

## PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION

### § 403.41. Commercial construction.

This section and §§ 403.42–403.48 apply to the Department and municipalities electing to enforce the Uniform Construction Code under § 403.102 (relating to municipalities electing to enforce the Uniform Construction Code).

### § 403.42. Permit requirements and exemptions.

(a) An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a commercial building, structure and facility or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system regulated by the Uniform Construction Code shall first apply to the building code official and obtain the required permit under § 403.42a (relating to permit application).

(b) Emergency repairs or replacement of equipment may be made without first applying for a permit if a permit application is submitted to the building code official within 3 business days of the repair or replacement.

(c) A permit is not required for the exceptions listed in § 403.1(b) (relating to scope) and the following construction as long as the work does not violate a law or ordinance:

(1) Building construction for the following:

- (i) Fences that are not over 6 feet high.
- (ii) Oil derricks.
- (iii) Retaining walls, which are not over 4 feet in height measured from the lowest level of grade to the top

of the wall, unless it is supporting a surcharge or impounding Class I, II or III-A liquids.

(iv) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

(v) Sidewalks and driveways not more than 30 inches above grade and that are not located over a basement or story below it and which are not part of an accessible route.

(vi) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.

(vii) Temporary motion picture, television, and theater stage sets and scenery.

(viii) Prefabricated swimming pools accessory to a Group R-3 occupancy which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely aboveground.

(ix) Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.

(x) Swings and other playground equipment accessory to one-or two-family dwellings.

(xi) Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 as applicable in the "International Building Code," and Group U occupancies.

(xii) Movable cases, counters and partitions that are not over 5 feet 9 inches in height.

(xiii) Window replacement without structural change.

(2) Electrical work for the following:

- (i) Minor repair and maintenance work that includes the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
  - (ii) Electrical equipment used for radio and television transmissions. The provisions of the Uniform Construction Code apply to equipment and wiring for power supply and the installation of towers and antennas.
  - (iii) The installation of a temporary system for the testing or servicing of electrical equipment or apparatus.
- (3) The following gas work:
- (i) A portable heating appliance.
  - (ii) Replacement of a minor part that does not alter approval of equipment or make the equipment unsafe.
- (4) The following mechanical work or equipment:
- (i) A portable heating appliance.
  - (ii) Portable ventilation equipment.
  - (iii) A portable cooling unit.
  - (iv) Steam, hot or chilled water piping within any heating or cooling equipment governed under the Uniform Construction Code.
  - (v) Replacement of any part that does not alter its approval or make it unsafe.
  - (vi) A portable evaporative cooler.
  - (vii) A self-contained refrigeration system containing 10 pounds or less of refrigerant and placed into action by motors that are not more than 1 horsepower.
- (5) The following plumbing repairs:
- (i) Stopping leaks in a drain and a water, soil, waste or vent pipe. The Uniform Construction Code applies if a concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and is removed and replaced with new material.
  - (ii) Clearing stoppages or repairing leaks in pipes, valves or fixtures, and the removal and installation of water closets, faucets and lavatories if the valves or pipes are not replaced or rearranged.
- (d) An ordinary repair does not require a permit. The following are not ordinary repairs:
- (1) Cutting away a wall, partition or portion of a wall.
  - (2) The removal or cutting of any structural beam or load-bearing support.
  - (3) The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements.
  - (4) The addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical.
- (e) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of a public utility as the term "public utility" is defined in 66 Pa.C.S. § 102 (relating to definitions).
- (f) A building code official may issue an annual permit instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation. All of the following are required:
- (1) The applicant shall regularly employ at least one qualified trades person in the building or structure owned or operated by the applicant.

(2) The applicant shall submit an application in accordance with § 403.42a(m).

(3) An annual permit holder shall keep detailed records of alterations made in accordance with the annual permit. The permit holder shall provide access to these records to the building code official.

**§ 403.42a. Permit application.**

(a) Applications for a permit required under § 403.42 (relating to permit requirements and exemptions) shall be submitted to the building code official in accordance with this section.

(b) A permit applicant shall submit an application to the building code official and attach construction documents, including plans and specifications, and information concerning special inspection and structural observation programs, Department of Transportation highway access permits and other data required by the building code official with the permit application. The applicant shall submit three sets of documents when the Department conducts the review.

(c) A licensed architect or licensed professional engineer shall prepare the construction documents under the Architects Licensure Law (63 P. S. §§ 34.1 – 34.22), or the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148 – 158.2). An unlicensed person may prepare design documents for the remodeling or alteration of a building if there is no compensation and the remodeling or alteration does not relate to additions to the building or changes to the building's structure or means of egress.

(d) A building code official may require submission of additional construction documents in special circumstances.

(e) The permit applicant shall submit construction documents in a format approved by the building code official. Construction documents shall be clear, indicate the location, nature and extent of the work proposed, and show in detail that the work will conform to the Uniform Construction Code.

(f) All of the following fire egress and occupancy requirements apply to construction documents:

(1) The permit applicant shall submit construction documents that show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the Uniform Construction Code.

(2) The construction documents for occupancies other than Groups R-2 and R-3 shall contain designation of the number of occupants to be accommodated on every floor and in all rooms and spaces.

