

PROPOSED RULEMAKING

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA.CODE CHS. 401, 403 AND 405]

Uniform Construction Code; Administrative and Enforcement; Elevators and Other Lifting Devices

Under section 301 of the Pennsylvania Construction Code Act (act) (35 P. S. § 7210.301), the Department of Labor and Industry, Bureau of Occupational and Industrial Safety (Department) is submitting this proposed rulemaking as the administrative and enforcement provisions and standards for elevators and other lifting devices of the Uniform Construction Code (UCC).

The Department proposes this rulemaking for the adoption and enforcement of the UCC under sections 301—304 of the act (35 P. S. §§ 7210.301—7210.304) to read as set forth in Annex A. This notice of proposed rulemaking includes the Department's interpretation of the provisions of the act adopting the "1999 BOCA National Building Code," Fourteenth Edition or its successor codes as the UCC. The current successor code is the "International Building Code 2000" (IBC).

Statutory Authority

This proposed rulemaking is issued under the authority provided in section 301 of the act, which requires the Department to promulgate regulations adopting the "1999 BOCA National Building Code" and allows the Department to make changes to Chapter 1 of the "1999 BOCA Code." The Department must also adopt the "International Fuel Gas Code" and prescriptive methods for energy related standards under section 301 of the act.

Section 301 of the act requires that the regulations include a provision that gives the Department exclusive power to grant modifications and decide issues of technical infeasibility under the accessibility provisions of the UCC. The regulations must provide for a system of Department-conducted, periodic compliance reviews for accessibility, and an exception to the BOCA stairway tread and riser provisions for one-family and two-family dwellings.

Section 105(c) of the act (35 P. S. § 7210.105(c)) continues the Department's administrative and inspection authority over elevators and other lifting devices. This section also allows the Department to modify the standards of the "BOCA Code" for elevator construction, repair, maintenance and inspection. The Department may also set plan review and inspection fees under section 301(d)(2) of the act.

Background

The act establishes a Statewide building code, the UCC. This UCC provides uniform standards for builders and design professionals, and greater protection for building owners and occupants and the general public. The Department, municipalities and third-party agencies in this Commonwealth will utilize the UCC to insure that this Commonwealth has a uniform construction code that will promote safety, health, sanitary construction, state-of-the-art techniques and cost-effectiveness in residential and commercial construction.

This proposed rulemaking establishes administrative provisions, enforcement provisions and elevator and other lifting devices standards for the UCC required by the act. This proposed rulemaking adopts model construction codes issued by the International Code Council (ICC) as part of the UCC. For elevators and lifting devices, this proposed rulemaking adopts: "The American Society of Mechanical Engineers (ASME) A17.1," 2000 Edition, Parts I—VIII with exceptions; ASME B20.1, 1996 Edition including ASME B20.1b-1998 for conveying systems; ASME A90.1, 1997 Edition including ASME A90.1a-1999 for belt man-lifts; "The American National Standards Institute (ANSI) B77.1," 1999 Edition for passenger ropeways; and "ASME A18.1," 1999 Edition including ASME A.181a-2001a addenda for wheelchair and stairway lifts with changes.

The Legislative Reference Bureau informed the Department on December 28, 2001, that model codes and guidelines intended for adoption under the UCC are "generally available publications" meeting 45 Pa.C.S. § 727(9) (relating to matter not permitted to be published). These codes included model codes for construction issued by the ICC, standards for elevators issued by the American Society of Mechanical Engineers, the Department of Energy guidelines for energy conservation (COMcheck EZ[™] and MECcheck[™]) and the "Code for the Conservation of Space Conditioning for Housing in Pennsylvania: The PHRC alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania."

The final-form regulations for the UCC's training and certification requirements under section 701 of the act (35 P. S. § 7210.701) were published at 32 Pa.B. 1849 (April 13, 2002).

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

Since the passage of the act, the Department has undertaken extensive outreach and communication efforts to gain input from the various affected parties. Department representatives have participated in over 50 public presentations with over 3,500 attendees.

Members of the Department's Implementation Team also met with and communicated with interested persons and groups to answer questions and obtain their suggestions. These groups include: three Pennsylvania Chapters of Building Officials & Code Administrators, Inc (BOCA); representatives from BOCA International; Pennsylvania Code Training Consortium; Pennsylvania Housing Research Center (PHRC); Pennsylvania Builders Association; American Institute of Architects (Pennsylvania Chapter); City of Harrisburg; City of Pittsburgh—Bureau of Building Inspection; Keystone Chapter of Associated Builders and Contractors; Pennsylvania Ski Areas Association; Pflow Industries: Inc.-Vertical Reciprocating Conveyor Group; PM Associates of York—elevator inspectors; Delta Development Group representing Steel Inspection Agency; the Borough of Mount Joy; Building Codes Assistance Project; Pennsylvania Hospitals Association; Pennsylvania Manufactured Housing Association; Modular Building Systems Association; Pennsylvania State Association of Township Supervisors; Pennsylvania State Association of Boroughs; PP&L Utility; Pennsylvania Department of Health; Pennsylvania Emergency Management Agency; Department of Community and Economic

Development (DCED); Department of General Services; and the United States Department of Energy.

The Department utilized a website, www.dli.state.pa.us, to provide updates on the regulatory process and to solicit comments and questions. The Department also utilized its website to notify stakeholders of regulation updates and drafts. The stakeholder list comprises approximately 375 interested parties.

The Department held three large stakeholder meetings on December 16, 1999, July 19, 2000, and May 31, 2001. Prior to the May 31, 2001, stakeholders' meeting, the Department posted a first draft of this proposed rulemaking on its website for stakeholder comment. The rulemaking was reviewed with the Department's Industrial Board and Accessibility Advisory Board. The Department plans to hold three public hearings on this proposed rulemaking during the public comment period. This proposed rulemaking is also posted on the Department's website.

On March 5, 2002, Department representatives briefed the Pennsylvania House of Representatives' Local Government Committee on the UCC and the Department's progress on implementing regulations.

Purpose

As stated in section 102(b) of the act (35 P.S. § 7210.102(b)), the purpose of the act is to insure safe, uniform, cost-efficient and comprehensive construction standards throughout this Commonwealth by adopting a Statewide building code governing the construction, alteration, repair and new occupancy of structures.

This proposed rulemaking sets forth the administrative and enforcement provisions of the Statewide building code. It establishes the UCC's scope, lists the prescriptive methods adopted by the Department to comply with the "International Energy Conservation Code" and provides definitions and standards for child-care facilities required by the act. This proposed rulemaking also prescribes the permit and inspection processes for commercial and residential construction. It establishes enforcement procedures including notice of violations, orders to show cause and vacate and stop work orders. It provides for the retention and sharing of records between the Commonwealth and municipalities choosing to enforce the UCC. This proposed rulemaking establishes procedures for municipalities to opt in or out of UCC enforcement.

This proposed rulemaking also sets forth the requirements for municipal boards of appeal to decide requests for variances, extensions of time and to hear appeals of code administrator decisions under the act. It specifies safety standards for passenger elevators, conveying systems, lumber elevators, stage lifts, orchestra and organ console elevators and other lifting devices.

Summary of Proposed Rulemaking

Section 401.1. Definitions.

This section provides definitions for the terms used in these regulations. The section defines the appeals and advisory boards that will hear variance requests and appeals under the UCC which are the "Accessibility Advisory Board," "Industrial Board" and municipal "board of appeals." It also defines the "variance" requests these bodies will hear and determine.

This section identifies and provides the addresses for the "American National Standards Institute" (ANSI), "American Society for Testing and Materials" (ASTM), "American Society of Mechanical Engineers" (ASME),

"ICC," "National Evaluation Services, Inc." and "Pennsylvania Housing Research Center (PHRC)." It identifies and provides citations to "Chapter 11 of the "International Building Code 2000," "Code Requirements for Housing Accessibility," "ICC Electrical Code, International Building Code," "International Energy Conservation Code," "International Fire Code," "International Fuel Gas Code," "International Mechanical Code," "International Plumbing Code" and "International Residential Code."

This section provides definitions for "building," "conveyor" and "structure." A "building" is defined as a structure used or intended for supporting or sheltering any occupancy. A "conveyor" is defined as a device for moving or transporting bulk materials, packages or objects in a predetermined designed path. A "structure" is defined as a combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location. The definition for "structure" will include all buildings.

This section provides a definition for "building code official" and "person." A "building code official" is defined as the construction code official who supervises and administers building code enforcement activities. A "person" includes the governing authority for a county or municipality and a government entity other than the Commonwealth.

The alternative prescriptive methods to meet the energy conservation requirements of the UCC are defined. These prescriptive methods are found in COMcheck EZ[®], MECcheck[®] and the "PHRC Alternative to Chapter 11."

This section contains definitions for "certificate of occupancy," "filing date" and "permit." The definition of "certificate of occupancy" is the document issued by the building code administrator, allowing the building or structure to be occupied. A "permit" is defined as the document issued by the building code official, allowing the construction, alteration, repair and demolition to a building, elevator or equipment. The "filing date" is the date the building code official receives the completed permit application.

This section defines: "family child day-care home" and "group child day-care home" as provided in section 3.6(g) of the act of April 27, 1927 (P.L. 465, No. 299) (35 P.S. § 1223.6(g)), known as the Fire and Panic Act; "health care facility" as provided in Health Care Facilities Act (35 P.S. §§ 448.101—448.904b); "State-owned building," the "Fire and Panic Act" and the "Health Care Facilities Act."

This section also defines "residential building" and "commercial construction." A "residential building" is defined as construction relating to detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) that are not more than three stories in height with a separate egress and their own accessory structures. "Commercial construction" is defined as a building, structure or facility that is not a residential building.

This section also defines "industrialized housing" and "manufactured housing." "Industrialized housing" is defined under section 3 of the Industrialized Housing Act (35 P.S. § 1651.3). Housing units defined as mobile homes are excluded from the definition. "Manufactured housing" is defined as housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P.S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

Section 401.2. Department fees.

This section establishes Department fees for issuance of commercial building permits and inspections, and elevator and lifting device, plan review and inspections.

Permit fees for new construction are calculated based on use group and square footage. The Department established these fees using the BOCA fee table. These fees were calculated to cover the Department's projected costs for plan review, inspection and enforcement functions.

The permit fee for alterations and modifications is 5.5c × cost of construction. The Department established this fee based on the Center Region Council of Governments' fee schedule. The section contains fees for review of revised plans, interim accessibility plan reviews and inspections and Industrial Board and Accessibility Advisory Board variance requests.

The elevator and lifting device fees are based on current Department charges for permits and inspections. Several of the fees were increased to reflect additional costs for plan reviews and inspections anticipated by the Department with the implementation of the UCC.

Section 401.2a. Municipal and third-party agency fees.

This section provides that a municipality or third-party agency that enforces the UCC may establish fees for plan review, inspections and other UCC-related activities. This section requires the municipal building code official or third-party agency to make the fee schedule available to the public. A municipality or third-party agency may establish a fee refund policy, withhold the issuance of a certificate or permit until the fee is paid and establish other fees authorized by law.

Chapter 403. Administration

Section 403.1. Scope.

This proposed section applies to the construction, alteration, repair, movement, equipment, removal, demolition, location, maintenance, occupancy or change of occupancy of every building or structure occurring on or after the effective date of this rulemaking and to all existing structures that are not legally occupied.

This proposed section does not apply to: new construction or renovation for which a permit application was made or a design or construction contract was signed prior to the effective date of the regulations; accessory buildings; or agricultural buildings. A code administrator may exempt a dwelling unit from the UCC's electrical provisions under section 901(b) of the act (35 P.S. § 7210.901(b)), if the unit is utilized by a member of a recognized religious sect which opposes the use of electricity.

A permit issued under construction regulations before the effective date of adoption of final-form rulemaking will remain valid as long as the construction commenced within 2 years from the issuance date of the permit or a time period specified by municipal ordinance, whichever is less.

A legal occupancy of a structure existing on the effective date of adoption of final-form rulemaking may continue without change except where the UCC provides otherwise.

The UCC will apply to residential buildings or structures governed by a homeowners or community associations under section 104(d)(2)(ii) and 304(a)(2) of the act (35 P. S. §§ 7210.104(d)(2)(ii) and 7210.304(a)(2)).

§ 403.2. Other statutes or ordinances.

Under section 104(d)(1) of the act, the UCC preempts and rescinds all construction standards established by statute, regulation or local ordinance. This section also sets forth the effect of ordinances adopted by a city of the first class under section 303(a)(2) of the act.

Standards

§ 403.21. Uniform Construction Code.

This section adopts, under section 301 of the act, the 2000 edition (first printing) of the following codes as the UCC: chapters 2 through 29 and 31 through 35 of the "International Building Code"; "ICC Electrical Code"; "International Mechanical Code"; "International Fuel Gas Code"; "International Plumbing Code"; "International Residential Code"; "International Fire Code"; "International Energy Conservation Code"; and "Code Requirements for Housing Accessibility." Appendices to these listed codes are not adopted as part of the UCC except for sections AE501-AE503 and AE601-AE605 of Appendix E of the "International Residential Code" relating to manufactured housing.

This section also establishes special stairway tread and rise provisions required by section 301(a)(6) of the act which will be in effect until December 31, 2003.

The section provides additional prescriptive methods to demonstrate compliance with "International Energy Conservation Code" requirements. The additional prescriptive methods for detached residential buildings are found in the "Code for the Conservation of Space Conditioning Energy for Housing in Pennsylvania: The PHRC Alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania" (PHRC Alternative) and the United States Department of Energy compliance guide, "MECcheck[™]." The additional prescriptive method for all other buildings or structures is found in another United States Department of Energy compliance guide, "COMcheck[™]."

The PHRC developed its alternative approach for residential housing in response to a request from the Pennsylvania Builders Association for a method that would not require residential builders to perform onsite building calculations. New residential construction in this Commonwealth will meet the window glazing requirements of the "International Code 2000," in the aggregate, under the PHRC alternative. Residential builders will not be required to calculate the window-to-wall ratio in new home construction by using the PHRC alternative.

At the United States Department of Energy's direction, Pacific Northwest National Laboratory analyzed and prepared a report on the PHRC alternative for residential construction. This laboratory found that the PHRC alternative had slightly more stringent standards for some building designs and slightly less stringent standards for other buildings. The Department met with representatives from Pennsylvania Builders Association, PHRC and the Responsible Energy Code Alliance to thoroughly discuss this alternative. It appears to the Department that utilizing the PHRC alternative for residential construction effectively balances energy savings and costs for residential structures under section 301(c) of the act. This alternative will facilitate compliance with UCC energy conservation requirements and will yield overall energy savings similar to the savings that would be obtained by using other prescriptive methods.

§ 403.22. Health care facilities.

Health care facilities will continue to comply with the Health Care Facilities Act, Department of Health regula-

tions, building codes and regulations set forth in the applicable licensure laws and this section. Additionally, applicants must obtain a license under the Health Care Facilities Act before occupancy of new construction. An applicant shall submit alteration plans to the Department of Health and obtain its approval before a renovated facility is occupied. A building code official will provide written notice of the Department of Health construction and occupancy requirements when plans are approved.

The provisions for elevators found in this section will apply to health care facilities.

§ 403.23. Child care facilities.

This section provides that a family child day-care home and a group child day-care home must comply with sections 3.6(f)(1)(i), (f.1) and (g) of the Fire and Panic Act (35 P. S. § 1223.6(f)(1)(i), (f.1) and (g)) and this section.

A family child day-care home must meet Chapter 9 of the "International Building Code" or meet minimum requirements for smoke detection units found in section 3.6(f.1) of the Fire and Panic Act. Single station smoke detectors may be utilized under the minimum requirements of this section.

A group child day-care home which provides care to 7 to 12 children which includes a child who is 2 1/2 years of age or under must comply with use group I-4 of the "International Building Code." A group child day-care home which provides care to 7 to 12 children and all the children are older than 2 1/2 years must comply with use group E of the "International Building Code."

A child day-care facility must comply with use group I-4 of the "International Building Code" if it provides care to five or more children, one of whom is 2 1/2 years old or under, and the facility is not located in a home.

§ 403.24. Historic buildings, structures and sites.

This section allows a building code official to exclude a historic building or structure from compliance with the UCC or portions of the UCC if it meets the requirements of section 902 of the act (35 P. S. § 7210.902).

§ 403.25. Manufactured and industrialized housing.

This section establishes, under section 901(a) of the act that the UCC applies to site preparation, foundation construction, utility connection, alteration and repair of manufactured and industrialized housing. It also applies to the construction, alternation, repair or occupancy if the manufactured or industrialized housing is sold to a subsequent purchaser. The UCC does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label, which certifies that it conforms to Federal standards adopted under the Housing and Community Development Act of 1974. The UCC does not apply to industrialized housing as assembled by and shipped from the manufacturer. The DCED will retain jurisdiction to enforce its statutes relating to manufactured and industrialized housing units and resolve complaints concerning these units.

