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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 647      Session of  
1999

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 25, 1999

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AN ACT

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

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

19 CHAPTER 1

20 PRELIMINARY PROVISIONS

21 Section 101. Short title.

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

24 Section 102. Legislative findings and purpose.

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

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

1 occupants may be at risk from substandard construction.

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

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

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

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

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

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

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

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

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

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

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

1 make the same accessible to and usable by persons with  
2 physical handicaps, and providing for enforcement."

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

6 Section 103. Definitions.

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

10 "Advisory board." The Accessibility Advisory Board created  
11 in section 106.

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

19 "Board of appeals." The body created by a municipality or  
20 more than one municipality to hear appeals from decisions of the  
21 code administrator as provided for by Chapter 1 of the 1999 <—  
22 Building Officials and Code Administrators International, Inc.,  
23 National Building Code, FOURTEENTH EDITION. <—

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

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

29 "Construction code official." An individual certified by the  
30 Department of Labor and Industry in an appropriate category

1 established pursuant to section 701(b) of this act to perform  
2 plan review of construction documents, inspect construction or  
3 administer and enforce codes and regulations in such code  
4 category under this act or related acts.

5 "Department." The Department of Labor and Industry of the  
6 Commonwealth.

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

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

14 ~~"I.A.P.M.O." The International Association of Plumbing and~~ <—  
15 ~~Mechanical Officials.~~

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

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

20 "Manufactured housing." Housing which bears a label, as  
21 required by and referred to in the act of November 17, 1982  
22 (P.L.676, No.192), known as the Manufactured Housing  
23 Construction and Safety Standards Authorization Act, certifying  
24 that it conforms to Federal construction and safety standards  
25 adopted under the Housing and Community Development Act of 1974  
26 (Public Law 93-383, 88 Stat. 139).

27 "Municipal code official." An individual employed by a  
28 municipality or more than one municipality and certified by the  
29 Department of Labor and Industry under this act to perform plan  
30 review of construction documents, inspect construction or

1 administer and enforce codes and regulations under this act or  
2 related acts.

3 "Municipality." A city, borough, incorporated town, township  
4 or home rule municipality.

5 "NCSBCS." The National Conference of State Building Codes  
6 and Standards.

7 "Occupancy." The purpose for which a building, or portion  
8 thereof, is used.

9 "Secretary." The Secretary of Labor and Industry of the  
10 Commonwealth.

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

14 "Technically infeasible." An alteration of a building or a  
15 facility that has little likelihood of being accomplished  
16 because the existing structural conditions require the removal  
17 or alteration of a load-bearing member that is an essential part  
18 of the structural frame, or because other existing physical or  
19 site constraints prohibit modification or addition of elements,  
20 spaces or features which are in full and strict compliance with  
21 the minimum requirements for new construction and which are  
22 necessary to provide accessibility.

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

28 "Uniform Construction Code." The code established in section  
29 301.

30 "Utility and miscellaneous use structures." Buildings or

1 structures of an accessory character and miscellaneous  
2 structures not classified by the Building Officials and Code  
3 Administrators International, Inc., in any specific use group.

4 The term includes carports, detached private garages,  
5 greenhouses and sheds having a building area less than 500  
6 square feet. THE TERM DOES NOT INCLUDE SWIMMING POOLS OR SPAS. <—

7 Section 104. Application.

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

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

12 (1) new buildings or renovations to existing buildings  
13 for which an application for a building permit has been made  
14 to the municipality prior to the effective date of the  
15 regulations promulgated under this act;

16 (2) new buildings or renovations to existing buildings  
17 on which a contract for design or construction has been  
18 signed prior to the effective date of the regulations  
19 promulgated under this act on projects requiring department  
20 approval;

21 (3) utility and miscellaneous use structures that are  
22 accessory to detached one-family dwellings ~~except for~~ <—  
23 ~~swimming pools and spas~~; or

24 (4) any agricultural building.

25 (c) Prior permits and construction.--

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

1 the permit.

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

11 (d) Preemption.--

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

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

26 (ii) In municipalities which have not adopted an  
27 ordinance for the administration and enforcement of this  
28 act, a homeowners' association or community association  
29 may adopt by board regulations the Uniform Construction  
30 Code or the I.C.C. International One and Two Family

1 Dwelling Code, 1998 edition. The applicable building code  
2 shall constitute the standard governing building  
3 structures in the association's community.