(3) The permit applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code in accordance with the following:

(i) The shop drawings shall be approved by the building code official before the start of the system installation.

(ii) The shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the "International Building Code."

(g) Construction documents shall contain the following information related to the exterior wall envelope:

(1) Description of the exterior wall envelope indicating compliance with the Uniform Construction Code.

- (2) Flashing details.
- (3) Details relating to intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane and details around openings.

(h) Construction documents shall contain a site plan that is drawn to scale. The building code official may waive or modify the following site plan requirements if the permit application is for an alteration or repair or if waiver or modification is warranted. Site plan requirements include all of the following:

- (1) The size and location of new construction and existing structures on the site.
- (2) Accurate boundary lines.
- (3) Distances from lot lines.
- (4) The established street grades and the proposed finished grades.
- (5) If the construction involves demolition, the site plan shall indicate construction that is to be demolished and the size and location of existing structures and construction that will remain on the site or plot.
- (6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

(i) A permit applicant shall submit certifications required in the "International Building Code" for construction in a flood hazard area to the building code official.

(j) A permit applicant shall identify, on the application, the name and address of the licensed architect or engineer in responsible charge. The permit applicant shall notify the building code official in writing if another licensed architect or engineer assumes responsible charge.

(k) The permit applicant shall describe an inspection program, identify a person or firm who will perform special inspections and structural observations if section 1704 or 1709 of the "International Building Code" requires special inspections or structural observations for the construction.

(l) A building code official may waive or modify the submission of construction documents, that are not required to be prepared by a licensed architect or engineer, or other data if the nature of the work applied for does not require review of construction documents or other data to obtain compliance with the Uniform Construction Code. The building code official may not waive the submission of site plans that relate to accessibility requirements.

(m) An applicant for an annual permit under § 403.42(f) shall complete an application and provide information regarding the system that may be altered and the date that approval was previously provided for the approved electrical, gas, mechanical or plumbing installation.

(n) A permit applicant shall comply with the permit, certification or licensure requirements of the following laws applicable to the construction:

- (1) The Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1— 1331.19).
- (2) The Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1 – 1329.19).
- (3) The Health Care Facilities Act.
- (3) The Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1 – 1511.22).

**§ 403.43. Grant, denial and effect of permits.**

- (a) A building code official shall grant or deny a permit application, in whole or in part, within 30 business days of the filing date. Reasons for the denial shall be in writing and sent to the applicant. The building code official and the permit applicant may agree in writing to extend the deadline by a specific number of days. A building code official may establish a different deadline to consider applications for a permit in an historic district.
- (b) A building code official shall examine the construction documents and shall determine whether the construction indicated and described is in accordance with the Uniform Construction Code and other pertinent laws or ordinances as part of the application process.
- (c) A building code official shall stamp or place a notation on each page of the set of reviewed construction documents that the documents were reviewed and approved for Uniform Construction Code compliance before the permit is issued. The building code official shall clearly mark any required nondesign changes on the construction documents. The building code official shall return a set of the construction documents with this notation and any required changes to the applicant. The permit holder shall keep a copy of the construction documents at the work site open to inspection by the construction code official or an authorized representative.
- (d) A building code official may not issue a permit for any property requiring access to a highway under the Department of Transportation's jurisdiction unless the permit contains notice that a highway occupancy permit is required under section 420 of the State Highway Law (36 P. S. § 670-420) before driveway access to a Commonwealth highway is permitted.
- (e) A building code official may issue a permit for the construction of the foundations or other parts of a building or structure before the construction documents for the whole building or structure are submitted if the permit applicant previously filed adequate information and detailed statements for the building or structure under the Uniform Construction Code. Approval under this section is not assurance that the building code official will issue a permit for the entire building or structure.
- (f) Issuance of a permit does not bar prosecution or other legal action for violations of the act, the Uniform Construction Code or a construction ordinance. A building code official may suspend or revoke a permit issued under the Uniform Construction Code when the permit holder does not make the required changes directed by the building code official under subsection (c), when the permit is issued in error, on the basis of inaccurate or incomplete information or in violation of any act, regulation, ordinance or the Uniform Construction Code.
- (g) A permit becomes invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work permit is suspended or abandoned for 180 days after the work has commenced. A permit holder may submit a written request for an extension of time to commence construction for just cause. The building code official may grant extensions of time to commence construction in writing. A permit may be valid for no more than 5 years from its issue date.

(h) The permit holder shall keep a copy of the permit on the work site until the completion of the construction.

(i) A permit applicant may request extensions of time or variances or appeal a building code official's action on the permit application to a board of appeals under § 403.122 (relating to appeals, variances and extensions of time).

