

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1877 Session of 2013

INTRODUCED BY W. KELLER, M. DALEY, FRANKEL, SABATINA, MCGEEHAN, O'BRIEN, COHEN, YOUNGBLOOD, MIRANDA, MICOZZIE, DAVIS, NEILSON, GINGRICH, V. BROWN, SCHLOSSBERG, KORTZ, CALTAGIRONE, WATSON, MURT, R. MILLER, ROEBUCK, MCCARTER AND SIMS, DECEMBER 9, 2013

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 11, 2013

AN ACT

1 Providing for demolition standards for buildings and structures,  
2 for permits, for inspections, for powers and duties of the  
3 Department of Labor and Industry and for training and  
4 enforcement; imposing penalties; and establishing the  
5 Demolition Safety Training and Enforcement Account.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Demolition  
10 Safety Act.

11 Section 2. Definitions.

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

15 "Account." The Demolition Safety Training and Enforcement  
16 Account established under section 9.

17 "ANSI." The American National Standards Institute.

1 "Code administrator." As defined in section 103 of the act  
2 of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania  
3 Construction Code Act.

4 "Construction code official." As defined in section 103 of  
5 the act of November 10, 1999 (P.L.491, No.45), known as the  
6 Pennsylvania Construction Code Act.

7 "Demolition." The partial or complete destruction of a  
8 building or structure.

9 "Demolition work." The work incidental to or associated with  
10 the total, partial or complete destruction of a building or  
11 structure.

12 "Department." The Department of Labor and Industry of the  
13 Commonwealth.

14 "Municipality." As defined in section 103 of the act of  
15 November 10, 1999 (P.L.491, No.45), known as the Pennsylvania  
16 Construction Code Act.

17 "OSHA." The Occupational Safety and Health Administration of  
18 the United States Department of Labor.

19 "Pennsylvania Construction Code Act." The act of November  
20 10, 1999 (P.L.491, No.45), known as the Pennsylvania  
21 Construction Code Act.

22 "Residential building." As defined in section 103 of the act  
23 of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania  
24 Construction Code Act.

25 Section 3. Application.

26 (a) General rule.--

27 (1) This act shall apply to the demolition of all  
28 buildings and structures under the jurisdiction of cities of  
29 the first class and municipalities that have elected coverage  
30 under paragraph (2).

1 (2) A municipality may approve and enact an ordinance  
2 under the law governing the adoption of ordinances in that  
3 jurisdiction to elect coverage under this act. IF A <--  
4 MUNICIPALITY ACTS UNDER THIS PARAGRAPH, ALL OF THE FOLLOWING  
5 APPLY:

6 (I) THE MUNICIPALITY SHALL NOT BE REQUIRED TO ADOPT  
7 THE PROVISIONS OF SECTION 4(A), (B) OR (C) IN THEIR  
8 ENTIRETY.

9 (II) THE MUNICIPALITY MAY ADOPT ANY OR ALL OF THE  
10 PROVISIONS OF SECTION 4(A), (B) OR (C).

11 (III) THE MUNICIPALITY MAY ADOPT PENALTIES LESS  
12 STRICT THAN THOSE SPECIFIED IN SECTION 6(A).

13 (IV) THE MUNICIPALITY SHALL BE SUBJECT TO THE  
14 PROVISIONS SET FORTH IN SECTIONS 503 AND 504 OF THE  
15 PENNSYLVANIA CONSTRUCTION CODE ACT; HOWEVER, A CHALLENGE  
16 TO THE ORDINANCE UNDER SECTION 503(J) OF THE PENNSYLVANIA  
17 CONSTRUCTION CODE ACT MUST BE BASED ON PROVISIONS ADOPTED  
18 UNDER SECTION 4(A), (B) OR (C).