§ 403.26. Applicability.

Chapter 403 is to be used for the administration of the UCC. The provisions of Chapter 1 of the "International Building Code" are not adopted as part of the UCC. Where sections in the regulation and adopted standards differ, the most restrictive material, method of construction or other requirement will apply. The specific requirement of this part of the regulation will apply if there is a conflict between a general requirement and a specific requirement. The provisions of this chapter will govern if

there is a conflict between this chapter and the provisions of the codes adopted as the UCC.

Permit and Inspection Process for Commercial Construction

§ 403.41. Commercial construction.

This section will apply to commercial buildings, structures and facilities.

§ 403.42. Permit application.

This section requires an owner or authorized agent who intends to construct, repair, remodel, demolish or change the occupancy of a commercial building to obtain a permit. Permits are not required for most fences, oil derricks, retaining walls, water tanks, sidewalks and driveways. Permits are also not required for painting, papering, tiling, carpeting, cabinets, counter tops, similar finishing work, temporary motion picture, television, theater sets, stage sets and scenery. A permit is not required for prefabricated swimming pools accessory to Group R-3 occupancy, shade cloth structures constructed for nursery or agricultural purposes, playground equipment accessory to one-family and two-family dwellings, window awnings supported by an exterior wall and movable cases, counters and partitions.

A permit will not be required for electrical work consisting of minor repair and maintenance, electrical equipment used for radio and television transmissions and the installation of a temporary system for the testing or servicing of electrical equipment or apparatus.

Gas work performed on portable heating appliances and the replacement of minor parts that do not alter approval of equipment or make the equipment unsafe do not require a permit.

A permit will not be required for mechanical work on: portable heating appliances; portable ventilation equipment; portable cooling units; steam, hot or chilled water piping within any heating or cooling equipment; replacement of any parts which do not alter approval of the equipment or make the equipment unsafe; portable evaporative coolers; and, self-contained refrigeration systems containing 10 pounds or less of refrigerant and placed into action by motors no more than 1 horsepower.

A permit will not apply to plumbing repairs for: stopping leaks in a drain or a water, soil, waste or vent pipe; clearing stoppages or repairing leaks in pipes, valves or fixtures; and, the removal of and reinstallation of water closets if the valves, pipes or fixtures are not replaced or rearranged on delivery. A permit is not required for the installation of equipment that is owned and controlled by a public service utility.

The following repairs will require a permit: cutting away a wall or partition; the removal or cutting of a beam or load-bearing support; the removal or change of a required means of egress; and, the addition, alteration, replacement or relocation of any standpipe, water supply, sewer, drainage, gas, soil, waste, vent or similar piping, electric wiring or mechanical.

Applicants will be required to complete an application form provided by the DCED. A municipality may require additional information on an addendum to the form. An applicant will also have to submit construction documents, information concerning special inspection and structural observation programs, Department of Transportation highway access permits and any other data required by the building code official for the permit application. Plan documents must show the nature and

extent of the work proposed and that the work will conform to the UCC. The documents must detail the location, construction, size and character of all portions of the means of egress. The construction documents for occupancies other than Groups R-2 and R-3 must designate the number of occupants to be accommodated on every floor and in all rooms and spaces. Shop drawings for fire protection systems must indicate conformance with this regulation.

Construction documents will contain specific information relating to the exterior wall envelope, a site plan including accessibility requirements drawn to scale and the elevation certification required in flood hazard areas. This section also requires a licensed architect or licensed professional engineer to prepare the construction documents. An unlicensed person may prepare design documents when no additions to the building or changes to the building's structure or means of egress are made and no compensation is paid for plan preparation.

A building code official could waive or modify the submission of construction documents or other data if the work does not require review of construction documents or other data to obtain compliance with the UCC.

This section requires a permit applicant to comply with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9); the Liquefied Petroleum Gas Act (35 P. S. §§ 1321—1329); the Health Care Facilities Act; and the Older Adult Daily Living Centers Licensing Act (62 P. S. §§ 1511.1—1511.22).

§ 403.43. Grant, denial and effect of permits.

A building code official will have to grant or deny a permit application within 30 business days of the filing date. This section allows a building code official to establish a different deadline for permit approvals in a historic district. The building code official and the applicant may agree to extend the deadline for approval.

Procedures are set forth for plan approval. The issuance of a permit will not bar prosecution or other legal action for violations of the act, the UCC or a construction ordinance. Approval may be revoked 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 UCC. A permit will become invalid unless the authorized construction work begins within 180 days after the permit's issuance or if the authorized construction work is suspended or abandoned for 180 days after the work has commenced. The building code official may grant an extension of time. However, a permit will not be valid for more than 5 years from its date of issuance.

§ 403.44. Construction materials and changes.

This section provides that materials, equipment and devices evaluated by the National Evaluation Services, Inc. and meeting the codes incorporated as the UCC are considered approved.

This section also provides that changes to construction, which do not comply with the approved construction documents, must be resubmitted for approval.

§ 403.45. Inspections.

A construction code official will inspect all construction relating to the permit. The permit holder will ensure that the construction is accessible for inspection and notify the code official when work is ready for inspection. Construction beyond the phase currently under inspection may not continue without the construction code official's approval.

Construction must remain accessible until the construction code official allows the work to continue, if it does not pass inspection.

Inspections are required for: general building; electrical; plumbing; accessibility; fire protection; mechanical; energy conservation; and elevators and other lifting devices. A construction code official will file a final inspection report to indicate compliance with UCC requirements in these areas.

§ 403.46. Certificate of occupancy.

A building cannot be used or occupied without a certificate of occupancy. A building code official will issue a certificate of occupancy after receipt of a final inspection report which indicates UCC compliance. The contents of the certificate of occupancy are listed.

A building code official may issue a certificate of occupancy for a portion of a building if the building portion independently meets UCC requirements. A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, based on incorrect information supplied by the permit applicant or in violation of the UCC.

§ 403.47. Public utility connections.

This section prohibits the connection of a building or system to a utility, source of energy, fuel or power without authorization. A building code official may authorize temporary connection and authorize disconnections.

§ 403.48. Boilers.

This section sets forth coverage of the Boiler and Unfired Pressure Vessel Law.

Building Permit and Inspection Process for Residential Buildings.

§ 403.61. Residential buildings.

This section applies to municipalities and third-party agencies and municipalities electing to enforce the UCC.

§ 403.62. Permit application and approval.

This section requires an owner or authorized agent who intends to construct, repair, remodel, demolish or change the occupancy of a residential building to obtain a permit. A permit will be required to erect, install, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system. Permits will not be required for most fences, retaining walls, water tanks, sidewalks and driveways. Permits will not be required for painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work, prefabricated swimming pools that are less than 24 inches deep, swings and other playground equipment, window awnings, minor electrical repair and maintenance work, gas work performed on portable heating, cooking or clothes drying appliances and the replacement of minor parts that do not alter approval of equipment or make the equipment unsafe.

A permit is not required for the following mechanical work: portable heating and ventilation appliances; portable cooling units; steam, hot or chilled water piping within any heating or cooling equipment; replacement of any parts which do not alter approval of the equipment or make the equipment unsafe; and, self-contained refrigeration systems containing 10 pounds or less of refrigerant and placed into action by motors of no more than 1 horsepower.

A permit is not required for the following plumbing repairs: stopping leaks in a drain, or a water, soil, waste or vent pipe; clearing stoppages or repairing leaks in

pipes; and, the removal of and reinstallation of water closets if the valves, pipes or fixtures are not replaced or rearranged.

A permit is not required for the installation of equipment that is owned and controlled by a public service utility.

An applicant for a building located in a flood hazard area under the National Flood Insurance Program will be required to submit certain information with the construction documents.

§ 403.63. Inspections.

This section requires that a construction code official inspect all construction associated with the permit. A permit holder will have to ensure that the construction is accessible for inspection and notify the construction code official when work is ready for inspection. Construction beyond the phase currently under inspection will be prohibited without the construction code official's approval.

After inspection, the construction code official will notify a permit holder whether the construction complies with the UCC. Construction that does not pass inspection must remain accessible until the construction code official allows the work to continue.

The following inspections are required: foundation inspection; plumbing, mechanical, gas and electrical system inspection; frame and masonry inspection; and wallboard inspection.

A building code official may require additional inspections. A construction code official has to file a final inspection report to indicate compliance with the general building, electrical, plumbing, mechanical, energy conservation and fuel gas requirements of the UCC after the completion of all construction work.

A third-party agency under contract with a building permit holder is required to submit a copy of the final inspection report to the municipality, the property owner and the lender designated by the builder. A municipality enforcing the UCC will send a copy of the final inspection report to the property owner, the builder and the lender designated by the builder.

§ 403.64. Certificate of occupancy.

A building cannot be used or occupied without a certificate of occupancy. A building code official will issue a certificate of occupancy after receipt of a final inspection report which indicates compliance with the UCC. A certificate of occupancy will have to contain the information listed in this section.

A building code official may issue a certificate of occupancy for a portion of a building if the portion independently meets the UCC. A building code official may suspend or revoke a certificate of occupancy when the certificate was issued in error, based on incorrect information supplied by the permit applicant or in violation of the UCC.

A third-party agency under contract with a building permit holder must submit a copy of the certificate of occupancy to the municipality.

§ 403.65. Public utility connections.

A building code official must authorize utility connections. A building code official may order the disconnection of a utility in cases of immediate harm. The requirements for residential buildings are the same standards for commercial buildings in § 403.47.

Department, Municipal and Third-Party Enforcement for Noncompliance

§ 403.81. Stop work order.

A building code official may issue a written stop work order when he determines that construction work violates the UCC, is dangerous or unsafe or will interfere with required inspection. A person who continues construction work after service of an order may be subject to criminal penalties.

§ 403.82. Notice of violations.

When UCC violations are found during an inspection, the construction code official must discuss the inspection results with the owner at the completion of the inspection. The building code official may issue a written notice of violations to the owner containing a description of the violations and an order requiring correction of the violations within a reasonable period.

The building code official will inspect the building and determine whether the violation was corrected after the compliance date has expired. The enforcement process will end if the violation is corrected. The building code official may issue an order to show cause if the violation is not corrected.

§ 403.83. Order to show cause/order to vacate.

A building code official may initiate an action to vacate or close a building or seal equipment out of service by issuing an order to show cause. An order to show cause must contain the grounds for the action, the alleged violations, and notification that the building may be vacated or the equipment sealed.

An answer to an order to show cause may be filed under this section. The answer may contain a request for a variance or an extension of time for compliance. The building code official will forward requests for variances, extensions of time or appeals regarding interpretations of the UCC to the board of appeals and requests regarding accessibility to the Department within 5 days. The board of appeals will consolidate the answer with any pending request for a variance or an extension of time or an appeal filed by the owner.

A pending request for variance or extension of time, or appeal will be considered as a stay to an enforcement action.

After receipt of the answer, the building code official may issue a stop work order, vacate or close the building or structure, place equipment out of operation, abate or modify the alleged violation and order other action to protect persons or property.

The construction code official will inspect the construction at the expiration of the time period granted for compliance. If the building, structure or equipment continues to violate the UCC, the building code official may issue an order vacating or closing the building or placing equipment out of operation.

§ 403.84. Unsafe building, structure or equipment.

A building code official may determine that a building, structure or equipment is unsafe. The building code official shall order the building to be vacated or the equipment sealed when the official determines that an unsafe condition exists.

When a building is ordered vacated, the building code official will post a notice at each entrance. A building code official will not rescind the order to vacate until the owner abates or corrects the unsafe condition. The De-

partment is the only entity that may remove or authorize the removal of a seal of an elevator or other lifting device when the owner abates or corrects the unsafe condition.

§ 403.85. Retention and sharing of commercial construction records.

A building code official shall keep records of all submitted documents in an electronic to a hardcopy format which will allow reproduction upon request. A building code official may charge for reproduction costs.

A municipally shall make its records available to the Department when it ceases UCC enforcement. The Department must make its records available to a municipality that elects to begin UCC enforcement.

§ 403.86. Right of entry to inspect.

A construction code official may enter a building at reasonable times to perform an inspection under the UCC or if reasonable cause exists to believe that there is a condition on the premises that violates the UCC.

The construction code official shall present credentials to the occupant and receive permission to enter. A construction code official may not enter a building that is unoccupied or after normal hours without locating the owner and obtaining permission to enter. The construction code official may seek the assistance of a law enforcement agency to gain entry to enforce the UCC.

Municipal Election

§ 403.101. Municipalities electing to enforce the Uniform Construction Code.

A municipality that elects to enforce the UCC must enact an ordinance adopting the UCC as its municipal building code. The initial election period is within 90 days of the effective date of this regulation.

After the initial election period, a municipality may still elect to administer and enforce the UCC by providing 180 days notice to the Department of its intention to adopt a UCC ordinance.

A municipality that has elected to administer and enforce the UCC may cease administration and enforcement upon 180 days notice to the Department. A municipality shall notify the Department in writing within 30 days of any changes to its UCC ordinance or information concerning the building code official.

A municipality may elect to utilize any one or a combination of the following means to administer and enforce the UCC: designate an employee to serve as a building code official; contract with a third-party agency; utilize an intermunicipal agreement; contract with another municipality; and contract with the Department for plan reviews, inspection and enforcement for commercial construction.

A municipality may retain ordinances in effect on July 1, 1999, that contain standards that equal or exceed the UCC.

A municipality may enact an ordinance containing standards that equal or exceed the UCC following Department review. To enact this ordinance, the municipality shall notify the Department of the proposed ordinance and submit required information and an explanation describing how the proposed ordinance will equal or exceed the UCC.

A municipality may enact an ordinance relating to UCC administration and enforcement which meets or exceeds sections of this regulation relating to permit application and approval, construction materials and changes, inspec-

tions, certificates of occupancy, public utility connections, stop work orders, notice of violations, orders to show cause and orders to vacate, unsafe buildings, structures and equipment and the retention and sharing of commercial construction records.

The Department will enforce the UCC's accessibility requirements until the municipality employs or contracts with a certified accessibility specialist.

A municipality may observe Department inspections of State-owned buildings in its jurisdiction and review all Department plan review documents.

§ 403.102. Municipalities electing not to enforce the Uniform Construction Code.

A municipality will have to provide written notification to the Department within 120 days of the effective date of adoption of this proposal if it elects not to enforce the UCC. In municipalities electing not to enforce the UCC, an applicant for a residential building permit must obtain the services of a certified third-party agency to conduct plan review and inspections. A third-party agency which conducts plan review and inspection of residential buildings must retain copies of all inspection reports relating to UCC compliance.

A third-party agency must send a copy of the final inspection report to the property owner, builder, municipality and a lender designated by the builder. A municipality must provide written notification to a permit applicant for buildings other than residential buildings that he must obtain the Department's services for plan review and inspection. The municipality shall send a copy of the notice to the Department.

§ 403.103. Department review.

The Department will review and investigate complaints relating to enforcement and administration under section 105 of the act. It will submit a report to the municipal governing body or third-party agency and provide recommendations to address any deficiencies that it finds.

The Department will review each municipal enforcement program at least once every 5 years to ensure that code administrators are adequately administering and enforcing the accessibility provisions of the UCC and submit a written report to the municipality of its findings.

Board of Appeals

§ 403.121. Board of appeals.

A municipality which has adopted a UCC ordinance or is a party to an agreement for the joint administration and enforcement of the UCC must establish a board of appeals under section 501(c) of the act (35 P. S. § 7210.501(c)). The board of appeals will hear and rule on appeals, requests for variances and requests for extensions of time.

The municipality's governing body will appoint board members qualified by training and experience to hear and make determinations concerning building construction matters. Members of a municipality's governing body may not serve on a board of appeals. Positions on the board may be filled with qualified persons who reside outside of the municipality, if the municipality cannot find qualified residents to fill the positions. A board member may not cast a vote or participate in a hearing of any matter in which the member has a personal, professional or financial interest.

Two or more municipalities may establish a joint board of appeals through an intermunicipal agreement.

A board of appeals may not hear appeals, requests for variance or requests for extension of time relating to accessibility under the act.

§ 403.122. Appeals, variances and extensions of time.

An owner may seek a variance, extension of time or appeal a building code official's decision. An appeal must be based on a claim that the intent of the UCC was incorrectly interpreted, the provisions of the act do not apply or that an equivalent form of construction is to be used. An appeal will automatically suspend an action to enforce an order to correct until the appeal is resolved.

The owner may request a hearing. The board may deny or grant all or part of the request or grant other appropriate relief. The board shall provide a written decision to the owner and to the building code official.

Requests for variances and extensions of time and appeals of a building code official's decision relating to accessibility must be filed with the Department's Accessibility Advisory Board.

Department Enforcement

§ 403.141. Enforcement by the Department.

The Department will conduct plan and specification review and inspections for all State-owned buildings. It will notify municipalities of all inspections of State-owned buildings and provide municipalities the opportunity to observe inspection of the buildings.