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

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

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

18 (F) APPLICATION TO SWIMMING POOLS AND SPAS.--

<—

19 (1) THE PROVISIONS OF THIS ACT AS THEY RELATE TO  
20 SWIMMING POOLS AND SPAS, SHALL NOT BE APPLICABLE TO THOSE  
21 CONSTRUCTED OR INSTALLED PRIOR TO THE EFFECTIVE DATE OF THIS  
22 ACT.

23 (2) ALL SWIMMING POOLS AND SPAS CONSTRUCTED OR INSTALLED  
24 AFTER THE EFFECTIVE DATE OF THIS ACT, SHALL BE GOVERNED BY  
25 THE REQUIREMENTS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT  
26 INCLUDING SECTION 503.

27 Section 105. Department of Labor and Industry.

28 (a) Review.--

29 (1) The department shall with reasonable cause review  
30 municipalities, municipal code officials, third-party

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

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

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

11 (b) State-owned buildings.--

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

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

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

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

1 (c) Elevators and conveying systems.--

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

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

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

17 (d) Department of Health.--

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

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

30 (e) Limitation.--Nothing in this act, the regulations under

1 this act nor the administration of the act or the regulations by  
2 the department shall contravene the right of builders to freely  
3 compete for and perform contracts for construction of commercial  
4 buildings in this Commonwealth.

5 Section 106. Accessibility Advisory Board.

6 (a) Creation and composition.--

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

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

27 (3) Meetings of the advisory board shall be called by  
28 the secretary. A quorum of the advisory board shall consist  
29 of four members.

30 (4) The initial advisory board shall be the body

1 constituted under the former provisions of section 3.1 of the  
2 act of September 1, 1965 (P.L.459, No.235), entitled, as  
3 amended, "An act requiring that certain buildings and  
4 facilities adhere to certain principles, standards and  
5 specifications to make the same accessible to and usable by  
6 persons with physical handicaps, and providing for  
7 enforcement."

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

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

### 25 CHAPTER 3

#### 26 UNIFORM CONSTRUCTION CODE

27 Section 301. Adoption by regulations.

28 (a) Regulations.--

29 (1) The department shall, within 180 days of the  
30 effective date of this section, promulgate regulations

1 adopting the 1999 BOCA National Building Code, Fourteenth  
2 Edition, as a Uniform Construction Code, except as provided  
3 in section 105(c)(2) and this section. The department shall  
4 promulgate separate regulations which may make changes to  
5 Chapter 1 of the 1999 BOCA National Building Code, FOURTEENTH <—  
6 EDITION relating to administration that are necessary for the  
7 department's implementation of this act.

8 (2) The regulations shall include a provision that all  
9 detached one-family and two-family dwellings AND ONE-FAMILY <—  
10 TOWNHOUSES that are not more than three stories in height AND <—  
11 THEIR ACCESSORY STRUCTURES shall be designed and constructed  
12 either in accordance with the I.C.C. International One and  
13 Two Family Dwelling Code, 1998 edition, or in accordance with  
14 the requirements of the Uniform Construction Code at the  
15 option of the building permit applicant. The provision shall  
16 require that an irrevocable election be made at the time  
17 plans are submitted for review and approval. IF THE BUILDING <—  
18 PERMIT APPLICANT DOES NOT INDICATE A CODE, THE DESIGN AND  
19 CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE UNIFORM  
20 CONSTRUCTION CODE.

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

28 (4) The secretary shall consider the recommendations of  
29 the advisory board as provided in section 106(c). The  
30 department shall consider the comments of the advisory board

1 with respect to accessibility issues in any proposed  
2 regulations.

3 (5) The regulations shall provide for a system of  
4 periodic compliance reviews conducted by the department and  
5 for enforcement procedures conducted by the department to  
6 ensure that code administrators are adequately administering  
7 and enforcing Chapter 11 (Accessibility) of the Uniform  
8 Construction Code and any other accessibility requirements  
9 contained in or referenced by the Uniform Construction Code.

