

MARCH 3, 2010
WAYNESBORO, PA 17268
WORKSHOP MEETING

The special meeting was called to order at 6:00 p.m. by Council President Craig Newcomer with the following in attendance:

Borough Council – Craig Newcomer, Ronald Martin, C. Harold Mumma and Wayne Driscoll

Mayor Richard Starliper

Borough Staff - Lloyd Hamberger, Kevin Grubbs, Dave Martin, Jerry Hartman, Denny Benshoff and Dan Sheffler

Others - Mike Cermak

The purpose of the meeting was to discuss proposed changes to the Borough's Building Code and the UCC.

Mr. Hamberger stated he had completed a great deal of reading and research in the matter, as there were a great many questions regarding PA's Uniform Construction Code (UCC) and how it related to the Borough. The Borough had opted into the UCC Program years ago, while maintaining portions of the existing BOCA Code. Now, the Borough proposes to adhere to the UCC, while extending the requirements to include residential electrical and mechanical inspections. The Manager presented a memo which addressed the central issues. (A copy of the memo is attached).

After much discussion, Council noted the issues presented in memo were acceptable and will be discussed at the Council meeting.

Discussion from the audience arose regarding enforcement of the permitting requirements and also the possibility of a "yearly" permit for contractors. The requirements will be publicized and placed on the Borough's web page, and information may be placed on the utility bills mailed quarterly.

The meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Lloyd R. Hamberger, II
Borough Manager

Memo to Borough Council regarding the Building Codes

There are three (3) components to the Uniformed Building Code (UCC) process in Pennsylvania. The Statute (Act 45 of 1999), the Regulations as promulgated by the Pennsylvania Department of Labor and Industry (DL&I), and the Codes and Standards adopted by L&I and the local municipality. To go into a long discussion on the situation would involve more time than any of us have, so I will boil it down to the bare facts.

*(I have included two “recap” documents - “Regulations and Statutes” and a second document, “Municipal Code” changes. I recommend you read them prior to proceeding.)

Act 45 outlines the legal frame work for the process and lists minimum requirements, and authorizes DL&I to adopt regulations and rules outlining the process. For our discussion here, we will keep to the main subject of what codes do we enforce. In 2009, DL&I adopted a raft of 2009 codes to go in effect 01/01/2010. See Attachment #1. You will note, the International Residential Code of 2009 is adopted with the exception of only Appendix G (Pools, Spas, etc.). I am told this Code includes inspection of full building, mechanical and electrical components. However, the legislature (in its wisdom), gutted inspections with the following clause:

8) Alterations to residential buildings which do not make structural changes or changes to means of egress, except as required by ordinances in effect under Sections 303(b)(1) or 503 of the Act (35 P.S. §§ 7210.303(b)(1) and 7210.503). Under this subsection, a structural change does not include a minor framing change needed to replace existing windows or doors.

This means what it says, only modifications for structural changes need be inspected.

However, there is good news ... Section 403.102 of DL&I regulations permits us to adopt equal or exceeding the Department’s (see below):

i) A municipality may enact an ordinance containing standards that equal or exceed the Uniform Construction Code as adopted by §403.21 (relating to the Uniform Construction Code) under Section 503 of the Act (35 P.S. §7210.503) after Department review and approval. A municipality may enact ordinances under this section which adopt additional code requirements for alterations or repairs to residential buildings. A municipality may enact ordinances under this section which adopt stricter code requirements than required by the Act for the regulation of utility and miscellaneous use structures. The municipality shall notify the Department of the proposed ordinance and submit the following to the Department for its review:

(1) The complete ordinance.

(2) The information required in Subsection C.

(3) A detailed statement containing the differences between the proposed ordinance and the Uniform Construction Code, including Code sections affected by the changes and how the ordinance will equal or exceed the Uniform Construction Code.

So, as long as the regulations we adopt exceed DL&I’s Codes, we can (by following a certain adoption procedure) adopt the 2009 International Residential Code in its entirety, as long as we follow the adoption procedure.

There is voluminous detail on pdf.file format. I will send to you in a separate e-mailing, as they are too large for one e-mail.

Lloyd Hamberger