The Department will also retain jurisdiction over accessibility until a municipality administering and enforcing the UCC obtains the services of a Department-certified accessibility specialist.

The Department will enforce the UCC for commercial buildings in municipalities that have not adopted an ordinance to enforce the UCC.

The Department's Industrial Board will decide petitions for variances and extensions of time and appeals of Department decisions under the UCC. The Industrial Board will hold the first hearing on a petition within 45 days of receipt of the petition.

§ 403.142. Accessibility Advisory Board.

The Secretary of the Department has the exclusive power to grant modifications of technical accessibility standards and extensions of time under section 106 of the act (35 P. S. § 7210.106). The Accessibility Advisory Board will: review and comment on all proposed regulations under the act; review all applications for modifications or variances of accessibility standards and advise the Secretary whether a modification or variance should be granted; hear appeals from decisions of building code officials; and recommend modifications or variances, or extensions of time.

The Accessibility Advisory Board will consider enumerated factors when a request for an extension of time or a variance or other appropriate relief is requested. The procedures for resolution of appeals are in this section.

The Accessibility Advisory Board will recommend the appropriate action to the Secretary. The Secretary will make the final decision on the request and will issue written notice of the decision.

Elevators and Other Lifting Devices

§ 405.1. Scope.

Chapter 405 applies to the construction, alteration, addition, repair, movement, equipment, removal, maintenance,

use and change in use of every elevator and lifting device after the effective date of this section.

This section does not apply to new construction or renovations to existing elevators and lifting devices for which a permit application was made or for which a contract for design or construction was signed before the effective date of this regulation. It also does not apply to elevators and lifting devices in private residences.

A permit issued before the effective date of the adoption of a final-form rulemaking will be valid and the construction of the elevator or lifting device may be completed in accordance with that permit. The permit will remain valid if construction begins within 2 years of its issuance. If construction does not begin within 2 years, the permit is rescinded.

An elevator or lifting device which has a certificate of operation issued by the Department before the effective date of this final-form rulemaking may remain in use, if it is maintained in accordance with a previous Department permit or approval.

§ 405.2. Standards.

This section adopts "ASME A17.1," 2000 Edition, Parts 1-9 with listed exceptions as part of the UCC for elevators and other lifting devices. The Department also adopts: "ASME B20.1," 1996 Edition including "ASME B20.1b-1998 addenda," for conveying systems; "ASME A90.1," 1997 Edition including "ASME A90.1a-1999 addenda" for belt man-lifts; "ANSI B77.1," 1999 Edition for passenger ropeways, aerial tramways, surface lifts, tow and conveyors; and, "ASME A18.1," 1999 Edition including "ASME A.18.1a-2001 addenda" for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3, "ASME A18.1-199" will occur at 5-year intervals.

Portions of "ASME A17.1," 2000 Edition that are not adopted as part of the UCC are listed in this section. Portions of "ASME B20.1," 1996 Edition that are not adopted as part of the UCC are listed in this section.

This section will apply when there is a conflict with a code or standard related to elevators or lifting devices.

§ 405.3. Permit application.

The owner must apply to the Department for a permit before the construction, alteration, replacement or repair of an elevator or lifting device. The application and supporting construction documents must clearly detail the location, nature and extent of the proposed construction and its compliance with the UCC. The Department will grant or deny a complete permit application within 30 days and provide written notification for any denial.

The Department may suspend or revoke a permit when the permit was issued erroneously, based on inaccurate, incorrect or incomplete information or issued in violation of the UCC. A permit will become invalid unless construction work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after it is commenced. The Department may grant written extensions of time for periods of 180 days. A permit will not be valid for more than 5 years.

A permit is not valid until the Department collects the required fees.

§ 405.4. Approved designs, equipment and devices.

A platform, car, cabin or chair safety device may be installed after it receives a Department-issued certificate of acceptance issued after successful testing of the device.

§ 405.5. Acceptance inspection.

The Department will conduct an acceptance inspection to confirm compliance with the UCC before a new elevator or lifting device or an elevator or lifting device under major repairs is put into service.

§ 405.6. Certificate of operation.

An elevator or lifting device may not be operated without a Department-issued certificate of operation. The Department will issue a certificate of operation for the elevator or other lifting device after it passes an inspection.

A certificate of operation is valid for 24 months from the issuance date for equipment requiring a 6-month periodic inspection and for 48 months from the issuance date for equipment requiring a 12-month periodic inspection. The certificate of operation may remain valid for an additional 30 days, if a periodic inspection is conducted within 30 days of the certificate's expiration date.

The certificate of operation or a copy shall be posted in the elevator car, platform, lifting device or attached to the controller in the machine room. The certificate of operation for escalators, moving walks and other equipment without a machine room shall be available during a periodic inspection.

§ 405.7. Periodic inspections.

A construction code official shall conduct periodic inspections and document compliance with the UCC at intervals that do not exceed 6 months for elevators and lifting devices. A construction code official shall conduct periodic inspections of all other lifting devices at intervals that do not exceed 12 months. A construction code official shall inspect a lifting device that is used on a seasonal basis before the beginning of the season of operation. A construction code official who performed a periodic inspection shall complete an inspection report, which shall be submitted within 15 days of the inspection in a format acceptable to the Department. A construction code official shall notify the Department of any lifting device that failed a periodic inspection within 1 working day.

§ 405.8. Periodic inspection and testing.

This section requires that testing under "ASME A17.1," 2000 Edition be witnessed by a construction code official and performed at 5-year and 3-year intervals dependant on the category that is being inspected. A construction code official who witnesses a periodic test shall complete a test report containing listed information. Test results shall be submitted within 15 days in a format acceptable to the Department.

§ 405.9. Periodic dynamic testing.

This section establishes the applicable sections for periodic dynamic testing under "ANSI B77.1," 1999 Edition.

§ 405.10. Major repairs, replacements and alterations.

This section establishes that repairs, replacement and alterations of elevators or other lifting devices must comply with "ASME A17.1," 2000 Edition

An elevator or lifting device shall be taken out of service when a major repair, replacement or alteration is performed upon it. The owner shall provide written notification to the Department when the major repair, replacement or alteration is completed. The elevator or lifting device may be returned to service after it passes a Department inspection.

§ 405.11. Accident report.

The owner of an elevator or lifting device shall submit an accident report to the Department, if the elevator or lifting device is involved in an accident resulting in fatal injury or hospitalization to a person or where there is damage to the elevator or lifting device which renders it unsafe. The accident report shall be submitted on a Department-prescribed form within 24 hours of the accident. The elevator or lifting device that was involved in an accident may not return to operation until the Department provides approval.

§ 405.12. Lumber elevators.

This section defines a lumber elevator and provides that an individual may not ride a lumber elevator. This section also provides requirements for the following: shaftway standards; gate requirements to protect all points of loading and unloading; locking device requirements; elevator pit requirements; lifting capacity and speed requirements; operating, terminal limit and emergency stop switch requirements; reverse phase protection requirements; platform safeties requirements; automatic shut-off requirements; main line switch or circuit breaker switch requirements; lighting requirements; and platform construction requirements.

Stage, Orchestra and Organ Console Elevators

§§ 405.31—405.41.

These sections provide standards for a stage elevator, orchestra elevator and organ console approval; shaftways, projections or recesses; pits; swinging doors; railings and toeboards; shaftway guide rails; landing doors; lifting capacity; gross weight of the movable platforms; inspections and tests; platform safeties; operating controls; emergency stop switches; constant pressure pushbottom switches; reverse phase protection; elevator screws; gears; motor, controller and brake location; terminal limit switches; slack cables or slack chain devices; fused main line switches or circuit breakers switches; lighting; pit access doors; platform construction; adjacent lift sides; aprons, railings and toeboards and pressure-sensing strips; single operator controls; and two-way communication devices.

Affected Persons

This proposed rulemaking will affect the Department, political subdivisions, third-party agencies, contractors, design professionals and building owners. Municipalities will have to determine whether they will enforce the UCC and the manner of enforcement. They may use current or new employees, contract with third-party agencies or the Commonwealth, contract with other municipalities, join with other municipalities for joint enforcement or utilize any combination of these methods. The Department, municipalities and third-party agencies will be required to follow these regulations when making required inspections. The general public is also affected in that the use of a Statewide building code based on National standards will increase public safety.

The Department will educate and train its officials for compliance with the act's certification requirements. It also intends to provide educational and outreach programs for municipalities and third-party agencies. The Department's Industrial Board and Accessibility Advisory Board will have to review its procedures to ensure that appeals and requests are resolved appropriately. The Department will also establish procedures to resolve complaints brought under the UCC.

Health care facilities will have to comply with the UCC when there is no applicable existing Department of Health standard. The Department of Health may have to modify its approval procedures for these facilities. State-owned buildings, including facilities within the State system of higher education, will have to comply with the UCC.

The DCED will have to create new permit applications for municipalities and provide programs to educate municipal officials on UCC enforcement.

Fiscal Impact

The Commonwealth will incur ongoing costs related to the administration of this comprehensive Statewide building code required by the act.

The Department estimates that it will have to hire a UCC administrator and ten new plan examiners to implement this code. There are no projected increases in staffing for field inspectors, clerical and administrative staff. Additional expenses will result from modifying office space, microfilm and mailing increases and classification upgrades. The projected additional cost for the Department's mandatory implementation of the UCC is \$1.871 million. Fees for plan reviews and inspections will offset some of these costs to the Commonwealth.

A local government will only incur costs if it decides to administer and enforce the UCC. A local government opting to enforce the building code will incur costs for plan review, inspection and enforcement. To offset these costs, local governments will be able to charge plan review and building permit fees to owners or builders.

This proposed rulemaking will require a minimum number of inspections. Local governments may determine that more inspections are required to enforce the UCC and insure public safety.

There may be an increase in construction costs for both commercial and residential construction in municipalities that do not currently enforce the "BOCA Code."

Reporting, Recordkeeping and Paperwork Requirements

This proposed rulemaking will require the creation of new forms. This proposed rulemaking will require local governments choosing to enforce the UCC and third-party agencies to use the DCED-developed Uniform Construction Permit Application. There are also additional recordkeeping requirements for municipalities. The Department and local municipalities choosing to enforce the UCC will be required to keep commercial building plan review, permit, inspection and enforcement records on a building as long as the building is in existence. A municipality must be able to provide building code and inspection records to the Commonwealth if it determines to opt out of enforcement of the UCC in the future.

Municipalities which choose to enforce the UCC will also be required to provide ordinances and additional information to the Department if they enact an ordinance which differs from the UCC but meets or exceeds UCC standards.

Sunset Date

A sunset date is not appropriate for this proposed rulemaking. The Department is required, under section 304 of the act, to adopt successor BOCA and other model building codes such as the "ICC International One and Two Family Dwelling Code" and the "International Fuel Gas Code." This requirement provides the Department the opportunity to periodically monitor this proposed rulemaking.

Effective Date

This proposed rulemaking will be effective 90 days after publication of the final-form regulations in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Charles J. Sludden, Director of Bureau of Occupational and Industrial Safety, Department of Labor and Industry, Room 1613, Labor and Industry Bldg., 7th and Forster Streets, Harrisburg, PA 17120, or by e-mail to csludden@state.pa.us within 30 days of publication in the *Pennsylvania Bulletin*.

The Department will hold three public hearings on this proposed rulemaking. See 32 Pa.B. 4211 (August 24, 2002) for a notice containing the times and locations of the public meetings.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 2002, the Department submitted a copy of this proposed rulemaking to the Chairpersons of the Senate Committee on Labor and Industry and the House Labor Relations Committee and to the Independent Regulatory Review Commission (IRRC). In addition to submitting the proposed rulemaking, the Department has provided the Committees and IRRC with a copy of a detailed Regulatory Analysis Form prepared by the Department.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it shall notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the review criteria that have not been met by the portion of the proposed regulations to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

JOHNNY J. BUTLER,
Secretary

Fiscal Note: 12-60. (1) General Fund; (2) Implementing Year 2002-03 is \$1.87 million; (3) 1st Succeeding Year 2003-04 is \$1.96 million; 2nd Succeeding Year 2004-05 is \$2.06 million; 3rd Succeeding Year 2005-06 is \$2.16 million; 4th Succeeding Year 2006-07 is \$2.27 million; 5th Succeeding Year 2007-08 is \$2.38 million; (4) Fiscal Year 2001-02 \$10.4 million; Fiscal Year 2000-01 \$10.0 million; Fiscal Year 1999-00 \$9.70 million; (7) General Government Operations; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XIV. UNIFORM CONSTRUCTION CODE

CHAPTER 401. UNIFORM CONSTRUCTION CODE TRAINING AND CERTIFICATION OF CODE ADMINISTRATORS

§ 401.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

***Accessibility Advisory Board*—The Department's Accessibility Advisory Board created under section 106 of the act (35 P. S. § 7210.106).**

* * * * *

Board of appeals—A body established by a municipality or municipalities which are parties to an agreement for the joint administration and enforcement of the act to hear requests for variances or extensions of time, and appeals from code administrator decisions.

Building—A structure used or intended for supporting or sheltering any occupancy.

Building code official—A construction code official who manages, supervises and administers building enforcement activities. Duties include but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

* * * * *

Certificate of occupancy—A certificate issued by a code administrator allowing occupancy of a building or structure under the Uniform Construction Code.

Chapter 11—Chapter 11 of the International Building Code relating to accessibility requirements adopted as part of the Uniform Construction Code.

* * * * *

Code Requirements for Housing Accessibility—The “Code Requirements for Housing Accessibility 2000” issued by the ICC. The term includes all errata issued by the ICC.

COMcheck EZ[®]—The “2000 International Energy Conservation Code” compliance guide containing state maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program, April 2000, version 2.1.

Commercial construction—A building, structure or facility that is not a residential building.

* * * * *

Conveyor—A horizontal, inclined or vertical device for moving or transporting bulk material, packages or objects in a path predetermined by the design of the device and having points of loading and discharge, fixed or selected, and related equipment and devices described in and governed by the ASME standards adopted in this chapter.

* * * * *

Family child day-care home—A home other than the child’s own home in which child day care is provided at any one time to four to six children unrelated to the owner under section 3.6(g) of the Fire and Panic Act (35 P. S. § 1223.6(g))

Filing date—The date that the Department or building code official receives the completed permit application.

Fire and Panic Act—The act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

Group child day-care home—A home other than a child’s own home in which child care is provided at any one time for more than 6 but fewer than 13

children who are unrelated to the owner under section 3.6(g) of the Fire and Panic Act (35 P. S. § 1223.6(g)).

Health care facility—A facility licensed under the Health Care Facilities Act.

Health Care Facilities Act—The Health Care Facilities Act (35 P. S. §§ 448.101—448.904b).

ICC—International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401.

ICC Electrical Code—The “ICC Electrical Code-Administrative Provisions 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

Industrial Board—The Department’s Industrial Board established under sections 445 and 2214 of The Administrative Code of 1929 (71 P. S. §§ 155 and 574), which hears requests for variances and extensions of time and appeals of decisions of the Department under the Uniform Construction Code.

Industrialized housing—Under section 3 of the Industrialized Housing Act (35 P. S. § 1651.3), a structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site. The term does not include housing units defined as mobile homes.

International Building Code—Chapters 2—29 and 31—35 of the “International Building Code 2000” (first printing), issued by the ICC. The term includes the supplement “Code Requirements for Housing Accessibility 2000” and all errata issued by the ICC.

International Energy Conservation Code—The “International Energy Conservation Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Fire Code—The “International Fire Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Fuel Gas Code—The “International Fuel Gas Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Mechanical Code—The “International Mechanical Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Plumbing Code—The “International Plumbing Code 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

International Residential Code—The “International Residential Code for One- and Two-Family Dwellings 2000” (first printing) issued by the ICC. The term includes all errata issued by the ICC.

Manufactured housing—Under section 901(a) of the act (35 P. S. § 7210.901(a)), housing which bears a label as required by and referenced in the Manufactured Housing Act (35 P. S. §§ 1656.1—1656.9), certifying that it conforms to Federal construction and safety standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

MECcheck[®]—The “2000 International Energy Conservation Code” compliance guide containing

state maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program, April 2000, version 3.2.

National Evaluation Services, Incorporated—National Evaluation Service, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401.

PHRC—The Pennsylvania Housing Research Center, 219 Sackett Building, University Park, Pennsylvania 16802.

PHRC Alternative to Chapter 11—The “Code for the Conservation of Space Conditioning Energy for Housing in Pennsylvania: The PHRC Alternative to Chapter 11, Energy Efficiency, of the International Residential Code (IRC) 2000 for Use in Pennsylvania” issued December 2001.

* * * * *

Person—Includes a corporation, partnership, business trust, other association, estate, trust, foundation or natural person. The term also includes the governing authority for a county or municipality, and a government entity other than the Commonwealth.

Permit—A document issued by a code administrator authorizing the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator or equipment under the Uniform Construction Code.

