

No. 2007-9

AN ACT

SB 437

Amending the act of November 10, 1999 (P.L.491, No.45), entitled "An act establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals," further providing for the adoption of regulations.

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

Section 1. Section 301(a) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, amended February 19, 2004 (P.L.141, No.13), July 15, 2004 (P.L.748, No.92) and December 22, 2005 (P.L.478, No.95), is amended to read:

Section 301. Adoption by regulations.

(a) Regulations.—

(1) The department shall, within 180 days of the effective date of this section, promulgate regulations adopting the 1999 BOCA National Building Code, Fourteenth Edition, as a Uniform Construction Code, except as provided in section 105(c)(2) and this section. The department shall promulgate separate regulations which may make changes to Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, relating to administration that are necessary for the department's implementation of this act.

(2) The regulations shall include a provision that all detached one-family and two-family dwellings and one-family townhouses that are not more than three stories in height and their accessory structures shall be designed and constructed either in accordance with the ICC International One and Two Family Dwelling Code, 1998 Edition, or in accordance with the requirements of the Uniform Construction Code at the option of the building permit applicant. The provision shall require that an irrevocable election be made at the time plans are submitted for review and approval. If the building permit applicant does not indicate a code, the design and construction shall be in accordance with the Uniform Construction Code.

(3) The regulations shall include a provision that the secretary shall have the exclusive power to grant modifications and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code for individual projects.

(4) The secretary shall consider the recommendations of the advisory board as provided in section 106(c). The department shall consider the

comments of the advisory board with respect to accessibility issues in any proposed regulations.

(5) The regulations shall provide for a system of periodic compliance reviews conducted by the department and for enforcement procedures conducted by the department to ensure that code administrators are adequately administering and enforcing Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code.

(6) The regulations shall include the provisions of exception 8 to section 1014.6 (relative to stairway treads and risers) of the 1993 BOCA National Building Code, Twelfth Edition, and the provisions of section R-213.1 (relative to stairways) of the CABO One and Two Family Dwelling Code, 1992 Edition, and such provisions shall be applicable notwithstanding section 303(b), which shall not apply to the provisions of any municipal building code ordinance which equals or exceeds these provisions.

(7) The department shall consult with the Department of Health in the development of regulations relating to health care facilities, intermediate care facilities for the mentally retarded or for persons with related conditions and State institutions.

(8) The regulations shall exclude section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings or its successor code from applying to existing one-family and two-family unit dwellings undergoing alterations, repairs or additions but shall include provisions requiring non-interconnected battery-operated smoke alarms in one-family and two-family dwellings in accordance with section R313.1.1 of the 2003 International Residential Code for One- and Two-Family Dwellings.

(9) Regulations under this subsection shall include the adoption of section 110.3 (temporary occupancy) of the International Building Code.

(10) (i) Section R404.1 and Tables R404.1(1), R404.1(2) and R404.1(3) of the 2006 International Residential Code and its successor codes are not part of the Uniform Construction Code. In lieu of section R404.1 of the 2006 International Residential Code, the provisions of subparagraph (ii) shall apply and are part of the Uniform Construction Code.

(ii) Concrete and masonry foundation walls shall be selected and constructed in accordance with:

(A) all provisions of section R404 of the 2006 International Residential Code and its successor codes except those excluded by subparagraph (i);

(B) ACI 318, ACI 332, NCMA TR68-A or ACI 530/ASCE 5/TMS 402; or

(C) other approved structural standards.

Section 2. This act shall take effect immediately.

APPROVED—The 27th day of June, A.D. 2007.

EDWARD G. RENDELL