

City of Philadelphia



(Bill No. 180175)

AN ORDINANCE

Amending Subcode "A" (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code (The Building, Construction and Occupancy Code), by revising and clarifying certain provisions; making corrections for compliance with the Pennsylvania Uniform Construction Code Act; and making technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode "A" of Title 4 of The Philadelphia Code is amended to read as follows:

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

CHAPTER 1 GENERAL

SECTION A-101 PURPOSE

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A-101.3 Intent: This code shall be construed to secure its expressed intent which is to provide for the clear and consistent administration and enforcement of the technical codes adopted by the City of Philadelphia. The term "technical codes" shall mean the Building Code, Electrical Code, Energy Conservation Code, Existing Building Code, Fire Code, Fuel Gas Code, Mechanical Code, Performance Code for Buildings and Facilities, Plumbing Code, Property Maintenance Code and Residential Code (Subcodes "B", "E", "EC", "EB", "F", "G", "M", "PC", "P", "PM" and "R", respectively of this Title), and the Zoning Code (Title 14).

This code incorporates, and amends where authorized, the administrative provisions of the Pennsylvania Uniform Construction Code Act (UCC), adopted by the City of Philadelphia by ordinance on June 21, 2004 for the regulation of construction through the technical codes.

SECTION A-102 APPLICABILITY

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A-102.1 General:

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The Building Construction and Occupancy Code does not apply to:

1. [Carports, detached private garages, greenhouses and sheds, where such structures have a building area less than 120 square feet and are accessory to detached one-family dwellings, except such structures are subject to the Property Maintenance Code, and the Fire Code.] *The use, construction or alteration of any building owned and operated by the federal government pursuant to the Public Building, Property and Works Law, 40 U.S.C. § 3101.*

2. *Pursuant to the UCC, [A]n agricultural building that is a structure used to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, which is subject to the Property Maintenance Code, the Zoning Code and the Fire Code.* The exemption does not include habitable space or spaces in which agricultural products are processed, treated or packaged, or any place of occupancy by the general public.

3. Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas [under] *pursuant to the Propane and Liquefied Petroleum Gas Act, Act 61 of 2002, P.L. 421 (35 P.S. §§ 1329.1 – 1329.19).*

4. Construction of individual sewage disposal systems [under] *pursuant to 25 Pa. Code, Chapter 73 (relating to onlot sewage treatment facilities) as regulated by the Department of Public Health.*

5. With respect to electrical provisions of the code only, 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] *UCC.*

6. *Pursuant to the UCC, the construction of structures which are:*

- a) Erected for the purpose of participation in a fair, flea market, arts and crafts festival or other public celebration;*
- b) Less than 1,600 square feet in size;*
- c) Erected for a period of less than 30 days; and*
- d) Not a swimming pool or hot tub.*

Such structures are subject to the Property Maintenance Code, the Zoning Code and the Fire Code.

7. *Pursuant to the UCC, construction of a pole barn that is constructed on agricultural fairgrounds and is used solely for agricultural purposes and animal display. Such structures are subject to the Property Maintenance Code, the Zoning Code and the*

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Fire Code. If an exempted pole barn has electrical service, a permit and inspections to determine compliance with the electrical provisions of the code are required.

8. *Pursuant to the UCC, the installation and maintenance of ski lifts, inclined passenger lifts and related devices, elevators, escalators, conveying systems and related equipment as defined in the Building Code, with the exception of the accessibility requirements of the Building Code. Such devices and systems shall be regulated by the Pennsylvania Department of Labor and Industry.*

9. *Pursuant to the UCC, the construction or alteration of structures used for the direct, seasonal sale of agricultural commodities where such structures are:*

- a. open on at least 25% of the perimeter of the structure when in operation.*
- b. operated by a producer whose products make up not less than 50% of the agricultural commodities being sold;*
- c. if not located on the producer's property, erected for less than 180 days of a calendar year;*
- d. comprised of an area of not more than 1,000 square feet;*
- e. used to load, unload or sort livestock at livestock auction facilities;*
- and*
- f. limited to one structure per parcel of land.*

Such structures are subject to the Property Maintenance Code, the Zoning Code and the Fire Code.

* * *

A-102.3 Referenced codes and standards: The codes and standards referenced in any of the technical codes shall be considered part of the requirements of such code to the prescribed extent of each such reference. Where differences occur between provisions of a technical code and the referenced codes and standards, the provisions of the originating code shall apply. The department is authorized by regulation to update the edition of standards referenced by the technical codes as necessary to maintain current technical provisions. *Such regulations shall be subject to the local amendment requirements of the UCC.*

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A-102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of the Building Construction and Occupancy Code, or any subcode thereof, shall be permitted to continue without change, except as is specifically covered in such code, the Philadelphia Property Maintenance Code or Philadelphia Fire Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public. *This Section (A-102.6) is subject to the following provisions of the UCC:*

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1. *A building that was built before April 27, 1927 is deemed to be legally occupied until the owner proposes to renovate, add an addition, alter or change the occupancy of the building. The renovation, addition, alteration or change in occupancy must comply with the UCC.*

2. *For all existing structures built on or after April 27, 1927, the code official is authorized to issue a certificate of occupancy if the building meets the requirements of the latest adopted version of the “International Existing Building Code.” The code official may deny the issuance of a certificate of occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.*

* * *

A-102.6.2 Buildings not previously occupied. *A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the Building or Residential Code as applicable for new construction or with any current permit for such occupancy.*

A-102.7 Maintenance. Buildings and parts thereof shall be maintained in a safe and sanitary condition. Fuel gas installations; mechanical systems; *plumbing systems* and electrical systems, equipment, materials and appurtenances and parts thereof, shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. All existing devices and safeguards that are required by the technical codes shall be maintained in existing buildings. The owner or the owner's designated agent shall be responsible for the maintenance of the building. To determine compliance with this subsection, the code official shall have the authority to require a building to be reinspected. Except where specifically permitted by the Building Construction and Occupancy Code, the code shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings.

Exception: This Section shall not prohibit the removal of fire protection systems or equipment where such removal is authorized by an approved [building] permit and construction documents for alterations and/or a change in occupancy classification, and the fire protection systems or equipment are not required by the current Building and Fire Codes.

A-102.8 Additions, alterations and repairs to structures. *Additions, alterations and repairs to an existing building or structure, or portion thereof shall conform to the requirements for new construction per the currently adopted technical codes. Additions, alterations and repairs shall not cause an existing building or structure to become unsafe, hazardous or overloaded.*

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Exception: *At the option of the applicant or registered design professional in responsible charge, additions, alterations and repairs shall be permitted to comply with the applicable provisions of the Philadelphia Existing Building Code.*

A-102.8.1 Additions, alterations and repairs to systems. Additions, alterations, renovations and repairs to the following systems and installations shall conform to the requirements for new systems and installations without requiring *any portion of* the existing systems and installations to comply with all of the requirements of the applicable technical codes. Additions, alterations and repairs shall not cause an existing [structure,] system or installation to become unsafe, hazardous or overloaded.

1. [Building construction
2. Building envelope
- 3.] Electrical installations
- [4.]2. Fuel gas installations
- [5.]3. Mechanical systems
- [6.]4. Plumbing systems
- [7.]5. Service water-heating systems

Minor additions, alterations, renovations and repairs to existing *systems or* installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was done in the existing system, is not hazardous and is approved.

A-102.9 Change [in] of occupancy. It shall be unlawful to make a change [in the use or] of occupancy, *as specifically defined in this code and the technical codes*, of any building [that would place the building in a different division of the same group of occupancy or in a different group of occupancies] unless such building is made to comply with the requirements of this code and the applicable technical codes for such [division or group of] *new* occupancy.

[Exceptions:

1. In the case of the Energy Conservation Code, the requirement to comply with the provisions of the code is triggered by the new occupancy resulting in an increased demand for fossil fuel or electrical energy supply.

2. At the option of the permit applicant, the provisions of the Philadelphia Existing Building Code shall apply to a building undergoing a change of use or occupancy.]

A-102.10 Historic buildings. The Building Construction and Occupancy Code shall be fully applicable to buildings designated as historic pursuant to Chapter 14-1000 or listed

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in the National Register of Historic Places; provided, however, that variances shall be available pursuant to Section A-802.[8]2.

* * *

A-102.12 Manufactured and industrialized housing *and industrialized commercial buildings*. Manufactured [and industrialized] housing pursuant to the Manufactured Housing Construction and Safety Standards Authorization Act (35 P.S. §§ 1656.1 – 1656.9) and *industrialized housing and industrialized commercial buildings pursuant to* the Industrialized Housing Act (35 P.S. §§ 1651.1 – 1651.12) respectively shall be governed by Sections A-102.12.1 through A-102.12.2.2.

A-102.12.1 Manufactured housing. Manufactured housing shall comply with the provisions of Sections A-102.12.1.1 through A-102.12.1.3.

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A-102.12.1.2 Site construction. [Sections R-AE501 – R-AE503 and R-AE601 – R-AE605 of Appendix E] *Relevant provisions* of the Philadelphia Residential Code *shall* apply to the following:

1. Site preparation
2. Foundation construction
3. Connection to utilities

* * *

A-102.12.2 Industrialized housing *and industrialized commercial buildings*. Industrialized housing *and industrialized commercial buildings* shall comply with the provisions of Sections A-102.12.2.1 through A-102.12.2.2.

A-102.12.2.1 Exemption. Except as provided in Section A-102.12.2.2, the Building Construction and Occupancy Code does not apply to industrialized housing *and industrialized commercial buildings* assembled by and shipped from the manufacturer.

A-102.12.2.2 Code application. The Building Construction and Occupancy Code applies to the following:

1. Site preparation
2. Foundation construction

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3. Utilities connection
4. Installation
5. Construction, alteration or repair to the industrialized housing unit after installation.
6. Change of occupancy classification if *the* industrialized housing *or industrialized commercial building* is resold to a subsequent purchaser or relocated.

A-102.13 Swimming pools. Swimming pools shall be governed by the provisions of Sections A-102.13.1 through A-102.13.3.

A-102.13.1 Requirements. Swimming pools, hot tubs and spas that are accessory to [one- or two-family dwellings] *residential buildings* shall comply with all of the following:

1. [Chapter 41 of the] Philadelphia Residential Code.
2. [Appendix G of the Philadelphia Residential Code.
3. Section B-2406.2, Paragraph 9 of the] Philadelphia Building Code *provisions related to* [(] glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas [)].
4. Section B-3109.4 of the Philadelphia Building Code [(] *and* residential swimming pool enclosures[)].