Residential building—Construction that relates to detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) that are not more than three stories in height with a separate means of egress and the dwellings’ accessory structures. The term includes construction relating to a townhouse consisting of a dwelling unit constructed in a group of three or more units and each unit extends from foundation to roof and has open space on at least two sides.

* * * * *

State-owned building—A building owned by or to be constructed for Commonwealth entities consisting of the General Assembly, the Unified Judicial System, the Pennsylvania Higher Education Assistance Agency, an executive agency, independent agency, and a State-affiliated entity or State-related institution as defined in 62 Pa.C.S. § 103 (relating to definitions).

Structure—A combination of materials that are built or constructed with a permanent location or attached to something that has a permanent location.

* * * * *

Variance—A modification of a Uniform Construction Code standard approved by a board of appeals or the Industrial Board.

§ 401.2. Department fees.

(a) * * *

* * * * *

- (b) The following fees apply to the issuance of a permit:
 - (1) New construction (per square foot).

| | | |
|---------|--|-------|
| (i) | Use group A-1 for assembly and theater with stage | 62c |
| (ii) | Use group A-1 for assembly and theater without stage | 55c |
| (iii) | Use group A-2 for assembly and nightclub | 43c |
| (iv) | Use group A-2 for assembly, restaurant, bar and banquet hall | 42c |
| (v) | Use group A-3 for assembly and church | 54c |
| (vi) | Use group A-3 for assembly, general community hall, library and museum | 40c |
| (vii) | Use group A-4 for assembly and arena | 43c |
| (viii) | Use group B for business | 41c |
| (ix) | Use group E for educational construction (kindergarten to 12th grade) | 42c |
| (x) | Use group F-1 for moderate hazard factory and industrial | 23c |
| (xi) | Use group F-2 for low hazard factory and industrial | 23c |
| (xii) | Use group H-1 for high hazard, explosives | 24c |
| (xiii) | Use group H-2 through H-4 for high hazard | 22c |
| (xiv) | Use group H-5 for hazardous production materials | 39c |
| (xv) | Use group I-1 for institutional and supervised environment | 41c |
| (xvi) | Use group I-2 for institutional and incapacitated | 63c |
| (xvii) | Use group I-3 for institutional, restrained and correctional facility construction | 47c |
| (xviii) | Use group I-4 for institutional and day care facilities | 41c |
| (xix) | Use group M for mercantile | 31c |
| (xx) | Use group R-1 for residential and hotels | 44c |
| (xxi) | Use group R-2 for residential and multi-family | 36c |
| (xxii) | Use group R-4 for residential and care/assisted-living facilities | 41c |
| (xxiii) | Use group S-1 for moderate-hazard storage | 41c |
| (xxiv) | Use group S-2 for low-hazard storage | 22c |
| (xxv) | Use group U for utility and miscellaneous | 17c |
| (2) | Alterations/modifications (x cost of construction) | 5.5c |
| (3) | Revisions of plans. | \$300 |
| (4) | Interim accessibility plan review and inspection | \$200 |
| (5) | Elevator and lifting device. | |
| (i) | Electric elevator. | |
| (A) | 1 to 10 openings | \$300 |

| | | | | | |
|--------|--|----------------------------|------|---|-------|
| (B) | Each additional opening (per opening) | \$10 | (6) | Aerial tramway and aerial detachable lift | \$150 |
| (ii) | Roped hydraulic elevator and roped/chained reciprocating conveyors | \$300 | (7) | Aerial lift, fixed | \$100 |
| (iii) | Hydraulic elevator, limited use/limited access elevator and direct acting hydraulic vertical reciprocating conveyor | \$200 | (8) | Surface lift, tow and conveyor | \$ 75 |
| (iv) | Aerial tramway and aerial detachable lift. | | (9) | Wheelchair lift and inclined stairway chairlift | \$ 75 |
| (A) | Basic fee. | \$500 | (10) | Escalator and moving walk | \$ 50 |
| (B) | Additional fee over 15 towers (per tower) | \$35 | (11) | Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices | \$ 75 |
| (v) | Aerial lift, fixed. | | (d) | The following fees apply to witnessing periodic inspections and tests under § 405.8 (relating to periodic inspection and test): | |
| (A) | Basic fee | \$300 | (1) | Electric elevators with one to ten openings | \$125 |
| (B) | Each additional tower (per tower over ten towers) | \$35 | (2) | Electric elevators with 11—20 openings | \$150 |
| (vi) | Surface lift, tow and conveyor | \$200 | (3) | Electric elevators with more than 20 openings | \$175 |
| (vii) | Escalator and moving walk | \$300 | (4) | Roped hydraulic elevator and roped/chained vertical reciprocal conveyor | \$110 |
| (viii) | Wheelchair lift and inclined stairway chairlift | \$150 | (5) | Hydraulic elevator, limited use/limited application elevator and direct hydraulic vertical reciprocating conveyor | \$ 85 |
| (ix) | Orchestra lift, belt manlift, stage lift, organ lift and other lifting devices | \$300 | (6) | Escalator and moving walk | \$ 85 |
| (x) | Permit for major repair | \$200 | (7) | Wheelchair lift and inclined stairway chairlift | \$ 75 |
| (xi) | Reinspection following failed major repair inspection (per inspection) | \$100 | (8) | Orchestra lift, belt manlift, stage lift and organ lift | \$125 |
| (xii) | Reinspection following failed acceptance inspection (to a maximum of \$300 per inspection) | \$50 of initial permit fee | (9) | Other equipment | \$ 85 |
| (xiii) | Revision of plans | 50% of initial permit fee | (e) | The following fees apply to the witnessing of periodic dynamic testing required under § 405.9 (relating to periodic dynamic testing): | |
| (6) | Subparagraphs (xi) and (xiii) fees shall be paid before reinspection. | | (1) | Aerial tramways | \$300 |
| (c) | The following fees shall apply to periodic elevator and lifting device inspections under § 405.7 (relating to periods inspections): | | (2) | Detachable aerial grips | \$300 |
| (1) | Electric elevator with one to ten openings | \$ 75 | (3) | Fixed grip aerial lifts | \$200 |
| (2) | Electric elevator with 11 to 20 openings | \$100 | (f) | Certificate of operation. | |
| (3) | Electric elevator with more than 20 openings | \$125 | (1) | Renewal | \$ 25 |
| (4) | Roped hydraulic elevator, roped/chained vertical reciprocating conveyor, rack and pinion elevator, special purpose personnel elevator, power sidewalk elevator, roof-top elevator and elevator used for construction | \$ 75 | (2) | Duplicate | \$ 25 |
| (5) | Hydraulic elevator, limited use/limited access elevator, screw column elevator, hand elevator, inclined elevator, dumbwaiter and direct acting hydraulic vertical reciprocating conveyor | \$ 60 | (g) | Variance request. | |
| | | | (1) | Industrial Board variance request | \$100 |
| | | | (2) | Accessibility Advisory Board variance request | \$100 |

§ 401.2a. Municipal and third-party agency fees.

(a) A municipality or third-party agency that enforces the Uniform Construction Code may establish fees for its administration and enforcement and time periods for payment of the fees. The municipality or third-party agency may establish a required time period for payment of the fees and fees for plan review, inspections and other activities related to the Uniform Construction Code.

(b) The building code official for the municipality and a third-party agency shall make the fee schedule available to the public.

(c) A municipality or third-party agency may establish a fee refund policy.

(d) A municipality or third-party agency may withhold issuance of a certificate or permit until a required fee is paid.

(e) A municipality may establish other fees authorized by law.

(Editor's Note: Chapter 403 is a proposed new chapter. The text is printed in regular face to enhance readability.)

CHAPTER 403. ADMINISTRATION

GENERALLY

- 403.1. Scope.
403.2. Other statutes or ordinances.

STANDARDS

- 403.21. Uniform Construction Code.
403.22. Health care facilities.
403.23. Child day-care facilities.
403.24. Historic buildings, structures and sites.
403.25. Manufactured and industrialized housing.
403.26. Applicability.

PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION

- 403.41. Commercial construction.
403.42. Permit application.
403.43. Grant, denial and effect of permits.
403.44. Construction materials and changes.
403.45. Inspections.
403.46. Certificate of occupancy.
403.47. Public utility connections.
403.48. Boilers.

PERMIT AND INSPECTION PROCESS FOR RESIDENTIAL BUILDINGS

- 403.61. Residential buildings.
403.62. Permit application and approval.
403.63. Inspections.
403.64. Certificate of occupancy.
403.65. Public utility connections.

DEPARTMENT, MUNICIPAL AND THIRD-PARTY ENFORCEMENT FOR NONCOMPLIANCE

- 403.81. Stop work order.
403.82. Notice of violations.
403.83. Order to show cause/order to vacate.
403.84. Unsafe building, structure or equipment.
403.85. Retention and sharing of commercial construction records.
403.86. Right of entry to inspect.

MUNICIPAL ELECTION

- 403.101. Municipalities electing to enforce the Uniform Construction Code.
403.102. Municipalities electing not to enforce the Uniform Construction Code.
403.103. Department review.

BOARD OF APPEALS

- 403.121. Board of appeals.
403.122. Appeals, variances and extensions of time.

DEPARTMENT ENFORCEMENT

- 403.141. Enforcement by the Department.
403.142. Accessibility Advisory Board.

GENERALLY

§ 403.1. Scope.

(a) 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 _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) and all existing structures that are not legally occupied.

(b) 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 _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.)

(2) New buildings or renovations to existing buildings on which a contract for design or construction was signed before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.)

(3) Carports, detached private garages, greenhouses, sheds having a building area less than 500 square feet that are accessory to detached one-family dwellings, buildings or structures of an accessory character, and miscellaneous structures not classified in the Uniform Construction Code.

(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).

(c) Prior permits and construction.

(1) A permit issued under construction regulations before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) 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 (35 P. S. § 7210.104(c)(2)) where construction of a building or structure commenced before _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) and a permit was not required at that time.

(3) The legal occupancy of a structure existing on _____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) may continue without change except where the Uniform Construction Code provides otherwise.

(d) The Uniform Construction Code applies to the construction of a residential building or structure governed by a homeowner's or community association under sections 104(d)(2)(ii) and 304(a)(2) of the act (35 P. S. §§ 7210.104(d)(2)(ii) and 7210.304(a)(2)).

(e) An electrical provision of the Uniform Construction Code does not apply to a dwelling unit utilized by a member of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the act (35 P. S. § 7210.901(b)) as follows:

(1) A member of a recognized religious sect shall file an application with the code administrator stating the manner in which an electrical provision of the Uniform Construction Code conflicts with the applicant's religious beliefs. The application shall also contain an affidavit by the applicant stating:

(i) The applicant is a member of a religious sect.

(ii) The religious sect has established tenets or teachings which conflict with an electrical provision of the Uniform Construction Code.

(iii) The applicant adheres to the established tenets or teachings of the sect.

(iv) The dwelling unit will be used solely as a residence for the applicant and the applicant's household.

(2) The code administrator shall grant the application for the exemption if made in accordance with paragraph (1).

(3) If an applicant receives an exemption for a dwelling unit under section 901(b) of the act and the applicant subsequently sells or leases the dwelling unit, the applicant shall bring the dwelling unit into compliance with the provision of the Uniform Construction Code from which it was exempted prior to the dwelling unit being sold or leased unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1).

§ 403.2. Other statutes or ordinances.

(a) Under section 104(d)(1) of the act (35 P. S. § 7210.104(d)(1)), the provisions of the Uniform Construction Code listed in § 403.21 (relating to Uniform Construction Code) preempt and rescind construction standards provided by a statute, local ordinance or regulation.

(b) Under section 303(a)(2) of the act (35 P. S. § 7210.303(a)(2)), a municipal building code ordinance provision in effect in or adopted by a city of the first class on or before January 1, 1998, shall remain in effect until December 31, 2003. The provisions of the ordinance which do not comply with the Uniform Construction Code on December 31, 2003, will be amended to provide for the minimum requirements of the Uniform Construction Code.

STANDARDS

§ 403.21. Uniform Construction Code.

(a) The Department adopts and incorporates by reference the following codes as the Uniform Construction Code:

- (1) The provisions of Chapters 2—29 and 31—35 of the "International Building Code."
- (2) The "ICC Electrical Code."
- (3) The "International Mechanical Code."
- (4) The "International Fuel Gas Code."
- (5) The "International Plumbing Code."
- (6) The "International Residential Code."
- (7) The "International Fire Code."
- (8) The "International Energy Conservation Code."
- (9) The "Code Requirements for Housing Accessibility."
- (10) Sections AE501—AE503 and AE601—AE605 of Appendix E of the "International Residential Code."

(b) The codes and standards adopted under subsection (a) are part of the Uniform Construction Code to the prescribed extent of each code or standard. The provisions of the Uniform Construction Code apply if there is a difference between the Uniform Construction Code and the codes or standards adopted in subsection (a).

(c) Appendices to a code or standard listed in subsection (a) are not adopted in the Uniform Construction Code except for the provisions adopted in subsection (a)(10).

(d) Until December 31, 2003, a permit applicant shall use one of the following specifications for stairway construction in use groups R-3, within dwelling units in occupancies in use group R-2 and in occupancies in use group U which are accessory to an occupancy in use group R-3.

(1) Specifications utilized in place of exception 5 under section 1003.3.3.3 of the "International Building Code":

- (i) The maximum riser height shall be 8 1/4 inches.
- (ii) The minimum tread depth shall be 9 inches.
- (iii) A 1-inch nosing shall be provided on all stairways with solid risers.

(2) Stairway specifications utilized in place of section R-314.2 of the "International Residential Code":

- (i) The maximum riser height is 8 1/4 inches. There may be no more than a 3/8 inch variation in riser height.
- (ii) The minimum tread depth is 9 inches measured from tread nosing to tread nosing.

(iii) The greatest tread run within any flight of stairs may not exceed the smallest by more than 3/8 inch.

(iv) All treads may have a uniform projection of not more than 1 1/2 inches when solid risers are used.

(v) Stairways may not be less than 3 feet in clear width and clear headroom of 6 feet 8 inches shall be maintained for the entire run of the stair.

(vi) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stair.

(e) A permit applicant may utilize one of the following prescriptive methods to demonstrate compliance with the energy conservation requirements of the Uniform Construction Code in addition to the prescriptive methods contained in the Uniform Construction Code. The standards are those listed for the climatic zone of this Commonwealth where the building or structure is located.

(1) The prescriptive methods for detached residential buildings contained in MECcheck[™] or the PHRC Alternative to Chapter 11.

(2) The prescriptive methods for all other buildings or structures contained in COMcheck[™].

§ 403.22. Health care facilities.

(a) A health care facility shall comply with all of the following:

- (1) The Health Care Facilities Act.
- (2) Regulations of the Department of Health in 28 Pa. Code Part IV (relating to health facilities).
- (3) Building codes and regulations set forth in the applicable licensure laws and regulations under section 105(d) of the act (35 P. S. § 7210.105(d)).
- (4) This chapter.

(b) Chapter 405 (relating to elevators and other lifting devices) always applies to health care facilities.

(c) In addition to the requirements of this chapter, an applicant for a health care facility shall obtain a license from the Department of Health under the Health Care Facilities Act and its regulations and comply with the Department of Health's license application procedures and its licensing regulations.

(d) An applicant for construction or alteration of a health care facility shall do all of the following:

- (1) Submit construction or alteration plans to the Department of Health before commencing construction or performing the alteration.
- (2) Obtain a license from the Department of Health before occupancy of a new health care facility.

(3) Obtain approval from the Department of Health before occupancy of an altered portion of an existing health care facility.

(e) A Department of Health inspector may inspect a health care facility site before, during and after construction to monitor compliance with Department of Health's health facility regulations.

(f) A building code official shall provide written notice of Department of Health license and approval requirements for construction and occupancy under the Health Care Facilities Act and regulations at the time of plan approval.

(g) This section applies to construction or alteration of all health care facilities that the Department or a building code official review and approve under this chapter.

§ 403.23. Child day-care facilities.

(a) A family child day-care home and group child day-care home shall comply with sections 3.6(f)(1)(i), (f.1) and (g) of the Fire and Panic Act (35 P. S. § 1223.6(f)(1), (f.1) and (g)) and this section.

(b) A family child day-care home, which provides care for five or fewer children for less than a 24-hour period, shall comply with use group R-3 of the "International Building Code."

(c) A family child day-care home, which provides care to six children, which includes a child who is under 2 1/2 years of age, shall comply with use group I-4 of the "International Building Code."

(d) A family child day-care home, which provides care to six children that are all 2 1/2 years of age or older, shall comply with use group E of the "International Building Code."

(e) A family day-care home shall meet one of the following relating to smoke detection units:

(1) Chapter 9 of the "International Building Code" (Fire protection systems).

(2) Smoke detection units which comply with all of the following requirements:

(i) Have a nonreplaceable lithium battery as its power source.

