



*MUNICIPAL OFFICIAL'S  
GUIDE TO THE*

# UNIFORM CONSTRUCTION CODE

*IN PENNSYLVANIA*

July 2014



## Understanding the Pennsylvania Uniform Construction Code

**T**he Uniform Construction Code (UCC) establishes the standards that govern how buildings are constructed in the state of Pennsylvania. Established by Act 45 of 1999, the code was implemented through regulations adopted by the Department of Labor and Industry. When the regulations took effect April 9, 2004, all existing municipal building code ordinances were repealed. Municipalities could, however, continue to retain specific provisions of their ordinances that were at least as restrictive as the provisions in the statewide code.

Once the UCC was adopted in 2004, every municipality in the state was required to either “opt in” or “opt out” of administering and enforcing the Uniform Construction Code. As of 2013, approximately 92 percent of all municipalities have opted in, leaving 8 percent that have decided to opt out. Regardless of whether a municipality has opted in or out, the UCC is in effect and is required in all municipalities.

How the UCC is administered and enforced differs for “opt-in” and “opt-out” municipalities. The remainder of this guidebook is divided into two sections:

- 1) Guidance for “opt in” municipalities, and
- 2) Guidance for “opt out” municipalities.

### The UCC Online

Act 45, all amendments, and all regulations adopted by the Department of Labor and Industry to implement the Uniform Construction Code can be found at the following link:

[www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/ucc\\_regulations\\_and\\_statutes/553804](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/ucc_regulations_and_statutes/553804)



## 'Opt-in' Municipalities

A municipality that has “opted in” to administer and enforce the Uniform Construction Code must fulfill a number of responsibilities, duties, and obligations, as spelled out below. Municipalities might want to use this listing as a checklist to make sure they are fulfilling their responsibilities for administering and enforcing the UCC:

### **Hire or Contract with a Certified Building Code Official**

This Certified Building Code Official may be a municipal employee or an employee of a certified third-party agency with which your municipality has contracted to administer and enforce the UCC. In either case, the Building Code Official must be officially appointed (designated) by your municipality. This person is considered under the law to be a public official and thus is subject to Ethics Act requirements.

The major responsibilities of the Building Code Official follow:

- Oversees all aspects of municipal administration and enforcement of the UCC.
- Issues permits and certificates of occupancy.
- Assures that all construction plans examiners and inspectors have required certifications and maintain certifications by meeting continuing education requirements.

A Certified Building Code Official is allowed to delegate some or all of his or her responsibilities and duties to any other person who is certified under the Uniform Construction Code. This could be another Building Code Official or a certified plans examiner or inspector.

A municipality should keep all records linked to the Certified Building Code Official up-to-date. (*See box at right.*)

### **Hire or Contract with Other Officials**

Opt-in municipalities may also hire or contract with the following officials:

- **Certified Inspectors** – Inspectors may be municipal employees or employees of a certified third-party agency that your municipality has contracted with to administer and enforce the UCC.
- **Certified Plans Examiners for all commercial plan review disciplines** – Plans examiners may be municipal employees or employees of a certified third-party agency that your municipality has contracted with to administer and enforce the UCC.

### **Where can I confirm my Building Code Official of record?**

A municipality can check to see who the Building Code Official “of record” is for your municipality at the Department of Labor and Industry’s UCC website at [www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/certified\\_code\\_of\\_officials/553799](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/certified_code_of_officials/553799). If that information is not correct, please complete and submit a Change of BCO Form and submit it to the Department of Labor and Industry.

### **What if a Building Code Official changes?**

A municipality would have to complete a “Change of BCO Form,” which can be downloaded from the Department of Labor and Industry’s UCC website at [www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/local\\_enforcement/596334](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/local_enforcement/596334).

- **Certified Accessibility Plans Examiner/Inspector** – This examiner/inspector may be a municipal employee or an employee of a certified third-party agency that your municipality has contracted with to administer and enforce the UCC.

### ***Verify Certification of Code Officials***

The only persons who may legally engage in any aspect of UCC enforcement are those who hold UCC certification in each category of work that they perform. The municipality hiring or contracting with officials to administer the UCC must verify that these persons are certified to perform plan reviews and inspections in each discipline of work under the Uniform Construction Code (plumbing, electrical, etc.).