(j) A board of appeals may not rule on requests for extensions of time, variances or appeals relating to this chapter's accessibility requirements. The Secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under § 403.142 (relating to Accessibility Advisory Board)

(k) A building code official may allow deferred submittals of portions of the design of the building and structure from the time of the application until a specified time set by the building code official. All of the following apply to deferred submittals:

- (1) The building code official shall provide prior approval of the deferral of any submittal items.
- (2) A licensed architect or professional engineer in responsible charge shall list the deferred submittals on the construction documents for review by the building code official.
- (3) A licensed architect or professional engineer shall first review submittal documents for deferred submittal items and place a notation on the documents that the architect or engineer reviewed the documents and that the documents are in general conformance with the design of the building or structure.
- (4) Deferred submittal items may not be installed until the building code official approves the design and submittal

documents for the deferred submittal items.

l) Work shall be installed in accordance with the approved construction documents. The permit holder shall submit a revised set of construction documents for approval for changes made during construction that are not in accordance with the approved construction documents.

(m) A permit is not valid until the required fees are collected under §§ 401.2 and 401.2a (relating to Department fees; and municipal and third-party agency fees).

#### **§ 403.44. Alternative construction materials and methods.**

(a) Materials, products and methods of construction that were evaluated as meeting codes enumerated in § 403.21 (relating to Uniform Construction Code) by the ICC Evaluation Service, Inc. or an evaluation service accredited under the "General Requirements for Bodies Operating Product Certification Systems" issued by the ISO (ISO Guide 65) are approved for use. The use shall conform with the evaluation.

(b) Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Service, Inc. or another agency accredited under the "Calibration and Testing Laboratory Accreditation Systems-General Requirements for Operation and Recognition" issued by ISO (ISO Guide 58) are approved for use if:

- (1) The testing laboratory or quality assurance agency deemed the material as meeting Uniform Construction Code-required standards.
- (2) The scope of accreditation is applicable to Uniform Construction Code-required standards.

(c) A new building or remodeling, alteration, addition or change of use and occupancy of an existing building which complies with the International Performance Code shall also be in compliance with the Uniform Construction Code.

**§ 403.45. Inspections.**

(a) A construction code official shall perform inspections to insure that the construction complies with the approved permit and the Uniform Construction Code.

(b) Before issuing a permit, a building code official may examine, or cause to be examined, buildings, structures, facilities or sites related to the permit application.

(c) The permit holder or an authorized agent shall notify the construction code official when work is ready for inspection and provide access for the inspection. The work shall remain accessible and exposed for inspection. A construction code official may inspect the construction and equipment only during normal hours at the construction site unless the permit holder or agent requests or agrees to another time. Inspections may be conducted under § 403.86 (relating to right of entry to inspect).

(d) A construction code official shall notify a permit holder if construction complies with the Uniform Construction Code or fails to comply with the Uniform Construction Code.

(e) A construction code official shall conduct a final inspection of the completed construction work and file a final inspection report, which indicates that all of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

- (1) General building under § 401.7(6) (relating to certification category specification for building inspector).
- (2) Electrical under § 401.7(7).
- (3) Plumbing under § 401.7(9).
- (4) Accessibility under § 401.7(11).
- (5) Fire protection under § 401.7(6).
- (6) Mechanical under § 401.7(8).
- (7) Energy conservation under § 401.7(10).

(f) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirements under section 2303.1.1 of the "International Building Code" or its successor code.

**§ 403.46. Certificate of occupancy.**

(a) A building, structure or facility may not be used or occupied without a certificate of occupancy issued by a building code official.

(b) A building code official shall issue a certificate of occupancy within 5 business days after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain the following information:

- (1) The permit number and address of the building, structure or facility.
- (2) The permit holder's name and address.
- (3) A description of the portion of the building, structure or facility covered by the occupancy permit.
- (4) The name of the building code official who issued the occupancy permit.
- (5) The applicable construction code edition applicable to the occupancy permit.
- (6) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.

(7) The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.

(8) Special stipulations and conditions relating to the permit and board of appeals' decisions and variances for accessibility requirements granted by the Secretary.

(9) The date of the final inspection.

(c) A building code official may issue a certificate of occupancy for a portion of a building, structure or facility if the portion independently meets the Uniform Construction Code.

(d) A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, on the basis of incorrect information supplied by the permit applicant or in violation of the Uniform Construction Code. Before a certificate of occupancy is revoked, a building owner may request a hearing before the board of appeals under § 403.122 (relating to appeals, variances and extensions of time).

(e) A building code official may issue a temporary certificate of occupancy for a portion or portions of the building or structure before the completion of the entire work covered by the permit if the portion or portions may be occupied safely. The building code official shall set a time period during which the temporary certificate of occupancy is valid.

#### § 403.47. Public utility connections.

(a) A building code official may authorize the temporary connection of a building or system under construction to a utility source of energy, fuel or power.

(b) Connection to a public electric or gas utility for the completed construction may not occur unless the permit holder provides written proof to the utility company that the building or structure passed inspections under this chapter.

#### § 403.48. Boilers.

(a) The Boiler and Unfired Pressure Law (35 P. S. §§ 1331.1 – 1331.19) and Chapter 3 (relating to boilers and unfired pressure vessels) govern the new installation, repair or replacement of a boiler or other pressure vessel.

(b) A permit under this chapter is not required for the installation, repair or replacement of a boiler or unfired pressure vessel under subsection (a). The building or structure containing the boiler or unfired pressure vessel shall comply with the Uniform Construction Code or the regulation or ordinance in effect at the time of its legal occupancy.