A-102.13.2 Swimming pools not accessory to dwellings. *Pursuant to the UCC*, [S]swimming pools that are not accessory to one- or two-family dwellings shall comply with this Section (A-102.13), the "American National Standards for Public Pools" issued by ANSI and NSPI (ANSI/NSPI-1 [1991]2003) and the Public Bathing Law (35 P.S. §§ 672-680d).

A-102.13.3 Hot tubs and spas. *Pursuant to the UCC*, [H]hot tubs and spas that are not accessory to one- or two-family dwellings shall comply with this Section (A-102.13) and the "American National Standard for Public Spas" issued by ANSI and NSPI (ANSI/NSPI-2 1999).

A-102.14 State-owned buildings. The provisions of this Title 4 shall apply to all State-owned buildings; provided, however, that *pursuant to the UCC*, [in lieu of any inspection or any plan or specification review required to be performed by the Department, the applicant may submit to the Department a certification by] the Commonwealth

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Department of Labor and Industry [that such inspection or review has been performed to the satisfaction of said Department of Labor and Industry and] *will conduct plan and specification review of permit applications, issue permits and perform inspections to ensure compliance with the UCC.* [that all applicable standards of this Title have been met. Such certification shall satisfy any applicable requirements of this Title, provided that the Department shall have been given notice and an opportunity to observe any inspection, including review of any building plans or plan review documents.]

SECTION A-103 VALIDITY

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A-103.5 Flood protection provisions. *The degree of flood protection sought by the provisions of this code is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This code does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of the City of Philadelphia or any officer or employee thereof for any flood damages that result from reliance on this code or any administrative decision lawfully made thereunder.*

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SECTION A-105 RESPONSIBILITY

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A-105.3 Contractor responsibility. *All contractors, whether licensed by the Department or exempt from licensing under State law, shall be responsible for compliance with this code and the technical codes in the performance of their work.*

A-105.4 Transfer of responsibility: *A contract between owner and operator, owner and contractor, operator and occupant, operator and contractor, occupant and contractor, or owner and occupant with regard to compliance with this code and the technical codes shall not relieve any party of direct responsibility under such codes.*

SECTION A-106 DEFINITIONS

A-106.1 General. *Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code and the technical codes, have the meanings shown in this Section.*

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[ACT: The Pennsylvania Construction Code Act, Act 45 of November 10, 1999, P.L. 491.]

AGRICULTURAL BUILDING: In accordance with the UCC, a structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals, a milk house or a structure used to grow mushrooms, agricultural or horticultural products. The term includes a carriage house owned and used by members of a recognized religious sect for the purposes of housing horses and storing buggies. The term includes a structure that is less than 1,000 square feet in size which is utilized to process maple sap. The term shall not include habitable space or spaces in which agricultural products are processed, treated or packaged and shall not be construed to mean a place of occupancy by the general public.

CHANGE OF OCCUPANCY: A change in the use of a building or a portion of a building that results in any of the following:

- 1. A change of occupancy classification.*
- 2. A change from one group to another group within an occupancy classification.*
- 3. Any change in use within a group for which there is a change in application of the requirements of this code and the technical codes.*

* * *

OSHA 10: The 10-hour program designed and approved by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction intended to train workers on the recognition, avoidance, abatement, and prevention of safety and health hazards in workplaces in general industry.

OSHA 30: The 30-hour program designed and approved by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction for additional training of supervisors and workers with some safety responsibilities.

PERMIT HOLDER: The person(s) or business entity who owns the parcel, building or structure and is responsible for such property. While a permit may be obtained by another person or entity, that person or entity must have approval of the owner and the permit must always be subject to the control of the owner. The permit holder may be a person or entity with written documentation of equitable ownership of that real property. The permit holder may designate an agent such as a contractor to be the permit holder.

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REGISTERED DESIGN PROFESSIONAL: A licensed architect, licensed engineer or other licensed design professional that holds a currently valid license to practice in Pennsylvania [or any other state].

RESIDENTIAL BUILDING: *Detached one-family and two-family dwellings and multiple single-family dwellings, including their accessory structures, which are not more than three stories in height with a separate means of egress.*

STATE-OWNED BUILDING. *Pursuant to the UCC, a building owned by or to be constructed for Commonwealth entities, including 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. A Commonwealth authority or a Commonwealth entity shall be considered a "State-affiliated entity." The term includes the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Higher Educational Facilities Authority and the State System of Higher Education. The term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, any State-related institution, political subdivision or any local, regional or metropolitan transportation authority.*

UCC: *The Pennsylvania Uniform Construction Code Act, Act 45 of November 10, 1999, P.L. 491, as amended.*

CHAPTER 2 ENFORCEMENT AUTHORITY

SECTION A-201 GENERAL

A-201.1 Administration: This code and the technical codes shall be administered and enforced by the department except:

1. The Fire Code which is administered and enforced mutually by the Fire Department and the department; *and*
2. [To the extent permitted under the PA Construction Code Act and Uniform Construction Code, Fire Department battalion chiefs shall have concurrent enforcement powers with the Department to issue stop work orders at a construction or demolition site whenever a violation of the Fire Code or any other condition which presents an immediate danger to life or property is detected. In issuing stop work orders, the Fire Department shall follow the procedures in Section A-504, and shall be bound by the same rules and regulations as the Department in issuing such orders; and

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3.] As otherwise specified in this code or the technical codes.

A-201.1.1 Reasonable accommodations. *The Department is authorized to develop regulations governing requests for reasonable accommodations under the Fair Housing Act and the American Disabilities Act.*

[A-201.2 Definitions: Unless otherwise provided in the Code, the following definitions apply to this Chapter:

"OSHA 10." The 10-hour program designed and approved by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction intended to train workers on the recognition, avoidance, abatement, and prevention of safety and health hazards in workplaces in general industry.

"OSHA 30." The 30-hour program designed and approved by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction for additional training of supervisors and workers with some safety responsibilities.

"OSHA 500." The trainer course for construction offered by the United States Occupational, Safety and Health Administration ("OSHA") designed to prepare and certify individuals to teach the OSHA 10 and OSHA 30 hour construction safety and health courses to others.]

SECTION A-202 DUTIES AND POWERS OF THE CODE OFFICIAL

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A-202.1.1 Training: In addition to the training and certification requirements of the Pennsylvania Uniform Construction Code, the Department shall ensure that inspectors responsible for construction and demolition code enforcement receive training by OSHA on identifying worker safety issues. The Department shall make every attempt to develop and maintain a formal training program in conjunction with OSHA which meets or exceeds OSHA 30 training certification. Should OSHA fail to provide such training, the Department shall have such inspectors receive OSHA 30 training either through a private provider or through [OSHA 500] certified individuals within the Department.

A-202.1.2 Code Official Training: The Department shall do the following to ensure adequate enforcement of this Title, to the extent permitted under the PA Construction Code Act and Uniform Construction Code.

1. Any code official assigned to enforce the *construction* provisions of this Title shall have completed OSHA administered training equivalent to the OSHA 30 [within the past 5 years].

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2. [At least 20 percent of all currently employed code officials shall have completed OSHA administered training equivalent the OSHA 500. These OSHA 500 code officials shall offer to the public, once annually, OSHA 10 and OSHA 30 training and certification. No fee shall be charged for this training.

3.] All code officials assigned to enforce the provisions of this Title shall complete at least 3 hours of annual continuing education training focused on construction, hazmat issues, fire prevention strategies, safety, and other related industry or legal updates *as applicable to their duties*.

A-202.1.3 Code Official Qualifications: The Department shall[:

1. Revise the qualifications standards for new hires to the Department to ensure that applicants have the requisite background to properly perform their duties;

2. Revise] *maintain* job descriptions and continuing education requirements to conform to [this Section; and

3. Ensure that its employee complement is of adequate size to safely and efficiently meet the requirements of this Code] *the training and certification requirements of the UCC*.

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A-202.4 Inspections: The code official shall make all of the required inspections, or shall have the authority to accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be [in writing and be] *in a form established by the Department and* certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to approval.

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A-202.7 Issuance Requirement: No license or permit required by any provision of Title 4 or by Section 9-3900 *et. seq.* shall be issued or renewed if the applicant is delinquent in the payment of any City or School District of Philadelphia taxes, charges, fees, rents or claims, *or any penalties or fines which have been imposed as a result of a violation of any provision of this code or the technical codes*, or any penalties or fines related to the *property or the* applicant's business for which the applicant is responsible, unless the applicant *or owner* has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement.

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No permit shall be issued if the owner of the property is delinquent in the payment of any City or School District of Philadelphia taxes, unless the owner has entered into an agreement to pay such delinquency and is abiding by the terms of such agreement.

Compliance is required by the person or business required to obtain the license or permit. Proof of compliance [by submission of a Tax Clearance Certificate, as defined in Section 9-101,] shall be required prior to issuance of any license or permit.

[A-202.7.1] **Exception:** The requirements of this subsection (A-202.7) may be waived upon [:

1. T]the code official's [written] determination that the [license or] permit is required for work needed to *properly maintain the property or* correct a violation of The Philadelphia Code[, and that immediate issuance of such license or permit is necessary to protect public safety]. Waiver under this provision shall not be available for building permits relating to new construction or additions to existing structures, or for zoning and use registration permits.

A-202.8 Liability. *The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.*

SECTION A-203 APPROVAL

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A-203.3 Alternative materials and equipment: The provisions of the technical codes are not intended to prevent the installation of any material, design or method of construction not specifically prescribed by the technical codes, provided that any such alternative has been reviewed and approved. The commissioner is authorized to approve an alternative material, design or method of construction upon favorable recommendation of the Board of Building Standards (Board of Safety and Fire Prevention for matters exclusive to the Fire Code) when he or she finds that the proposed design is satisfactory and complies with the intent of the provisions of the technical codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety.

