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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1037 Session of  
2019

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INTRODUCED BY LAWRENCE, CAUSER, BERNSTINE, FEE, GREINER,  
HEFFLEY, HERSHEY, HICKERNELL, IRVIN, KAUFFMAN, METCALFE,  
MILLARD, B. MILLER, OWLETT, PICKETT, RYAN, SCHROEDER, TOPPER  
AND ZIMMERMAN, APRIL 2, 2019

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 2, 2019

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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; and,  
7 in exemptions, applicability and penalties, further providing  
8 for penalties.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 103 of the act of November 10, 1999  
12 (P.L.491, No.45), known as the Pennsylvania Construction Code  
13 Act, is amended by adding a definition to read:

14 Section 103. Definitions.

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

18 \* \* \*

19 "Historic agricultural building." A building which:

1           (1) was originally constructed as an agricultural  
2 building;

3           (2) was originally constructed prior to January 1, 1980;  
4 and

5           (3) is not a place of public occupancy, but is available  
6 for private events not open to the general public, including,  
7 but not limited to, weddings, receptions, meetings,  
8 demonstrations of farm activities and meals.

9           \* \* \*

10          Section 2. Sections 104(b) and 903 of the act are amended to  
11 read:

12          Section 104. Application.

13          \* \* \*

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

16               (1) New buildings or renovations to existing buildings  
17 for which an application for a building permit has been made  
18 to the municipality prior to the effective date of the  
19 regulations promulgated under this act.

20               (2) New buildings or renovations to existing buildings  
21 on which a contract for design or construction has been  
22 signed prior to the effective date of the regulations  
23 promulgated under this act on projects requiring department  
24 approval.

25               (3) Utility and miscellaneous use structures that are  
26 accessory to detached one-family dwellings.

27               (4) Any agricultural building.

28               (5) Alterations to residential buildings which do not  
29 make structural changes or changes to means of egress, except  
30 as might be required by ordinances in effect pursuant to

1 section 303(b)(1) or adopted pursuant to section 503. For  
2 purposes of this paragraph, a structural change does not  
3 include a minor framing change needed to replace existing  
4 windows or doors.

5 (6) Repairs to residential buildings, except as might be  
6 required by ordinances in effect pursuant to section 303(b)  
7 (1) or adopted pursuant to section 503.

8 (6.1) The installation of aluminum siding or vinyl  
9 siding onto an existing residential or an existing commercial  
10 building, except as might be required by ordinances in effect  
11 pursuant to section 301 or adopted pursuant to section 503.

12 (7) Any recreational cabin if:

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

16 (ii) the owner of the cabin files with the  
17 municipality either:

18 (A) an affidavit on a form prescribed by the  
19 department attesting to the fact that the cabin meets  
20 the definition of a "recreational cabin" in section  
21 103; or

22 (B) a valid proof of insurance for the  
23 recreational cabin, written and issued by an insurer  
24 authorized to do business in this Commonwealth,  
25 stating that the structure meets the definition of a  
26 "recreational cabin" as defined in section 103.

27 (8) Temporary structures which are:

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

- 1 (ii) Less than 1,600 square feet in size.
- 2 (iii) Erected for a period of less than 30 days.
- 3 (iv) Not a swimming pool, spa or hot tub.
- 4 (v) Subject to section 503(a)(2).

5 (9) No more than one structure per parcel of land which  
6 meets all of the following requirements:

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

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

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

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

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

19 (10) Structures used to load, unload or sort livestock  
20 at livestock auction facilities.

21 (11) A historic agricultural building to which all of  
22 the following apply:

23 (i) The owner files with the municipality a report  
24 completed by a third-party agency which states all of the  
25 following:

26 (A) As follows:

27 (I) The structure is in compliance with the:

28 (a) requirements of the Uniform  
29 Construction Code for fire alarm and  
30 detection systems, and portable fire

1 extinguisher requirements, which are  
2 applicable to Group A-2 occupancies in the  
3 International Building Code; and

4 (b) egress standards for historic  
5 buildings as required in Chapter 12 of the  
6 ICC's International Existing Building Code.

7 (II) Subclause (I) shall not require  
8 installation of an automatic sprinkler system.

9 (B) Electrical wiring installed in the structure  
10 is in compliance with the electrical provisions of  
11 the Uniform Construction Code.

12 (ii) The owner files with the municipality a signed  
13 affidavit that states all of the following:

14 (A) Smoking is prohibited within, and at any  
15 location within 50 feet of, the structure.

16 (B) Open flame is prohibited within, and at any  
17 location within 50 feet of, the structure. This  
18 clause does not apply to a flame emanating from:

19 (I) a denatured and jellied alcohol product  
20 which provides temporary heat for reheating food  
21 or maintaining food temperature; or

22 (II) no more than three candles during a  
23 wedding ceremony.

24 (C) The structure does not contain, on a  
25 temporary or permanent basis, an oven or stove for  
26 the purpose of cooking or reheating food.

27 (D) The owner maintains liability insurance for  
28 the structure, written and issued by an insurer  
29 authorized to do business in this Commonwealth.

30 (iii) The exclusion under this paragraph shall be

1 based on the Uniform Construction Code standards in  
2 effect on the effective date of this subparagraph.

3 \* \* \*

4 Section 903. Penalties.

5 (a) Violation of act.--

6 (1) Any individual, firm or corporation that violates  
7 any provision of this act commits a summary offense and  
8 shall, upon conviction, be sentenced to pay a fine of not  
9 more than \$1,000 and costs. This paragraph includes failure  
10 to comply with a statement made in:

11 (i) an inspection report under section 104(b)(11)

12 (i); or

13 (ii) an affidavit under section 104(b)(11)(ii).

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

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

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