(ii) Meet the applicable Underwriters Laboratories® standard.

(iii) Have a minimum 10-year limited warranty, commencing with the date of purchase.

(iv) Sound an alarm that is audible to persons in the indoor child-care space with all intervening doors closed when each detector is activated.

(v) The facility operator maintains proof of purchase of the detectors, including the date of purchase, in the facility's fire drill logs.

(f) A family day-care center may utilize smoke detectors that are single station units under subsection (e)(2).

(g) A group child day-care home which provides care to 7 to 12 children which includes a child who is 2 1/2 years of age or under shall comply with use group I-4 of the "International Building Code."

(h) A group child day-care home which provides care to 7 to 12 children and all children are 2 1/2 years of age or older shall comply with use group E of the "International Building Code."

(i) A child day-care facility shall comply with use group I-4 of the "International Building Code" if it meets all of the following conditions:

(1) Provides care to five or more children.

(2) Cares for a child who is under 2 1/2 years of age or under.

(3) Is not located in a home.

(j) A child day-care facility shall comply with use group E of the "International Building Code" if it meets all of the following conditions:

(1) Provides care to six or more children.

(2) All of the children are 2 1/2 years of age or older.

(3) Is not located in a home.

§ 403.24. Historic buildings, structures and sites.

A building code official may exclude an entire historic building or structure or part of the building or structure from compliance with the Uniform Construction Code if it meets all of the following conditions under section 902 of the act (35 P. S. § 7210.902):

(1) The building or structure is an existing or new building or structure that is not intended for residential use on historic sites.

(2) The building or structure is identified and classified by Federal or local government authority or the Historical and Museum Commission as an historic building or site.

(3) A building code official judges the building or structure or parts of the building and structure as safe and excluded from the Uniform Construction Code in the interest of public health, safety or welfare. The building code official shall apply the Uniform Construction Code to parts of the building or structure where its exclusion jeopardizes the public health, safety and welfare.

§ 403.25. Manufactured and industrialized housing.

(a) Manufactured housing is governed by the following under section 901(a) of the act (35 P. S. § 7210.901(a)):

(1) Except as provided in paragraph (2), the Uniform Construction Code does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (42 U.S.C.A. §§ 5401—5426).

(2) Sections AE501—AE503 and AE601—AE605 of Appendix E of the International Residential Code adopted under the Uniform Construction Code apply to the following:

(i) Site preparation.

(ii) Foundation construction.

(iii) Connection to utilities.

(3) The Uniform Construction Code applies to the following:

(i) Alteration or repair to the unit that does not fall within 24 CFR 3280.1—3280.904 (relating to manufactured home construction and safety standards) and the manufacturer's installation instructions after assembly and shipment by the manufacturer.

(ii) Additions to the delivery to the unit after delivery to the site.

(iii) Construction, alteration, repair or occupancy if the manufactured housing is resold to a subsequent purchaser.

(iv) Construction, alteration, repair or occupancy if the original purchaser relocates the manufactured housing.

(b) Industrialized housing is governed by the following under section 901(a) of the act:

(1) Except as provided in subsection (b)(2), the Uniform Construction Code does not apply to industrialized housing assembled by and shipped from the manufacturer.

(2) The Uniform Construction Code applies to all of the following:

- (i) Site preparation.
- (ii) Foundation construction.
- (iii) Utilities connection.
- (iv) Installation.
- (v) Construction, alteration or repair to the industrialized housing unit after installation.
- (vi) Construction, alteration, repair or occupancy if industrialized housing is resold to a subsequent purchaser.
- (vii) Construction, alteration, repair or occupancy if industrialized housing is relocated.

(c) The Department of Community and Economic Development may enforce and take action under the Industrialized Housing Act (35 P. S. §§ 1651.1—1651.12) and the Manufactured Housing Construction and Safety Standards Authorization Act (35 P. S. §§ 1656.1—1656.9).

§ 403.26. Applicability.

(a) This chapter governs the administration of the Uniform Construction Code and the following applies:

- (1) Chapter 1 of the “International Building Code” is not adopted as part of the Uniform Construction Code.
- (2) Portions of this chapter designate and incorporate portions of the following ICC 2000 copyrighted works:
 - (i) The “International Building Code.”
 - (ii) The “International Residential Code.”
 - (iii) The “International Electrical Code.”
 - (iv) The “International Plumbing Code.”
 - (v) The “International Mechanical Code.”

(3) The ICC owns the copyrighted works in paragraph (2). Reproduced with permission. All rights reserved.

(b) If different sections of this part specify different materials, method of construction or other requirements, the most restrictive material, method of construction or other requirement shall govern. The specific requirement of this part applies if there is a conflict between a general requirement and a specific requirement.

(c) This chapter governs if there is a conflict between this chapter and the provisions of the codes relating to administration incorporated under § 403.21(a) (relating to Uniform Construction Code).

(d) A provision of the “International Mechanical Code” does not apply if the provision conflicts with the Boiler and Unfired Pressure Vessel Law (35 P. S. §§ 1331.1—1331.9).

PERMIT AND INSPECTION PROCESS FOR COMMERCIAL CONSTRUCTION

§ 403.41. Commercial construction.

This subchapter applies to the Department and municipalities electing to enforce the Uniform Construction Code under § 403.101 (relating to municipalities electing to enforce the Uniform Construction Code).

§ 403.42. Permit application.

(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.

(b) The applicant shall submit an application to the municipality on a form provided by the Department of Community and Economic Development. The applicant shall complete additional information requested by the municipality on the addendum to the application.

(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 bottom of the footing 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 sets 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 construction.

(xi) Window awnings supported by an exterior wall of Group R-3 and Group U occupancies.

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

(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 of and reinstallation of water closets if the valves, pipes or fixtures 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 under the ownership and control of a public service utility by established right.

(f) A permit applicant shall attach construction documents 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.

(g) 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.

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

(i) The 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.

(j) The 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. 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. The applicant shall submit shop drawings for a fire protection system that indicates conformance with the Uniform Construction Code. Shop drawings shall be approved before the start of the system installation. Shop drawings must contain the information required by the referenced installation standards contained in Chapter 9 of the "International Building Code."

(k) 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.

(4) Manufacturing installation instructions that provide documentation that the proposed penetration and opening details described in the construction documents will maintain the weather resistance of the exterior wall envelope.

(5) If applicable, a full description of the exterior wall system which was tested and the test procedure that was used.

(l) Construction documents shall contain a site plan, drawn to scale, that includes 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) The site plan for structure demolition showing construction intended for demolition, the location and size of existing structures and the construction that is to remain on the site or plot.

(6) Location of parking spaces, accessible routes, public transportation stops and other required accessibility features.

(m) A permit applicant shall submit required certifications required for construction in a flood hazard area to the building code official.

(n) A permit applicant shall identify, on the application, the name and address of the individual who will observe the construction to ensure it is built in accordance with the submitted permit application, construction documents and the Uniform Construction Code.

(o) The permit applicant shall describe an inspection program, identify a person or firm who will perform structural observation and describe the construction stage

where structural observation will occur if section 1704 or 1709 of the "International Building Code" requires structural observation or special inspections for the construction.

(p) A building code official may waive or modify the submission of construction documents 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.

(q) 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 Liquefied Petroleum Gas Act (35 P. S. §§ 1321—1329).

(3) The Health Care Facilities Act.

(4) 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. A building code official may establish a different deadline to consider applications for a permit in an historic district. The building code official and the applicant may agree in writing to extend the deadline by a specific number of days.

(b) A building code official shall examine, or delegate for examination, 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 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 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 applicant 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 build-

ing code official may suspend or revoke a permit issued under the Uniform Construction Code when the owner 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 applicant 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 owner 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 permit is not valid until the required fees are collected under §§ 401.2 and 401.3 (relating to Department fees; and municipal and third-party agency fees).

§ 403.44. Construction materials and changes.

(a) Material, equipment and devices that were evaluated by the National Evaluation Services, Incorporated or its successor and which meet the codes incorporated as the Uniform Construction Code are considered as an approved design, equipment or device.

(b) Construction changes that do not comply with the approved construction documents shall be resubmitted to the building code official for approval as an amended set of construction documents.

§ 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. A construction code official may inspect the construction and equipment during normal business hours.

(d) The 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) The construction code official shall 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.
- (2) Electrical.
- (3) Plumbing.
- (4) Accessibility.
- (5) Fire protection.

- (6) Mechanical.
- (7) Energy conservation.
- (8) Elevators and other lifting devices.

§ 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 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) A description of the portion of the building, structure or facility covered by the occupancy permit.
- (3) The name of the building code official who issued the occupancy permit.
- (4) The applicable construction code edition applicable to the occupancy permit.
- (5) The use and occupancy classification under Chapter 3 (Use and Occupancy Classification) of the "International Building Code," when designated.
- (6) The type of construction defined in Chapter 6 (Types of Construction) of the "International Building Code," when designated.
- (7) Special stipulations and conditions relating to the permit and board of appeals' decisions and variances for accessibility requirements granted by the Secretary.
- (8) 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).

§ 403.47. Public utility connections.

(a) A person may not connect a building, structure or system governed by the Uniform Construction Code and requiring a permit to a utility, source of energy, fuel or power unless a building code official authorizes the connection. A building code official may authorize the temporary connection of the building, structure or system to the utility source.

(b) A building code official may authorize the disconnection of utility service, source of energy, fuel or power to the building, structure or system governed by the Uniform Construction Code to eliminate an immediate hazard to life or property. The building code official shall notify the utility and, if possible, the owner and occupant of the building, structure or system prior to disconnection. The building code official shall provide written notification to the owner or occupant if the disconnection was made without prior notification.

§ 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 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.

PERMIT AND INSPECTION PROCESS FOR RESIDENTIAL BUILDINGS

§ 403.61. Residential buildings.

This section and §§ 403.62—403.65 apply to municipalities electing to enforce the Uniform Construction Code under § 403.101 (relating to municipalities electing to enforce the Uniform Construction Code) and third-party agencies.

§ 403.62. Permit application and approval.

(a) An owner or authorized agent who intends to perform any of the following shall first apply to a building code official and obtain the required permit:

- (1) Construct, enlarge, alter, repair, move, demolish or change the occupancy of a residential building.
- (2) Erect, install, enlarge, alter, repair, remove, convert or replace an electrical, gas, mechanical or plumbing system regulated by the Uniform Construction Code.

(b) The applicant shall submit an application to the municipality on a form provided by the Department of Community and Economic Development. The applicant shall complete additional information requested by the municipality on the addendum to the application.

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

- (1) Building construction for the following:
 - (i) Fences that are no more than 6 feet high.
 - (ii) Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless the wall supports a surcharge.
 - (iii) Water tanks supporting 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.
 - (iv) Sidewalks and driveways that are 30 inches or less above adjacent grade and not placed over a basement or story below it.
 - (v) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finishing work.
 - (vi) Prefabricated swimming pools that are less than 24 inches deep.
 - (vii) Swings and other playground equipment accessory to a residential building.
 - (viii) Window awnings supported by an exterior wall.

(2) Minor electrical repair and maintenance including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

- (3) The following gas work:

(i) Portable heating, cooking or clothes drying appliances.

(ii) Replacement of any minor part that does not alter approval of equipment or make this equipment unsafe.

(4) The following mechanical work:

(i) A portable heating appliance.

(ii) Portable ventilation appliances.

(iii) Portable cooling units.

(iv) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Uniform Construction Code.

(v) Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.

(vi) Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are put into action by motors of 1 horsepower or less.

(5) The following plumbing work:

(i) Stopping leaks in drains, water, soil, waste or vent pipe unless a concealed pipe becomes defective and it is removed and replaced with new material.

(ii) Clearing stoppages or repairing leaks in pipes, and the removal and reinstallation of water closets, if the repair does not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(d) A permit is not required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of a public service utility by established right.

(e) An applicant for a building or structure located in a flood hazard area under the National Flood Insurance Program shall submit the following information with the construction documents:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.

(2) The elevation of the proposed lowest floor including basement and the height of the proposed lowest floor including basement above the highest adjacent grade is to be included in the documents if the building or structure is located in areas of shallow flooding (Zone AO).

(3) Design flood elevations contained on the municipality's Flood Insurance Rate Map produced by the Federal Emergency Management Agency. The building code official and the applicant shall obtain and reasonably utilize design flood elevation and floodway data available from other sources if this information is not contained on the municipality's Flood Insurance Rate Map.

(f) A building code official shall grant or deny an application for a permit within 15 business days of the filing date or the application is deemed approved.

(g) A permit is not valid until the required fees are collected under § 401.2 or § 401.3 (relating to Department fees; and municipal and third-party agency fees).

§ 403.63. Inspections.

(a) A construction code official shall inspect all construction for which a permit was issued. The building permit applicant shall insure that the construction is accessible for inspection. An inspection does not bar prosecution or other legal action for violation of the Uniform Construction Code.

(b) 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.

(c) The construction code official shall notify a permit holder whether construction complies with the Uniform Construction Code.

(d) A construction code official shall make the following inspections and file inspection reports relating to Uniform Construction Code compliance in all of the following areas:

(1) Foundation inspection.

(2) Plumbing, mechanical and electrical system inspection.

(3) Frame and masonry inspection.

(4) Wallboard inspection.

(e) The construction code official may conduct other inspections to ascertain compliance with the Uniform Construction Code or municipal ordinances.

(f) The construction code official shall file a final inspection report that indicates that each of the following areas met Uniform Construction Code requirements after a final inspection of the completed construction work:

(1) General building information.

(2) Electrical.

(3) Plumbing.

(4) Mechanical.

(5) Energy conservation.

(6) Fuel gas.

(g) A third-party agency under contract with a building permit holder shall submit a copy of the final inspection report to the municipality, property owner, builder and the lender designated by the builder.

(f) A municipality enforcing the Uniform Construction Code shall send a copy of the final inspection report to the property owner, the builder and the lender designated by the builder.

§ 403.64. 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 after receipt of a final inspection report that indicates compliance with the Uniform Construction Code. The certificate of occupancy shall contain all of the following information:

(1) The permit number and address of the building, structure or facility.

(2) The name and address of the owner of the building or structure.

(3) A description of the portion of the building or structure covered by the occupancy permit.

(4) A statement that the described portion of the building or structure was inspected for compliance with the Uniform Construction Code.

(5) The name of the building code official who issued the occupancy permit.

(6) The construction code edition applicable to the occupancy permit.

(7) If an automatic sprinkler system is provided.

(8) Any special stipulations and conditions relating to the building permit.

(c) A building code official may issue a certificate of occupancy for a portion of a building or structure 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 in accordance with § 403.122 (relating to appeals, variances and extensions of time).

(e) A third-party agency under contract with a building permit holder shall submit a copy of the certificate of occupancy to the municipality.

§ 403.65. Public utility connections.

(a) A person may not connect a building, structure or system governed by the Uniform Construction Code to a utility, source of energy, fuel or power unless a building code official authorizes the connection. A building code official may authorize the temporary connection of the building, structure or system to the utility source.

(b) A building code official may authorize the disconnection of utility service, source of energy, fuel or power to the building, structure or system governed by the Uniform Construction Code to eliminate an immediate hazard to life or property. The building code official shall notify the utility and, if possible, the owner and occupant of the structure or serving system prior to disconnection. The building code official shall provide written notification to the owner or occupant if the disconnection was made without prior notification.

DEPARTMENT, MUNICIPAL AND THIRD-PARTY ENFORCEMENT FOR NONCOMPLIANCE

§ 403.81. Stop work order.

(a) A building code official may issue a written stop work order when the official determines that construction violates the Uniform Construction Code, is being performed in a dangerous or unsafe manner or that the construction will interfere with required inspection. The stop work order is to contain the reasons for the order and list the required conditions for construction to resume.

(b) The building code official shall serve the stop work order on the permit owner or the owner's agent by certified mail or personal service.

(c) A person who continues construction after service of a stop work order, except for construction work that is necessary to remove a violation or an unsafe condition, may be subject to the penalties under section 903 of the act (35 P. S. § 7210.903). A building code official may seek enforcement of a stop work order in a court of competent jurisdiction.

§ 403.82. Notice of violations.

A building code official shall follow the following procedures if an inspection reveals a violation of the Uniform Construction Code:

(1) A construction code official shall discuss the inspection results with the owner or owner's agent at the completion of the inspection.

(2) The building code official may issue a written notice of violations to the owner or owner's agent. The notice is

to contain a description of the violations and an order requiring correction of the violations within a reasonable period determined by the building code official. When a violation relates to an unsafe building, structure or equipment, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

(3) After the compliance date contained in the order, the building code official or designee shall inspect the building, structure or equipment to determine whether the violation was corrected. The building code official shall close the order if the violation was corrected. The building code official may issue an order to show cause under § 403.83 (relating to order to show cause/order to vacate) to the owner for a violation that was not corrected.

§ 403.83. Order to show cause/order to vacate.