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Exception: *Alternative materials, designs or methods of construction not specifically prescribed by the technical codes may be permitted by the code official in accordance with Sections A-203.3.1 or A-203.3.2.*

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[SECTION A-204 INTERGOVERNMENTAL COOPERATION

A-204.1 Information Sharing: In order to enhance and coordinate enforcement efforts by the various departments of the City, a system of communication and information sharing shall be established to do the following:

1. The Fire Department shall immediately notify the Department whenever a battalion chief issues a stop work order.
2. An electronic copy of each demolition permit issued by the Department shall be provided to the Fire Department within one business day of approval.
3. An electronic copy of each asbestos permit issued pursuant to Section 6-603 of the Code shall be provided by the Department to the Fire Department within one day of issuance.
4. The Department shall have direct electronic access to a database maintained by the Revenue Department that lists whether a contractor performing construction or demolition at a site has active workers' compensation wage accounts.
5. The Department shall have direct electronic access to a database maintained by the Revenue Department that lists whether a taxpayer is in compliance with this Code.
6. The Department, in collaboration with the Fire Department and Police Department, shall provide written protocols and guidance for proper handling 3-1-1 complaints regarding construction and demolition sites, including designated personnel trained and assigned to handle calls regarding complaints regarding construction and demolition of buildings, and a systematic approach to identify and promptly transfer emergency calls to the proper public safety department for a swift response. Such protocols and guidance shall be provided to 3-1-1 and City Council by December 31, 2013.]

CHAPTER 3 PERMITS

SECTION A-301 APPLICATION FOR PERMIT

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A-301.1 Permits required: An application shall be submitted to the department for the activities listed in Sections A-301.1.1 through A-301.1.6 and these activities shall not commence without a permit being issued in accordance with Section A-302.0. Where the scope of work includes demolition, moving or removal of a structure greater than one story or greater than 500 square feet, a separate application and permit for such work shall be required. Where the scope of work includes more than one lot, a separate permit shall be required for each lot.

Exception: *Permits shall not be required for the construction, alteration and use of those buildings, elements and systems not regulated by this code as detailed in Section A-102.1 of this code, including but not limited to the following:*

1. *Pursuant to the UCC, State-owned buildings.*
2. *Pursuant to the UCC, the installation, repair or replacement of a boiler or unfired pressure vessel regulated by the Boiler and Unfired Pressure Law (35 P. S. §§ 1331.1—1331.19) and Chapter 3 (relating to boilers and unfired pressure vessels) as administered by the Pennsylvania Department of Labor and Industry.*
3. *Federally owned and operated buildings.*
4. *Pursuant to the UCC, the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is, by established right, under the ownership and control of public services agencies.*

A-301.1.1 Building permits: A building permit is required for the following activities:

1. Construction or erection of a structure.
2. Construction of an addition to a structure.
3. Altering, modifying, repairing, or improving a structure.
4. Demolishing, moving or removing a structure.
5. Making a change of occupancy *as defined in Section A-106.1 of this code.*
6. Installing, erecting, enlarging, removing, replacing, converting, repairing or altering any equipment which is regulated by the Building Code, Fuel Gas Code, Mechanical Code or [Chapters 3 through 24 of the] Residential Code. *This includes the installation of a boiler in a building with less than five (5) dwelling units.*

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9. *Construction in the right of way as required by Title 11 of the Philadelphia Code. The provisions of this Title 4 shall apply to the issuance of a building permit. No such permit shall be issued without the approval of the Streets Department.*

[Exceptions:

- a. Recreational trailers.
- b. Vacant trailers parked on a site.
- c. Trailers used in conjunction with construction operations.
- d. Buildings and structures subject to the Pennsylvania Industrialized Housing Act, Act 70 of 1972, P.L. 286, or the Pennsylvania Manufactured Housing Construction and Safety Standards Authorization Act, Act 192 of 1982, P.L. 676.]

A-301.1.2 Fire permits: A permit or license is required for those operations, facilities, trades and hazardous materials specified in the Fire Code.

[A-301.1.2.1 Multiple permits or licenses: Any person carrying on two or more activities for which permits or licenses are required by the Fire Code shall have a permit or license for each such activity, provided that, where multiple permits are required for activities conducted at the same location, the code official is authorized to consolidate all required operational permits on a single document and all required construction permits on a single document, provided that each operation or construction activity is listed on the document.

Exception: Where facilities store, use, dispense or handle two or more hazardous materials on the premises at any one time, only one permit shall be required which lists each such hazardous material.]

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A-301.1.5 Zoning and use registration permits: A zoning permit is required for the construction, erection, removal, demolition, or change in exterior dimension of any structure. A use registration permit is required for every new use commenced on any land or in any structure except for use as a single-family dwelling [or place of worship].

A-301.1.6 Emergency repairs: Where equipment replacements and repairs of systems and structures that require a permit must be performed in an emergency situation, the permit application shall be submitted within the next three business days to

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the Department. *In such cases, the Department shall be notified of the emergency as soon as possible.*

A-301.2 Permits not required: Permits shall not be required for the activities listed in Sections A-301.2.1 through A-301.2.5 and the regulations promulgated pursuant thereto. Exemptions from permit requirements of this code or the technical codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of The Philadelphia Code.

Exception: *Permits are required in flood protection areas for any construction, reconstruction, modification, extension, expansion, or substantial improvement of structures; filling; dredging; mining; grading; paving; excavation; drilling operations; or storage of equipment or materials; land excavation; land clearing; land improvement; or any construction thereof.*

A-301.2.1 Building permits: A building permit shall not be required for the following activities. This subsection does not exempt any activity from any other applicable permit requirements under The Philadelphia Code, including Chapter 14-1000 relating to historic designations.

1. Ordinary repairs to *restore to good or sound condition any part of an existing structure for the purpose of its maintenance*. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or loadbearing 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.

2. [Demolitions and stucco wall treatments performed under contract with the department and in compliance with the current Procurement Department Specifications.] *Recreational trailers, vacant trailers parked on site and trailers used in conjunction with construction for storage and construction management facilities during the construction operations.*

* * *

9. Paneling or gypsum wallboard installed over existing wall surfaces and ceiling material applied directly to existing ceilings in *one- and two-family and Group [R-3 and] U occupancies*.

10. Insulation installed in [Group R-3] *one- and two-family and Group U occupancies* without removal of wall or ceiling surfaces.

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* * *

16. One-story detached structures accessory to [R-3] *one- and two-family* occupancies, provided the floor area does not exceed 200 square feet (18.58 m²).

17. Prefabricated swimming pools accessory to [Group R-3] *one- and two-family* occupancies where the pool is less than 24 inches deep, does not exceed 5,000 gallons and is installed entirely above ground.

18. Window awnings that are supported solely by, and do not project more than 54 inches from, the exterior wall of buildings containing [Group R-3] *one- and two-family* or Group U occupancies.

19. Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.

20. Swings, playground equipment and structures limited to the use of a household pet, accessory to [Group R-3] *one- and two-family* occupancies.

21. Sidewalks, driveways, patios, and similar concrete or other hard surface materials constructed on grade where they are not part of an accessible route. This exception includes decks of any material, accessory to [Group R-3] *one- and two-family* occupancies where the deck is located not more than 12 inches above the ground surface below and is not over a story or basement.

22. Replacement of non-fire-resistance rated windows and doors in one- and two-family [dwellings] *occupancies* without structural change (no change in shape or size of existing openings).

* * *

28. Replacement of exterior stairs, ramps, platform lifts, steps and landings accessory to [a] one and two family [dwelling]*occupancies* provided that they do not exceed 6 feet in vertical height; do not encroach upon the public right-of-way; and the landing does not have a surface area greater than 36 square feet with no individual dimension greater than 6 feet. This exclusion does not provide for vertical enclosure of the covered element(s) except guards required by the Building Code.

29. *Buildings and structures subject to the Pennsylvania Industrialized Housing Act, Act 70 of 1972, P.L. 286, or the Pennsylvania Manufactured Housing Construction and Safety Standards Authorization Act, Act 192 of 1982, P.L. 676. This permit exception is limited in accordance with the provisions of Section A-102.12 of this code.*

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30. *The installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas pursuant to the Propane and Liquefied Petroleum Gas Act, Act 61 of 2002, P.L. 421 (35 P.S. §§ 1329.1 – 1329.19), as regulated by the Pennsylvania Department of Labor and Industry.*

A-301.2.2 Fire [prevention] permits and licenses: A permit or license shall not be required for *the following operations:*

1. *Storage of those quantities of materials or conditions exempted by the applicable provisions of the Fire Code.*
2. *Cutting and welding performed as part of a permitted construction activity.*

A-301.2.3 Electrical permits: An electrical permit shall not be required for the following activities:

* * *

7. *The installation of low voltage wiring in one- and two-family and Group [R-3 and] U occupancies.*

* * *

A-301.2.5 Zoning and use registration permits: A zoning or use registration permit shall not be required for the following activities:

* * *

6. *Demolitions performed under contract with the Department and in compliance with current Procurement Department Specifications.*

7. *Fences at or below the height allowable by the Zoning Code (Title 14).*

8. *Swimming pools accessory to one- and two-family dwellings.*

9. *Canopies or awnings accessory to a one- or two-family dwelling, provided the canopy or awning does not exceed 120 square feet.*

10. *Sheds, playhouses, pergolas and similar structures accessory to one- or two-family dwellings, provided the structure is located in the rear yard and does not exceed 120 square feet.*

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11. *Temporary motion picture, television and theater sets and scenery.*
12. *Concrete or other hard surface materials on grade, such as driveways, walkways and patios not used for parking.*
13. *Decks within building lines, not more than 12 inches above the ground surface below and not over any basement or story below.*
14. *Decks located in the rear yard and accessory to one-family dwellings allowable by the Zoning Code (Title 14).*
15. *Building service equipment, such as mechanical, electrical or plumbing equipment, including necessary mounting systems, required to operate and maintain facilities located on the same lot. To qualify for this exemption, the equipment may not be located within a required setback from the street nor conflict with any dimensional restriction of the Zoning Code.*

A-301.3 Form of application: The application for a permit shall be submitted in such [written] form as this Code requires and as the department prescribes and shall be accompanied by the required fee as prescribed in Chapter 9.

