

Commercial Inspections and Exemptions:

§ 403.1. Scope.

(a) *Application.* The Uniform Construction Code applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure which occurs on or after April 9, 2004, and all existing structures that are not legally occupied.

(b) *Exclusions.* The Uniform Construction Code does not apply to:

(1) New buildings or renovations to existing buildings for which an application for a permit was made to the Department or a municipality before April 9, 2004.

(2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before April 9, 2004.

(3) The following structures if the structure has a building area less than 500 square feet and is accessory to a detached one-family dwelling:

(i) Carports.

(ii) Detached private garages.

(iii) Greenhouses.

(iv) Sheds.

(4) An agricultural building defined under section 103 of the act (35 P. S. § 7210.103).

(5) Manufactured or industrialized housing shipped from the factory under section 901(a) of the act (35 P. S. § 7210.901(a)) as provided in § 403.25 (relating to manufactured and industrialized housing).

(6) Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas under the Propane and Liquefied Petroleum Gas Act (35 P. S. §§ 1329.1--1329.19).

(7) Construction of individual sewage disposal systems under 25 Pa. Code Chapter 73 (relating to onlot sewage treatment facilities).

(c) *Prior permits and construction.*

(1) A permit issued under construction regulations before April 9, 2004, remains valid and the construction

of the building or structure may be completed in accordance with the approved permit. The permit is invalid unless the construction commenced within 2 years of permit issuance or a time period specified by municipal ordinance, whichever is less. The permit holder shall acquire a new permit under section 104(c) of the act (35 P. S. § 7210.104(c)) if the permit was not actively prosecuted during this time period.

(2) Construction may be completed without a permit under section 104(c)(2) of the act where construction of a building or structure commenced before April 9, 2004, and a permit was not required at that time.

(3) The legal occupancy of a structure existing on April 9, 2004, may continue without change except where the Uniform Construction Code provides otherwise.

§ 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 tradesperson 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.