(a) A building code official may initiate action to vacate or close a building, structure or equipment for violations of the Uniform Construction Code by issuing an order to show cause to the owner of a building or structure.

(b) The order to show cause shall contain a statement of the grounds for the action, the alleged violations of the Uniform Construction Code and notification that the building, structure or equipment may be closed or vacated. The order to show cause shall contain notification that the owner shall submit a written answer within 30 days. The building code official shall serve the order to show cause upon the owner or owner's agent by certified mail or personal service.

(c) The owner may file a written answer to the order to show cause with the building code official within 30 days following service of the order to show cause. The answer shall contain specific admissions or denials of the allegations contained in the order to show cause and set forth the specific facts, matters of law or Uniform Construction Code interpretation relied upon by the owner. The answer may contain a request for a variance or an extension of time for compliance. The building code official shall forward all requests for variances, extensions of time or appeals regarding interpretations of the Uniform Construction Code to the board of appeals within 5 business days. The building code official shall send a request for variance, extension of time or appeals regarding interpretation of the Uniform Construction Code's accessibility requirements to the Department within 5 business days.

(d) If the permit owner files an appeal, the board of appeals or Department will assume jurisdiction and consolidate the answer with any pending request for variance, extension of time or appeal filed by the owner with the board of appeals.

(e) The building code official shall consider the pending request for variance or extension of time or appeal as a stay to an enforcement action.

(f) After receipt of the answer, the building code official may take the following actions if the owner did not previously file an appeal or request for variance or extension of time:

(1) Issue a stop work order.

(2) Vacate or close the building or structure or place equipment out of operation.

(3) Abate or modify the alleged violation.

(4) Order other action to protect persons or property.

(g) A construction code official shall inspect the construction at the expiration of an extension of time or

other time period granted for compliance under this section. If the building, structure or equipment violates the Uniform Construction Code following inspection, the building code official may issue an order vacating or closing the building or structure or placing equipment out of operation. The building code official shall serve this order upon the owner or owner's agent by certified mail or personal service.

(h) Where an unsafe condition exists, a building code official shall act in accordance with § 403.84 (relating to unsafe building, structure or equipment).

§ 403.84. Unsafe building, structure or equipment.

(a) A building code official may determine that a building, structure or equipment is unsafe because of inadequate means of egress, inadequate light and ventilation, fire hazard, other dangers to human life or the public welfare, illegal or improper occupancy or inadequate maintenance.

(b) When a building code official determines the existence of an unsafe condition, the building code official shall order the vacating of the building or structure.

(c) A building code official shall serve a written notice on the owner or owner's agent of the building, structure or equipment that is unsafe under this section. The notice shall contain the order to vacate the building, structure or seal the equipment out of service and state the unsafe conditions, required repairs or improvements. The order shall be served by certified mail or personal service to the owner or to the owner's agent's last known address or on the owner, agent or person in control of the building, structure or equipment. A building code official shall post the written notice at the entrance of the structure or on the equipment if service cannot be accomplished by certified mail or personal service.

(d) When a building or structure is ordered vacated under this section, the building code official shall post a notice at each entrance stating that the structure is unsafe and its occupancy is prohibited.

(e) A building code official may not rescind the order to vacate until the owner abates or corrects the unsafe condition.

(f) The Department may seal an elevator for an unsafe condition under section 105(c)(1) of the act (35 P. S. § 7210.105(c)(1)). The Department is the only entity that may remove or authorize the removal of a seal if an owner abates or corrects the unsafe condition.

§ 403.85. Retention and sharing of commercial construction records.

(a) A building code official shall keep records of all applications received, permits issued, reviewed building plans and specifications, certificates issued, fees collected, reports of inspections, notices and orders issued for all commercial buildings and structures under the Uniform Construction Code. A building code official shall retain these records as long as the related building, structure or equipment remains in existence.

(b) A building code official shall reproduce records kept in an electronic format to a hard-copy format upon request. A building code official may charge for the reproduction costs.

(c) A municipality that discontinues enforcing the Uniform Construction Code shall keep records of previous Uniform Construction Code enforcement. A municipality shall make these records available to the Department.

(d) The Department will make its records available to a municipality that elects to enforce the Uniform Construction Code under section 501 of the act (35 P. S. § 7210.501).

§ 403.86. Right of entry to inspect.

(a) A construction code official may enter a building, structure or premises at reasonable times to perform inspections under the Uniform Construction Code, to enforce Uniform Construction Code provisions or if there is reasonable cause to believe a condition on the building, structure or premises violates the Uniform Construction Code or which constitutes an unsafe condition.

(b) A construction code official shall enter a building, structure, or premises when the official presents credentials to the occupant and receives permission to enter.

(c) A construction code official may not enter a building, structure, or premises that is unoccupied or after normal hours without obtaining permission to enter from the owner or the owner's agent.

(d) A construction code official may seek the assistance of a law enforcement agency to gain entry to enforce the Uniform Construction Code where the building, structure or premises is unsafe.

(e) This section shall be used in conjunction with the Fire and Panic Act.

MUNICIPAL ELECTION

§ 403.101. Municipalities electing to enforce the Uniform Construction Code.

(a) A municipality which elects to enforce the Uniform Construction Code shall enact an ordinance adopting the Uniform Construction Code as its municipal building code under section 501(a) of the act (35 P. S. § 7210.501(a)).

(b) The initial election period is from _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*) through _____ (*Editor's Note: The blank refers to a date 90 days after the effective date of adoption of this proposal.*). A municipality shall enact an ordinance adopting the Uniform Construction Code no later than _____ (*Editor's Note: The blank refers to a date 90 days after the effective date of adoption of this proposal.*).

(c) After the expiration of the initial election period, a municipality may elect to administer and enforce the Uniform Construction Code. The municipality shall provide 180 days notice to the Department of its intention to pass an ordinance adopting the Uniform Construction Code.

(d) A municipality shall submit written notification to the Department of adoption of the ordinance and the following information within 30 days of its adoption:

- (1) The number and date of adoption of the ordinance.
- (2) The name of building code official.
- (3) The business address of building code official.
- (4) The business phone number of building code official.
- (5) The electronic mail address of building code official, if available.

(e) A municipality may retain ordinances in effect on July 1, 1999, that contain standards that equal or exceed the Uniform Construction Code under section 303(b) of the act (35 P. S. § 7210.303(b)).

(f) A municipality that administers and enforces the Uniform Construction Code may cease administration and enforcement if it provides 180 days notice to the Department of its intention to adopt an ordinance ceasing administration and enforcement.

(g) A municipality shall notify the Department in writing within 30 days of any changes to the information it provided under subsections (b) and (d).

(h) A municipality that elects to administer and enforce the Uniform Construction Code shall utilize any of the following ways under section 501(b) of the act:

(1) Designating an employee to serve as a building code official.

(2) Contracting with a third-party agency.

(3) Utilizing an intermunicipal agreement under 53 Pa.C.S. §§ 2301—2315 (relating to intergovernmental cooperation).

(4) Contracting with another municipality.

(5) Contracting with the Department for plan reviews, inspection and enforcement of structures other than one-family and two-family dwelling units and utility and miscellaneous use structures.

(i) A municipality may charge fees under § 401.3 (relating to municipal and third-party agency fees).

(j) 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. The municipality shall notify the Department of the proposed ordinance and shall submit all of the following to the Department for its review:

(1) The complete ordinance.

(2) The information required in subsection (d).

(3) A detailed statement containing the differences between the proposed ordinance and the Uniform Construction Code and how the ordinance will equal or exceed the Uniform Construction Code.

(k) A municipality may enact an ordinance relating to the administration and enforcement of the Uniform Construction Code that meets or exceeds the requirements of the following sections:

(1) Section 403.43(b), (c), (g), (h) and (j) (relating to grant, denial and effect of permits).

(2) Section 403.44 (relating to construction material and changes).

(3) Section 403.45 (relating to inspections).

(4) Section 403.46 (relating to certificates of occupancy).

(5) Section 403.47 (relating to public utility connections).

(6) Section 403.63 (relating to inspections).

(7) Section 403.64 (relating to certificates of occupancy).

(8) Section 403.65 (relating to public utility connections).

(9) Section 403.81(a) and (b) (relating to stop work orders).

(10) Section 403.82 (relating to notice of violations).

(11) Section 403.83 (relating to order to show cause/order to vacate).

(12) Section 403.84(a)—(e) (relating to unsafe building structure or equipment).

(13) Section 403.85(a)—(c) (relating to retention and sharing of commercial construction records).

(l) A municipality may enact an ordinance relating to administration and enforcement of the Uniform Construction Code that meets or exceeds §§ 403.42(a)—(e) and (g)—(o) and 403.62(a)—(f) (relating to permit application; and permit application and approval). A municipality shall utilize forms provided by the Department of Community and Economic Development as the permit application under §§ 403.42(b) and 403.62(b) and may not alter the application form. A municipality may require an applicant to provide additional information on an addendum to the application.

(m) The Department will enforce Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code until a municipality employs or contracts with a code administrator certified as an accessibility specialist under this part.

(n) A municipality may observe Department inspections of State-owned buildings in its jurisdiction under section 105(b)(1) of the act (35 P. S. § 7210.105(b)(1)). A municipality may review all building plans and plan review documents for State-owned buildings in the Department's custody.

§ 403.102. Municipalities electing not to enforce the Uniform Construction Code.

(a) A municipality shall provide written notification to the Department before _____ (*Editor's Note:* The blank refers to a date 120 days after the effective date of adoption of this proposal.) if it elects not to administer and enforce the Uniform Construction Code.

(b) An applicant for a residential building permit shall obtain the services of a third-party agency certified in the appropriate categories to conduct the plan review and inspections under §§ 403.61—403.65 (relating to permit and inspection process for residential buildings).

(c) A building code official shall approve an alternative material, design or method of construction if the proposed design is satisfactory and complies with the intent of the Uniform Construction Code and the offered material, method or work is equivalent to Uniform Construction Code requirements for its intended purpose. The building code official may allow compliance with specific performance-based provisions of the codes contained in § 403.21 (relating to Uniform Construction Code) as an alternative to compliance with the Uniform Construction Code.

(d) A third-party agency which conducts plan review and inspection of residential buildings and utility and miscellaneous use structures shall retain copies of all final inspection reports relating to Uniform Construction Code compliance.

(e) A third-party agency shall send a copy of the final inspection report to the property owner, builder, municipality and a lender designated by the builder.

(f) A municipality shall provide written notification to a permit applicant for buildings and structures other than residential buildings that the applicant shall obtain the Department's services for plan review and inspection. The

municipality shall send a copy of the notice to the Department. The notice shall contain the following information:

- (1) The name of the applicant.
- (2) The address of the applicant.
- (3) The name of the building or structure.
- (4) The address of the building or structure.

§ 403.103. Department review.

(a) The Department will investigate written and signed complaints concerning the enforcement and administration of the Uniform Construction Code under section 105 of the act (35 P. S. § 7210.105). The Department will make a report to the governing body of the municipality or third-party agency that was the subject of the review and provide recommendations to address any deficiencies found by the Department.

(b) The Department will review each municipal enforcement program at least once every 5 years to ensure that code administrators are adequately administering and enforcing the provisions of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements contained in or referenced by the Uniform Construction Code. The Department will submit a written report to the municipality of its findings.

BOARD OF APPEALS

§ 403.121. Board of appeals.

(a) A municipality which has adopted an ordinance for the administration and enforcement of the Uniform Construction Code or is a party to an agreement for the joint administration and enforcement of the Uniform Construction Code shall establish a board of appeals under section 501(c) of the act (35 P. S. § 7210.501(c)).

(b) The board of appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.

(c) A municipality's governing body shall appoint the members of the board of appeals. A member of the board of appeals shall be qualified by training and experience to pass on matters pertaining to building construction. A member of the board of appeals holds office at the pleasure of a municipality's governing body.

(d) Members of a municipality's governing body may not serve on a board of appeals.

(e) A municipality may fill a position on the board of appeals with a qualified person who resides outside of the municipality when it cannot find a person within the municipality who satisfies the requirements of this section.

(f) Two or more municipalities may establish a joint board of appeals through an intermunicipal agreement under 53 Pa.C.S. §§ 2301—2315 (relating to intergovernmental cooperation).

(g) A board of appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.

(h) A board of appeals shall schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act).

(i) A board of appeals may not act upon appeals, requests for variance or requests for extension of time relating to accessibility under the act.

§ 403.122. Appeals, variances and extensions of time.

(a) An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the building code official on a form provided by the municipality.

(b) The postmark date or the date of personal service will establish the filing date of the appeal and request for variance or extension of time.

(c) An appeal or request for variance or extension of time to a board of appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 (relating to unsafe building, structure or equipment) may not be stayed.

(d) A board of appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner requests a hearing.

(e) A board of appeals shall hold a hearing within 60 days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.

(f) A board of appeals shall only consider the following factors when deciding an appeal under section 501(c)(2) of the act:

- (1) The true intent of the act or Uniform Construction Code was incorrectly interpreted.
- (2) The provisions of the act do not apply.
- (3) An equivalent form of construction is to be used.

(g) A board of appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:

- (1) The reasonableness of the Uniform Construction Code's application in a particular case.
- (2) The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.
- (3) The availability of professional or technical personnel needed to come into compliance.
- (4) The availability of materials and equipment needed to come into compliance.
- (5) The efforts being made to come into compliance as quickly as possible.
- (6) Compensatory features that will provide an equivalent degree of protection to the Uniform Construction Code.

(h) If the owner requests a hearing, the board of appeals shall schedule a hearing and notify the owner and building code official of the date, time and place of the hearing.

(i) The board of appeals may:

- (1) Deny the request in whole or in part.
- (2) Grant the request in whole or in part.

(3) Grant the request upon certain conditions being satisfied.

(4) Grant other appropriate relief.

(j) The board of appeals shall provide a written notice of its decision to the owner and to the building code official.

(k) An owner shall file an appeal, request for variances and request for extension of time relating to accessibility with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

DEPARTMENT ENFORCEMENT

§ 403.141. Enforcement by the Department.

(a) The Department will conduct plan and specification review and inspections for all State-owned buildings under section 105(b) of the act (35 P. S. § 7210.105(b)). The Department will notify municipalities of all inspections of State-owned buildings and provide municipalities the opportunity to observe inspection of the buildings.

(b) The Department will retain jurisdiction over the provisions of Chapter 11 (Accessibility), and any other accessibility requirements contained in or referenced by the Uniform Construction Code, until a municipality administering and enforcing the Uniform Construction Code obtains the services of a Department-certified accessibility specialist.

(c) The Department will enforce the Uniform Construction Code for all buildings and structures except for residential buildings and utility and miscellaneous use structures in municipalities that have not adopted an ordinance to enforce the act under section 501(a)(1) of the act (35 P. S. § 7210.501(a)(1)).

(d) The Industrial Board will decide petitions for variances and extensions of time and appeals of Department decisions under the Uniform Construction Code. The Industrial Board will hold the first hearing on a petition within 45 days of receipt of the petition.

(e) An owner may file a petition for variance or extension of time or an appeal with the Industrial Board under § 403.122 (relating to appeals, variances and extensions of time). An owner may file an appeal concerning technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).

§ 403.142. Accessibility Advisory Board.

(a) The Secretary has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Uniform Construction Code and other accessibility requirements contained in or referenced by the Uniform Construction Code for individual projects under section 301(a)(3) of the act (35 P. S. § 7210.301(a)(3)).

(b) The Accessibility Advisory Board is created with the following powers and duties under section 106 of the act (35 P. S. § 7210.106):

(1) Review all proposed regulations under the act and offer comment and advice to the Secretary on all issues related to accessibility by persons with physical disabilities and enforcement of accessibility requirements.

(2) Review all applications for modifications or variances of Chapter 11 (Accessibility) of the Uniform Construction Code and any other accessibility requirements

contained in or referenced by the Uniform Construction Code. The Accessibility Advisory Board will advise the Secretary whether modification or variance should be granted or whether compliance is technically feasible.

(3) Hear appeals from decisions of building code officials; recommend modifications or variances or extensions of time. An appeal of a decision of a building code official shall be based on a claim that the true intent of the act or the Uniform Construction Code was incorrectly interpreted, the act does not apply or an equivalent form of construction is to be used.

(c) The Accessibility Advisory Board will schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. §§ 701—716 (relating to the Sunshine Act).

(d) The Accessibility Advisory Board will hear requests for variances or modification, requests for extensions of time and appeals in accordance with the following procedure:

(1) An owner or owner's agent shall file an appeal with the Accessibility Advisory Board on a Department-provided form.

(2) The postmark date or the date of personal service will establish the filing date of the appeal.

(3) An appeal to the Accessibility Advisory Board will automatically suspend an action to enforce an order to correct except where there is an unsafe building, structure or equipment under § 403.84 (relating to unsafe building, structure or equipment).

(4) The Accessibility Advisory Board will make recommendations based upon documents and written brief unless the owner requests a hearing.