A-301.4 By whom application is made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, by the registered design professional employed in connection with the proposed work; *by any person or entity with written documentation of equitable ownership of that real property; by a conservator of the property;* or other licensed person authorized [or required] to apply by the [technical] codes. If the application is made by a person other than the owner in fee, it shall be accompanied by [an affidavit of the owner or the qualified applicant or] a signed statement *or electronic confirmation* of the qualified applicant to the effect that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

A-301.5 Contents of application: Every permit application shall, to the extent applicable:

* * *

[10. In addition to the above, a Demolition Permit Application may only be applied for by a demolition contractor licensed pursuant to Section 9-1008 who will perform the work and shall include all of the following:

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a. A true and accurate copy of the insurance policy covering the permitted work which includes the name of the carrier, policy number, coverage amount and period of coverage;

b. The signature of the owner of the property in the form of an affidavit or a signed statement to the effect that the proposed work is authorized by the owner and that the applicant is authorized to make the demolition permit application. The Department is authorized to accept electronic signatures.

c. Site Safety Plan. A site safety demolition plan or complete "engineering survey" as required by the Occupational Safety and Health Administration (OSHA) regulations developed by a competent person shall be submitted. The plan must address the methods used to carry out the demolition, as well as the proposed measures for protecting adjoining structures, property and pedestrians. A schedule of the demolition activities shall be developed as part of demolition planning. At a minimum, the plan shall include the minimum information required by Section A-305.2.1.15.1 ("Site Safety Plan").

d. A site plan which includes the information required by Section A-305.2.1.15.2 ("Site Plan").

e. Demolition schedule. The contractor shall submit a schedule of the proposed demolition which shall include the following:

1. The start date that is consistent with code requirements for public notice.

2. Identification of demolition milestones and projected dates of completion.

3. The proposed start and stop times for daily activity.

4. Confirmation that the work will not begin before site safety measures are in place and those measures are inspected and approved by the code official.

f. Revised demolition schedule. As soon as practicable, the contractor is required to submit to the Department a revised demolition schedule if the demolition does not start in the time frame established by the schedule submitted with the permit application. Failure to submit the revised demolition schedule shall be a Class II violation.

g. Bonding for demolition work shall be satisfied by the bonding requirements for demolition contractors set forth in Section 9-1008 of the Code.

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h. A building permit for demolition shall be valid only in connection with work performed by the licensed Demolition Contractor to whom the permit was issued. A Demolition Contractor that seeks to perform demolition work under a permit issued to another contractor must obtain an amendment of such permit that authorizes work by the new Demolition Contractor.]

A-301.6 Construction documents: Applications for permits shall be accompanied by [three sets of] construction documents that include the information required by Section A-305.0, the technical codes, regulations, plan submission standards, and any other information that the code official determines is necessary to issue the permit. As used in this Chapter, construction documents shall include demolition plans as described in Section A-301.5(10)(c). *When paper copies of any construction documents are submitted, three sets shall be required, and the applicant shall be required to pay an electronic imaging fee as established by regulation. The code official may waive the requirement for the submission of construction documents in accordance with Section A-305.1.1.*

A-301.7 Amendments to application: Subject to the limitations of Section A-301.8, amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments shall be deemed part of the original application and shall be filed therewith and requisite fees paid.

Exception: *Zoning and use registration permits are not subject to amendment.*

A-301.8 Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned 60 days after the date of any request by the Department for information from the applicant or 60 days after notification by the Department that the application is approved and available for pick-up, unless the applicant provides any requested information to the Department and has taken the necessary steps to pick up the permit from the Department. The code official may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

A-301.8.1 Court order: *The Department is authorized to deem abandoned any permit application where a Court of proper jurisdiction has authorized the Department to act upon its police powers to abate an unsafe condition.*

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SECTION A-302 PERMITS

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A-302.1.1 Time limit. The code official shall grant or deny a *complete* permit application in whole or in part or request further information, within 30 business days of the filing date for commercial construction and 15 business days for residential construction. If the permit application is for an imminently dangerous structure as determined under the Property Maintenance Code Section PM-110, then the code official shall preliminarily review such application for completeness at the time submitted, and shall grant or deny a complete permit application within [7]5 *business* days of receipt. Reasons for a denial shall be in writing and sent to the applicant. When agreed to by the code official and the permit applicant in writing, the deadline for action shall be extended by the number of days specified in the agreement.

* * *

A-302.1.2 Substantially improved or substantially damaged existing [residential] buildings in flood hazard areas [prone to flooding]. For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures subject to the [Philadelphia Residential Code] *technical codes* and located in [an area prone to flooding] *a flood hazard area* as established by [Table R-R301.2(1)] *the Flood Insurance Rate Map (FIRM) of the U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA)*, the code official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damage condition. If the code official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, [the finding shall be provided to the Board of Building Standards for] *a determination of substantial improvement or substantial damage shall be issued and the applicable requirements of the Building Code or Residential Code shall be applied.* [Applications determined by the board to constitute substantial improvement or substantial damage shall meet the requirements of Section R-R323 of the Residential Code.]

The term substantial improvement shall not include:

1. *Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the code official and which are the minimum necessary to assure safe living conditions; or*

2. *Any alteration of an historic building or structure, provided that the alteration will not preclude the continued designation as an historic building or structure. For the purposes of this exclusion, an historic building is:*

2.1 *Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or*

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2.2 *Determined by the Secretary of the U. S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or*

2.3 *Designated as historic under Chapter 14-1000 of The Philadelphia Code.*

If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed.

A-302.2 Suspension of permit:

[1.] Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The code official is authorized, for reasonable cause, to extend in writing the time for commencing *or suspending* the work for a period not exceeding six months upon written request of the permittee. No permit shall be extended more than once. In order to proceed with the work authorized by an expired permit, a new permit shall be obtained.

Exceptions: [Zoning and use registration permits and permits issued in connection with imminently dangerous or unsafe structures or conditions] *Those permits regulated by Sections A-302.2.1 through A-302.2.5.*

A-302.2.1 [Pre-paid permits: In the case of pre-paid permits, the valid six month period shall commence on the date that the permit is completed and submitted to the Department, not on the date of purchase.] *Fire permits shall be limited to the time period specified by the permit.*

A-302.2.2 Zoning and use registration permits: See § 14-303(10).

A-302.2.3 Permits related to imminently dangerous and unsafe structures or conditions.

1. For permits issued in connection with imminently dangerous structures or conditions (see PM-110.1 46), the permit shall become invalid if the work does not commence within [48 hours] *10 days* after issuance or does not progress continuously until the structure or condition is made safe, unless the permit is otherwise extended by the Department.

2. For permits issued in connection with an unsafe structure or condition (see PM-108, PM-109 47), the permit shall become invalid if the work does not commence within [10] *30 days* after permit issuance or does not progress continuously

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until the structure or condition is made safe, unless the permit is otherwise extended by the Department.

A-302.2.4 Rough-in permits. *A rough-in permit shall become invalid if the work is not initiated and the associated complete permit is not obtained within 60 days of issuance.*

A-302.2.5 Construction permits. *Pursuant to the UCC, a permit issued for construction or demolition under the authority of the UCC may be valid for no more than 5 years from its issue date.*

A-302.3 Previous approvals: This code and the technical codes shall not require changes in the construction documents, construction or designated occupancy classification of a building *or structure* for which a [lawful] permit has been [heretofore] issued *pursuant to the requirements of a previously adopted code(s)* [or otherwise lawfully authorized,] and the construction of which has been actively [prosecuted] *pursued* within [90 days after the effective date of the applicable code(s) and is completed with dispatch] *the time periods specified by Section A-302.2.*

A-302.4 Signature to permit: The code official charged with the review of permit applications and related construction documents shall affix a signature *or provide electronic* [of] approval to each approved application and/or permit in accordance with procedures of the department.

A-302.5 Construction documents: Upon approval, the code official shall stamp or endorse [in writing "Approved"] *electronic approval* on each page [of three sets] of construction documents, unless otherwise specified. Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents and required non-design changes marked thereon by the code official.

A-302.5.1 Distribution: The approved [sets of] construction documents shall be distributed as follows:

1. One set shall be retained in the records of the [Permit Services division] *Department* according to the established retention schedule.
2. One set shall be [forwarded] *available* to the appropriate inspection office.
3. One set shall be returned to the applicant. [This set] *A paper copy* shall be retained by the applicant at the construction site and shall be available for inspection by the code official.

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[**A-302.5.3 Health care facilities.** The code official shall not approve plans for a health care facility under this Section unless the Pennsylvania Department of Health has approved the plans.]

A-302.6 Foundation permit: The code official is authorized to issue a permit for the construction of foundations before the construction documents for the entire structure have been submitted provided the zoning permit for the entire structure has been issued and provided that appropriate construction documents and required statements have been filed. *Approval of the Philadelphia Water Department for water and sewer availability and storm water management is required prior to the issuance of a foundation permit.*

* * *

A-302.7 Annual permit. In lieu of an individual permit for each repair, replacement, maintenance operation or alteration to an already approved electrical, gas, mechanical, or plumbing installation, the code official is authorized to issue an annual permit upon application therefor. The work authorized under an annual permit does not include new installations or the extension of existing systems. The applicant shall be a person, firm, *institution* or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit. *A licensed trades person employed by the firm, institution or corporation and responsible for the work regulated by the permit shall be identified prior to the issuance of the annual permit.*

* * *

A-302.8 Posting of permits and licenses: Permits and licenses shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official. A true copy of *all permits or notice of permits issued by the Department* authorizing construction activity shall be posted on the site of the operations, open to public inspection during the entire time of the prosecution of the work for which the permit has been issued. The Department shall *be authorized to* establish Regulations for additional posting and signage requirements related to construction [sites by December 31, 2013].

Exceptions:

1. [Housing inspection] *Rental* license, where there is no on-premises management office.
2. *The posting of zoning and use registration permits shall be regulated by Title 14.*

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A-302.8.1 [Posting of permits and licenses] *Insurance certificates:* The holder of any permit authorizing construction activity shall [post] *maintain* a true copy of the developer or contractor's certificate of insurance [along with the permit authorizing construction activity and shall ensure that the certificate remains] on the site of the operations, open to public inspection *upon request* during the entire time that the construction permit *or notice of permits issued by the Department* is to be posted.

A-302.9 Revocation of permit:

* * *

A-302.9.1 Correction: When the department determines that grounds exist for the revocation of a permit, it shall serve written notice upon the [holder of the] permit *holder*, stating the nature of the violation [and allowing]. *The Department is authorized to allow* for a reasonable period within which compliance with all the requirements of such permit shall be achieved. The notice may also describe a course of remedial action.

A-302.10 Conditions of permit: Permits issued pursuant to this code and the technical codes are subject to the conditions stated in Sections A-302.10.1 through A-302.10.5 as applicable.

* * *

A-302.10.3 Compliance with permit: All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved amendments to the approved application or the approved construction documents. Permits are not transferable except by [application to] *approval* of the department.

