

**TOPIC:**

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Municipal Building Codes That Exceed the PA Uniform Construction Code  
(Presented May 2007, Approved May 2007)

**POLICY:**

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Pennsylvania has enacted a Uniform Construction Code to insure building occupants receive consistent measures of safety and health regardless of where they live within the Commonwealth. Unless there are unique and compelling local justifications present, the LVBA supports building codes that are as uniform as possible from municipality to municipality and that conform to a statewide standard. Deviations from this standard undermine the value of a uniform code and create a slippery slope to excessive local requirements that undermine housing affordability without substantially increasing safety.

**BACKGROUND:**

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Municipalities that have opted to enforce the UCC are permitted to make changes to the administrative provisions and the technical code requirements of the Uniform Construction Code (UCC).

Act 45 provides for three types of changes at the municipal level.

First, municipalities that elected to administer and enforce the UCC during the period April 9, 2004 through July 8, 2004 were allowed to retain provisions from previously enacted building code ordinances, as long as they satisfied certain conditions. The provisions had to equal or exceed those found in the UCC and they had to be found in a locally enacted building code ordinance that was in effect on July 1, 1999.

Second, section 403.102 (l) of the UCC regulation lists 16 sections (containing administrative requirements) of Chapter 403 that can be altered by enforcing municipalities, without obtaining Department approval. These changes must equal or exceed whatever requirements are found in the listed sections.

Third, enforcing jurisdictions can make changes to the technical requirements of the UCC, as long as they secure Department approval and satisfy requirements outlined in section 503(b)-(k) of Act 45 and section 403.102(i)-(k) of the UCC regulation. All changes must equal or exceed the requirements of the UCC.

Whenever a municipality requests Department approval of a proposed ordinance, basic information concerning the proposed changes will be posted on this website. If approved by the Department, municipalities may proceed to enact the proposed changes.

Effective January 1, 2007, amended Act 45 (at section 7210.503(f)) requires that a municipality proposing to amend the UCC also provide the Department a written notice,

containing the time and place of the public hearing and a summary of the changes proposed by the ordinance, including code sections affected by the changes. To meet the legal requirements for a change ordinance, the municipality must provide the Department with this notice at least 30 days prior to the public hearing. (Upon receipt of this notice, information about the adoption meeting will be posted on the web page containing the listing of change ordinances.)

Enacted ordinances cannot take effect until 35 days after the date of enactment.

During a 30-day period after enactment of this ordinance, aggrieved parties may file a challenge to the ordinance with the municipality and the Department. "Aggrieved persons," are principally the following:

1. Owners of property in that municipality.
2. Builders/contractors working in that municipality.
3. Construction material suppliers who sell construction materials and products used in that municipality, if the ordinance change relates to materials and products acceptable for construction use.

If requested by the municipality, a public hearing may be held to take testimony on the challenged ordinance. Either 30 days after the hearing or 45 days after the last challenge is filed, the Secretary of L&I will render a decision, approving or disapproving the ordinance.

The Secretary's ruling may be challenged in the appropriate court of common pleas, as long as the challenge occurs within 30 days of the ruling. That court will then determine the validity of the ordinance.

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