10 (6) The regulations shall include the provisions of  
11 exception 8 to section 1014.6 (relative to stairway treads  
12 and risers) of the 1993 BOCA National Building Code, Twelfth  
13 Edition and the provisions of section R-213.1 (relative to  
14 stairways) of the CABO One and Two Family Dwelling Code, 1992  
15 edition, which provisions shall continue in effect until  
16 December 31, 2003, and such provisions shall be applicable  
17 notwithstanding section ~~304(b)~~ 303(B), which shall not apply <—  
18 to the provisions of any municipal building code ordinance  
19 which equals or exceeds these provisions.

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

25 (b) International Fuel Gas Code.--The department shall,  
26 within 180 days of the effective date of this section,  
27 promulgate regulations adopting the International Fuel Gas Code  
28 for the installation of fuel gas piping systems, fuel gas  
29 utilization equipment and related accessories as the standard  
30 for the installation of piping, equipment and accessories in

1 this Commonwealth.

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

10 (d) Scope of regulations.--

11 (1) The regulations adopted by the department  
12 implementing these codes shall supersede and preempt all  
13 local building codes regulating any aspect of the  
14 construction, alteration and repair of buildings adopted or  
15 enforced by any municipality or authority or pursuant to any  
16 deed restriction, rule, regulation, ordinance, resolution,  
17 tariff or order of any public utility or any State or local  
18 board, agency, commission or homeowners' association, except  
19 as may be otherwise specifically provided in this act.

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

30 (3) The department shall establish by regulation

standards for the retention and sharing of building plans and other documents, for other than one-family or two-family dwelling units and utility and miscellaneous use structures, by the department, municipalities and third-party agencies.

~~Section 302. Establishment.~~

~~(a) Uniform plumbing code. The Uniform Plumbing Code as published by the IAPMO is hereby established as the standard for the installation of plumbing systems in this Commonwealth and shall be construed to be part of the Uniform Construction Code. Where differences occur between provisions of the 1999 BOCA National Building Code, Fourteenth Edition and the Uniform Plumbing Code, the provisions of the Uniform Plumbing Code shall apply.~~

~~(b) Uniform mechanical code. The Uniform Mechanical Code as published by the IAPMO is hereby established as the standard for the installation of mechanical systems in this Commonwealth and shall be construed to be part of the Uniform Construction Code. Where differences occur between provisions of the 1999 BOCA National Building Code, Fourteenth Edition and the Uniform Mechanical Code, the provisions of the Uniform Mechanical Code shall apply.~~

~~Section 303~~ 302. Referenced standards.

(a) General rule.--The standards referenced in Chapters 30 and 35 relating to elevators and conveying systems and referenced standards, respectively, or the applicable chapter, of the 1999 BOCA National Building Code, FOURTEENTH EDITION and the American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lifts and Tows, ASME/ANSI B77.1, shall be considered part of the requirements of the Uniform Construction Code to the prescribed extent of each such

1 reference except that BNPMC-96 BOCA National Property  
2 Maintenance Code and ASME/ANSI A17.3 (safety code for existing  
3 elevators and escalators) shall be excluded.

4 (b) No preemption.--Nothing contained in this act shall be  
5 construed to preempt the ability of a municipality to adopt or  
6 enforce the codes referred to in this ~~subsection~~ SECTION to the  
7 extent not referenced, in whole or in part, in Chapter 35  
8 relating to referenced standards or applicable chapter of the  
9 1999 BOCA National Building Code, FOURTEENTH EDITION.

10 Section ~~304~~ 303. Existing municipal building codes.

11 ~~(a) Failure to meet requirements. Except as provided in~~  
12 ~~subsection (d), all~~

13 (A) FAILURE TO MEET MINIMUM REQUIREMENTS.--

14 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE PROVISIONS  
15 OF municipal building code ordinances in effect on ~~January 1,~~  
16 ~~1998,~~ THE EFFECTIVE DATE OF THIS ACT that do not ~~comply with~~  
17 EQUAL OR EXCEED the minimum requirements of the regulations  
18 promulgated under this act shall be amended by the effective  
19 date of the regulations promulgated under this act to provide  
20 for the minimum requirements.

