
5 Municipalities shall notify the department of the adoption of  
6 such an ordinance within 30 days. A municipality may adopt  
7 such an ordinance at any time thereafter, upon giving the  
8 department 180 days' notice of its intention to adopt such  
9 ordinance.

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

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

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

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

23 (4) By entering into a contract with the proper  
24 authorities of another municipality for the administration  
25 and enforcement of this act. When such a contract has been  
26 entered into, the municipal code official shall have all the  
27 powers and authority conferred by law in the municipality  
28 which has contracted to secure such services.

29 (5) By entering into an agreement with the department  
30 for plan reviews, inspections and enforcement of structures

1 other than one-family or two-family dwelling units and  
2 utility and miscellaneous use structures.

3 (c) Board of appeals.--

4 (1) Where the municipality has adopted an ordinance for  
5 the administration and enforcement of this act, the  
6 municipality shall or two or more municipalities may  
7 establish a board of appeals as provided by Chapter 1 of the  
8 BOCA National Building Code to hear appeals from decisions of  
9 the code administrator. Members of the municipality's  
10 governing body may not serve as members of the board of  
11 appeals.

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

17 (3) When a municipality cannot find persons to serve on  
18 a board of appeals who meet the minimum qualifications of  
19 Chapter 1 of the BOCA National Building Code, the  
20 municipality may fill a position on the board with a  
21 qualified person who resides outside of the municipality.

22 (d) Registration.--Nothing in this act shall allow a  
23 municipality to prohibit a construction code official who meets  
24 the requirements of Chapter 7 and remains in good standing from  
25 performing inspections in the municipality. This section does  
26 not alter the power and duties given to municipalities under  
27 section 501(b)(1), (3) and (4).

28 (e) Nonmunicipal administration.--

29 (1) In municipalities which have not adopted an  
30 ordinance for the administration and enforcement of this act,

1 it shall be the duty of the municipality to notify an  
2 applicant for a construction permit that it shall be the  
3 responsibility of the permit applicant of one-family or two-  
4 family dwelling units and utility and miscellaneous use  
5 structures to obtain the services of a construction code  
6 official or third-party agency with appropriate categories of  
7 certification to conduct the plan review and inspections. For  
8 one-family and two-family dwelling units and utility and  
9 miscellaneous use structures, all of the following five  
10 inspections shall be required:

11 (i) Foundation inspection.

12 (ii) Plumbing, mechanical and electrical inspection.

13 (iii) Frame and masonry inspection.

14 (iv) Wallboard inspection.

15 (v) Final inspection. The final inspection shall not  
16 be deemed approved until all previous inspections have  
17 been successfully completed and passed.

18 (2) In municipalities which have not adopted an  
19 ordinance for the administration and enforcement of this act,  
20 it shall be the duty of the municipality to notify the  
21 department and an applicant for a construction permit that it  
22 shall be the responsibility of the owner of structures other  
23 than one-family or two-family dwelling units and utility and  
24 miscellaneous structures to obtain the services of the  
25 department to conduct the plan review and inspections  
26 required by this act.

27 (3) A copy of the final inspection report shall be sent  
28 to the property owner and to the builder and to a lender  
29 designated by the builder.

30 (4) In municipalities which require a building permit or

1 a certificate of occupancy but do not conduct inspections,  
2 the code administrator shall also be required to submit a  
3 copy of the report to the municipality.

4 (f) Private right of action.--

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

27 (2) Any individual, partnership, agency, association or  
28 corporation aggrieved by a final determination of the  
29 enforcement agency may file a petition for review within 30  
30 days of the final determination in the Commonwealth Court

1 pursuant to 42 Pa.C.S. section 763(a) (relating to direct  
2 appeals from government agencies). The decision of the  
3 enforcement agency shall not be reversed unless it is found  
4 to be arbitrary, capricious, illegal or not supported by  
5 substantial evidence.

