



PHOENIX BUILDING CONSTRUCTION CODE (PBCC), ADMINISTRATIVE PROVISIONS

Section 105.2 Work exempt from a permit

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Commentary: This section lists those activities that are allowed to take place without first obtaining a permit from the building department. Note that in some cases, such as Items 2, 10, 13 and 16 the work is exempt only for certain occupancies. It is further the intent of the code that even though work may be exempted for permit purposes, it must still comply with the code and the owner is responsible for proper and safe construction for all work being done.

Permits shall not be required for the following:

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1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the aggregate floor area does not exceed 200 square feet (18.58 square meters).

Commentary: Additional similar uses include, but are not limited to, ramadas and gazebos. If utilities are provided to a detached accessory structure exempt from permit, a permit is required for the installation of the utilities.

2. Fences not over 3 feet (914 mm) high, accessory to one and two-family dwellings and townhouses. Fences not included in this exception, not over 6 feet (1829 mm) high, shall require a building permit demonstrating compliance with the zoning ordinance requirements and city code requirements for site drainage only.

Commentary: Fences over 6 feet high, shall require a building permit demonstrating compliance with the International Building Code (IBC) and all other city adopted codes and ordinances.

A permit is not required for the placement of portable livestock fences of any height used as corrals when the following conditions are met.

- a) The corral cannot be placed in any required visibility triangles.
- b) The corral does not alter or obstruct any drainage path, retention or detention basin.
- c) The corral does not include any electrified components or elements.

3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm).
5. Retaining walls which are not over 3 feet (914 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. Water storage tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
7. Platforms, sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

Commentary: Decks, sport courts and other similar uses with no roof covering shall also be included in this exception.

8. Painting, papering and similar finish work.
9. Temporary motion picture, seasonal celebration television and theater stage sets and scenery. Associated bleachers or grandstands are not included in this exemption.
10. Prefabricated swimming pools accessory to a Group R-3 Occupancy, in which the pool walls are entirely above adjacent grade and if the capacity does not exceed 5,000 gallons (18 925L). Barriers shall be installed in accordance with Appendix G, Section AG105 of the *International Residential Code (IRC)*.

Commentary: A permit is required for the installation of a pool barrier for a prefabricated swimming pool to assure compliance with Section AG105.

11. Shade cloth structures constructed for nursery or agriculture purposes that do not include service equipment.
12. Swings and other playground equipment.

Commentary: The Code intent for these items is as accessory to detached one- and two-family dwellings. This section would apply to tree houses used as playground equipment.

13. Window awnings supported by an exterior wall of Group R-3, and Group M Occupancies when projecting not more than 54 inches (1372 mm).

Commentary: Awnings exempt from a permit are still required to meet the fire-resistance rating requirements for exterior walls based on fire separation distance per IRC Table R302.1 and IBC Table 602.

14. Ground-or roof-supported structures, such as radio and television antenna towers and flagpoles which do not exceed 200 pounds (90 kg) in weight or 45 feet (13 700 mm) in height about the ground surface.
15. Contractors' temporary construction offices which are associated with a permitted construction project in compliance with the *City of Phoenix Zoning Ordinance* and are intended to be removed from the site upon completion of the project. Structures which include sales offices which are open to the public do require a permit.
16. Re-roofing with the same type of material as the original roofing and provided not more than two layers of asphalt shingles are applied over an existing asphalt shingle roof.
17. Installation of a nonstructural weatherproof exterior covering over an existing weatherproof covering on an existing structure so long as the new covering will not affect the fire-resistive classification of the existing structure.

Exception: Installation of an insulated exterior finish system.

Commentary: A least ¼ " airspace between surface mounted Service Entrance Section (SES), surface mounted panels, other surface mounted electrical cabinets and the wall shall be maintained, (*Phoenix Electrical Code (PEC)*, Section 312.2. A maximum setback of a ¼ " from finished stucco surface to front edge of electrical outlet box, PEC Sections 312.3 and 314.20.

Prescriptive exterior plaster (stucco) installations over an existing weatherproof covering on an existing structure do not require a permit.

Exterior Insulation and Finishing System (EIFS), also known as “synthetic stucco” is a lightweight synthetic wall cladding that includes foam plastic insulation and thin synthetic coatings. EIFS are proprietary systems of a particular EIFS producer and consist of specific components. EIFS are not generic products made from common separate materials. To function properly, EIFS needs to be architecturally designed and installed as a system. Installation of an EIFS over an existing structure requires a permit.

18. Minor repair or replacement in kind of non-structural components such as glass or glazing materials, sash, doors and hardware, patching walls or ceilings and replacing pieces of siding, soffits or fascia. Installation of locking or security hardware on egress doors, or changing the types of locking devices requires a permit.

Commentary: Removing and replacing interior finishes such as drywall do not constitute patching walls and therefore require a permit. Patching a hole in a drywall sheet would not require a permit, but removing and replacing an entire drywall sheet would require a permit.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Section 105.2.2 Electrical

An electrical permit shall not be required for the following:

1. Installation or replacement of equipment such as appliances, lampholders, lamps and other utilization equipment manufactured, approved and identified for cord- and plug-connection to suitable permanently installed receptacles.