21 (2) A MUNICIPAL BUILDING CODE ORDINANCE PROVISION IN  
22 EFFECT IN OR ADOPTED BY A CITY OF THE FIRST CLASS ON OR  
23 BEFORE JANUARY 1, 1998, SHALL REMAIN IN EFFECT UNTIL DECEMBER  
24 31, 2003, BY WHICH TIME ~~THE ORDINANCE MUST~~ THOSE PROVISIONS  
25 OF THE ORDINANCE WHICH DO NOT COMPLY WITH THE MINIMUM  
26 REQUIREMENTS OF THE REGULATIONS PROMULGATED UNDER THIS ACT  
27 SHALL BE AMENDED TO ~~MEET~~ PROVIDE FOR THE MINIMUM REQUIREMENTS  
28 OF REGULATIONS PROMULGATED UNDER THIS ACT.

29 (b) Provisions which equal or exceed the Uniform

30 ~~Construction Code. Except as provided in subsection (d), all~~

1 ~~municipal~~ CONSTRUCTION CODE.-- <—

2 (1) MUNICIPAL building code ordinances in effect on

3 ~~January 1, 1998~~ JULY 1, 1999, or reenactments of provisions <—

4 of simultaneously repealed ordinances which were originally

5 adopted prior to ~~January 1, 1998~~ JULY 1, 1999, which contain <—

6 provisions which equal or exceed the specific requirements of

7 the regulations promulgated under this act shall remain in

8 effect UNTIL SUCH TIME AS ANY SUCH PROVISIONS FAIL TO EQUAL <—

9 OR EXCEED THE MINIMUM REQUIREMENTS OF THE REGULATIONS

10 PROMULGATED UNDER THIS ACT, AT WHICH TIME THE PROVISIONS OF

11 SUCH ORDINANCES SHALL BE AMENDED TO PROVIDE FOR THE MINIMUM

12 REQUIREMENTS OF THE REGULATIONS PROMULGATED UNDER THIS ACT.

13 ~~(c) Ordinance adopted after January 1, 1998. Except as~~ <—

14 ~~provided in subsection (d), any municipal building code~~

15 ~~ordinance~~

16 (2) MUNICIPAL BUILDING CODE ORDINANCES adopted or <—

17 effective after ~~January 1, 1998~~ JULY 1, 1999, except <—

18 reenactments of provisions of simultaneously repealed

19 ordinances which were originally adopted prior to ~~January 1,~~ <—

20 ~~1998~~ JULY 1, 1999, shall continue in effect only until the <—

21 effective date of the regulations promulgated under this act,

22 at which time the municipal building code ordinance shall be

23 preempted by the regulations promulgated under this act and

24 shall be deemed thereafter to be rescinded.

25 ~~(d) Cities of the first class. Any municipal building code~~ <—

26 ~~ordinance in effect or adopted by a city of the first class by~~

27 ~~July 1, 1998, shall remain in effect until December 31, 2003, by~~

28 ~~which time the ordinance shall be amended to incorporate the~~

29 ~~specific requirements of the regulations promulgated under this~~

30 ~~act or shall be amended using the provisions of Chapter 5 to~~

1 ~~incorporate provisions which equal or exceed the specific~~  
2 ~~requirements of the regulations promulgated under this act.~~

3 Section ~~305~~ 304. Revised or successor codes. <—

4 (a) Building code.--

5 (1) By December 31 of the year of the issuance of a new <—  
6 triennial BOCA National Building Code, or its successor  
7 building code, the department shall promulgate regulations  
8 adopting the new code as the Uniform Construction Code.

9 (2) BY DECEMBER 31 OF THE YEAR OF ISSUANCE OF A NEW <—  
10 TRIENNIAL ICC INTERNATIONAL ONE AND TWO FAMILY DWELLING CODE  
11 OR ITS SUCCESSOR BUILDING CODE, THE DEPARTMENT SHALL  
12 PROMULGATE REGULATIONS PROVIDING THAT ALL DETACHED ONE-FAMILY  
13 AND TWO-FAMILY DWELLINGS AND ONE-FAMILY TOWNHOUSES THAT ARE  
14 NOT MORE THAN THREE STORIES IN HEIGHT AND THEIR ACCESSORY  
15 STRUCTURES MAY BE DESIGNED IN ACCORDANCE WITH THAT CODE OR  
16 THE UNIFORM CONSTRUCTION CODE AT THE OPTION OF THE BUILDING  
17 PERMIT APPLICANT.

18 (b) International Fuel Gas Code.--By December 31 of the year  
19 of the issuance of a new International Fuel Gas Code, or its  
20 successor code, the department shall promulgate regulations  
21 adopting the new code.