* * *

A-302.10.5 Asbestos inspection report: A permit for any demolition or alteration *in excess of \$50,000* shall not be issued until an asbestos inspection report including all laboratory sample reports and analyses, furnished by an independent certified asbestos investigator as defined in Section 6-601 of the Philadelphia Health Code, has been submitted. Submission of an asbestos inspection report is not required for buildings erected pursuant to a building permit issued after December 31, 1980, or any residence with three dwelling units or less. *The Department is responsible for forwarding the submitted asbestos inspection report to the Department of Public Health for review and appropriate action. Notwithstanding this requirement, where asbestos is found, all regulations of the Department of Public Health shall be followed.*

A-302.11 [Notice of start: The code official shall be given at least 24-hour notice of start of work under a permit.] ***Temporary structures and uses.*** *Subject to the exclusions established by the UCC in Section A-102.1 of this code, the code official is authorized to*

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issue a building permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

A-302.11.1 Conformance. *Temporary structures and uses shall comply with the relevant requirements of Chapter 31 of the Building Code.*

A-302.11.2 Termination of approval. *The code official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.*

SECTION A-303 DEMOLITION AND RELOCATION OF STRUCTURES

* * *

A-303.2 Posting and Notice: Upon submittal of an application for a [building] permit for the demolition of a structure, [or demolition required by the Department of Licenses and Inspections,] the department shall provide a notice to the Demolition Contractor to be posted prior to the demolition of the structure. The Demolition Contractor shall post such notice on the structure to be demolished.

Upon issuance of the building permit for the demolition, and in addition to the notification requirements for contractors established in this Section and [Section B-3307 of The Philadelphia] *the Building Code*, the department is authorized to distribute an informational bulletin indicating that the City or owner intends to demolish said structure. The department shall distribute the informational bulletin to the [front doors of the following] properties[:

1. The three nearest properties on each side of the subject property.
2. The seven nearest properties across the street from the subject property.
3. The seven nearest properties to the rear of the subject property.
4. Any structure or property located within the safety zone area, as defined in Section B-3303.8.1 of the Building Code, surrounding]*located within a 100 foot radius of* the subject property.

* * *

A-303.2.1 Location and Time: The notice shall be posted by the Demolition Contractor on each street frontage of the premises with which the notice is concerned [within ten days of the submittal of the building permit application to demolish or award of a demolition contract by the department]. Posted notices shall remain until demolition

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of the structure, which shall not commence less than 21 days from the date of the [submittal of the permit application] *initial posting of the notice.*

* * *

A-303.2.5 Additional posting and notice: The Department shall [establish Regulations for additional posting and notice requirements related to demolition projects by December 31, 2013, to be included in the informational bulletin required under this Section, including] *include in any informational bulletin distributed pursuant to this Section* all of the following: education material explaining the inherent safety risks of demolition; contractor obligations regarding party walls; information concerning shoring and bracing of walls; waterproofing and enclosure of breaches for interior walls that become exterior walls, and other required finishings.

A-303.3 [Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper treatment of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with existing building provisions of the building code.] **Permits.** *A demolition permit shall be valid only in connection with work performed by the licensed Demolition Contractor identified on the permit. A Demolition Contractor that seeks to perform demolition work under a permit identifying another contractor must obtain an amendment of such permit that authorizes work by the new Demolition Contractor.*

* * *

SECTION A-304 REGISTERED DESIGN PROFESSIONAL [ARCHITECTURAL AND ENGINEERING] SERVICES

A-304.1 General: The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures required for a permit application shall be prepared by a registered design professional consistent with the professional registration laws of the Commonwealth of Pennsylvania. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. The construction documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration laws.

Exceptions:

1. A registered design professional is not required to prepare the construction documents for the remodeling or alteration of a building where there is no compensation paid for such preparation and the remodeling or alteration does not relate to additions to

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the building or changes to the building's structure or means of egress *and where the cost of the work is less than \$25,000.*

2. A registered design professional is not required to prepare designs submitted under the provisions of Chapter [4] 24 of the [Fuel Gas] *Residential Code* for residential buildings having a conditioned floor area of 5,000 square feet (465 m²) or less, provided a qualified person prepares such designs.

3. *The seal of a registered design professional shall not be required for ground floor additions to one- and two-family buildings of less than 120 square feet.*

* * *

A-304.3 Design professional in responsible charge: When it is required that documents be prepared by a registered design professional, the code official is authorized to require the owner to engage and designate on the [building] permit application, a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge, who shall perform the duties required of the original registered design professional in responsible charge. The code official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

A-304.3.1 Deferred submittals: For the purposes of this Section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period.

Deferral of any submittal items shall be subject to the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the code official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the code official *and any additional or amended permits have been issued.*

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SECTION A-305 CONSTRUCTION DOCUMENTS

A-305.1 General. *Submittal documents consisting of construction documents and other data shall be submitted with each permit application. Plans shall be drawn on suitable material, generally to scale, dimensioned, and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed. Plans shall show in detail that the work will conform to the provisions of the technical codes including applicable items specified in this Section A-305 and all applicable standards, regulations and ordinances. The Department is authorized to develop and require the submittal of forms to collect required information in a consistent format. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.*

* * *

A-305.1.2 Plan submission standards. *The Department is authorized to establish plan submission standards. Electronic media documents may be submitted where approved by the Department.*

* * *

A-305.1.4 Engineering details. *Construction documents shall include adequate details of structural, mechanical, plumbing and electrical work, including computations, diagrams and other essential technical data as determined by the code official.*

A-305.1.5 Fire and zoning permits. *Applications for fire [operational] permits[, fire construction permits] and zoning permits shall be accompanied by such documentation as this Section, the technical codes, regulations and departmental procedures require.*

A-305.2 Contents. *The construction documents for permitting shall contain the [following] information [as] required by the technical codes and additional provisions [of the Department] included in A-305.2.1 through A-305.2.6.*

Required approvals for each permit are provided herein. Additional officials or agencies may be involved based on the character of the permit application or the size or type of development involved. No provision of this section adds to or detracts from a power, duty, or responsibility granted to any board, commission, department, committee, or agency of the City by a grant of power, duty, or responsibility in another section of the Philadelphia Code or by the Philadelphia Home Rule Charter. In the case of any conflict between the provisions of this Section and the Philadelphia Home Rule Charter or other provisions of The Philadelphia Code, including this Administrative code, the provisions of the Philadelphia Home Rule Charter or The Philadelphia Code shall govern.

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A-305.2.1 Building [Code] permits. Specific requirements [of the Building Code] *for building permits* include the items or data included in A-305.2.1.1 through A-305.2.1.[15]6. *Other requirements for building permit application construction documents are found in the appropriate sections of the technical codes.*

A-305.2.1.1 Site plan. In the case of new construction[,] and additions [and demolition], [the zoning and] building permit applications shall be accompanied by a site plan showing to scale the size and location of all new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades, and as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey.

Required accessibility features shall be shown including but not limited to: parking spaces, public transportation stops and accessible routes.

In the case of [demolition] *multiple spaces, buildings or parcels*, the site plan shall [show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot]*include a key plan to identify the uses, spaces and structures within the site.*

For buildings and structures in flood hazard areas the site plan shall include the delineation of flood hazard areas, floodway boundaries, and flood zones.

Submitted site plans shall be generally consistent with the site plans approved by the zoning permit for the construction.

A-305.2.1.2 [Penetrations. Construction documents shall include information regarding the tested systems and assemblies used to protect through-penetrations and membrane penetrations of horizontal assemblies and fire-resistance-rated vertical assemblies in accordance with Section B-712 of the Building Code.] **Code analysis information.** *Code analysis information shall be submitted with the construction documents. The code analysis information shall include the construction type, use and occupancy classification, means of egress information, occupant loads, and fire protection elements.*

A-305.2.1.3 [Fire-resistant joint systems. Construction documents shall include information regarding the tested systems used to protect joints in or between fire-resistance-rated building assemblies in accordance with Section B-713 of the Building Code.] **Flood protection.** *If any proposed construction or development is located entirely or partially within any identified floodplain area, in addition to the requirements of the Building or Residential Code, the construction documents shall provide all the necessary information in sufficient detail and clarity to enable the code official to determine that:*

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1. *all such proposals are consistent with the need to minimize flood damage and conform with the requirements of the technical codes;*
2. *all utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;*
3. *adequate drainage is provided to reduce exposure to flood hazards;*
4. *structures will be anchored to prevent flotation, collapse, or lateral movement;*
5. *building materials are flood-resistant;*
6. *appropriate practices that minimize flood damage have been used; and*
7. *electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.*

A completed Flood Elevation Certificate (or Floodproofing Certificate as applicable) as published by FEMA shall also be submitted.

A-305.2.1.4 [Fire extinguishing system shop drawings. Shop drawings for automatic fire extinguishing systems shall be submitted for review and approval prior to system installation, to indicate conformance with the Building Code and the construction documents. They shall contain all information required by the referenced installation standards in Chapter 9 of the Building Code.]**Energy conservation.** *Supporting documentation shall be required to detail compliance with energy conservation requirements. The building's thermal envelope shall be represented on the construction drawings.*

A-305.2.1.5 [Fire alarm and detection systems. In accordance with Section B-907.1.1 of the Building Code, construction documents for fire alarm systems shall be submitted for review and approval prior to system installation. Construction documents shall include, but not be limited to all of the following:

1. A floor plan which indicates the use of all rooms.
2. Locations of alarm-initiating and notification appliances.
3. Alarm control and trouble signaling equipment.

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4. Annunciation.
5. Power connection.
6. Battery calculations.
7. Conductor type and sizes.
8. Voltage drop calculations.
9. Manufacturers, model numbers and listing information for equipment, devices and materials.
10. Details of ceiling height and construction.
11. The interface of fire safety control functions.

A-305.2.1.6 Smoke control systems. In accordance with Section B-909.2 through B-909.4 of the Building Code, construction documents shall include sufficient information and detail to adequately describe the elements of the design necessary for the proper implementation of the smoke control systems. These documents shall be accompanied by sufficient information and analysis to demonstrate compliance with these provisions. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to special inspections and tests.

A rational analysis supporting the types of smoke control systems to be employed, their methods of operation, the systems supporting them and the methods of construction to be utilized shall accompany the submitted construction documents and shall include, but not be limited to the items indicated below.

1. Stack effect. The system shall be designed such that the maximum probable normal or reverse stack effect will not adversely interfere with the system's capabilities. In determining the maximum probable stack effect, altitude, elevation, weather history and interior temperatures shall be used.
2. Temperature effect of fire. Buoyancy and expansion caused by the design fire in accordance with Section B-909.9 of the Building Code shall be analyzed. The system shall be designed such that these effects do not adversely interfere with the system's capabilities.
3. Wind effect. The design shall consider the adverse effects of wind. Such consideration shall be consistent with the wind-loading provisions of Chapter 16 of the Building Code.

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4. HVAC systems. The design shall consider the effects of the heating, ventilating and air-conditioning (HVAC) systems on both smoke and fire transport. The analysis shall include all permutations of systems status. The design shall consider the effects of the fire on the HVAC systems.

