

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 736 Session of 2005

INTRODUCED BY ROBBINS, BOSCOLA, CORMAN, EARLL, LEMMOND, ORIE, WENGER, D. WHITE, M. WHITE AND WOZNIAK, JUNE 9, 2005

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED, DECEMBER 6, 2005

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," further providing for
6 definitions AND FOR REGULATIONS; and providing for
7 applicability on certain uncertified buildings.

<—

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

10 Section 1. Section 103 of the act of November 10, 1999
11 (P.L.491, No.45), known as the Pennsylvania Construction Code
12 Act, is amended by adding definitions to read:

13 Section 103. Definitions.

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

17 * * *

18 "Industrial Board." The Industrial Board under sections 445
19 and 2214 of the act of April 9, 1929 (P.L.177, No.175), known as
20 The Administrative Code of 1929, which hears requests for

1 variances and extensions of time and appeals of decisions of the
2 Department of Labor and Industry under the Uniform Construction
3 Code.

4 * * *

5 "Uncertified building." An existing building which, prior to
6 April 9, 2004, was not approved for use and occupancy by the
7 Department of Labor and Industry or a municipality which was
8 enforcing a building code. The term does not include a
9 residential building.

10 * * *

11 SECTION 1.1. SECTION 301(A) OF THE ACT IS AMENDED BY ADDING <—
12 A PARAGRAPH TO READ:

13 SECTION 301. ADOPTION BY REGULATIONS.

14 (A) REGULATIONS.--

15 * * *

16 (9) REGULATIONS UNDER THIS SUBSECTION SHALL INCLUDE THE
17 ADOPTION OF SECTION 110.3 (TEMPORARY OCCUPANCY) OF THE
18 INTERNATIONAL BUILDING CODE.

19 * * *

20 Section 2. Section 902 of the act is amended to read:

21 Section 902. Applicability to [historic] certain buildings[,
22 structures and sites].

23 (a) Historic buildings, structures and sites.--The
24 provisions of the 1999 BOCA National Building Code, Fourteenth
25 Edition, relating to the construction, repair, alteration,
26 addition, restoration and movement of structures shall not apply
27 to existing buildings and structures, or new buildings and
28 structures not intended for residential use on historic sites,
29 that are identified and classified by the Federal, State or
30 local government authority as historic buildings or sites where

1 such buildings and structures are judged by the code official to
2 be safe and in the interest of public health, safety and
3 welfare.

4 (b) Uncertified buildings under department's jurisdiction.--
5 Subject to subsection (d), all of the following apply to a
6 building subject to the jurisdiction of the department:

7 (1) The department shall issue a certificate of
8 occupancy to an uncertified building if that building meets
9 the requirements of this subsection, unless the department
10 deems the building to be unsafe because of inadequate means
11 of egress, inadequate light and ventilation, fire hazards or
12 other dangers to human life or to public welfare.

13 (2) An uncertified building shall comply with the
14 following:

15 (i) Maximum story height, minimum allowable
16 construction type based on floor area, vertical opening
17 and shaft protection, means of egress requirements of the
18 International Building Code pertaining to minimum number
19 of exits, maximum travel distances to exits, means of
20 egress illumination, minimum egress widths and heights
21 for exit doors, exit stairs, exit ramps and exit
22 corridors. Waivers shall be as follows:

23 (A) The department may waive requirements for
24 minimum egress widths and heights for exits, exit
25 access doors, exit ramps and exit corridors if the
26 department determines that any nonconforming openings
27 provide sufficient width and height for building
28 occupants to pass through or egress the building.

29 (B) The department may waive any requirements
30 under this subparagraph if:

1 (I) the department determines a requirement
2 to be technically infeasible; or

3 (II) the building owner demonstrates that
4 the building met the applicable egress
5 requirements which existed under the act of April
6 27, 1927 (P.L.465, No.299), referred to as the
7 Fire and Panic Act.

8 (C) A waiver shall be documented on the
9 certificate of occupancy.

