

No. 2017-35

AN ACT

HB 176

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," in preliminary provisions, further providing for definitions and for application.

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

Section 1. The definition of "agricultural building" in section 103 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended and the section is amended by adding definitions to read:

Section 103. Definitions.

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

* * *

"Agricultural building." A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house and a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. ***The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap.*** The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

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

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

(2) ***Livestock and the products of livestock.***

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

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

(5) ***Forestry and forestry products.***

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

* * *

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

agricultural commodities or causing agricultural commodities to be produced.

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

* * *

(b) Exclusions.—This act shall not apply to ***any of the following***:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Section 3. This act shall take effect immediately.

APPROVED—The 25th day of October, A.D. 2017

TOM WOLF