THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 176   Session of 2017

INTRODUCED BY PICKETT, BAKER, BARRAR, V. BROWN, CAUSER,
D. COSTA, COX, DeLUCA, FEE, GABLER, GODSHALL, A. HARRIS,
HEFFLEY, PHILLIPS-HILL, JAMES, LAWRENCE, MILLARD, MURT, WARD,
WHEELAND, ZIMMERMAN AND GILLEN, JANUARY 23, 2017

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 23, 2017

AN ACT

1   Amending the act of November 10, 1999 (P.L.491, No.45), entitled
2   "An act establishing a uniform construction code; imposing
3   powers and duties on municipalities and the Department of
4   Labor and Industry; providing for enforcement; imposing
5   penalties; and making repeals," in preliminary provisions,
6   further providing for definitions and for application.

7   The General Assembly of the Commonwealth of Pennsylvania

8   hereby enacts as follows:

9   Section 1. Section 103 of the act of November 10, 1999

10 (P.L.491, No.45), known as the Pennsylvania Construction Code

11 Act, is amended by adding ~~a definition~~ DEFINITIONS to read: <--

12 Section 103. Definitions.

13   The following words and phrases when used in this act shall

14 have the meanings given to them in this section unless the

15 context clearly indicates otherwise:

16   * * *

17   ~~"Farmer." Includes:~~   <--

18   ~~(1) a member of a farmer's immediate family;~~

1   (2) an employee of a farmer; and

2   (3) a person authorized in writing to operate the stand

3   on behalf of a farmer.

4   "AGRICULTURAL COMMODITY." ANY OF THE FOLLOWING, TRANSPORTED **<--**

5   OR INTENDED TO BE TRANSPORTED IN COMMERCE:

6   (1) AGRICULTURAL, AQUACULTURAL, HORTICULTURAL,

7   FLORICULTURAL, VITICULTURAL OR DAIRY PRODUCTS.

8   (2) LIVESTOCK AND THE PRODUCTS OF LIVESTOCK.

9   (3) RANCH-RAISED FUR-BEARING ANIMALS AND THE PRODUCTS OF

10   RANCH-RAISED FUR-BEARING ANIMALS.

11   (4) THE PRODUCTS OF POULTRY OR BEE RAISING.

12   (5) FORESTRY AND FORESTRY PRODUCTS.

13   (6) PRODUCTS RAISED OR PRODUCED ON FARMS INTENDED FOR

14   HUMAN CONSUMPTION AND THE PROCESSED OR MANUFACTURED PRODUCTS

15   OF SUCH PRODUCTS INTENDED FOR HUMAN CONSUMPTION.

16   * * *

17   "PRODUCER." A PERSON ENGAGED WITHIN THIS COMMONWEALTH OR A

18   PRODUCTION AREA WITHIN THIS COMMONWEALTH IN THE BUSINESS OF

19   PRODUCING AGRICULTURAL COMMODITIES OR CAUSING AGRICULTURAL

20   COMMODITIES TO BE PRODUCED.

21   * * *

22   Section 2. Section 104(b) of the act is amended to read:

23   Section 104. Application.

24   * * *

25   (b) Exclusions.--This act shall not apply to any of the

26   following:

27   (1) [new] New buildings or renovations to existing

28   buildings for which an application for a building permit has

29   been made to the municipality prior to the effective date of

30   the regulations promulgated under this act[;].

1   (2) [new] New buildings or renovations to existing

2   buildings on which a contract for design or construction has

3   been signed prior to the effective date of the regulations

4   promulgated under this act on projects requiring department

5   approval[;].

6   (3) [utility] Utility and miscellaneous use structures

7   that are accessory to detached one-family dwellings[;].

8   (4) [any] Any agricultural building[;].

9   (5) [alterations] Alterations to residential buildings

10 which do not make structural changes or changes to means of

11 egress, except as might be required by ordinances in effect

12 pursuant to section 303(b)(1) or adopted pursuant to section

13 503. For purposes of this paragraph, a structural change does

14 not include a minor framing change needed to replace existing

15 windows or doors[;].

16   (6) [repairs] Repairs to residential buildings, except

17 as might be required by ordinances in effect pursuant to

18 section 303(b)(1) or adopted pursuant to section 503[;].

19   (6.1) [the] The installation of aluminum siding or vinyl

20 siding onto an existing residential or an existing commercial

21 building, except as might be required by ordinances in effect

22 pursuant to section 301 or adopted pursuant to section

23 503[;].

24   (7) [any] Any recreational cabin if:

25   (i) the cabin is equipped with at least one smoke

26   detector, one fire extinguisher and one carbon monoxide

27   detector in both the kitchen and sleeping quarters;

28   (ii) the owner of the cabin files with the

29   municipality either:

30   (A) an affidavit on a form prescribed by the

1   department attesting to the fact that the cabin meets

2   the definition of a "recreational cabin" in section

3   103; or

4   (B)   a valid proof of insurance for the

5   recreational cabin, written and issued by an insurer

6   authorized to do business in this Commonwealth,

7   stating that the structure meets the definition of a

8   "recreational cabin" as defined in section 103[;

9   and].

10   (8) [temporary] Temporary structures which are:

11   (i) Erected for the purpose of participation in a

12   fair, flea market, arts and crafts festival or other

13   public celebration.

14   (ii) Less than 1,600 square feet in size.

15   (iii) Erected for a period of less than 30 days.

16   (iv) Not a swimming pool, spa or hot tub.

17   (v) Subject to section 503(a)(2).

18   (9) Structures which meet NO MORE THAN ONE STRUCTURE PER <--

19   PARCEL OF LAND WHICH MEETS all of the following requirements:

20   (i) Are THE STRUCTURE IS used for the direct,   <--

21   seasonal sale of agricultural, horticultural and food   <--

22   products COMMODITIES.   <--

23   (ii) Are THE STRUCTURE IS open on at least one side <--

24   25% OF THE PERIMETER OF THE STRUCTURE WHEN IN OPERATION. <--

25   (iii) Are THE STRUCTURE IS operated by a farmer   <--

26   PRODUCER whose products make up not less than 50% of the <--

27   AGRICULTURAL commodities being sold.   <--

28   (iv) If not located on the farmer's property, are <--

29   temporary in nature PRODUCER'S PROPERTY, THE STRUCTURE IS <--

30   ERECTED FOR LESS THAN 180 DAYS OF A CALENDAR YEAR.

1   (v) ~~Have an area of less~~ THE STRUCTURE HAS AN AREA **<--**

2   OF NOT MORE than 1,000 square feet.

3   * * *

4   Section 3. This act shall take effect in 60 days.