(5) If the owner requests a hearing, the Accessibility Advisory Board will schedule a hearing and will notify the owner and the building code official of the date, time and place of the hearing.

(6) The Accessibility Advisory Board may consider the following factors when a request for an extension of time or a variance or other appropriate relief is reviewed:

(i) The reasonableness of the regulations or Uniform Construction Code as applied in the specific case.

(ii) The extent to which an extension of time or a variance will subject occupants of the building or structure to conditions which do not comply with the Uniform Construction Code.

(iii) The availability of professional or technical personnel needed to comply with the Uniform Construction Code.

(iv) The availability of materials and equipment needed to comply with the Uniform Construction Code.

(v) The efforts made to safeguard occupants.

(vi) The efforts made to comply with the Uniform Construction Code.

(vii) Compensatory features that will provide an equivalent degree of compliance with the intent of the Uniform Construction Code.

(7) The Accessibility Advisory Board will recommend that the Secretary take one of the following actions:

(i) Deny the request in whole or in part.

(ii) Grant the request in whole or in part.

(iii) Grant the request upon certain conditions being satisfied.

(iv) Grant other appropriate relief.

(8) The Secretary will make a final decision on the request and will issue written notice of the decision to the owner or the owner's agent and the building code official.

(e) An individual, partnership, agency, association or corporation who reasonably believes there is a violation of the accessibility provisions of the act or the Uniform Construction Code by a governmental entity or private owner may file a complaint with the body responsible for enforcement of the Uniform Construction Code under section 501(f) of the act (35 P. S. § 7210.501(f)).

(Editor's Note: Chapter 405 is a proposed new chapter. The text is printed in regular face to enhance readability.)

CHAPTER 405. ELEVATORS AND OTHER LIFTING DEVICES

GENERALLY

- 405.1. Scope.
- 405.2. Standards.
- 405.3. Permit application.
- 405.4. Approved designs, equipment and devices.
- 405.5. Acceptance inspection.
- 405.6. Certificate of operation.
- 405.7. Periodic inspections.
- 405.8. Periodic inspection and testing.
- 405.9. Periodic dynamic testing.
- 405.10. Major repairs, replacements and alterations.
- 405.11. Accident report.
- 405.12. Lumber elevators.

STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS

- 405.31. Applicability.
- 405.32. Platforms.
- 405.33. Shaftway requirements.
- 405.34. Projections and recesses.
- 405.35. Landing doors.
- 405.36. Lifting capacity.
- 405.37. Operating controls.
- 405.38. Switches.
- 405.39. Pit and pit access.
- 405.40. Single operator requirement.
- 405.41. Additional requirements.

GENERALLY

§ 405.1. Scope.

(a) *Application of chapter.* This chapter constitutes the Uniform Construction Code technical requirements for elevators and other lifting devices. This chapter applies to the construction, alteration, addition, repair, movement, equipment, removal, maintenance, use and change in use of every elevator and lifting device after _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*

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

(1) New elevators and lifting devices or renovations to existing elevators and lifting devices for which a permit application was made to the Department before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*

(2) New elevators and lifting devices or renovations to existing elevators and lifting devices for which a contract for design or construction was signed before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*

(3) Elevators and lifting devices solely used by the occupants of a dwelling unit.

(c) Prior permits and construction.

(1) A permit issued under valid regulations before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)* remains valid

and the construction of the elevator or lifting device may be completed in accordance with the approved permit if construction commences by _____ *(Editor's Note: The blank refers to a date 2 years after the effective date of adoption of this proposal.)*

(2) If construction of the elevator or lifting device has not commenced within the time period allowed under subsection (c)(1), the permit becomes rescinded. The permit holder shall acquire a new permit under section 304(c)(2) of the act (35 P. S. § 7210.304(c)(2)) before construction.

(3) An elevator or lifting device that was issued a certificate of operation by the Department before _____ *(Editor's Note: The blank refers to the effective date of adoption of this proposal.)*, may remain in use if the owner maintains the elevator or lifting device in accordance with a previous Department permit or approval, and the owner complied with the regulations in effect when the certificate of operation was issued.

§ 405.2. Standards.

(a) The following standards are adopted as part of the Uniform Construction Code and apply to the listed type of elevator or other lifting device:

(1) "ASME A17.1," 2000 Edition:

(i) Part 1 (General).

(ii) Part 2 (Electric elevators).

(iii) Part 3 (Hydraulic elevators).

(iv) Part 4 (Elevators with other types of driving machines).

(v) Part 5 (Special application elevators).

(vi) Part 6 (Escalators and moving walks).

(vii) Part 7 (Dumbwaiters and material lifts).

(viii) Part 8 (General requirements).

(ix) Part 9 (Standard codes and specifications).

(2) "ASME B20.1," 1996 Edition including "ASME B20.1b," 1998 addenda for vertical and inclined reciprocating conveyors without automatic transfer devices.

(3) "ASME A90.1," 1997 Edition including "ASME A90.1a," 1999 addenda for belt man-lifts.

(4) "ANSI B77.1," 1999 Edition for passenger ropeways, aerial tramways, aerial lifts, surface lifts, tows and conveyors.

(5) "ASME A18.1," 1999 Edition including "ASME A.18.1a," 2001 addenda for vertical and inclined wheelchair lifts and stairway lifts. Testing under sections 10.3.2 and 10.3.3 shall comply with § 405.8 (relating to periodic test results).

(6) Electric wiring and apparatus shall comply with the "ICC Electrical Code."

(b) The following sections of "ASME A17.1," 2000 Edition are not adopted as the Uniform Construction Code:

(1) Section 5.3 (Private residence elevators).

(2) Section 5.4 (Private residence inclined elevators).

(3) Section 5.8 (Shipboard elevators).

(4) Section 5.9 (Mine elevators).

(5) Section 7.7 (Automatic transfer devices).

(6) Section 7.8 (Power dumbwaiter with automatic transfer devices).

(7) Section 7.9 (Electric material lifts with automatic transfer devices).

(8) Section 7.10 (Hydraulic material lifts with automatic transfer devices).

(9) Section 7.11 (Material lifts with obscured transfer devices).

(10) Section 8.6.7.3 (Private residence elevator).

(11) Section 8.6.7.4 (Private residence inclined elevators).

(12) Section 8.6.7.8 (Shipboard elevators).

(13) Section 8.6.7.9 (Mine elevators).

(14) Section 8.6.9.2 (Material lifts and dumbwaiters with automatic transfer devices).

(15) Section 8.7.5.3 (Private residence elevators).

(16) Section 8.7.5.4 (Private residence inclined elevators).

(17) Section 8.7.5.8 (Shipboard elevators).

(18) Section 8.7.5.9 (Mine elevators).

(19) Section 8.7.7.3 (Material lifts and dumbwaiters with automatic transfer devices).

(20) Section 8.10.5.2 (Private residence elevators and lifts).

(21) Section 8.10.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(22) Section 8.10.5.8 (Shipboard elevators).

(23) Section 8.11.5.2 (Private residence elevators and lifts).

(24) Section 8.11.5.5 (Material lifts and dumbwaiters with automatic transfer devices).

(25) Section 8.11.5.8 (Shipboard elevators).

(c) The following portions of "ASME B20.1," 1996 Edition are not adopted as the Uniform Construction Code:

(1) Section 3 (Intent).

(2) Section 5.14 (Hoppers and chutes).

(3) Section 6.1 (Belt conveyors—fixed in place).

(4) Section 6.2 (Bucket conveyors).

(5) Section 6.3 (Chain conveyors).

(6) Section 6.4 (En masse conveyors).

(7) Section 6.5 (Flight and apron conveyors—bulk material).

(8) Section 6.7 (Live roller conveyors—belt or chain driven).

(9) Section 6.8 (Mobile conveyors).

(10) Section 6.9 (Portable conveyors, extendible belt conveyors and car unloaders).

(11) Section 6.10 (Pusher bar conveyors).

(12) Section 6.11 (Roller and wheel conveyors).

(13) Section 6.12 (Screw conveyors).

(14) Section 6.13 (Shuttle conveyors, belt trippers and transfer cars).

(15) Section 6.14 (Skip hoists—bulk materials).

(16) Section 6.15 (Slat conveyors and roller slat conveyors).

(17) Section 6.16 (Suspended vertical tray conveyors).

(18) Section 6.17 (Tow conveyors—in the floor).

(19) Section 6.18 (Trolley conveyors and power and free conveyors).

(20) Section 6.19 (Vertical articulated conveyors).

(21) Section 6.20 (Vertical chain opposed shelf type conveyors).

(d) The following portions of "ASME A18.1," 1999 Edition are not adopted as the Uniform Construction Code:

(1) Part V (Private residence vertical platform lifts).

(2) Part VI (Private residence inclined platform lifts).

(3) Part VII (Private residence incline stairway chairlifts).

(4) Section 10.3.1 (One-year inspection and test requirements).

(e) This section applies when there is a conflict with a code or standard related to elevators or lifting devices.

§ 405.3. Permit application.

(a) An owner of an elevator or lifting device or an authorized agent shall apply to the Department for a permit before the construction, alteration, replacement or repair of an elevator or lifting device.

(b) An owner or owner's agent shall submit four copies of a permit application and supporting documents to the Department for review. The application and supporting construction documents shall be submitted in Department-approved media and clearly detail the location, nature and extent of the proposed construction and its compliance with the Uniform Construction Code.

(c) The Department may suspend or revoke a permit when the permit was issued erroneously, on inaccurate, incorrect or incomplete information or issued in violation of the Uniform Construction Code. The Department may charge an applicant a new application and inspection fee when a previous permit was suspended or revoked based upon inaccurate, incomplete or incorrect information provided by the permit applicant.

(d) A permit becomes invalid unless construction work is commenced within 180 days after its issuance or if the work is suspended or abandoned for a period of 180 days after it is commenced. The Department may grant written extensions of time for periods of 180 days each. A permit remains valid for no more than 5 years.

(e) The Department will grant or deny a permit in whole or in part within 30 business days of the filing date of a complete application. The Department will provide written notification to the applicant for applications denied in whole or in part.

(f) The Department will place the written or stamped notation "Reviewed and Approved for Code Compliance" on the documents accompanying the permit application. The Department will keep three sets of the construction documents and send one set of construction documents to the permit applicant.

(g) An owner or owner's agent may request a variance or appeal the code administrator's decision to the Industrial Board under § 403.122 (relating to appeals, variances and extensions of time). The appeal shall be based on a claim that the true intent of the act or the Uniform Construction Code were incorrectly interpreted, of the act does not fully apply or an equivalent form of construction is to be used.

(h) A permit is not valid until the Department collects the required fees under § 401.2 (relating to Department fees).

§ 405.4. Approved designs, equipment and devices.

A platform, car, cabin or chair safety device may be installed after it receives a Department-issued certificate of acceptance. An applicant for a certificate of acceptance shall meet the following requirements:

(1) The manufacturer, designer or engineer of the platform, car, cabin or chair safety device shall submit the design to the Department.

(2) The Department will observe the operation of the device for compliance with the Uniform Construction Code before use of the device in this Commonwealth.

(3) The Department will issue a certificate of acceptance after it observes successful testing of the device.

§ 405.5. Acceptance inspection.

The Department will conduct an acceptance inspection to confirm compliance with the Uniform Construction Code before a new elevator or lifting device or an elevator or lifting device under repair is put into service.

§ 405.6. Certificate of operation.

(a) An elevator or lifting device may not be operated unless the Department issues a certificate of operation for the elevator or other lifting device. The Department will issue a certificate of operation for the elevator or other lifting device if it passes inspection.

(b) A certificate of operation is valid for 24 months from the issue date for equipment that requires a 6-month periodic inspection under § 405.7 (relating to periodic inspections). A certificate of operation is valid for 48 months from the issue date for equipment requiring a 12-month periodic inspection cycle under § 405.7.

(c) A certificate of operation may remain valid for an additional 30 days after its expiration date if a periodic inspection is conducted within 30 days of the certificate's expiration date. A certificate of operation is not valid until the Department collects the required fee under § 401.2 (relating to Department fees).

(d) The certificate of operation or a copy of the certificate of operation for equipment with a machine room shall be posted in the elevator car or other lifting device enclosure, or attached to the controller in the machine room. The certificate of operation for escalators, moving walks and other equipment without a machine room shall be made available to a construction code official during a periodic inspection.

§ 405.7. Periodic inspections.

(a) A construction code official of the Department or a third-party agency shall conduct periodic inspections and document compliance with the Uniform Construction Code at intervals that do not exceed 6 months for the following equipment:

- (1) Electric elevator.
- (2) Hydraulic elevator.
- (3) Escalator.
- (4) Belt man-lift.
- (5) Lumber elevator.
- (6) Moving walk.
- (7) Orchestra elevator.
- (8) Organ elevator.

(9) Limited use/limited application elevator.

(10) Special purpose personnel elevator.

(11) Stage elevator.

(12) Power sidewalk elevator.

(13) Elevators used for construction.

(14) Inclined elevator.

(15) Rooftop elevator.

(b) A construction code official shall perform periodic inspections of all other lifting devices at intervals that do not exceed 12 months. A construction code official shall inspect a lifting device that is used on a seasonal basis before the beginning of the season of operation.

(c) A construction code official who performed a periodic inspection shall complete an inspection report containing all of the following information:

- (1) The inspection results.
- (2) The day, month and year of the inspection.
- (3) The beginning and conclusion times of the inspection.
- (4) The construction code official's certification number.
- (5) The construction code official's signature. An electronic signature may be used.

(d) A construction code official who performed a periodic inspection shall insure that the following information is completed on the certificate of operation:

- (1) The day, month and year of inspection.
- (2) The construction code official's certification number.
- (3) The construction code official's signature.

(e) A construction code official shall submit the results of routine inspections to the Department within 15 days of the inspection in a format acceptable to the Department.

(f) A construction code official shall notify the Department if a lifting device failed a periodic inspection within 1 business day from the inspection.

§ 405.8. Periodic inspection and testing.

(a) The following periodic inspection and testing under "ASME A17.1," 2000 Edition are required. A construction code official shall witness all of the testing:

- (1) Category One under section 8.11.2.2 at 5-year intervals.
- (2) Category Five under section 8.11.2.3 at 5-year intervals.
- (3) Category One under section 8.11.3.2 at 5-year intervals.
- (4) Category Three under section 8.11.3.3 at 5-year intervals.
- (5) Category Five under section 8.11.3.4 at 5-year intervals.
- (6) Category One under section 8.11.4.2 at 3-year intervals.
- (7) Other equipment under section 8.11.5 at 5-year intervals as follows:
 - (i) Sidewalk elevators under section 8.11.5.1.
 - (ii) Hand elevators under section 8.11.5.3.
 - (iii) Dumbwaiters under section 8.11.5.4.

(iv) Special purpose personnel elevators under section 8.11.5.6.

(v) Inclined elevators under section 8.11.5.7.

(vi) Screw column elevators under section 8.11.5.9.

(vii) Rooftop elevators under section 8.11.5.10.

(viii) Rack and pinion elevators under section 8.11.5.11.

(ix) Limited use and limited application elevators under section 8.11.5.12.

(x) Elevators used for construction under section 8.11.5.13.

(b) Inspection and testing under "ASME A.18.1," 1999 Edition is required as follows:

(1) Testing under section 10.3.2 shall be conducted at 5-year intervals.

(2) Testing under section 10.3.3 shall be conducted at 5-year intervals.

(c) A lumber elevator equipped with platform safety devices shall be tested with rated load at intervals that may not exceed 5 years.

(d) Stage, orchestra and organ lifts equipped with a platform safety device shall be tested with rated loads at intervals that may not exceed 5 years.

(e) A construction code official shall complete a test report after the official witnesses a periodic test in a format acceptable to the Department. The construction code official shall submit the report to the Department within 15 days of witnessing the tests. All of the following information is required in the report:

(1) The test results.

(2) The day, month and year of the test.

(3) The beginning and concluding times of the test.

(4) The construction code official's signature. The construction code official may use an electronic signature.

§ 405.9. Periodic dynamic testing.

(a) The following periodic dynamic testing shall be conducted under "ANSI B77.1," 1999 Edition:

(1) Aerial tramways dynamic testing under section 2.3.3.1.2.

(2) Detachable grip aerial lifts dynamic testing under section 3.3.3.1.2.

(3) Fixed grip aerial lifts dynamic testing under section 4.3.3.1.2.

(b) A construction code official shall witness all periodic dynamic testing under this section.

(c) A construction code official shall complete and submit a test report to the Department within 15 days of witnessing a periodic dynamic test. The report shall be in a format acceptable to the Department and contain all of the following information:

(1) The test results.

(2) The day, month and year of test.

(3) The beginning and concluding times of test.

(4) The construction code official's signature. The construction code official may use an electronic signature.

§ 405.10. Major repairs, replacements and alterations.