19 ~~(b) Demolition codes and standards.~~ <--

20 ~~(1) Demolition work shall be completed in accordance~~  
21 ~~with construction codes and standards adopted under the~~  
22 ~~Pennsylvania Construction Code Act.~~

23 ~~(2) A city of the first class or a municipality that has~~  
24 ~~elected coverage under subsection (a)(2) may enact an~~  
25 ~~ordinance under the law governing the adoption of ordinances~~  
26 ~~in that jurisdiction to adopt standards and safeguards for~~  
27 ~~demolitions that equal or exceed the minimum requirements of~~  
28 ~~the Uniform Construction Code adopted under section 301 of~~  
29 ~~the Pennsylvania Construction Code Act. The ordinances shall~~  
30 ~~not be subject to the limitations and requirements set forth~~

1 ~~in sections 503 and 504 of the Pennsylvania Construction Code~~  
2 ~~Act.~~

3 (B) DEMOLITION CODES AND STANDARDS.--DEMOLITION WORK SHALL <--  
4 BE COMPLETED IN ACCORDANCE WITH CONSTRUCTION CODES AND STANDARDS  
5 ADOPTED UNDER THE PENNSYLVANIA CONSTRUCTION CODE ACT.

6 Section 4. Demolition permits and secondary demolition permits.

7 (a) Demolition permits required.--EXCEPT AS SET FORTH IN <--  
8 SUBSECTION (E):

9 (1) A contractor or an owner of a property who will  
10 perform demolition work on a building or structure must  
11 receive a demolition permit from the code administrator for  
12 the jurisdiction where the work will be performed.

13 (2) A subcontractor or individual who is not an employee  
14 of the demolition permit holder and who will perform work  
15 authorized by the demolition permit must receive a secondary  
16 demolition permit from the code administrator for the  
17 jurisdiction where the work will be performed.

18 (b) Permit applications.--EXCEPT AS SET FORTH IN SUBSECTION <--  
19 (E):

20 (1) The demolition permit application shall require:

21 (i) Identifying information and qualifications,  
22 which may include work history, training or educational  
23 experience, affiliation or membership in occupational  
24 associations or organizations, and licensing and  
25 certifications issued by a public agency or recognized  
26 industry association or organization.

27 (ii) Documents, including building and site plans,  
28 if available, prepared by a licensed architect or  
29 professional engineer and demolition plans, time  
30 schedules and surveys required under 29 CFR Part 1926.850

1 (relating to preparatory operations), prepared by a  
2 professional engineer who is trained or experienced in  
3 the field of demolition.

4 (iii) A site-specific safety plan that supports the  
5 demolition plan and meets or exceeds current OSHA and  
6 ANSI A10.6 standards for demolition. The plan must be  
7 updated throughout demolition work.

8 (iv) Verification that preparatory requirements have  
9 been completed, which include, but are not limited to,  
10 the following:

11 (A) Asbestos or hazardous materials inspection,  
12 abatement or removal as required by Federal, State or  
13 local law or regulation.

14 (B) Utility disconnections beyond the building  
15 or structure, except where it may be necessary to  
16 maintain a utility service.

17 (v) Liability insurance in the amount of at least  
18 \$1,000,000.

19 (vi) A performance bond by a surety company  
20 authorized to do business in this Commonwealth in the  
21 amount of the estimated cost of the demolition work  
22 authorized by the permit, but not less than \$25,000. The  
23 bond shall be conditioned upon acceptable completion of  
24 the work authorized by the permit.

25 (vii) Certification that employees who will perform  
26 work authorized by the permit have completed industry  
27 standard training and maintain any certifications or  
28 licensing which may be required by Federal, State or  
29 local law.

30 (viii) Proof of a drug and alcohol testing policy,

1 which authorizes testing based on reasonable suspicion or  
2 any other basis, for all workers employed on the project,  
3 or, if the applicant is an individual, an agreement that  
4 the individual will not engage in the unlawful possession  
5 or use of a controlled substance while performing work  
6 authorized by the permit.

7 (ix) An agreement that an employee or individual who  
8 has successfully completed an OSHA 30-hour course in  
9 construction industry safety and health hazard  
10 recognition and prevention and possesses training or  
11 experience in the application of ANSI A10.6 standards for  
12 demolition will be on site at all times work is performed  
13 under the permit.

14 (x) Identifying information for subcontractors that  
15 will perform work authorized by the permit.

16 (xi) An agreement to provide notice by certified  
17 mail of the application for a demolition permit and  
18 demolition time schedule to adjacent property owners and  
19 occupants.