6 (3) (i) Any individual, partnership, agency,  
7 association or corporation who filed a complaint pursuant  
8 to paragraph (1) and received no written response from  
9 the enforcement agency acknowledging receipt of its  
10 complaint within 60 days or received a response from the  
11 enforcement agency indicating that a violation was found  
12 but enforcement measures were not contemplated or  
13 enforcement measures were contemplated but such measures  
14 were not initiated after a period of 60 days from said  
15 response may either bring suit in Commonwealth Court  
16 against the agency for failure to enforce the provisions  
17 of this act and regulations promulgated pursuant to it or  
18 may bring a civil action in the appropriate court of  
19 common pleas against 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 action, 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 Section 502. Consideration of applications and inspections.

12 (a) Applications for construction permits.--

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

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

24 (3) If the code administrator fails to act on an  
25 application within the time prescribed, the application shall  
26 be deemed approved. The time limits established in this  
27 section for permit applications other than one-family and  
28 two-family dwellings may be extended upon agreement in  
29 writing between the applicant and the municipality for a  
30 specific number of additional days.



1 (b) Highway occupancy permit.--

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

9 (2) The department shall, within 60 days of the date of  
10 receipt of an application for a highway occupancy permit:

11 (i) approve the permit;

12 (ii) deny the permit;

13 (iii) return the application for additional  
14 information or correction to conform with department  
15 regulations; or

16 (iv) determine that no permit is required, in which  
17 case the department shall notify the municipality and  
18 applicant in writing.

19 (3) If the department fails to take any action within  
20 the 60-day period, the permit shall be deemed to be issued.  
21 The permit shall be marked to indicate that access to the  
22 State highway shall be only as authorized by a highway  
23 occupancy permit.

24 (4) (i) Neither the department nor any municipality to  
25 which permit-issuing authority has been delegated under  
26 section 420 of the State Highway Law shall be liable in  
27 damages for any injury to persons or property arising out  
28 of the issuance or denial of a driveway permit, or for  
29 failure to regulate any driveway.

30 (ii) The municipality from which the building permit

1 approval has been requested shall not be held liable for  
2 damages to persons or property arising out of the  
3 issuance or denial of a driveway permit by the  
4 department.

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

9 Section 503. Changes in Uniform Construction Code.

10 (a) Administration.--Municipalities may enact ordinances  
11 which equal or exceed the minimum requirements of Chapter 1 of  
12 the BOCA National Building Code without following the special  
13 provisions of this act, except as specifically provided by this  
14 act.

15 (b) Minimum requirement.--Subject to the provisions of this  
16 act, no municipality may propose any ordinance which is less  
17 than the minimum requirement of the BOCA National Building Code.

18 (c) Modification of minimum requirement.--Subject to the  
19 provisions of this act, the municipal governing body may propose  
20 an ordinance to equal or exceed the minimum requirements of the  
21 Uniform Construction Code under the law governing the adoption  
22 of ordinances in that jurisdiction.

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

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

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

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

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

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

12 (i) Department review.--The department shall review all  
13 proposed ordinances required to be filed with the department  
14 under subsection (f) for compliance with subsection (b). If the  
15 proposed ordinance does not comply with subsection (b), the  
16 department shall advise the municipality of its finding setting  
17 forth the reasons in writing. The municipality shall then  
18 withdraw the proposed ordinance or revise the proposed ordinance  
19 to meet the minimum requirements of the BOCA National Building  
20 Code.

21 (j) Challenge of ordinance.--

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

1 enforcement of the ordinance until a ruling is issued by the  
2 secretary or 45 days after the filing date of the last  
3 challenge to the ordinance, whichever occurs first.

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

7 (i) that certain clear and convincing local  
8 climatic, geologic, topographic or public health and  
9 safety circumstances or conditions justify the exception;

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

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

16 (k) Ruling by secretary.-- A ruling on a challenge by an  
17 aggrieved party shall be issued by the secretary within 45 days  
18 of receipt of the filing of the last challenge to the ordinance.  
19 If the secretary approves the ordinance, the municipality may  
20 begin to administer and enforce the ordinance. If the secretary  
21 disapproves the ordinance, the ordinance shall be null and void.  
22 The secretary shall state the reasons for the disapproval in  
23 writing to the municipality.

24 Section 504. Appeals.

25 (a) Ruling of secretary.--An appeal of the secretary's  
26 ruling may be taken to the Commonwealth Court within 30 days of  
27 the date of the ruling.

28 (b) Application for enforcement of ordinance.--Any person  
29 aggrieved by the application or enforcement of any provision of  
30 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.