(a) Repairs, replacement and alterations of elevators or other lifting devices shall comply with the following sections of "ASME A17.1," 2000 Edition:

(1) Section 8.6.2 (Repairs).

(2) Section 8.6.3 (Replacements)

(3) Section 8.7 (Alterations).

(b) The requirements of subsection (a) apply to major repairs, replacements and alterations performed on other types of lifting devices that are not referenced in "ASME A17.1," 2000 Edition.

(c) An elevator or lifting device shall be taken out of service when a major repair, replacement or alteration is performed upon it. The owner or owner's agent shall provide written notification to the Department when the major repair, replacement or alteration is completed. The elevator or lifting device may be returned to service when it passes a Department inspection.

§ 405.11. Accident report.

(a) An owner of an elevator or lifting device or an authorized agent shall submit an accident report to the Department if the elevator or lifting device is involved in an accident resulting in any of the following:

(1) Fatal injury or hospitalization to a person.

(2) Damage to the elevator or lifting device rendering it unsafe under § 403.84 (relating to unsafe building, structure or equipment).

(b) The owner or authorized representative shall submit the accident report on a Department-prescribed form, which must be received by the Department within 24 hours of the accident.

(c) The Department may order an investigation of the accident.

(d) An elevator or lifting device that was involved in an accident may not return to operation until the Department provides approval.

§ 405.12. Lumber elevators.

(a) A lumber elevator is a platform that is used to raise or lower stacked lumber under the requirements of this section. An individual may not ride a lumber elevator.

(b) The shaftway is enclosed on all sides that are not used for loading or unloading with flush partitions that are at least 6 feet high. Movable bars or railings are required to protect all points of loading and unloading, unless gates are provided. Flaring is at an angle of at least 75° from the horizontal and shall protect all shearing points in the shaftway excluding each loading and unloading landing.

(c) Gates are required to protect all points of loading and unloading when the platform's vertical travel exceeds 6 feet or when there are two or more landings. The following types of automatic and semiautomatic gates may be used:

(1) Semiautomatic vertical-rising gates.

(2) Fully automatic vertical-rising gates only at terminal landings.

(3) Manually operated swinging or horizontal gates with locking devices and electric brakes.

(4) Department-approved, power-operated horizontal gates.

(d) A locking device shall comply with the following requirements:

(1) An automatic locking device shall be placed on, or attached to a manually operated gate. The locking device shall prevent the normal operation of the platform when the gate is open and unsecured. The locking device shall prevent the opening of the gate when the car is away from the landing.

(2) A shield shall be installed on openwork gates and shall be of sufficient size to prevent access to the lock from the outside of the shaftway.

(e) The shaftway shall have a pit with a depth of at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest projection when the platform is at its lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(f) Substantial guides of either wood or steel are required for installation on lumber elevators.

(g) Lifting capacity shall equal a live load of at least 50 pounds per square foot of platform floor area. The gross weight of the movable platform shall include railings, aprons, wirings, conduits, outlets and every item that is permanently attached to the platform.

(h) The lifting speed of a lumber elevator may not exceed 15 feet per minute.

(i) A lumber elevator shall be equipped with operating switches that meet the following requirements:

(1) An operating switch cannot be located where the entire shaftway is visible when gates are not installed.

(2) An operating switch shall be a continuous pressure switch.

(3) A manually operated emergency stop switch shall be placed adjacent to the elevator's operating switches, driving machines, pit entrances, machine controller and landings. An emergency stop switch shall be a manually reset switch and cannot be dependent upon springs for proper operation.

(4) An emergency stop switch shall be red. No other switch may be red.

(5) Operating switches shall be labeled by function.

(j) Reverse phase protection is required when alternating current is used.

(k) Elevator screws shall be directly connecting with worm or beveled gears. Gears shall be enclosed in a housing.

(l) A lumber elevator that is not supported or operated by screws, plungers or similar means shall have approved platform safeties capable of stopping and holding the platform with a full-rated load at any point of its travel.

(m) The motor, controller and brake shall be located in a lighted room outside of the shaftway, unless the devices are located in the pit. The lumber elevator shall be equipped with stone or masonry piers or columns capable of absorbing the impact of a full-loaded platform when the motor and controller are located in the pit.

(n) A lumber elevator shall be equipped with normal terminal limit switches located in the shaftway or stop motion devices on the operating machine and arranged to automatically bring the platform to rest at either terminal landing.

(o) Final terminal limit switches shall be installed and connected so the switch will function if a lumber elevator runs by the normal terminal limit switch. Final terminal limit switches will automatically shut off the power, apply the brake and prevent the operation of the lumber elevator in either direction until adjustments are made to return the lumber elevator to normal operation. Final terminal limit switches shall be located in the shaftway.

(p) A slack cable or slack chain device shall be installed on all winding drum or sprocket power-driven lumber elevator machinery. The device shall automatically shut off the power, apply the brake and stop the machinery when the platform is obstructed in its descent.

(q) A lumber elevator shall be equipped with an approved and enclosed fused main line switch or an approved and enclosed circuit breaker switch. The switch shall be located adjacent to the entrance door in the machine room when the motor and controller are located in a machine room. The switch shall be located outside of the shaftway and adjacent to the pit access door when the motor and controller are located in the pit.

(r) A motor or controller shall be equipped with a second device for disconnection when the motor or controller is not visible from the disconnection equipment required in subsection (q). The second disconnection device shall be equipped with a padlock that can lock the device in an "open" and "off" position.

(s) Lighting shall be provided in all machine spaces and pits within the shaftway and landings. The light switch shall be mounted at the entryway to a machine space and pit.

(t) A lumber elevator shall be equipped with a door that allows access to the pit when the motor or controller is located in the pit. A pit access door is to meet all of the following requirements:

(1) A pit access door shall be located below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A pit access door shall be at least 30 inches by 30 inches in size, self-closing and self-locking.

(3) A pit access door shall have a switch to prevent operation of the elevator while the pit access door is open.

(4) An emergency stop switch shall be installed on the strike side of each pit access door.

(5) A switch for operating the pit lights shall be installed on the strike side of all pit access doors.

(6) A sign shall be located on the exterior strike side of each pit access door with the notation, "CAUTION—Elevator Pit Access Door—Authorized Personnel Only." The sign lettering shall be a minimum of 1/4 inch in width and 1 1/2 inches in height. The color of the lettering shall contrast with the color of the access door.

(7) An owner or owner's agent shall have sole possession of keys to each pit access door.

(u) A lumber elevator platform shall have a steel frame designed with a minimum safety factor of six based on the highest rating of either the rated lifting load or the rated static load, uniformly distributed.

(v) A platform shall be equipped with an apron on all its sides. When the travel distance of a lumber elevator extends above the top of the surrounding floor level, the apron shall have sufficient depth to enclose the space between the floor level and the under side of the platform when the platform is at its travel limit.

(w) As part of the initial inspection, the elevator shall be loaded to rated lifting capacity and operated throughout its entire travel. Platform safeties are to be tested with the maximum rated lifting capacity.

STAGE, ORCHESTRA AND ORGAN CONSOLE ELEVATORS

§ 405.31. Applicability.

The following types of elevators shall meet the requirements of this section and §§ 405.32—405.41:

(1) A stage elevator consisting of a section of the stage arranged to be raised and lowered above and below the stage in a vertical direction.

(2) An orchestra elevator consisting of a platform arranged to be raised and lowered in a vertical direction.

(3) An organ console elevator used for raising and lowering an organ console, including the organist in a vertical direction.

§ 405.32. Platforms.

(a) A stage, orchestra or organ console elevator platform shall be comprised of steel frame construction and designed with a safety factor at least six based on the highest rating of either the rated lifting load or the rated static load uniformly distributed.

(b) When the travel of a stage, orchestra or organ console elevator extends above the top of the shaftway enclosure, the platform shall be equipped with an apron at least as deep as the space between the top of the shaftway enclosure and the underside of the platform when the platform is at its limit of travel.

§ 405.33. Shaftway requirements.

(a) The inside surface of a shaftway shall have a smooth finish within the limits of travel without any projections or recesses except for landing entrances, guides and guide brackets, vertical slots required for concealed guides, junction boxes and conduits for wiring, seating cart storage areas, orchestra areas and piano storage areas.

(b) Shaftway guide rails shall be made of steel.

(c) Adjacent lift sides shall be equipped with aprons, railings and toeboards and pressure-sensing strips that are necessary to avoid shearing and fall hazards when elevators or other lifts under this section are installed in the same shaftway.

§ 405.34. Projections and recesses.

Projections or recesses for landing entrances, junction boxes and conduits for wiring, seating cart storage areas, orchestra areas and piano storage areas shall have the following protection:

(1) Metal bevel plates shall protect the underside and topside of projections and the underside of all recesses. The plates shall extend from the edge of the projection or recess to the wall. The beveled angle may not be less than 75° relative to a horizontal position. Instead of plates, the bevel surfaces may be made of concrete and troweled to a smooth finish. Pressure sensing strips meeting the requirements in paragraph (2) may be used instead of beveled plates.

(2) Pressure sensing strips shall be placed on the underside of the platform on sides where there is a projection or recessed opening and on an apron attached to the platform. Pressure sensing strips shall meet the following requirements:

(i) A strip shall be interconnected to the operating and controlling circuit of the elevator.

(ii) A strip shall detect an obstruction that exerts a force of 5 pounds or greater per square inch.

(iii) The elevator shall immediately stop and automatically reverse direction for travel of 2—4 inches when a strip detects an obstruction. The pressure strips may automatically reset once the elevator has stopped its reverse travel.

§ 405.35. Landing doors.

(a) Swinging doors installed at the bottom landing of the shaftway shall open outward.

(b) Shaftway landing doors shall be equipped with an approved interlock. The interlock shall:

(1) Secure the platform in the stop position or place the power of controlling the elevator beyond the operator's control while any landing door is open.

(2) Operate in conjunction with a normally closed electrical valve operating system when used for maintained pressure hydraulic elevators.

(c) A landing door may unlock only when the platform is stopped at the landing.

(d) Landing doors shall open manually from inside the shaftway regardless of the platform's position.

§ 405.36. Lifting capacity.

(a) The lifting capacity of an orchestra or organ console elevator shall equal a live load of at least 25 pounds per square foot of floor area of the platform.

(b) The lifting capacity of a stage elevator shall equal a live load of at least 75 pounds per square foot of floor area of the platform.

(c) Lifting capacity may not exceed 30 feet per minute.

§ 405.37. Operating controls.

Operating controls shall be located so that the operator may view the platform and load throughout their entire travel. Operating controls are governed by the following:

(1) Operating controls shall be continuous pressure switches.

(2) Detachable pendent switches that plug into the platform or at an area other than the platform may be installed as operating controls if the operator can view the platform and load throughout their entire travel.

(3) Manually operated emergency stop switches shall be located adjacent to the operating controls, driving machines, pit entrances, machine controller, orchestra areas and recessed storage areas located within the shaftway. Emergency stop switches shall be manually reset and not depend upon springs for proper operation.

(4) Emergency stop switches shall be red. No other switch may be red.

(5) Operating controls shall be labeled by function.

(6) A key is required for use of the operating controls other than emergency stop switches.

(7) An emergency stop switch shall be installed on organ console elevators accessible to the organist.

(8) A stage, orchestra or organ console elevator that intersects with other stage, orchestra, organ console elevators, storage areas or orchestra areas below the

stage level shall be equipped with a constant pressure pushbutton switch which meets the following requirements:

(i) The additional switch shall be located to permit an unobstructed view of the intersecting area.

(ii) The switch shall be held in the closed or "run" position to complete the operating circuit and permit the operator's controls to function.

(iii) Release of the switch will stop the elevator immediately.

(iv) An additional switch is not required for elevators that are completely enclosed in an operating shaftway.

§ 405.38. Switches.

(a) An elevator shall be equipped with normal terminal limit switches located in the shaft way or a stop motion device on the operating machine. The switches or device shall automatically bring the platform to rest at either terminal landing.

(b) Final terminal limit switches shall be installed in the shaftway and meet the following requirements:

(1) The switches shall be connected so that the functioning of the switch will occur if the elevator runs by the normal terminal limit switch.

(2) A final terminal limit switch is to automatically shut off power, apply the brake and prevent the operation of the elevator in either direction until adjustments are made to return the elevator to normal operation.

(c) An approved and enclosed fused main line switch or an approved circuit breaker switch shall be installed to disconnect the elevator and meet the following requirements:

(1) The switch shall be located adjacent to the entrance door in a machine room containing the motor and controller.

(2) The switch shall be located outside the shaftway and adjacent to the pit access door when the motor and controller are located in the pit.

§ 405.39. Pit and pit access.

(a) The pit shall be equipped with stone or masonry piers or columns or buffers capable of absorbing the impact of a fully loaded platform while maintaining a minimum refuge space of 2 feet throughout the pit area.

(b) A pit access door has to meet all of the following requirements:

(1) A pit access door shall be a minimum of 30 inches by 30 inches in size, self-closing and self-locking.

(2) Have a switch to prevent the operation of the elevator while the pit access door is open.

(3) An emergency stop switch shall be installed on the strike side of each pit access door.

(4) A switch for operating the pit lights shall be installed on the strike side of each pit access door.

(5) Contain a sign located on the exterior strike side of all pit access doors with the notation, "CAUTION—Elevator Pit Access Door—Authorized Personnel Only." The sign lettering is to be a minimum of 1/4 inch in width and 1 1/2 inches in height. The color of the lettering shall contrast with the color of the access door.

(6) An owner or owner's agent shall have sole possession of keys to each access door.

(c) A shaftway shall have a pit that meets all of the following requirements:

(1) Pit depth shall be at least 2 feet from the lowest point of the underside of the platform framing to the pit floor or highest floor projection when the platform is at its lowest limit of travel. Toe guards, guide shoes or rollers attached to the platform and buffers or bumpers may extend into this space.

(2) Clearance between the lowest point of an apron, guide shoe or rollers on the underside of the platform and any portion of the pit floor shall be at least 6 inches when the platform has reached its lowest limit of travel.

(3) Pit floor area directly beneath any apron area of the platform shall be marked with paint of at least two contrasting colors to a minimum width of 12 inches past the inside edge of the apron, guide shoe or rollers

(d) A door shall be installed to provide access to a pit when the motor or controller for a stage, orchestra or organ console elevator is located in the pit by one of the following means:

(1) A door below the bottom of the platform when the platform is at its lowest limit of travel.

(2) A door that opens outward in the platform.

(3) The pit shall be equipped with a ladder for gaining access to the pit through this access door.

(4) The ladder and access door shall be arranged to secure the ladder to the platform during access to the pit.

(5) The ladder shall extend from the platform to the pit floor regardless of the location of the platform in the shaftway.

§ 405.40. Single operator requirement.

A single operator is required to control operation of a stage, orchestra or organ console elevator under all of the following conditions:

(1) The operator and designated material handlers are the only persons that may ride on a stage or orchestra elevator.

(2) The operator and organist are the only persons that may ride on an organ console elevator. An organist may be the operator of the elevator if he receives adequate training on the operation of the elevator and all its controls.

(3) An operator is required to work with an assistant when using a stage, orchestra or organ console elevator that intersects with another stage, orchestra, organ console elevator, storage areas or orchestra areas below the stage level. The assistant shall insure that there are no obstructions in the path of the elevator being operated. The assistant shall always use a two-way communication device with the operator.

§ 405.41. Additional requirements.

(a) Railings and toeboards shall be provided at floor levels when the elevator is not at floor level. The railing and toeboard are to be interconnected to the operating circuit so that if any portion of the rail and toeboard is not in its proper placement, the elevator cannot operate.

(b) A key shall be located at the lowest floor in a container with a glass surface. This key shall open a landing door regardless of the location of the platform.

(c) A plate attached to the equipment controller shall contain the manufacturer's listed rated lifting capacity and maximum static load.

(d) The gross weight of the movable platform shall be posted on the controller and will include railings, aprons, wiring, conduits, outlets or an item that is permanently attached to the platform.

(e) Reverse phase protection shall be provided when alternating current is used.

(f) Elevator screws are to be directly connecting with worm or beveled gears. Gears shall be enclosed in a housing.

(g) A stage, orchestra or organ console elevator that is not supported or operated by screws, plungers or similar means shall have platform safeties capable of stopping and holding the platform with a full-rated load at any point of its travel.

(h) The motor controller and brake shall be located in a lighted room outside the shaftway, unless the devices are located in the pit.

(i) A slack cable or slack chain device shall be installed on all winding drum or sprocket power-driven stage, orchestra or organ console elevator machinery. The device shall automatically shut off the power, apply the brake and stop the machinery when the platform is obstructed in its descent.

(j) A motor or controller shall be equipped with a second device for disconnection when the motor or controller is not visible from the disconnection equipment required under subsection (i).

(k) Lighting shall be provided in all machine spaces, pits, storage areas, orchestra areas and landings within the shaftway. A light switch shall be mounted at the entryway to each area.

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