22 (c) Prior permits and construction.--

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

30 (2) If the permit has not been actively prosecuted

1 within two years of the effective date of the regulation or  
2 the period specified by a municipal ordinance, whichever is  
3 less, the former permitholder shall be required to acquire a  
4 new permit.

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

## 10 CHAPTER 5

### 11 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES

12 Section 501. Administration and enforcement.

13 (a) Adoption of ordinance.--

14 (1) In order to administer and enforce the provisions of  
15 this act, municipalities shall enact an ordinance  
16 concurrently adopting the Uniform Construction Code as their  
17 municipal building code and the International Fuel Gas Code  
18 for the purposes described in section ~~303(a)~~ 302(A). <—

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

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

25 ~~(3)~~ (2) Municipalities shall have 90 days after the <—  
26 effective date of this act to adopt such an ordinance.  
27 Municipalities shall notify the department of the adoption of  
28 such an ordinance within 30 days. A municipality may adopt  
29 such an ordinance at any time thereafter, upon giving the  
30 department 180 days' notice of its intention to adopt such

ordinance.

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

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

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

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

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

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

(c) Board of appeals.--

(1) ~~Where the municipality~~ A MUNICIPALITY WHICH has  
adopted an ordinance for the administration and enforcement  
of this act, ~~the municipality shall or two or more~~  
~~municipalities may~~ OR MUNICIPALITIES WHICH ARE PARTIES TO AN  
AGREEMENT FOR THE JOINT ADMINISTRATION AND ENFORCEMENT OF

<—

<—

<—

1 THIS ACT SHALL establish a board of appeals as provided by  
2 Chapter 1 of the 1999 BOCA National Building Code, FOURTEENTH <—  
3 EDITION to hear appeals from decisions of the code  
4 administrator. Members of the municipality's governing body  
5 may not serve as members of the board of appeals.

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

11 (3) When a municipality cannot find persons to serve on  
12 a board of appeals who meet the minimum qualifications of  
13 Chapter 1 of the BOCA National Building Code, the  
14 municipality may fill a position on the board with a  
15 qualified person who resides outside of the municipality.

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

22 (e) Nonmunicipal administration.--

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

1 certification to conduct the plan review and inspections. For  
2 one-family and two-family dwelling units and utility and  
3 miscellaneous use structures, all of the following five  
4 inspections shall be required:

5 (i) Foundation inspection.

6 (ii) Plumbing, mechanical and electrical inspection.

7 (iii) Frame and masonry inspection.

8 (iv) Wallboard inspection.

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

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

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

26 (4) In municipalities which require a building permit or  
27 a certificate of occupancy but do not conduct inspections,  
28 the code administrator shall also be required to submit a  
29 copy of the report to the municipality. No certificate of  
30 occupancy shall be issued for a building unless it meets all

1 of the APPLICABLE ACCESSIBILITY provisions of the Uniform <—  
2 Construction Code or has been granted a variance for the  
3 requirements it does not meet. A certificate of partial  
4 occupancy may be issued if the space to be occupied complies  
5 with the accessibility requirements contained in the Uniform  
6 Construction Code unless a variance for the space has been  
7 obtained in accordance with this act.

8 (f) Private right of action.--

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

1 promulgated pursuant to it.

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

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

26 (ii) If the court finds a violation of this act or  
27 of regulations adopted pursuant to it, the court may  
28 enjoin construction or remodeling of the building, direct  
29 the correction of violations within a reasonable and  
30 specified time period or order such other relief deemed

1 appropriate. The court, in issuing any final orders in  
2 any action brought pursuant to this section, may award  
3 costs of litigation, attorney and expert witness fees, to  
4 any party, whenever the court determines such an award is  
5 appropriate. The court may, if a temporary restraining  
6 order or preliminary injunction is sought, require the  
7 filing of a bond or equivalent security in accordance  
8 with the rules of civil procedure.

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

15 Section 502. Consideration of applications and inspections.

16 (a) Applications for construction permits.--

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

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

28 (3) If the code administrator fails to act on an  
29 application for a construction permit for one-family and two-  
30 family dwelling units and utility and miscellaneous use

1 structures within the time prescribed, the application shall  
2 be deemed approved. The time limits established in this  
3 section for permit applications other than one-family and  
4 two-family dwellings may be extended upon agreement in  
5 writing between the applicant and the municipality for a  
6 specific number of additional days.

