

HOMEOWNER'S GUIDE TO THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE

Uniform...but not really

Many townships, boroughs, and cities in Pennsylvania have amended the state's Uniform Construction code (UCC) to impose additional, more restrictive requirements than those contained in the state law or the codes adopted by the UCC.

Each municipality has been given a choice to opt-in or opt-out of administering and enforcing the UCC.

Each municipality that has "opted-in" to administer and enforce the UCC must have a designated **Building Code Official**.

To determine if the work you wish to perform will be located in an "opt-in" or "opt-out" jurisdiction, please contact your local municipality or visit this webpage at the Department of Labor and Industry:

<http://www.dli.state.pa.us/landi/cwp/view.asp?a=310&q=210892>

Building Code Official

You must contact the designated Building Code Official for the opt-in municipality in which you wish to build, add-onto, remodel, or repair any residential structure, to determine what local amendments to the UCC, if any, that municipality has imposed. ***You are required to comply with local amendments to the UCC as well as the state law and the adopted residential code.***

To contact the Building Code Official, please call your township, borough, or city government office during normal business hours.

For an opt-in municipality, the Building Code Official can also provide you with:

- Information on whether the type of work you wish to perform requires a permit
- Permit applications
- Requirements for plans and construction documents required for the type of work you wish to perform
- Permit fee schedules
- Inspection requirements
- Occupancy permit applications and requirements

Words of caution...

Please keep in mind that doing work regulated by the UCC without a permit will result in an enforcement action being taken against you by the municipality, and upon conviction, you may be subject to fines and penalties up to and including \$1,000 per day of each violation.

Also, occupying any structure without a Certificate of Occupancy issued by the Building Code Official is a serious violation and will also result in enforcement action. Please do not occupy or begin using any structure without a Certificate of Occupancy!

If you fail to obtain permits, inspections and certificates of occupancy, it is very likely that you will have serious difficulties when you eventually try to sell your house or property, as all structures built since April 9, 2004 must have a legal certificate of occupancy.

Residential Information Only

The guidelines in this brochure only apply to single-family dwellings, two-family dwellings (duplexes, twins, houses with separate dwelling units on first floor and second floor), townhouses, and structures that are considered to be “accessory” to these types of residential structures.

Any other uses or proposed construction would be considered a “commercial” and must comply with the requirements for commercial buildings. Please contact the Building Code Official for more information on how to determine the requirements for any proposed commercial construction.

Required Residential Permits

By state law, you will need a permit, inspections, and a certificate of occupancy for:

- Any new house (one or two-family dwelling)
- Any addition to an existing house
 - Constructing one or more new stories on top of an existing house
 - Increasing the perimeter of the existing house
- Installing a new manufactured home (HUD Code)
- Installing a new modular home
- Relocating and installing a used manufactured home
- 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 or “three-seasons” room
- Installing any deck that is more than 30” above ground level at any point around the perimeter of the deck
- Installing any deck less than 30” 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 fence higher than 6’
- Installing any retaining wall higher than 4’
- Structural alterations to an existing dwelling unit (Building Code Official will determine if the work you intend to perform 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, barber shops
 - Car or equipment repair

Permits must be applied for and issued before any work may begin. All work performed on residential buildings and their accessory structures must comply with the most current edition of the **International Residential Code**, published by the International Code Council. This code is re-published every three years with changes and additions. We are currently utilizing the 2006 International Residential Code in Pennsylvania and will continue to do so until the end of 2009.

You may ask to inspect a copy of the International Residential Code at the offices of any opt-in municipality. If you wish to purchase a copy for yourself, you may do so by contacting the Pennsylvania Construction Codes Academy at 717-763-0930.

Building permit and inspection fees

The UCC does not establish fees for permit applications and inspections. All fees regarding building permits and inspections are adopted by the elected officials in each municipality and must be made publicly available. Ask your Building Code Official or municipality secretary/manager for a copy of the fee schedule that has been adopted by resolution.

Zoning, Land use, and other municipal approvals

Keep in mind that local zoning and land use ordinances (if applicable) may restrict or prohibit structures that are allowed by the UCC. Your Building Code Official can

help you determine whether your proposed work requires zoning or other municipal approvals.

Zoning approval and other municipal approvals or permits (when required) must be obtained and presented to the Building Code Official before a building or building-related permit under the UCC may be issued.

Inspectors...may I choose?

Each opt-in municipality determines who is allowed to perform inspections within its jurisdiction. When a permit is issued, you will be given written instructions on how to request any or all required inspections. If you do not receive written instructions, please ask for them.

Right of Entry

Building code officials and inspectors are not permitted to enter your home, accessory structures, or property without your permission, though you should not unreasonably withhold that permission if they have caused to believe that an unsafe condition exists. However, if you have a permit and request a required inspection, you are giving them permission to conduct that inspection.

Opt-out Municipalities

If the work you propose to perform is going to occur in an opt-out municipality, you as the homeowner must contract with a **certified third party agency** that is approved by the Pennsylvania Department of Labor and Industry. A list of those third party agencies may be found at their website address:

<http://www.dli.state.pa.us/landi/cwp/view.asp?a=310&q=211095>

or by contacting Labor and Industry at **717-772-3396**.

You may select any third party agency on the list that is willing to provide service in your municipality. Third party agencies establish their own fees for permits and inspections, so be sure to inquire about their fee schedule and understand what costs are associated with your proposed project.

The third party agency will review your plans, issue the building permit, conduct all required inspections and issue a certificate of occupancy. If you fail to obtain permits, inspections, and certificates of occupancy, it is very likely that you may experience difficulties when you eventually try to sell your house or property, as all structures built after April 4, 2004 must have legal certificate of occupancy.

Appeals

If you believe that a Building Code Official or inspector in an opt-in municipality has made an improper decision regarding a permit application, inspection, or certificate of occupancy, you may appeal their decision to the municipal UCC Board of Appeals. Every opt-in municipality **must** have a UCC Board of Appeals.

If you wish to file an appeal, ask your Building Code Official or municipal secretary/manager for a copy of the appeal application and determine what fees may be associated with such an appeal.

More information...

The Department of Labor and Industry's website contains a broad range of information regarding the UCC, local enforcement, certified code officials, and their party agencies. Feel free to visit their website at:

<http://www.dli.state.pa.us/landi/cwp/view.asp?a=310&q=210892>