20 (xii) Any other requirements set forth by the  
21 department, the city of the first class or the  
22 municipality.

23 (2) The secondary demolition permit application shall  
24 require:

25 (i) Identifying information and qualifications,  
26 which may include work history, training or educational  
27 experience, affiliation or membership in occupational  
28 associations or organizations and licensing and  
29 certifications.

30 (ii) A copy of the primary demolition permit.

1 (iii) A summary of work to be completed by the  
2 subcontractor or individual.

3 (iv) Liability insurance of at least \$1,000,000.

4 (v) Certification that employees or individuals who  
5 will perform work authorized by the permit have completed  
6 industry standard training and maintain any  
7 certifications or licensing which may be required by  
8 Federal, State or local law.

9 (vi) Proof of a drug and alcohol testing policy,  
10 which authorizes testing based on reasonable suspicion or  
11 any other basis, for all workers employed on the project,  
12 or, if the applicant is an individual, an agreement that  
13 the individual will not engage in the unlawful possession  
14 or use of a controlled substance while performing work  
15 authorized by the permit.

16 (vii) Any other requirements set forth by the  
17 department or municipality.

18 (c) Permit approval.--EXCEPT AS SET FORTH IN SUBSECTION (E): <--

19 (1) A code administrator shall review applications for  
20 demolition permits and secondary demolition permits and may  
21 grant the permit if:

22 (i) The application meets the requirements set forth  
23 under subsection (b).

24 (ii) The code administrator determines that the  
25 applicant is qualified to perform the work authorized by  
26 the permit.

27 (iii) The code administrator confirms that  
28 contractors and heavy equipment operators maintain  
29 certifications or licensing that may be required by  
30 Federal, State or local law.

1 (iv) The code administrator has conducted a site  
2 inspection.

3 (2) A code administrator may approve a permit with  
4 conditions or specialized instructions to conduct demolition  
5 work.

6 (d) Waiver or reduction of permit requirements.--EXCEPT AS <--  
7 SET FORTH IN SUBSECTION (E):

8 (1) A code administrator may waive or reduce  
9 requirements set forth by subsection (b) with respect to a  
10 single demolition permit if the code administrator finds  
11 that:

12 (i) the costs or requirements are excessive when  
13 compared to the risks to public safety and acceptable  
14 completion of the demolition and that the demolition will  
15 include only work on a fully detached residential  
16 building that maintains a setback from property lines and  
17 public ways so that the demolition will not disturb  
18 adjacent properties or the public; or

19 (ii) the proposed demolition will not include load-  
20 bearing structural changes and the applicant has obtained  
21 a construction permit.

22 (2) Reasons must be provided by the code administrator  
23 in writing.

24 (E) EXEMPTIONS FOR DEMOLITION WORK ON RESIDENTIAL <--  
25 BUILDINGS.--THIS SECTION SHALL NOT APPLY TO ANY OF THE  
26 FOLLOWING:

27 (1) DEMOLITION WORK ON A RESIDENTIAL BUILDING PERFORMED  
28 BY THE OWNER IN A MUNICIPALITY WHICH HAS TAKEN ACTION UNDER  
29 SECTION 3(A) (2) .

30 (2) WORK WHICH IS EXEMPT FROM COVERAGE OF PENNSYLVANIA



1 CONSTRUCTION CODE ACT.

2 (F) DUPLICATION OF PERMITS PROHIBITED.--A MUNICIPALITY  
3 ELECTING COVERAGE UNDER THIS ACT MAY NOT REQUIRE A PERMIT FOR  
4 DEMOLITION WORK UNDER THE PENNSYLVANIA CONSTRUCTION CODE ACT IF  
5 THAT WORK IS COVERED UNDER THIS ACT.

6 Section 5. Enforcement.

7 (a) Inspections required.--

8 (1) A code administrator may examine and inspect  
9 demolition buildings, structures or sites related to the  
10 permit application or demolition to ensure compliance.

11 (2) Inspections shall be conducted as follows:

12 (i) prior to issuing a permit;

13 (ii) at intervals during demolition work;

14 (iii) at any time that a credible complaint has been  
15 made regarding the demolition work; and

16 (iv) after work is completed.

