

INTERPRETATION OF CHANGE OF OCCUPANCY PROVISIONS

The International Building Code as well as the several International Codes incorporated therein by reference and the Pennsylvania Uniform Construction Code (PA U.C.C.) sets construction, occupancy and life safety standards in general by reference to "use and occupancy" classifications. (Reference Chapter 3 Section 302.1 of the International Building Code)

The PA U.C.C. defines the term "occupancy" as the "Approved use of a building or structure under the Uniform Construction Code". (Reference Section 401.1 of the PA U.C.C. Regulations)

Section 403.42 (a) of the Pennsylvania Department of Labor and Industry issued regulations under the PA U.C.C. relating to the requirements for obtaining a permit, provides as follows:

Section 403.42 Permit Requirements and exemptions.

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

Based on the foregoing, no permit shall be required solely upon change of a tenant (occupant) in a commercial building but if there is **proposed any change of purpose or level of activity, a permit shall be required**. Any question concerning whether a proposed change is, in fact, a change of purpose or level of activity should be referred to the "Building Code Official: PA MUNICIPAL CODE ALLIANCE, INC. at 405 Wayne Avenue, Chambersburg, PA 17201: telephone 717-496-4996, e-mail: pmca@pacodealliance.com. The attached form may be used to make inquiry. If mailed, a pre-addressed stamped envelope must be enclosed for a return mail response.

►► All inquiries must include the Municipal Land Use Permit Application ◀◀

REQUEST FOR DETERMINATION
Regarding change of Use and/or Occupancy

▶▶ This document must be submitted with the Municipal Land Use Permit so we can. ◀◀

SECTION A: Property Details

1. Complete Address of premises: _____
2. Describe space to be occupied: _____
3. Approximate square footage: _____
4. Does the space or structure possess a current valid Certificate of Occupancy? Yes No
▶ Attach a copy of the Current Certificate of Occupancy to this form.

SECTION B – Outgoing Occupant Details

1. Name of Outgoing Occupant: _____
2. Business Activity of Outgoing Occupant: _____
3. Average Number of Employees on average work day: _____
4. Average number of visits by public on average work day: _____

SECTION C – Incoming Occupant Details

1. Name of Incoming Occupant: _____
2. Business Activity of Incoming Occupant: _____
3. Average Number of employees on average work day: _____
4. Average Number of public visitors on average work day: _____
5. **Has there been** any physical alteration to the premises **prior to** incoming occupant: Yes No
If yes, Explain: _____
6. **Will there be** any physical alterations scheduled for the incoming occupant: Yes No
If yes, Explain: _____
7. Does this Incoming Occupant meet current Zoning / Land Use requirements? Yes No

DETERMINATION

New Occupancy permit required.
Please contact PA MUNICIPAL CODE ALLIANCE, INC.
405 Wayne Avenue, Chambersburg, PA 17201
Telephone: (717) 496-4996
e-mail: pmca@pacodealliance.com

No New Occupancy Permit required.