5. Climate. The design shall consider the effects of low temperatures on systems, property and occupants. Air inlets and exhausts shall be located so as to prevent snow or ice blockage.

6. Duration of operation. All portions of active or passive smoke control systems shall be capable of continued operation after detection of the fire event for not less than 20 minutes.

A-305.2.1.7 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, as applicable in Section B-101.2 of the Building Code, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

A-305.2.1.8 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, 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.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetrations and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

A-305.2.1.9 Roof assemblies and rooftop structures. The construction documents shall indicate the type of roof assembly used, materials, fire classification, fastening requirements, roof ventilation, roof drainage, parapet coping, and flashing materials and locations. The details of any rooftop structures shall also be included.

A-305.2.1.10 Structural design. Construction documents shall show the size, section and relative locations of structural members with floor levels, column centers and offsets fully dimensioned. The design loads and other information pertinent to the structural design required by subsections A-305.2.1.10.1 through A-305.2.1.10.8

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shall be clearly indicated on the construction documents for parts of the building or structure.

Exception: Construction documents for buildings constructed in accordance with the conventional light-frame construction provisions of Section B-2308 of the Building Code shall indicate the following structural design information:

1. Floor and roof live loads.
2. Ground snow load, P_g .
3. Basic wind speed (3-second gust), miles per hour (mph) (km/hr) and wind exposure.
4. Seismic design category and site class.

A-305.2.1.10.1 Floor live load. The uniformly distributed, concentrated and impact floor live load used in the design shall be indicated for floor areas. Live load reduction of the uniformly distributed floor live loads, if used in the design shall be indicated.

A-305.2.1.10.2 Roof live load. The roof live load used in the design shall be indicated for roof areas (Section B-1607.11 of the Building Code).

A-305.2.1.10.3 Roof snow load. The ground snow load, P_g , shall be indicated. In areas where the ground snow load, P_g , exceeds 10 pounds per square foot (psf) (0.479 kN/m²), the following additional information shall also be provided, regardless of whether snow loads govern the design of the roof:

1. Flat-roof snow load, P_f .
2. Snow exposure factor, C_e .
3. Snow load importance factor, I_s .
4. Thermal factor, C_t .

A-305.2.1.10.4 Wind design data. The following information related to wind loads shall be shown, regardless of whether wind loads govern the design of the lateral-force-resisting system of the building.

1. Basic wind speed (3-second gust), miles per hour (km/hr).

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2. Wind importance factor, I_w , and building category.
3. If more than one wind exposure is utilized, the wind exposure and applicable wind direction shall be indicated.
4. The applicable internal pressure coefficient.
5. Components and cladding. The design wind pressure in terms of psf (kN/m²) to be used for the design of exterior component and cladding materials not specifically designed by the registered design professional.

A-305.2.1.10.5 Earthquake design data. The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building:

1. Seismic importance factor, I_g , and seismic use group.
2. Mapped spectral response accelerations S_s and S_1 .
3. Site class.
4. Spectral response coefficients SDS and SD_1 .
5. Seismic design category.
6. Basic seismic-force-resisting system(s).
7. Design base shear.
8. Seismic response coefficient(s), CS .
9. Response modification factor(s), R .
10. Analysis procedure used.

A-305.2.1.10.6 For buildings located in flood hazard areas as established in Section B-1612.3 of the Building Code, the following information, referenced to the datum on the Philadelphia Flood Insurance Rate Map (FIRM), shall be shown, regardless of whether flood loads govern the design of the building.

1. In flood hazard areas not subject to high-velocity wave action, the elevation of proposed lowest floor, including basement.

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2. In flood hazard areas not subject to high-velocity wave action, the elevation to which any nonresidential building will be dry floodproofed.

3. In flood hazard areas subject to high-velocity wave action, the proposed elevation of the bottom of the lowest horizontal structural member of the lowest floor, including basement.

A-305.2.1.10.7 Special loads. Special loads that are applicable to the design of the building, structure or portions thereof shall be indicated along with the specified Section of this code that addresses the special loading condition.

A-305.2.1.10.8 System and components requiring special inspections for seismic resistance. Construction documents or specifications shall be prepared for those systems and components requiring special inspection for seismic resistance as specified in Section B-1707.1 of the Building Code by the registered design professional responsible for their design and shall be submitted for approval in accordance with Section B-106.1 of the Building Code. Reference to seismic standards in lieu of detailed drawings is acceptable.

A-305.2.1.11 Statement of special inspections. The permit applicant shall submit a statement of special inspections prepared by the registered design professional in responsible charge as a condition for permit issuance. This statement shall include a complete list of materials and work requiring special inspections by Section B-1704 of the Building Code, the inspections to be performed and a list of the individuals, approved agencies or firms intended to be retained for conducting such inspections.

A-305.2.1.12] **Foundation and soils investigations.** The soil classification and design load-bearing capacity shall be shown on the construction documents. The owner or applicant shall submit a foundation and soils investigation to the code official where required in the Building Code. Where required by the code official, a written report of the *soils* investigation shall be *prepared and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania and submitted for any new construction, additions or foundations.* [that includes, but need not be limited to, the following information:

1. A plot plan showing the location of test borings and/or excavations.
2. A complete record of the soil samples.
3. A record of the soil profile.
4. Elevation of the water table, if encountered.

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5. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils mitigation of the effects of liquefaction, differential settlement and varying soil strength; and the effects of adjacent loads.

6. Expected total and differential settlement.

7. Pile and pier foundation information in accordance with Section B-1808.2.2 of the Building Code.

8. Special design and construction provisions for footings or foundations founded on expansive soils, as necessary.

9. Compacted fill material properties and testing in accordance with Section B-1803.5 of the Building Code.

A-305.2.1.13 Structural concrete construction. The construction documents for structural concrete construction shall include:

1. The specified compressive strength of concrete at the stated ages or stages of construction for which each concrete element is designed.

2. The specified strength or grade of reinforcement.

3. The size and location of structural elements, reinforcement, and anchors.

4. Provision for dimensional changes resulting from creep, shrinkage and temperature.

5. The magnitude and location of prestressing forces.

6. Anchorage length of reinforcement and location and length of lap splices.

7. Type and location of mechanical and welded splices of reinforcement.

8. Details and location of contraction or isolation joints specified for plain concrete.

9. Minimum concrete compressive strength at time of posttensioning.

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10. Stressing sequence for post-tensioning tendons.

11. For structures assigned to Seismic Design Category D, E or F, a statement if slab on grade is designed as a structural diaphragm (see Section 21.10.3.4 of ACI 318).

A-305.2.1.14 Masonry construction. The construction documents shall show all of the items required by the Building Code including the following:

1. Specified size, grade, type and location of reinforcement, anchors and wall ties.
2. Reinforcing bars to be welded and welding procedure.
3. Size and location of structural elements.
4. Provisions for dimensional changes resulting from elastic deformation, creep, shrinkage, temperature and moisture.]

A-305.2.1.6 Requisite approvals. *The following approvals of departments and agencies of the City of Philadelphia and/or the Commonwealth of Pennsylvania shall be required before a building permit may be issued:*

1. *Zoning. A zoning and/or use registration permit shall be required for any change in use of the property, new construction or any changes in the gross floor area or height of an existing building in accordance with Title 14 of the Philadelphia Code.*

2. *Philadelphia Water Department. The approval of the Philadelphia Water Department is required for conditions set forth in Pa Act 537 and the Clean Streams Act, and to confirm water and sewer availability.*

3. *Philadelphia Streets Department. Philadelphia Streets Department approval is required as per Title 11 of the Philadelphia Code, including but not limited to curb cuts, encroachments and parking lots.*

4. *Pennsylvania Department of Health. Pursuant to the UCC, Pennsylvania Department of Health approval is required for healthcare facilities.*

5. *Philadelphia Historical Commission. Philadelphia Historical Commission approval is required for all work performed on properties listed on the Philadelphia Register of Historic Places in accordance with Title 14 of the Philadelphia Code.*

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6. *Philadelphia Art Commission. Philadelphia Art Commission approval is required as per the Philadelphia Home Rule Charter and Title 14 of the Philadelphia Code.*

7. *Parks and Recreation. Parks and Recreation approval is required as per Titles 14 and 15 of the Philadelphia Code.*

8. *Philadelphia Fire Department. Philadelphia Fire Department approval is required as per Subcode F of Title 4 of the Philadelphia Code.*

9. *Philadelphia City Planning Commission. Philadelphia City Planning Commission approval is required per Title 14 of the Philadelphia Code.*

10. *Commerce Department. Commerce Department approval is required for permits related to piers, wharves or other harbor structures pursuant to Section 18-103 of the Philadelphia Code.*

11. *Philadelphia Department of Public Health approval is required for buildings connected to an on-lot sewage disposal system or private well.*

A-305.2.[1.15]2 Demolition permits. Construction documents for a permit for the complete demolition of a structure shall be submitted in accordance with subsections A-305.2.[1.15]2.1 through A-305.2.[1.15.3]2.4.

Exception: Construction documents for demolition permits are not required for demolition of a one-story structure of 500 square feet or less when no other structures are located within ten (10) feet of the structure, unless the Department determines that provision of such documents is necessary to address health and safety concerns.

A-305.2.[1.15]2.1 Site Safety Plan. A site safety demolition plan or complete "engineering survey" as required by the Occupational Safety and Health Administration (OSHA) regulations developed by a competent person shall be submitted. The plan must address the methods used to carry out the demolition, as well as the proposed measures for protecting adjoining structures, property and pedestrians. A schedule of the demolition activities shall be developed as part of demolition planning. At a minimum, the plan shall include the following:

1. Details on the type of construction and condition of the structure(s) to be demolished, including photographs of the structure and the site that accurately depict its present condition.

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2. Inspection details on the structural conditions of the adjoining properties.

3. Description of the means and methods for protection of adjacent structures and public right-of-ways.

4. Description of the method of demolition to be used.

5. Details on any potential hazards.

6. Underground utility confirmation number.

7. Description of any safety exposures and environmental issues.

8. In cases where the demolition requires Special Inspections in accordance with [Section B-3303] *the Building Code*, the site safety plan shall be approved by a professional engineer licensed by the Commonwealth of Pennsylvania. The plan shall include the name and address of the licensed engineer and shall be signed, sealed and dated by the engineer in accordance with the professional licensing laws. Submission of the plan by the demolition contractor constitutes agreement by the contractor to follow and carry out the plan.