7 (b) Highway occupancy permit.--

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

15 (2) The Department of Transportation shall, within 60  
16 days of the date of receipt of an application for a highway  
17 occupancy permit:

18 (i) approve the permit;

19 (ii) deny the permit;

20 (iii) return the application for additional  
21 information or correction to conform with regulations of  
22 the Department of Transportation; or

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

26 (3) (i) If the Department of Transportation fails to  
27 take any action within the 60-day period, the permit  
28 shall be deemed to be issued. The permit shall be marked  
29 to indicate that access to the State highway shall be  
30 only as authorized by a highway occupancy permit.

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

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

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

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

### Section 503. Changes in Uniform Construction Code.

(a) Administration.--Municipalities may enact ordinances which equal or exceed the minimum requirements of Chapter 1 of the 1999 BOCA National Building Code, FOURTEENTH EDITION RELATING TO ADMINISTRATION consistent with the provisions of section 501(c).

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

1 less than the minimum requirement of the Uniform Construction  
2 Code.

3 (c) Modification of minimum requirement.--Subject to the  
4 provisions of this act, the municipal governing body may propose  
5 and enact an ordinance to equal or exceed the minimum  
6 requirements of the Uniform Construction Code under the law  
7 governing the adoption of ordinances in that jurisdiction.

8 (d) Public hearing.--The municipality ~~must~~ SHALL hold at  
9 least one public hearing prior to adoption of the ordinance.

<—

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

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

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

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

27 (i) Department review.--The department shall review all  
28 proposed ordinances required to be filed with the department  
29 under subsection (f) for compliance with subsection (b). If the  
30 proposed ordinance does not comply with subsection (b), the

1 department shall advise the municipality of its finding setting  
2 forth the reasons in writing. The municipality shall then  
3 withdraw the proposed ordinance or revise the proposed ordinance  
4 to meet the minimum requirements of the ~~BOCA National Building~~ <—  
5 UNIFORM CONSTRUCTION Code. <—

6 (j) Challenge of ordinance.--

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

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

22 (i) that certain clear and convincing local  
23 climatic, geologic, topographic or public health and  
24 safety circumstances or conditions justify the exception;

25 (ii) the ~~exemption~~ EXCEPTION shall be adequate for <—  
26 the purpose intended and shall meet a standard of  
27 performance equal to or greater than that prescribed by  
28 the ~~BOCA National Building~~ UNIFORM CONSTRUCTION Code; and <—

29 (iii) the exception would not diminish or threaten  
30 the health, safety and welfare of the public; AND <—

1 (IV) THE EXCEPTION WOULD NOT BE INCONSISTENT WITH  
2 THE LEGISLATIVE FINDINGS AND PURPOSE DESCRIBED IN SECTION  
3 102.

4 THE DEPARTMENT SHALL TAKE INTO CONSIDERATION, IN RENDERING THE  
5 DETERMINATION, THE PROVISION, CODE DEVELOPMENT PROCESS HISTORY,  
6 PURPOSE AND INTENT OF RELEVANT PROVISIONS OF THE 1999 BOCA  
7 NATIONAL BUILDING CODE, FOURTEENTH EDITION, I.C.C. INTERNATIONAL  
8 ONE AND TWO FAMILY DWELLING CODE, 1998 EDITION, OR THEIR  
9 SUCCESSOR CODES.

10 (k) Ruling by secretary.--A ruling on a challenge by an  
11 aggrieved party shall be issued by the secretary within 45 days  
12 of receipt of the filing of the last challenge to the ordinance  
13 OR WITHIN 30 DAYS OF THE HEARING ON THE CHALLENGE WHICH MUST BE <—  
14 HELD BY THE DEPARTMENT UPON THE REQUEST OF THE MUNICIPALITY, IN  
15 THE MUNICIPALITY WHEREIN THE ORDINANCE IS PROPOSED, WHICHEVER  
16 LAST OCCURS. If the secretary approves the ordinance, the  
17 municipality may begin to administer and enforce the ordinance.  
18 If the secretary disapproves the ordinance, the ordinance shall  
19 be null and void. The secretary shall state the reasons for the  
20 disapproval in writing to the municipality.

