

No. 2004-13

AN ACT

HB 1654

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 regulations, for revised or successor codes and for administration and enforcement; providing for funding for an education and training program for municipal code officials and certain individuals employed by third-party agencies; establishing the Municipal Code Official Training Account; and providing for expenditures from the account.

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

Section 1. Sections 301(a)(6), 304(a) and 501(a) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, are amended to read:

Section 301. Adoption by regulations.

(a) Regulations.—

* * *

(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, [**which provisions shall continue in effect until December 31, 2003,**] 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.

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Section 304. Revised or successor codes.

(a) Building code.—

(1) **[By Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of the issuance of a new triennial BOCA National Building Code, or its successor building code, the department shall promulgate regulations adopting the new code as the Uniform Construction Code.**

(2) **[By Subject to sections 105(c) and (d), 301(a)(3), (4), (5), (6) and (7), (c) and (d) and 302, by December 31 of the year of issuance of a new triennial ICC International One and Two Family Dwelling Code, or its successor building code, the department shall promulgate regulations providing 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 may be designed in accordance with that code or the Uniform Construction Code at the option of the building permit applicant.

* * *

Section 501. Administration and enforcement.

(a) Adoption of ordinance.—

(1) In order to administer and enforce the provisions of this act, municipalities shall enact an ordinance concurrently adopting the *current* Uniform Construction Code as their municipal building code and the *current* International Fuel Gas Code [for the purposes described in section 302(a)]. Municipalities may adopt the Uniform Construction Code and incorporated codes and the International Fuel Gas Code by reference.

(2) Municipalities shall have 90 days after the [effective date of this act] *promulgation of regulations under section 301 or 304* to adopt such an ordinance. Municipalities shall notify the department of the adoption of such an ordinance within 30 days. A municipality may adopt such an ordinance at any time thereafter, upon giving the department 180 days' notice of its intention to adopt such ordinance.

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Section 2. The act is amended by adding a section to read:

Section 703. Education and training program.

(a) *Fee.—Municipalities administering and enforcing this act under section 501(a) and third-party agencies providing services under section 501(e) shall assess a fee of \$2 on each construction or building permit issued under the authority of this act. The fee shall be in addition to any other fee imposed for the permit.*

(b) *Municipal Code Official Training Account.—There is hereby established within the State Treasury a restricted account which shall be known as the Municipal Code Official Training Account.*

(c) *Deposit.—Moneys collected as authorized under subsection (a) shall be transmitted quarterly to the State Treasury and shall be deposited in the account. Moneys so deposited are hereby appropriated on approval of the Governor to the Department of Community and Economic Development for the purpose of education and training programs provided by the Pennsylvania Construction Codes Academy for municipal code officials and individuals employed by third-party agencies under contract to a municipality.*

Section 3. This act shall take effect immediately.

APPROVED—The 19th day of February, A.D. 2004.

EDWARD G. RENDELL