A-305.2.[1.15]2.2 Site Plan. A site plan which includes the following information shall be submitted:

* * *

A-305.2.[1.15]2.3 Demolition schedule. The contractor shall submit a schedule of the proposed demolition which shall include the following:

* * *

A-305.2.[1.15]2.3.1 Revised demolition schedule. As soon as practicable, the contractor is required to submit to the Department a revised demolition schedule if the demolition does not start in the time frame established by the schedule submitted with the permit application. Failure to submit the revised demolition schedule shall be a Class II violation.

A-305.2.2.4 Requisite approvals. *The following approvals shall be required before a demolition permit may be issued:*

1. *Zoning permit for the demolition.*

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2. *Plumbing permit for sealing of the building sewer at the curb trap.*
3. *Water service discontinuance permit from the Philadelphia Water Department.*
4. *Philadelphia Historical Commission approval for any buildings listed on the Philadelphia Register of Historic Places.*
5. *Philadelphia Water Department approval of stormwater management where the area of disturbance exceeds 5,000 square feet.*
6. *Dust control permit and plan approved by the Department of Public Health for any a structure that exceeds 3 stories, 40 feet in height, or encompasses more than 10,000 square feet.*
7. *Philadelphia City Planning Commission approval is required per Title 14 of the Philadelphia Code.*
8. *Authorization of the owner of the property in the form of an affidavit or a signed statement to the effect that the proposed work is authorized by the owner. The Department is authorized to accept electronic confirmation of such authorization.*

[A-305.2.1.15.4 Maintenance of submittal documents. The prime contractor and/or owner must keep the approved set of submittal documents on-site at all times and make the documents accessible for inspection upon demand of the code official. Failure to keep or make submittal documents available on-site shall result in the issuance of a stop work order until the documents are produced and the Department determines that work can proceed safely.]

A-305.2.[2]3 Electrical [Code] permits. Specific requirements [of the Electrical Code] *for electrical permits* include the items or data included in A-305.2.[2]3.1 through A-305.2.[2.3]3.6.

A-305.2.[2]3.1 General. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the [Electrical Code] *applicable code and standard*, and relevant laws, rules and regulations, as determined by the code official. The detail shall include but not be limited to the location and capacity of lighting facilities, electrically operated equipment and electrical circuits required for service equipment that is included in, or affected by, the scope of work covered by the permit.

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A-305.2.[2]3.2 Penetrations. Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

A-305.2.[2]3.3 Load calculations. Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

A.305.2.3.4 Building permit. *Information on the associated building permit for the project, where applicable.*

A-305.2.3.5 Fire alarms. *Construction documents for fire alarm systems shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code, the applicable code and standard, and relevant laws, ordinances, rules and regulations, as determined by the code official.*

A-305.2.3.6 Requisite approvals. *The following approvals of departments of the City of Philadelphia and/or the Commonwealth of Pennsylvania shall be required before an electrical permit may be issued:*

1. *Pennsylvania Department of Health. Pursuant to the UCC, Pennsylvania Department of Health approval is required for healthcare facilities.*
2. *Philadelphia Historical Commission. Philadelphia Historical Commission approval is required for the installation of solar and photovoltaic systems on properties listed on the Philadelphia Register of Historic Places, in accordance with Title 14 of the Philadelphia Code.*

[A-305.2.3 Energy Conservation Code. Specific requirements of the Energy Conservation Code require that the construction documents be of sufficient clarity to indicate the location, nature and extent of the work proposed. Construction documents shall show in sufficient detail pertinent data and features of the building and the equipment and systems governed therein, including, but not limited to:

1. Design criteria
2. Exterior envelope component materials
3. U-factors of the envelope systems
4. U-factors of fenestration products

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5. R-values of insulating materials
6. Size and type of apparatus and equipment
7. Equipment and systems controls
8. Other pertinent data to indicate compliance with the requirements of the Energy Conservation Code and relevant laws, rules and regulations, as determined by the code official.

A-305.2.4 Existing Building Code. Specific requirements of the Existing Building Code include the items or data indicated in A-305.2.4.1 through A-305.2.4.4.

A-305.2.4.1 General. The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Existing Building Code and relevant laws, rules and regulations, as determined by the code official.

A-305.2.4.2 Work area. The work area, as defined in Chapter 2 of the Existing Building Code, shall be identified on the construction documents.

A-305.2.4.3 Means of egress. The construction documents for alterations Level 2, alterations Level 3, additions, and changes of occupancy shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of the Existing Building Code. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor and in all affected rooms and spaces.

A-305.2.4.4 Exterior wall envelope. Construction documents for all work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with the Existing Building Code. The construction documents shall provide the details of the exterior wall envelope as required, including windows, doors, flashing, 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.

A-305.2.5 Fire Code. The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Fire Code and relevant laws, rules and regulations, as determined by the code official.

A-305.2.5.1 LP-gas installations. Construction documents are required for LP-gas installations that are required to obtain a permit by Sections F-105.6 or F-105.7 of the Fire Code.

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A-305.2.6 Fuel Gas Code. The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Fuel Gas Code and relevant laws, rules and regulations, as determined by the code official.

A-305.2.6.1 General. Construction documents shall include, but not be limited to design criteria, exterior envelope component materials, U- factors of the envelope systems, U-factors of fenestration products, R-values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate compliance with the code.

A-305.2.6.2 Buildings more than two stories. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.]

A-305.2.[7]4 Mechanical [Code] and fuel gas permits. *Specific requirements for mechanical and fuel gas permits include the items or data set forth in A-305.2.4.1 through A-305.2.4.4. Other requirements for mechanical and fuel gas permit application construction documents are found in the appropriate sections of the technical codes.*

A-305.2.4.1 General. The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the mechanical *and fuel gas* codes and relevant laws, rules and regulations, as determined by the code official.

A-305.2.4.2 Energy conservation. *Supporting documentation shall be required to detail compliance with energy conservation requirements.*

A-305.2.4.3 Building permit. *Information on the associated building permit for the project, where applicable.*

A-305.2.4.4 Requisite approvals. *The following approvals of departments of the City of Philadelphia and/or the Commonwealth of Pennsylvania shall be required before a mechanical or fuel gas permit may be issued:*

1. *Philadelphia Streets Department. Philadelphia Streets Department approval is required for any encroachments, as per Title 11 of the Philadelphia Code.*
2. *Pennsylvania Department of Health. Pursuant to the UCC, Pennsylvania Department of Health approval is required for healthcare facilities.*

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3. *Philadelphia Historical Commission. Philadelphia Historical Commission approval is required for the placement of any equipment on the exterior of properties listed on the Philadelphia Register of Historic Places, in accordance with Title 14 of the Philadelphia Code.*

4. *Philadelphia Department of Public Health approval is required for parking garage ventilation systems.*

[A-305.2.7.1 Buildings more than two stories. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

A-305.2.8 Performance Code. The design professional shall prepare appropriate documentation for the project that clearly provides the design approach and rationale for design submittal, construction, and future use of the building, facility or process in accordance with the Performance Code. Construction documents shall contain the design approach, analysis, research, computation and criteria for acceptance that specify the applicable design guides, and authoritative documents utilized to demonstrate that design objectives are met.]

A-305.2.[9]5 Plumbing [Code] permits. *Specific requirements for plumbing permits include the items or data set forth in A-305.2.5.1 through A-305.2.5.5. Other requirements for plumbing permit application construction documents are found in the appropriate sections of the technical codes.*

A-305.2.[9]5.1 General. The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Plumbing Code and relevant laws, rules and regulations, as determined by the code official.

[A-305.2.9.1Buildings more than two stories. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.]

A-305.2.5.2 Backflow preventer assembly. *Confirmation that the water supply is to be protected by a backflow preventer as required and approved by the Philadelphia Water Department.*

A-305.2.5.3 Site plan. *In the case of multiple buildings or parcels, the site plan shall identify the water and sewer connections and pipe serving the structures within the site. The approved point of disposal for storm water management systems required by regulations of the Philadelphia Water Department shall be shown.*

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A-305.2.5.4 Building permit. *Information on the associated building permit for the project, where applicable.*

A-305.2.5.5 Requisite approvals. *The following approvals of departments of the City of Philadelphia and/or the Commonwealth of Pennsylvania shall be required before a fire suppression permit may be issued;*

1. *Philadelphia Water Department. The approval of the Philadelphia Water Department is required for water and sewer connections.*

2. *Pennsylvania Department of Health. Pursuant to the UCC, Pennsylvania Department of Health approval is required for healthcare facilities.*

3. *Philadelphia Department of Public Health approval is required for plumbing connected to an on-lot sewage disposal system or private well and for food service facilities.*

[A-305.2.10 Residential Code. The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Residential Code and relevant laws, rules and regulations, as determined by the code official.

A-305.2.10.1 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by the Residential Code, shall be available on the job site at the time of inspection.

A-305.2.10.2 Areas prone to flooding. For buildings and structures in flood hazard areas as established by Table R-R301.2(1) of the Residential Code, construction documents shall include:

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; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.]

A-305.2.6 Fire suppression permits. *Specific requirements for building permits for fire suppression systems include the items or data set forth in A-305.2.6.1 through A-305.2.6.6. Other requirements for fire suppression permit application construction documents are found in the appropriate sections of the technical codes and related standards.*

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A-305.2.6.1 General. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Building Code, related NFPA standards and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.6.2 Hydraulic calculations. *Submittal of hydraulic calculations as detailed by the appropriate NFPA standard to provide verifiable analysis of the water delivery and supply as it relates to the proposed fire suppression system.*

A-305.2.6.3 Backflow preventer assembly. *Confirmation that the water supply is to be protected by a backflow preventer as required and approved by the Philadelphia Water Department.*

A-305.2.6.4 Site plan. *In the case of multiple spaces, buildings or parcels, a site plan shall be submitted identifying the water connections and supply pipe to the uses and structures within the site.*

A-305.2.6.5 Building permit. *Information on the associated building permit for the project, where applicable.*

A-305.2.6.6 Requisite approvals. *The following approvals of departments of the City of Philadelphia and/or the Commonwealth of Pennsylvania shall be required before a fire suppression permit may be issued;*

1. *Philadelphia Water Department. The approval of the Philadelphia Water Department is required for water connections.*

2. *Pennsylvania Department of Health. Pursuant to the UCC, Pennsylvania Department of Health approval is required for healthcare facilities.*

3. *Philadelphia Historical Commission. Philadelphia Historical Commission approval is required for all work performed on properties listed on the Philadelphia Register of Historic Places, in accordance with Title 14 of the Philadelphia Code.*

4. *Philadelphia Fire Department. Philadelphia Fire Department approval is required for hydrants as per Subcode F of Title 4 of the Philadelphia Code.*

A-305.3 Maintenance of construction documents. *The prime contractor and/or owner must keep the approved set of construction documents on-site at all times and make the documents accessible for inspection upon demand of the code official. Failure to keep or make construction documents available on-site shall result in the issuance of a stop work order until the documents are produced and the Department determines that work can proceed safely.*

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SECTION A-306 COMMERCIAL CONSTRUCTION RECORDS

A-306.1 Record retention. [T]*Pursuant to the UCC*, the Department 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 *related to construction activities regulated* under the Building Construction and Occupancy Code. The Department shall retain these records as long as the related [building,] structure [or equipment] remains in existence.