3 CHAPTER 7

4 TRAINING AND CERTIFICATION OF INSPECTORS

5 Section 701. Training of inspectors.

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

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

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

20 (d) Waiver.--The department shall by regulation establish a  
21 procedure for the consideration of requests for waivers of the  
22 initial training and certification requirements for individuals  
23 who present documentation that they have previously satisfied  
24 substantially similar training, testing and certification  
25 requirements. Any waiver shall not apply to continuing education  
26 requirements.

27 (e) Current officials.--

28 (1) The department shall by regulation determine the  
29 time period for current code administrators to meet the  
30 training and certification requirements of this act. This

1 time period shall not be less than three years and not exceed  
2 seven years from the effective date of this act for  
3 individuals conducting plan review and inspections of one-  
4 family or two-family residential property or not be less than  
5 five years and not exceed ten years for individuals  
6 conducting plan reviews and inspections on all other  
7 buildings and structures.

8 (2) Notwithstanding the provisions of this subsection,  
9 the department shall adopt regulations specifically providing  
10 for the department's administration and enforcement of the  
11 provisions of Chapter 11 (Accessibility) of the Uniform  
12 Construction Code and any other accessibility requirements  
13 contained in or referenced by the Uniform Construction Code  
14 until code administrators have been certified regarding  
15 accessibility provisions. The department shall maintain  
16 jurisdiction over the provisions of Chapter 11  
17 (Accessibility) of the Uniform Construction Code and any  
18 other accessibility requirements contained in or referenced  
19 by the Uniform Construction Code until such time as municipal  
20 code administrators meet the requirements for certification.

21 (f) Continuing education.--The department shall, by  
22 regulation, adopt and implement the continuing education program  
23 and all code administrators shall participate in the  
24 department's continuing education programs.

25 (g) Remedial education.--The department is empowered to  
26 require code administrators to participate in remedial education  
27 programs for just cause.

28 (h) Decertification.--The department is empowered to  
29 decertify code administrators for just cause. The department  
30 shall, by regulation, establish a procedure for the notification

1 of code administrators of decertification and the right of the  
2 individual to receive a hearing before the department on  
3 decertification.

4 (i) List of code administrators.--The department shall  
5 maintain a list of code administrators, indicating the  
6 categories of certifications, which shall be made available to  
7 municipalities and, upon request, the public.

8 (j) Fees.--The department shall determine and approve  
9 reasonable fees for educational programs, testing and  
10 certification of code administrators.

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

14 Section 702. Reciprocity.

15 The department may develop reciprocity agreements with other  
16 states or jurisdictions which have established accreditations  
17 and certification requirements which the department determines  
18 to be substantially similar to those set forth in this act.

19 CHAPTER 9

20 EXEMPTIONS AND PENALTIES

21 Section 901. Exemptions.

22 This act shall not apply to manufactured housing which bears  
23 a label, as required by and referred to in the act of November  
24 17, 1982 (P.L.676, No.192), known as the Manufactured Housing  
25 Construction and Safety Standards Authorization Act, which  
26 certifies that it conforms to Federal construction and safety  
27 standards adopted under the Housing and Community Development  
28 Act of 1974 (Public Law 93-383, 88 Stat. 139), nor shall it  
29 apply to industrialized housing, as defined in the act of May  
30 11, 1972 (P.L.286, No.70), known as the Industrialized Housing

1 Act.

2 Section 902. Penalties.

3 (a) Violation of act.--

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

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

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

12 CHAPTER 11

13 MISCELLANEOUS PROVISIONS

14 Section 1101. Savings.

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

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

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

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

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

30 Act of January 24, 1966 (1965 P.L.1535, No.537), known as the



1 Pennsylvania Sewage Facilities Act, and regulations promulgated  
2 under the act.

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 Section 1102. Repeals.

7 (a) Absolute.--The following acts and parts of acts are  
8 repealed:

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

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

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

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

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

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

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

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

5   Section 1103.   Effective date.

6       This act shall take effect as follows:

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

9           (2)   The remainder of this act shall take effect 90 days  
10   following publication of notice in the Pennsylvania Bulletin  
11   that the regulations required by this act have been finally  
12   adopted.