

No. 2007-39

AN ACT

SB 466

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 application, for changes in Uniform Construction Code and for exemptions.

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

Section 1. Section 104(b)(7) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, amended July 15, 2004 (P.L.748, No.92), is amended and the subsection is amended by adding a paragraph to read:

Section 104. Application.

(b) Exclusions.—This act shall not apply to:

(7) 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; **[and]**

(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 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).*

Section 1.1. Section 503(a) of the act, amended July 15, 2004 (P.L.748, No.92), is amended to read:

Section 503. Changes in Uniform Construction Code.

(a) Administration.—

(1) Municipalities may enact ordinances which equal or exceed the minimum requirements of Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, or successor codes, relating to administration consistent with the provisions of section 501(c).

(2) *An ordinance under this subsection applicable to the exception under section 104(b)(8) may require compliance with any of the following standards:*

(i) *Flame propagation criteria of the applicable edition of NFPA No. 701.*

(ii) *The ICC Electrical Code.*

(iii) *International Fire Code criteria as to number of portable fire extinguishers.*

Section 2. Section 901 of the act is amended by adding a subsection to read:

Section 901. Exemptions.

(e) *Pole barns at agricultural fairs.—Neither this act nor any adoption of the International Fire Code by a Commonwealth agency, a political subdivision or a local agency shall apply to a pole barn that is constructed on agricultural fairgrounds and is only used for agricultural purposes and animal display. This section shall not apply to inspections required pursuant to the ICC Electrical Code or its successor codes.*

Section 3. This act shall take effect immediately.

APPROVED—The 17th day of July, A.D. 2007.

EDWARD G. RENDELL