Commentary: Since the work does not include any additions or modifications to the Premises Wiring System, (as defined in the *National Electrical Code*, currently adopted), and involves only equipment listed for cord and plug connection to existing permanently installed receptacles; this work is exempt from requiring a permit.

2. Repair or replacement of motors rated 50 hp or less, transformers rated 45 kVA or less, or fixed approved appliances of the same type and rating in the same location.

Commentary: Repair or 'like for like' replacement of motors, transformers, or fixed approved appliances are exempt from requiring a permit, provided they are of the same type and rating and installed in the same location as the replaced motor, transformer, or appliance. The permit exemption for repair or replacement of motors and transformers is limited to motors rated 50 hp or less and transformers rated 45 kVA or less.

Note: To be exempt, the work must not include, or cause to be necessary, any additions or modifications to the Premises Wiring System, (as defined in the *National Electrical Code*, currently adopted).

3. Temporary decorative lighting approved and identified for cord- and plug-connection.

Commentary: Since the lighting is temporary and is listed for cord and plug connection; it is essentially utilization equipment connected to suitable permanently installed receptacles. This exempt work does not include any additions or modifications to the Premises Wiring System, (as defined in the *National Electrical Code*, currently adopted).

4. Repair or replacement in kind of any switch, other than a service disconnect, receptacle, contactor, control device or other utilization equipment rated 60 amperes or less.

Commentary: The permit exemption for repair or 'like for like' replacement of any switch, receptacle, contactor, control device, or other utilization equipment is limited to those devices/equipment rated 60 amperes or less. Repair or replacement of a switch used as a service disconnect shall require a permit. Note: to be exempt, the work must not include, or cause to be necessary, any additions or modifications to the Premises Wiring System, (as defined in the *National Electrical Code*, currently adopted).

5. Replacement in kind of any circuit breaker other than a service disconnect, rated at 125 amperes or less, or any fuse.

Commentary: The permit exemption for 'like for like' replacement of any circuit breaker is limited to circuit breakers rated 125 amperes or less. Replacement of a circuit breaker used as a service disconnect shall require a permit. Fuses of any size may be replaced 'like for like' with fuses of the same type and rating.

Note: To be exempt, the work must not include, or cause to be necessary, any additions or modifications to the Premises Wiring System, (as defined in the *National Electrical Code*, currently adopted).

6. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

Commentary: Repair or replacement of electrodes or transformers must be of the same size and capacity as the original parts and must maintain any listing required by the *National Electrical Code*, currently adopted.

7. Temporary wiring for experimental purposes in suitable experimental laboratories.

Commentary: The temporary wiring for experimental purposes is exempt from requiring a permit provided it is located in suitable experimental laboratories. Such laboratories would typically have limited access, not accessible to the general public, and would employ qualified individuals for the temporary wiring installation and removal. The temporary wiring must be removed upon completion of the experimental purpose.

8. Temporary wiring for theaters, motion picture and television studios, performance areas and similar locations where not accessible to the general public.

Commentary: The theaters, motion picture and television studios, performance areas and similar locations, as well as the temporary wiring, must not be accessible to the general public. Additionally the individuals in charge of the temporary event must employ qualified individuals for the temporary wiring installation and removal. The temporary wiring must be removed upon completion of the event.

Note: Refer to the Interpretation "Temporary Generators Serving Temporary Wiring – PBCC 105.2.2.8" for additional guidance.

9. Class 2 and Class 3 Control and signal circuits not essential for safety to human life.

Commentary: Class 2 and Class 3 Control and signal circuits are typically low power and are exempt from requiring a permit provided they are not part of a life-safety system.

10. Installation, repair or replacement of electrical systems and components within machinery or equipment which is not defined by this Code as building service equipment.

Commentary: Work within listed machinery or equipment, (utilization equipment), that involves installation, repair, or replacement of electrical systems and/or components intended for use in the machinery or equipment as part of the listing shall be exempt from requiring a permit. The electrical systems and components installed must maintain the listing of the utilization equipment.

Note: To be exempt, the work must not include, or cause to be necessary, any additions or modifications to the Premises Wiring System, (as defined in the *National Electrical Code*, currently adopted).

As an example:

- Is a permit required to replace a ballast or lamp that has burned out?
- What about replacing the whole luminaire?
- What about replacing interior components within the luminaire in order to retrofit the luminaire, such as from T12 to T8 lamps and magnetic to electronic ballasts?

Equipment is defined in the NEC as "A general term, including material, fittings, devices, appliances, luminaires, apparatus, machinery, and the like used as part of, or in connection with, an electrical installation."