10 (ii) Fire safety requirements of the International
11 Building Code with respect to fire alarms, fire
12 extinguishers, heat and smoke detectors, automatic
13 sprinkler systems and occupancy and incidental use
14 separations. If the code requires that a building have
15 automatic sprinkler systems, the only buildings required
16 to install automatic sprinkler systems shall be those
17 buildings classified in use groups E (educational), H
18 (high-hazard), I (institutional), R-1 or R-2
19 (residential) and those buildings which have occupied
20 floors more than 75 feet above lowest level of fire
21 department access. Buildings in use groups R-1 and R-2
22 which do not have occupied floors more than 75 feet above
23 lowest level of fire department access may, instead of
24 installing automatic sprinkler systems, install hard-
25 wired interconnected heat and smoke detectors located in
26 all lobbies, corridors, equipment rooms, storage rooms
27 and other spaces that are not normally occupied. If
28 construction began on a building prior to May 19, 1984,
29 there is no requirement for the installation of automatic
30 sprinkler systems under this subparagraph. If

1 construction of a building began after May 18, 1984,
2 automatic sprinkler installation required under this
3 subparagraph shall be completed within five years of the
4 effective date of this subsection; or an occupancy permit
5 issued under this subsection shall be invalid. Waivers
6 shall be as follows:

7 (A) The department may waive any requirements
8 under this subparagraph if:

9 (I) the department determines a requirement
10 to be technically infeasible; or

11 (II) the building owner demonstrates that
12 the building met the applicable fire safety
13 requirements which existed under the Fire and
14 Panic Act.

15 (B) A waiver shall be documented on the
16 certificate of occupancy.

17 (iii) Accessibility requirements as follows:

18 (A) If construction of a building began before
19 September 1, 1965, no accessibility requirements
20 shall be imposed.

21 (B) If construction of a building began after
22 August 31, 1965, and before February 18, 1989, and if
23 the building was subject to the requirements of the
24 former act of September 1, 1965 (P.L.459, No.235),
25 entitled, "An act requiring that certain buildings
26 and facilities adhere to certain principles,
27 standards and specifications to make the same
28 accessible to and usable by persons with physical
29 handicaps, and providing for enforcement," it shall
30 have:

1 (I) at least one accessible entrance;

2 (II) an accessible route from the accessible
3 entrance to any public spaces on the same level
4 as the accessible entrance; and

5 (III) if toilet rooms are provided, at least
6 one accessible toilet room for each sex or a
7 unisex toilet room, complying with the
8 accessibility requirements of the International
9 Building Code.

10 (C) If construction of the building began after
11 February 17, 1989, all accessibility requirements of
12 the International Building Code shall be met.

13 (3) Structural requirements shall not be imposed, unless
14 the department determines that the building or a portion of
15 the building has defects which are dangerous as defined in
16 the International Existing Building Code. The department may
17 impose only those requirements minimally necessary to remove
18 any danger to the building's occupants.

19 (4) A building owner may file an application for a
20 variance from this subsection concerning accessibility with
21 the advisory board under section 106. A building owner may
22 file an application for a variance from this subsection
23 concerning other standards. The application must be filed
24 with the Industrial Board if any of the following apply:

25 (i) The building is located in a municipality where
26 the department has jurisdiction.

27 (ii) The building is a State-owned building. As used
28 in this subparagraph, the term "State-owned building"
29 means a building owned or constructed for Commonwealth
30 entities, consisting of the General Assembly; the Unified

1 Judicial System; the Pennsylvania Higher Education
2 Assistance Agency; an executive agency; an independent
3 agency; and a State-affiliated entity or State-related
4 institution, as defined in 62 Pa.C.S. § 103 (relating to
5 definitions).

6 (5) A building subject to this subsection shall be
7 permitted to maintain its current occupancy as long as the
8 owner demonstrates reasonable efforts to comply with this
9 subsection.

10 (6) An uncertified building which was built before April
11 27, 1927, shall be deemed a certified building for purposes
12 of this act.

13 (c) Uncertified buildings over which the department does not
14 have jurisdiction.--

15 (1) A construction code official shall issue a
16 certificate of occupancy to an uncertified building if it
17 meets the requirements of the latest version of the
18 International Existing Building Code or Chapter 34 of the
19 International Building Code, and the construction code
20 official shall utilize the code for the municipality which,
21 in his professional judgment, he deems to best apply.

22 (2) A construction code official may deny the issuance
23 of a certificate of occupancy if the official deems that a
24 building is unsafe because of inadequate means of egress,
25 inadequate lighting and ventilation, fire hazards or other
26 dangers to human life or to public welfare.

27 (3) A municipality subject to this subsection may
28 utilize the standards of subsection (b) for the issuance of
29 certificates of occupancy to uncertified buildings by
30 adopting an ordinance adopting the standards of issuance

1 pursuant to the procedures delineated in section 503.

2 (d) Applicability of Uniform Construction Code.--Nothing in
3 subsection (b) shall be construed as to affect applicability of
4 Chapter 3 if a building is subject to renovation, additions,
5 alterations or a change in use or occupancy.

6 Section 3. This act shall take effect immediately.