**Municipal Employees** – The Department of Labor and Industry maintains a webpage listing all persons who are certified to perform such reviews and inspections. This listing also includes all certified Building Code Officials. To verify that the persons performing these duties for your municipality are in compliance with the certification requirements, you may check this list to review their certifications:

[www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/certified\\_code\\_officials/553799](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/certified_code_officials/553799)

**Third-Party Agencies** – If your municipality decides to contract with one or more certified third-party agencies to administer or enforce all or portions of the Uniform Construction Code, you must verify that the third party you are considering is certified to perform those services under the UCC. The Department of Labor and Industry maintains a webpage listing all certified third-party agencies:

[www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/certified\\_third\\_party\\_agencies\\_%28buildings%29/564003](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/certified_third_party_agencies_%28buildings%29/564003)

### ***Contract with Other Municipality or Enter Intergovernmental Agreement (optional)***

Instead of hiring your own employees or entering an agreement with a third-party agency to administer and enforce the UCC, your municipality may decide to contract with another municipality or enter into an intergovernmental agreement with multiple municipalities for the administration and enforcement of the Uniform Construction Code. Keep in mind that intergovernmental agreements must be in compliance with the Pennsylvania Intergovernmental Cooperation Act and must be entered into by enactment of an ordinance.

### ***Ensure Inspections Are Occurring***

Whatever method of administration and enforcement of the UCC your municipality has chosen, you must assure that the proper inspections are being conducted. Certified inspectors and examiners must perform the following inspections:

#### **Residential Inspections by Certified Inspectors:**

- Building / Structural
- Electrical

- Plumbing
- Mechanical
- Energy Conservation

**Commercial Inspections by Certified Commercial Inspectors:**

- Building / Structural / Fire Protection
- Accessibility
- Electrical
- Plumbing
- Mechanical
- Energy Conservation

**Commercial Work Reviewed and Approved by Certified Commercial Plans Examiners:**

- Building / Structural / Fire Protection
- Accessibility
- Electrical
- Plumbing
- Mechanical
- Energy Conservation

## What is Considered Residential? What is Commercial?

**Residential:** The Uniform Construction Code defines “residential” as any work pertaining to a one- or two-family dwelling or a townhouse that is less than three stories in height above grade.

**Commercial:** Anything that is not “residential” is defined as commercial.

### **Require Permit Applications and Establish a Fee Schedule**

Whenever homeowners, building owners, property owners, or contractors propose to perform certain types of residential or commercial work, your municipality must require that they complete and file permit applications and pay required fees.

Your municipality should establish a **fee schedule** for permits, inspections, and all other UCC-regulated activities. The fee schedule should include all fees charged applicants and should incorporate any administrative fees charged when using a third-party agency. Your municipal officials must annually pass the fee schedule by resolution, and the schedule should be available to the public.

In addition, your municipality must collect an additional **\$4 fee** for each permit issued under the UCC. This fee must be collected and transmitted quarterly to the Department of Community and Economic Development using the DCED-13 Report Form.

## Work Covered by the UCC

The following listings provide the types of residential and commercial work that fall under the UCC and the types that are exempted:

### Residential work under the UCC

- All new construction
- All additions
- All structural alterations
- Automatic sprinkler systems in townhouses
- Moving or relocating a structure
- Installing new or used, relocated manufactured housing
- Modular housing
- Demolition
- Any garage or carport that is attached to the house
- Any garage, carport, shed, or greenhouse that is not attached to a single-family dwelling and is 1,000 square feet or larger (measuring the perimeter)
- Any garage, carport, shed, or greenhouse that is not attached to a two-family dwelling or townhouse and is 120 square feet or larger (measuring the perimeter)
- Enclosing a porch or patio
- Installing/building a sunroom, Florida room, three-seasons room
- Installing any deck that is more than 30 inches above ground level at any point around the perimeter of the deck
- Installing any deck less than 30 inches above ground level if it has a roof/covering above it
- Installing an indoor or outdoor hot tub or spa
- Constructing an in-ground swimming pool (inside or outside)
- Installing any swimming pool (including the inflatable type) that is 24 inches or more in height
- Installing any fence higher than 6 feet
- Installing any retaining wall higher than 4 feet
- Structural alterations to an existing dwelling unit (the Building Code Official will determine if the work to be performed involves structural alterations)
- Changes to an existing means of egress (exit door, stairs, handrails, guard systems, ramps)
- Any portion of a dwelling or residential accessory structure that will be used for commercial purposes (open to employees or the public). Examples include:
  - Professional offices
  - Business offices
  - Notaries
  - Beauty shops, nail salons, barbershops
  - Car or equipment repair
- All other construction and installation of building systems and equipment regulated under the UCC

### Residential work excluded or exempted under the UCC (unless a local amendment is in place)

- All alterations (remodeling, renovation) unless structural or effecting a means of egress
- All repairs
- Detached garages, carports, sheds, and greenhouses less than 1,000 square feet in building area (not floor area) – i.e., the footprint of the structure

- Recreational cabins
- Automatic sprinkler systems in one- and two-family dwellings
- Propane gas installations
- Private sewage disposal systems
- Private residence elevators
- Plumbing, electrical, and certain wood grading requirements for members of religious sects
- Decks less than 30 inches above grade with no roof or covering
- Swimming pools less than 24 inches deep
- Fences less than 6 feet or retaining walls less than 4 feet

