
 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, GILLEN AND KORTZ, JANUARY 23, 2017

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JULY 9, 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 definitions to read:~~

12 SECTION 1. THE DEFINITION OF "AGRICULTURAL BUILDING" IN <--
13 SECTION 103 OF THE ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45),
14 KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, IS AMENDED AND
15 THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

16 Section 103. Definitions.

17 The following words and phrases when used in this act shall
18 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "AGRICULTURAL BUILDING." A STRUCTURE UTILIZED TO STORE FARM <--
4 IMPLEMENTS, HAY, FEED, GRAIN OR OTHER AGRICULTURAL OR
5 HORTICULTURAL PRODUCTS OR TO HOUSE POULTRY, LIVESTOCK OR OTHER
6 FARM ANIMALS, A MILK HOUSE AND A STRUCTURE USED TO GROW
7 MUSHROOMS, AGRICULTURAL OR HORTICULTURAL PRODUCTS. THE TERM
8 INCLUDES A CARRIAGE HOUSE OWNED AND USED BY MEMBERS OF A
9 RECOGNIZED RELIGIOUS SECT FOR THE PURPOSES OF HOUSING HORSES AND
10 STORING BUGGIES. THE TERM INCLUDES A STRUCTURE THAT IS LESS THAN
11 1,000 SQUARE FEET IN SIZE WHICH IS UTILIZED TO PROCESS MAPLE
12 SAP. THE TERM SHALL NOT INCLUDE HABITABLE SPACE OR SPACES IN
13 WHICH AGRICULTURAL PRODUCTS ARE PROCESSED, TREATED OR PACKAGED
14 AND SHALL NOT BE CONSTRUED TO MEAN A PLACE OF OCCUPANCY BY THE
15 GENERAL PUBLIC.

16 "Agricultural commodity." Any of the following, transported
17 or intended to be transported in commerce:

18 (1) Agricultural, aquacultural, horticultural,
19 floricultural, viticultural or dairy products.

20 (2) Livestock and the products of livestock.

21 (3) Ranch-raised fur-bearing animals and the products of
22 ranch-raised fur-bearing animals.

23 (4) The products of poultry or bee raising.

24 (5) Forestry and forestry products.

25 (6) Products raised or produced on farms intended for
26 human consumption and the processed or manufactured products
27 of such products intended for human consumption.

28 * * *

29 "Producer." A person engaged within this Commonwealth or a
30 production area within this Commonwealth in the business of

1 producing agricultural commodities or causing agricultural
2 commodities to be produced.

3 * * *

4 Section 2. Section 104(b) of the act is amended to read:
5 Section 104. Application.

6 * * *

7 (b) Exclusions.--This act shall not apply to any of the
8 following:

9 (1) [new] New buildings or renovations to existing
10 buildings for which an application for a building permit has
11 been made to the municipality prior to the effective date of
12 the regulations promulgated under this act[;].

13 (2) [new] New buildings or renovations to existing
14 buildings on which a contract for design or construction has
15 been signed prior to the effective date of the regulations
16 promulgated under this act on projects requiring department
17 approval[;].

18 (3) [utility] Utility and miscellaneous use structures
19 that are accessory to detached one-family dwellings[;].

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

21 (5) [alterations] Alterations to residential buildings
22 which do not make structural changes or changes to means of
23 egress, except as might be required by ordinances in effect
24 pursuant to section 303(b) (1) or adopted pursuant to section
25 503. For purposes of this paragraph, a structural change does
26 not include a minor framing change needed to replace existing
27 windows or doors[;].

28 (6) [repairs] Repairs to residential buildings, except
29 as might be required by ordinances in effect pursuant to
30 section 303(b) (1) or adopted pursuant to section 503[;].

1 (6.1) [the] The installation of aluminum siding or vinyl
2 siding onto an existing residential or an existing commercial
3 building, except as might be required by ordinances in effect
4 pursuant to section 301 or adopted pursuant to section
5 503[;].

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

7 (i) the cabin is equipped with at least one smoke
8 detector, one fire extinguisher and one carbon monoxide
9 detector in both the kitchen and sleeping quarters;

10 (ii) the owner of the cabin files with the
11 municipality either:

12 (A) an affidavit on a form prescribed by the
13 department attesting to the fact that the cabin meets
14 the definition of a "recreational cabin" in section
15 103; or

16 (B) a valid proof of insurance for the
17 recreational cabin, written and issued by an insurer
18 authorized to do business in this Commonwealth,
19 stating that the structure meets the definition of a
20 "recreational cabin" as defined in section 103[;
21 and].

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

23 (i) Erected for the purpose of participation in a
24 fair, flea market, arts and crafts festival or other
25 public celebration.

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

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

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

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

30 (9) No more than one structure per parcel of land which

1 meets all of the following requirements:

2 (i) The structure is used for the direct, seasonal
3 sale of agricultural commodities.

4 (ii) The structure is open on at least 25% of the
5 perimeter of the structure when in operation.

6 (iii) The structure is operated by a producer whose
7 products make up not less than 50% of the agricultural
8 commodities being sold.

9 (iv) If not located on the producer's property, the
10 structure is erected for less than 180 days of a calendar
11 year.

12 (v) The structure has an area of not more than 1,000
13 square feet.

14 (10) STRUCTURES USED TO LOAD, UNLOAD OR SORT LIVESTOCK <--
15 AT LIVESTOCK AUCTION FACILITIES.

16 * * *

17 Section 3. This act shall take effect ~~in 60 days~~ <--

18 IMMEDIATELY. <--