

## 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 of 2018,” 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.

- (a) 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 stand- pipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or simi- lar piping, electric wiring or mechanical.
- (b) A permit is not required for the installation, alteration or repair of genera- tion, transmission, distribution, metering or other related equipment under the ownership and control of public service agencies.
- (c) A building code official may issue an annual permit instead of an indi- vidual permit for each alteration to an already approved electrical, gas, mechani- cal or plumbing installation. All of the following are required:
  - (1) The applicant shall regularly employ at least one qualified trades per- son 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.

#### Authority

The provisions of this § 403.42 amended under section 304(a)(1) and (2) of the Pennsylvania Construction Code Act (35 P.S. § 7210.304(a)(1) and (2)).

#### Source

The provisions of this § 403.42 amended December 24, 2009, effective December 31, 2009, 39 Pa.B. 7196; amended September 29, 2018, effective October 1, 2018, 48 Pa.B. 6261; amended February 11, 2022, effective February 14, 2022, 52 Pa.B. 971. Immediately preceding text appears at serial pages (407591) and (393785) to (393786).

#### Cross References

This section cited in 34 Pa. Code § 403.41 (relatiing to commercial construction); 34 Pa. Code § 403.42a (relating to permit application); and 34 Pa. Code § 403.102 (relating to municipalities electing to enforce the Uniform Construction Code).

§ 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, all other permits or approvals related to the construction required under § 403.102(n) (relating to municipalities electing to enforce the Uniform Construction Code) 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 of 2018."
- (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 of 2018" 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 and 1705 of the "International Building Code of 2018" 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.
  - (4) The Older Adult Daily Living Centers Licensing Act (62 P. S.