### **Commercial work under the UCC**

- All new construction
- All additions
- All alterations
- All repairs
- All commercial building/structure change of occupancy (change of approved use)
- All swimming pools, spas, and hot tubs
- Decks
- Modular commercial buildings
- Installation of equipment and building systems
- Cell towers, wind turbines, radio/TV towers
- UCC-regulated commercial signage
- Demolition
- Non-exempt accessory structures
- Installing any fence higher than 6 feet
- Installing any retaining wall higher than 4 feet
- All other construction and installation of building systems and equipment that are regulated under the Uniform Construction Code

### **Commercial work excluded or exempted under the UCC (unless a local amendment is in place)**

- All ordinary repairs
  - Propane gas installations
  - Eligible agricultural buildings
  - Certain historic buildings and structures
  - Certain temporary structures
  - Swimming pools less than 24 inches deep
  - Fences less than 6 feet or retaining walls less than 4 feet
  - Finish work (painting, papering, carpeting, tile, cabinetry, etc.)
  - Sidewalks and driveways unless part of an accessible route
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## ***Review Application and Issue Permits***

UCC regulations contain minimum statewide requirements for what applications, plans, documents, and specifications need to be submitted in order to obtain a permit for each type of UCC-regulated activity. Based on these requirements plus any additional amendments by the municipality, your municipality will determine what plans and documents applicants must submit for review and approval by your certified plans examiners before building permits can be issued.

Your municipality must assure that all plans and construction documents have been reviewed and approved by certified plans examiners and stamped for UCC compliance. Upon review and approval of the application and all submitted construction documents, a municipality may then issue a permit. Remember that an applicant must comply with all adopted codes and standards that form the Uniform Construction Code plus any lawfully adopted amendments to the UCC that have been enacted by your municipality.

The timeline under the UCC regulations for issuing permits follows:

- 30 business days for commercial applications
- 15 business days for residential applications
- 5 business days for residential applications that are sealed by a Pennsylvania registered design professional

## ***Perform Inspections and Issue Certificates of Occupancy***

During the construction phase, the appropriate inspections must be performed by the Building Code Official or his or her representatives. Only once a successful final inspection has been approved may the municipality issue a certificate of occupancy.

Please be aware that under the Permit Extension Act/Fiscal Code, all UCC-based permits as well as the majority of all other local government permits and approvals have been extended until July 2, 2016. This date may also change in the future.

## ***Maintain Records***

All plans, specifications, and construction documents for commercial structures must be prepared by a Pennsylvania architect or engineer. One approved set of construction plans and documents should never leave the code enforcement office.

All records, plans, and documents pertaining to commercial buildings and structures must be retained for the life of the structure. Records, plans, and documents pertaining to residential

## **Most Current Code**

The codes (and referenced standards) that form the Uniform Construction Code will vary from time to time, as the Uniform Construction Code Review and Advisory Council adopt newer editions of the codes and standards. To determine the current codes adopted as part of the Uniform Construction Code, visit the following webpage:

[www.portal.state.pa.us/portal/server.pt/community/uniform\\_construction\\_code/10524/ucc\\_codes/553803](http://www.portal.state.pa.us/portal/server.pt/community/uniform_construction_code/10524/ucc_codes/553803)



buildings must be retained according to the record archive schedule adopted by the municipality, which to be in compliance with the State Record Retention Act cannot be less than five years.

In addition, copies of the UCC adopted codes and standards must be made publicly available.

### **Enforce the UCC**

Your municipality, working through your Certified Building Code Official, must take certain enforcement actions to ensure compliance with the UCC. These actions may include, but are not be limited to, the following:

- Notices of Violations
- Stop Work Orders
- Orders to Show Cause
- Orders to Vacate
- Notice of Unsafe Building or Structure

All municipal building code-related requirements enforced by your municipality must have a statutory basis, including the following:

- Adopted by the Uniform Construction Code.
- Enacted through a lawfully adopted municipal building code ordinance prior to July 1, 1999.
- Enacted through a lawfully adopted ordinance after July 1, 1999 (if in full compliance with the Section 503 municipal amendment process outlined in the UCC regulations).

In general, any municipal requirements pertaining to the design or construction of any buildings or structures should fall under the scope of the Uniform Construction Code and should not be addressed by or included in municipal zoning ordinances, rental inspection ordinances, fire prevention ordinances, etc. If in doubt of the statutory authority to enforce requirements pertaining to the design and construction of buildings and structures, you should consult with your municipal solicitor.