21 Section 504. Appeals.

22 (a) Ruling of secretary.--An appeal of the secretary's  
23 ruling may be taken to the ~~Commonwealth Court~~ APPROPRIATE COURT <—  
24 OF COMMON PLEAS within 30 days of the date of the ruling.

25 (b) Application for enforcement of ordinance.--Any person  
26 aggrieved by the application or enforcement of any provision of  
27 an ordinance adopted pursuant to section 503 shall have the  
28 right to challenge the validity of the ordinance in the  
29 appropriate court of common pleas. IN ORDER TO BE AGGRIEVED, A <—  
30 PERSON MUST HAVE A DIRECT, IMMEDIATE AND SUBSTANTIAL INTEREST IN

1 THE APPLICATION OR ENFORCEMENT OF THE ORDINANCE.

2 CHAPTER 7

3 TRAINING AND CERTIFICATION OF INSPECTORS

4 Section 701. Training of inspectors.

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

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

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

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

26 (e) Current officials.--

27 (1) The department shall by regulation determine the  
28 time period for current code administrators to meet the  
29 training and certification requirements of this act. This  
30 time period shall not be less than three years and not exceed

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

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

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

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

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

1 individual to receive a hearing before the department on  
2 decertification.

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

7 (j) Fees.--The department shall determine and approve  
8 reasonable fees for educational programs, testing and  
9 certification of code administrators. The department shall  
10 consult with the Department of Aging, the Department of Health  
11 or the Department of Public Welfare, as appropriate, to  
12 determine fees for health care facilities, intermediate care  
13 facilities for the mentally retarded or for persons with related  
14 conditions and State institutions.

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

18 Section 702. Reciprocity.

19 The department may develop reciprocity agreements with other  
20 states or jurisdictions which have established accreditations  
21 and certification requirements which the department determines  
22 to be substantially similar to those set forth in this act.

## 23 CHAPTER 9

### 24 EXEMPTIONS, APPLICABILITY AND PENALTIES

<—

25 Section 901. Exemptions.

26 This act shall not apply to manufactured housing which bears  
27 a label, as required by and referred to in the act of November  
28 17, 1982 (P.L.676, No.192), known as the Manufactured Housing  
29 Construction and Safety Standards Authorization Act, which  
30 certifies that it conforms to Federal construction and safety

1 standards adopted under the Housing and Community Development  
2 Act of 1974 (Public Law 93-383, 88 Stat. 139), nor shall it  
3 apply to industrialized housing, as defined in the act of May  
4 11, 1972 (P.L.286, No.70), known as the Industrialized Housing  
5 Act.

6 SECTION 902. APPLICABILITY TO HISTORIC BUILDINGS, STRUCTURES  
7 AND SITES. <—

8 THE PROVISIONS OF THE 1999 BOCA NATIONAL BUILDING CODE,  
9 FOURTEENTH EDITION, RELATING TO THE CONSTRUCTION, REPAIR,  
10 ALTERATION, ADDITION, RESTORATION AND MOVEMENT OF STRUCTURES  
11 SHALL NOT APPLY TO EXISTING BUILDINGS AND STRUCTURES, OR NEW  
12 BUILDINGS AND STRUCTURES NOT INTENDED FOR RESIDENTIAL USE ON  
13 HISTORIC SITES, THAT ARE IDENTIFIED AND CLASSIFIED BY THE  
14 FEDERAL, STATE OR LOCAL GOVERNMENT AUTHORITY AS HISTORIC  
15 BUILDINGS OR SITES WHERE SUCH BUILDINGS AND STRUCTURES ARE  
16 JUDGED BY THE CODE OFFICIAL TO BE SAFE AND IN THE INTEREST OF  
17 PUBLIC HEALTH, SAFETY AND WELFARE.

18 Section ~~902~~ 903. Penalties. <—

19 (a) Violation of act.--

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

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

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

28 CHAPTER 11

29 MISCELLANEOUS PROVISIONS

30 Section 1101. Savings.

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

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

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

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

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

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

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

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

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

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

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

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

5 Section 1102. Repeals.

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

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

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

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

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

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

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

30 Act of December 19, 1990 (P.L.1387, No.214), known as the Dry

1 Cleaning Law.

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

4 Section 1103. Effective date.

5 This act shall take effect as follows:

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

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