17 (b) ~~Stop~~ FINES, STOP work orders and cancellation of <--  
18 permits.--A code administrator may ASSESS FINES OF NOT MORE THAN <--  
19 \$500 PER OFFENSE, issue stop work orders or revoke permits if  
20 the administrator finds that demolition work is not in  
21 compliance with the requirements of this act or the requirements  
22 of the demolition permit.

23 (c) Right of appeal.--A person aggrieved by the application  
24 or enforcement of this section shall have the right to appeal to  
25 a court of appropriate jurisdiction.

26 Section 6. Penalties.

27 (a) Violation of the act.--

28 (1) Any individual, firm or corporation that performs  
29 demolition work without a demolition permit or misrepresents  
30 or omits facts in order to obtain a demolition permit commits

1 a misdemeanor of the third degree and shall, upon conviction,  
2 be sentenced to pay a fine of not more than \$2,500 and costs.

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

5 (b) Disposition of penalties.--The amount of the penalty  
6 shall be forwarded to the ~~entity~~ MUNICIPALITY with enforcement <--  
7 jurisdiction.

8 Section 7. Records.

9 The code administrator shall retain records of applications,  
10 inspections and enforcement actions for no less than four years  
11 after the completion of the demolition project.

12 Section 8. Duties of department.

13 (a) Review of code administrators.--

14 (1) The department shall annually, and at any time with  
15 reasonable cause, review code administrators, construction  
16 code officials and third party agencies concerning the  
17 enforcement and administration of this act and qualifications  
18 required by section 701 of the Pennsylvania Construction Code  
19 Act.

20 (2) The department shall make a report to the governing  
21 body of the municipality that was the subject of a review.  
22 The report shall include findings and recommendations or  
23 required actions to address any deficiency observed by the  
24 department.

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

27 (b) Training programs.--Programs of required training and  
28 certification and continuing education for all categories of  
29 code administrators employed by the department, cities of the  
30 first class and municipalities that have elected coverage under

1 this act shall include an OSHA 30-hour course in construction  
2 industry safety and health hazard recognition and prevention.  
3 Section 9. Training and enforcement grants.

4 ~~(a) Additional fee. The department, cities of the first~~ <--  
5 ~~class and municipalities that have~~ (A) ADDITIONAL FEE.--A CITY <--  
6 OF THE FIRST CLASS SHALL, AND THE DEPARTMENT AND A MUNICIPALITY  
7 THAT HAS elected coverage under section 3(a) (2) may, assess an <--  
8 additional fee on each permit issued under the authority of this  
9 act and the Pennsylvania Construction Code Act in the amount of  
10 15% of the total cost of the permit.

11 (b) Training and enforcement account.--There is hereby  
12 established within the State Treasury a restricted account,  
13 which shall be known as the Demolition Safety Training and  
14 Enforcement Account.

15 (c) Deposit.--Moneys collected as authorized under  
16 subsection (a) shall be transmitted quarterly to the State  
17 Treasurer and deposited in the account. Moneys so deposited are  
18 appropriated to the department for the following purposes:

19 (1) For grants for enhanced enforcement of this act and  
20 the Pennsylvania Construction Code Act, including training  
21 and staffing of code administrators, construction code  
22 officials and inspectors and associated administrative costs.  
23 Grants must be allocated annually and in proportion to  
24 revenue generated from the additional fees assessed under  
25 subsection (a).

26 (2) For costs incurred by the department under section  
27 8(a).

28 (3) For costs of administering the account.

29 (d) Report required.--Within 18 months of the effective date  
30 of this section and every year thereafter, the department shall

1 submit a report to the chairman and minority chairman of the  
2 Labor and Industry Committee of the Senate and the chairman and  
3 minority chairman of the Labor and Industry Committee of the  
4 House of Representatives. The report shall provide the following  
5 information:

6 (1) All data available on the administration of the  
7 account.

8 (2) Revenue generated by the additional fee.

9 (3) The use and distribution of revenue by the  
10 department.

11 (4) Any other information that the department believes  
12 to be relevant or necessary in the content of the report.

13 Section 10. Effective date.

14 This act shall take effect ~~immediately~~ IN 120 DAYS.

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