If your municipality imposes requirements for which there is no apparent lawful basis, you should discuss this with your solicitor. It may become necessary to either create lawful

## **What About Building Code Ordinances Enacted Before and After July 1, 1999?**

### ***Before July 1, 1999***

The Uniform Construction Code allows municipalities to enforce any provisions of a building code ordinance enacted prior to July 1, 1999, that are equivalent to or more restrictive than the requirements in the Uniform Construction Code and its adopted codes and standards. The provisions must be specific in nature.

To take advantage of this provision in the Uniform Construction Code, your municipality must have had an enforced building code prior to July 1, 1999. However, model codes or portions of model codes that were adopted prior to July 1, 1999, are not enforceable as they were repealed on April 9, 2004.

### ***After July 1, 1999***

The Uniform Construction Code also allows for your municipality to “propose” amendments to the UCC that are equivalent to or more restrictive than the state code’s requirements and its adopted codes and standards. The requirements for these proposed amendments apply to any building code ordinance or building code provisions enacted after July 1, 1999, or those which have not yet been proposed.

There is a very specific, detailed process that must be followed to propose and receive approval for any municipal amendments to the UCC that took place after July 1, 1999, or which have not yet been proposed. That process is commonly referred to as the **Section 503 process**, which takes its name from the section of the UCC statute where this information can be found. The web link for the current Section 503 may be found at:

[www.portal.state.pa.us/portal/server.pt?open=514&objID=552999&mode=2#503](http://www.portal.state.pa.us/portal/server.pt?open=514&objID=552999&mode=2#503)

ordinances or cease enforcement of requirements for which no statutory authority can be found.

If your municipality has lawfully adopted any ordinance that is more restrictive than the provisions and requirements of the Uniform Construction Code, you must make those ordinances publicly available and make permit applicants aware of their obligations. (*See box on previous page.*)

During enforcement, you may encounter persons who are in violation of the UCC and fail or refuse to comply voluntarily. A Building Code Official may have to file non-traffic summary citations or private criminal complaints with the district magistrate.

When enforcing the UCC, the municipality must inform all permit applicants and permit holders of their rights of appeal and must provide forms to be completed for an appeal, a request for variance, or a request for additional time to comply with an enforcement order.

### ***Establish a Board of Appeals***

Your municipality must establish a UCC Board of Appeals. This board provides the following services:

- Hears **appeals of any decisions** made under the UCC by the Building Code Official, plans examiners, and/or inspectors.
- Considers **requests for variances** (modifications of code requirements) of the UCC.
- Considers **requests for someone to have additional time** to comply with an enforcement action.

The Board of Appeals may **not** consider any request that pertains to accessibility requirements found in the Uniform Construction Code.

Your municipality's governing body must appoint at least three persons to serve on the Board of Appeals. Although there is no maximum number of members on the board, your board should have an odd number of members so that tie votes are not common. Members of the Board of Appeals are to have experience and/or training in the types of matters that may come before the board for consideration. The members are **not** required to reside within your jurisdiction, and their appointment and length of service is at the pleasure of the governing body.

## 'Opt-out' Municipalities

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If your municipality has “opted out” of administering and enforcing the Uniform Construction Code, please keep the following guidelines in mind whenever construction occurs within your jurisdiction:

- Your municipality may *not* regulate the design or construction of any buildings or structures.
- Your municipality may *not* issue or charge fees for building permits or for any type of work that is regulated under the Uniform Construction Code.
- For residential work, the homeowner, property owner, or contractor is still required to obtain a permit for all work done, plans reviewed, and inspections performed, and a certificate of occupancy must still be issued. However, the person seeking the permit may contract with any certified third-party agency that is willing to work in your municipality. Your municipality has no control over which third-party agencies work in your jurisdiction, but you may want to direct applicants for any residential work to a list of certified third-party agencies. The Department of Labor and Industry maintains a list at [www.portal.state.pa.us/portal/server.pt?open=514&objID=564003&mode=2](http://www.portal.state.pa.us/portal/server.pt?open=514&objID=564003&mode=2).

The chosen third-party agency reviews plans, accepts applications, charges whatever fees they wish, issues permits, conducts inspections, and provides a certificate of occupancy. A copy of the certificate of occupancy is to be provided to your municipality. No appeals process for residential work in your jurisdiction is in place whenever a municipality has opted out.

- For commercial work, the permit applicant must obtain plan reviews and approvals from the Pennsylvania Department of Labor and Industry. All fees are paid to the department, which performs all required inspections and issues a certificate of occupancy. Anytime an applicant for any commercial work approaches your municipality, you are expected to direct them to the Department of Labor and Industry.

**If you have additional questions about the Uniform Construction Code** or municipal responsibilities in administering and enforcing it, please contact the Pennsylvania Construction Codes Academy at 717-763-0930 or email [info@paconstructioncodesacademy.org](mailto:info@paconstructioncodesacademy.org)