

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1037 Session of 2019

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 14, 2019

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 (III) THE DESIGN STRENGTH OF EACH AREA IN <--
10 WHICH THE EVENT IS TAKING PLACE WITHIN THE
11 STRUCTURE MEETS THE REQUIREMENTS IN THE ICC'S
12 INTERNATIONAL EXISTING BUILDING CODE AND IS ABLE
13 TO SUPPORT THE MAXIMUM OCCUPANT LOAD.

14 (B) Electrical wiring installed in the structure
15 is in compliance with the electrical provisions of
16 the Uniform Construction Code.

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

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

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

24 (I) a denatured and jellied alcohol product
25 which provides temporary heat for reheating food
26 or maintaining food temperature; or

27 (II) no more than three candles during a
28 wedding ceremony.

29 (C) The structure does not contain, on a
30 temporary or permanent basis, an oven or stove for

1 the purpose of cooking or reheating food.

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

5 (E) THE OWNER HAS TAKEN REASONABLE AND PRUDENT <--
6 MEASURES TO INSTALL BARRIERS OR PREVENT ACCESS TO ANY
7 FEATURE OF THE HISTORIC AGRICULTURAL BUILDING THAT
8 PRESENTS AN IMMEDIATE RISK OF INJURY RESULTING FROM
9 FALLING A DISTANCE OF FIVE FEET OR MORE.

10 (iii) The exclusion under this paragraph shall be
11 based on the Uniform Construction Code standards in
12 effect on the effective date of this subparagraph.

13 * * *

14 Section 903. Penalties.

15 (a) Violation of act.--

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

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

22 (i); or

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

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