More specifically the exemption applies to Utilization Equipment defined in the NEC as "Equipment that utilizes electric energy for electronic, electromechanical, chemical, heating, lighting, or similar purposes." Luminaire is defined in the NEC as "A complete lighting unit consisting of a light source such as a lamp or lamps, together with the parts designed to position the light source and connect it to the power supply. It may also include parts to protect the light source or the ballast or to distribute the light. A lampholder itself is not a luminaire."

Therefore, in the example: replacing ballast or lamps within an existing listed luminaire is exempt from requiring a permit; however, the components used must maintain the listing. Conversely, the replacement of an existing luminaire with a new luminaire does require a permit.

As for the retrofit; if all work performed is within the luminaire and in accordance with the instructions for the listed retrofit kit intended for the application, the work would be exempt from requiring a permit. However, if work is to be performed to the wiring, etc. anywhere outside of the luminaire; a permit would be required.

Section 105.2.3 Mechanical

A mechanical permit shall not be required for the following:

1. Portable or plug- and cord-connected heating, cooling or ventilating equipment or appliances.

Commentary: Mechanical equipment with plug or cord connection is not regulated by Code.

2. Repair or replacement of any component part or assembly within equipment or appliances which does not alter the original approval and complies with other applicable requirements of this Code. Replacement or alteration of a refrigeration system to utilize a different class of refrigeration shall require a permit and compliance with all requirements of the code applicable to the new refrigerant.

Commentary: Allows for replacement and repair of components that are part of an approved assembly. A change in refrigerant type may lead to additional or different code requirements from the original and thus requires a permit.

3. Repair or replacement in kind of refrigeration units not over 5 tons (17.5 kW) of refrigeration capacity in one or two-family dwellings, when located outdoors. Replacement equipment shall be identical in weight of that which is replaced. Repair or replacement of refrigeration systems located inside a building shall require a permit and compliance with all requirements of this code for the classification of refrigerant utilized in the new equipment.

Commentary: In kind replacement assumes that the existing infrastructure, such as roof framing, ductwork and electrical connections, will not require modification. Refrigeration units less than 5 tons are typical for residential construction and come in standard sizes for outdoor installation. Outdoor installations present less of a hazard to the actual building or structure. Refrigeration systems located inside a building may expose the building or structure to more immediate hazard or require modifications. This section requires permits for all indoor installations for residential systems regardless of size. It also requires permits for all refrigeration systems in commercial buildings, regardless of size or type.

4. Repair or replacement in kind of evaporative cooling equipment rated not more than 6,500 cfm (3067 L/s) capacity.

Commentary: Evaporative coolers less than 6,500 cfm are typical for residential use and present minimal hazard other than their electrical connections and water overflow.

Section 105.2.4 Plumbing

A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as a new work and a permit shall be obtained and inspection made as provided in this code.

Commentary: Permit is not required to fix a leak in a pipe unless a concealed portion of the pipe needs to be replaced.

2. The clearing of stoppages or the repairing of the leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of any valves, pipes or fixtures.

Commentary: Clearing a stoppage or fixing a leak in a valve or fixture does not require a permit unless such valves and fixtures require relocation or rearrangement.

3. Replacement of water closets, valves or fixtures with new valves or fixtures complying with the conservation requirements of this code, except that a permit shall be required for the relocation of any valves, pipes or fixtures.

Commentary: Permit is not required for replacing a water closet, valve or fixture unless they or the connecting pipes are relocated.

4. Repair or replacement of portable or built-in appliances which are not regulated by this Code as building service equipment and which connect to the building water, drain or gas piping systems by approved means.

Commentary: Permit is not required for in kind replacement of appliances when no changes are made to connecting water, drain, or gas piping.

5. Replacement of an existing water heater in one- and two-family dwellings by a licensed contractor.

Commentary: A licensed contractor is required to verify certification mark on a water heater, install per manufacturer's instructions and comply with applicable codes.

Section 105.2.5 Repairs

Application for permit or notice to the building official is not required for ordinary repairs to structural, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Exception: Repairs that include the cutting away for any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include 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 or other work affecting public health or general safety.

Commentary: This section distinguishes between what might be termed by some as repairs but are in fact alterations, wherein the code is to be applicable, and ordinary repairs, which are maintenance activities that do not require a permit.

Section 105.2.5.1 Emergency Repairs

Where equipment replacements and repairs requiring a permit must be performed in an emergency situation, the permit application shall be submitted within 72 hours to the Development Services Department.

Commentary: This section recognizes that in some cases, emergency replacement and repair work must be done as quickly as possible, so it is not practical to take the necessary time to apply for and obtain approval. A permit application shall be submitted within 72 hours to the Development Services Department. Any work performed before the permit is issued must be done in accordance with the code and corrected if not approved by the building official.

105.2.6 Public Service Agencies

A permit shall not be required for the installation, alternation or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Commentary: Utilities that supply electricity, gas, water, telephone, television cable, etc., do not require permits for work involving the transmission lines and metering equipment that they own and control; that is, to their point of delivery. Utilities are typically regulated by other laws that give them specific rights and authority in this area. Any equipment or appliances installed or serviced by such agencies that are not owned by them and under their full control are not exempt from a permit.