

REQUEST FOR DETERMINATION

Regarding Change of Occupancy

[See attached Interpretation Document for more clarification]

►► This document must be submitted with an approved/signed Municipal Land Use Permit ◀◀

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 (attach approved Land Use Permit) ☐ No

For Official Use Only

DETERMINATION by PMCA

- ☐ New Occupancy permit required. Contact the local PMCA office for additional information that may be needed (see letterhead above for contact info)
- ☐ No New Occupancy Permit required.
- ☐ Life Safety Inspection(s) required if a New Use and Occupancy Certificate is needed/requested.

Comment: _____



Chambersburg Office: 380 Wayne Ave. Chambersburg, PA 17201 Phone: 717 496-4996
Bedford Office: 125 S. Richard Street, Suite 102, Bedford, PA 15522 Phone: 814 310-2326
Somerset Office: 510 Georgian Place, Somerset, PA 15501 Phone: 814 444-6112
Adams Office: 1895B York Road, Gettysburg, PA 17325 Phone: 717 321-9046
Email: pmca@pacodealliance.com Website: <https://pacodealliance.com/>

► APPLICATION FOR CERTIFICATE OF USE AND OCCUPANCY ◀

Municipality _____ County _____ Tax Parcel I.D. _____ Permit # _____

Location of Property specific to this request: (Complete Street City Zip) _____

Proposed Use _____ Proposed Business Name _____

Current Use (or previous use if vacant) _____ Yes or No
Is space Vacant (circle one) _____ If "yes" how long has it been vacant _____

Explain in detail what portion of Structure will be occupied: i.e. how much space, what floor(s), etc.

NAME AND CONTACT INFORMATION OF THE APPLICANT:

Print Full Name _____ Phone (Cell and/or Land line) _____ Email Address _____

Complete Mailing Address: Street/P.O. Box _____ City _____ State _____ Zip _____

NAME AND CONTACT INFORMATION OF THE OWNER OF THE PROPERTY:

Print Full Name _____ Phone (Cell and/or Land line) _____ Email Address _____

Complete Mailing Address: Street/P.O. Box _____ City _____ State _____ Zip _____

NAME AND CONTACT INFORMATION OF THE BUSINESS MAKING THE REQUEST IF OTHER THAN ABOVE:

Print Full Name _____ Phone (Cell and/or Land line) _____ Email Address _____

Complete Mailing Address: Street/P.O. Box _____ City _____ State _____ Zip _____

I certify that I am the owner of record, or that I have been authorized by the owner of record to submit this application and that the occupancy described has been authorized by the owner of record. I agree to conform to all applicable local, state, and federal laws governing the execution of this project. I certify that the Code official or his representative shall have the authority to enter the areas in which this work is being performed, at any reasonable hour, to enforce the provisions of the Codes governing this project. I further certify that this information is true and correct to the best of my knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. The undersigned understands that completion of this form does not allow occupancy of the premises.

APPLICANT SIGNATURE: _____ DATE: ____/____/____

PRINT NAME (*legibly*): _____

Address: _____ Phone No.: _____

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 UCC 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 380 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 ◀ ◀