CHAPTER 4 INSPECTIONS

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SECTION A-402 PERMIT INSPECTIONS

* * *

A-402.4 Special inspections: The owner shall provide for special inspections in accordance with the Building Code, *departmental procedures and Section 9-1306*.

A-402.5 Final inspection: Upon completion of the work authorized by the permit and before issuance of the certificate of occupancy or final approval, a final inspection shall be made. All violations of the permit and approved construction documents shall be noted and the holder of the permit shall be notified of the violations. A re-inspection shall be conducted to confirm compliance with all such violations prior to issuance of the certificate of occupancy or final approval. The final inspection shall be performed by persons who are certified in accordance with the regulations of the Commonwealth of Pennsylvania in the categories appropriate for the scope of work to be inspected. *Where the permit holder does not provide for a final inspection, the permit shall become invalid and appropriate code violations shall be issued.*

A-402.6 Approved inspection agencies: The Department is authorized to accept reports of approved inspection agencies provided such agencies satisfy the Department's requirements, *including those established in Chapter 9-1300 of the Philadelphia Code*, as to qualifications and reliability.

A-402.7 Plant inspection: Where required by the provisions of the technical codes or regulations, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with applicable provisions of the technical codes *and Department procedures by a Special Inspector or Special Inspection Agency registered pursuant to Section 9-1306 of the Philadelphia Code.*

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A-402.8 Inspection requests: It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder *and contractor* to provide access to and means for inspection of such work for any inspections that are required by this code or the technical codes.

A-402.8.1 Notice of start: *The code official or inspection agency having jurisdiction shall be contacted by the permit holder or his designee at least 24-hours prior to the start of work under a permit. The code official or the inspector having jurisdiction may perform an initial inspection of the site to ensure all site safety protections are in place.*

A-402.9 Approval required: Work shall not be done *nor concealed* beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

A-402.10 Required inspections. Required inspections shall include the following items as they relate to the technical codes. The Department is authorized to conduct additional inspections as determined by conditions and the scope of work *authorized by the permit*. *The permit holder and contractor shall be responsible for the scheduling of such inspections. The contractor shall be responsible for ensuring that the required inspections are approved before proceeding.*

A-402.10.1 Building [Code] permits. *Building permit inspections include the inspections of construction site and building location, footings and foundations, wood and steel framing and connections, masonry construction, precast and cast-in-place concrete, exterior weather boarding, fire-stopping and draft-stopping, building components related to life safety and fire protection systems and building components related to size, installation and workmanship. Specific [B]building [Code] permit inspections include the items included in A-402.10.1.1 through A-402.10.1.[9]10 as applicable to the scope of work authorized by the permit.*

A-402.10.1.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. *Required waterproofing or dampproofing shall be installed prior to backfilling.*

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A-402.10.1.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification *or dry floodproofing certification* required [in Section B-1612.5 of] *by the Building or Residential Code* shall be submitted to the [building] *code official*.

A-402.10.1.4 Frame inspection. Framing *and masonry construction* inspections shall be made after the roof deck or sheathing, all *interior and exterior* framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts [are]*have been* approved.

A-402.10.1.5 [Lath or gypsum]Wall board inspection. [Lath and gypsum]Wall board inspections shall be made after [lathing and gypsum board]wall covering, interior and exterior, is in place, but before any [plastering]*finish material* is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

A-402.10.1.6 Fire-resistant and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, *smoke barriers and smoke partitions* shall not be concealed from view until inspected and approved.

A-402.10.1.7 Energy efficiency inspections. Inspections shall be made to determine compliance with [Chapter 13 of] the [Building] *Energy Conservation Code* and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water heating equipment efficiency.

A-402.10.1.8 Accessibility inspections. *Inspections shall be made of building sites and all interior building components to verify compliance with required accessibility standards.*

A-402.10.1.[8]9 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department.

A-402.10.1.[9]10 Special Inspections. For special inspections, see [Section B-1704] *Chapter 17* of the Building Code.

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A-402.10.2 [Existing Building Code. The required inspections for compliance with the Existing Building Code are those listed in Sections A-402.10.1.1 through A-402.10.1.9 as applicable to the scope of work.] **Plumbing permits.** *The code official shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder, designated agent or Registered Master Plumber of any violations that must be corrected.*

1. *Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.*

2. *Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes.*

3. *Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.*

A-402.10.3 Fuel Gas [Code]and mechanical permits. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections as applicable to the scope of work, and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. [The holder of the permit shall be responsible for the scheduling of such inspections.]

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping is installed and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

Exception: *Ground-source heat pump loop systems tested in accordance with Section 1210.10 of the Mechanical Code shall be permitted to be backfilled prior to inspection.*

2. Rough-in inspection shall be made, after the roof, framing, fireblocking and bracing are in place, *of all piping and ducting before fixtures or appliances are set or installed*, and all components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

3. Final inspection shall be made upon completion of the installation.

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The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

A-402.10.4 [Mechanical Code] Electrical permits. The inspections required for [Mechanical Code compliance are the same as those listed for the Fuel Gas Code in Section A-402.10.3 as applicable to the scope of work.

Exception: Ground-source heat pump loop systems tested in accordance with Section M-1208.1.1 of the Mechanical Code shall be permitted to be backfilled prior to inspection.] *electrical permits shall include the following inspections as applicable to the scope of work, and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The licensed electrical contractor shall be responsible for the scheduling of such inspections.*

1. *A rough-in inspection is required before any wiring is concealed*

by insulation, wall covering, ceiling covering, trench backfill, etc. If conditions require partial coverage of the permitted electrical work, permission shall be requested of and received from the department or electrical inspector having jurisdiction prior to coverage or concealment.

2. *A final inspection is required when all equipment and appliances are installed, grounded, and energized, including low voltage and data wiring systems.*

A-402.10.5 Residential [Code]permits. For onsite construction, from time to time the code official, upon notification from the permit holder or the permit holder's agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or the permit holder's agent wherein the same fails to comply with the code. Specific required inspections include those in Sections A-402.10.5.1 through A-402.10.5.5.1 as applicable to the scope of work.

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A-402.10.5.2 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Ground-source heat pump loop systems tested in accordance with Section [R-]M2105.[1]28 of the Residential Code shall be permitted to be backfilled prior to inspection.

A-402.10.5.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R-R301.2(1) of the Residential Code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the code official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in [Section R-R323 of] the Residential Code.

* * *

A-402.10.6 Demolition permits. Specific demolition *permit* inspections are included in Sections A-402.10.6.1 through A-402.10.6.5, as applicable to the scope of work.

A-402.10.6.1 Initial Site Safety inspection. The contractor shall schedule an initial inspection with the Department a minimum of 48 hours prior to the start of work. During the initial on-site inspection, the contractor shall be present and conduct a review of the site safety demolition plan with the code official prior to the start of any demolition activity. The contractor shall provide the code official with proof of all utility disconnections. Pedestrian protection required by the Building Code must be in place before the start of work. If adequate pedestrian protection is not in place and any work has commenced, the Department shall issue a Stop Work order which will remain in effect until the necessary pedestrian protections are put in place, inspected and approved by a code official.

A-402.10.6.2 [Floor]Demolition progression inspection. An inspection is required to ensure that the contractor is maintaining all safety measures detailed in the site safety demolition plan and using the means and methods detailed in the plan in a safe and workmanlike manner. A review of the submitted schedule shall be performed on-site by the code official. An inspection shall be required for each floor of the building being demolished. When necessary, an additional inspection may be required to ensure proper drainage of the cellar cavity has been achieved by breaking up the cellar floor.

A-402.10.6.3 [Close-in]Adjacent wall inspection. An inspection is required to ensure that any adjacent foundation walls have been properly treated prior to backfilling of any areas below the finished grade. Additionally, the code official shall

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confirm that the contractor has completed the closing of all openings in any exposed party walls prior to finished treatment.

A-402.10.6.4 Pre-final inspection. The pre-final inspection is required to ensure that all improper fill has been removed from the site prior to the backfilling of the cellar cavity *and that clean fill is provided.*

* * *

A-402.10.7 Fire Suppression permits. *The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections as applicable to the scope of work, and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected.*

1. *Underground inspection shall be made after trenches or ditches are excavated and bedded, piping is installed and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.*

2. *Rough-in inspection shall be made of all components prior to the installation of wall or ceiling membranes.*

3. *Final inspection shall be made upon completion of the installation. The licensed fire suppression company shall provide documentation of final testing and approval of the systems in compliance with the technical codes and referenced standards.*

A-402.11 Other inspections. *In addition to the required inspections specified in A-402.10, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code, the technical codes and provisions of other codes enforced by the Department.*

* * *

CHAPTER 5 VIOLATIONS

* * *

SECTION A-502 NOTICES AND ORDERS

A-502.1 Notice of violation: Whenever the code official observes an apparent or actual violation of a provision of this code or the technical codes or of a permit, certificate or

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construction document issued thereunder, the code official shall prepare a written notice of violation describing the condition of violation and specifying time limitations not to exceed [30]35 days for the required correction, discontinuance of illegal action or condition, repairs, improvements or abatement of violation. Where the code official determines that a condition exists which creates a hazard to life or property requiring immediate action, an immediate oral order to repair or otherwise immediately remove the hazard shall have the full effect of the required subsequent written notice of violation.

* * *

SECTION A-503 PROSECUTION

A-503.1 Failure to correct: After the expiration of the time for compliance as stated on the notice of violation, a reinspection *or reinvestigation* shall be made by the code official to determine compliance. If the violation has not been corrected and no appeal is pending, the code official shall institute the appropriate legal proceedings to apply penalties as provided for in this code or for the purpose of ordering the responsible person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, construction, conversion, installation, maintenance, repair or alteration of the structure in violation;
3. To require the removal of work in violation; or
4. To prevent the use or occupancy of the premises or structure that is not in compliance with the provisions of this code or the technical codes.

* * *

A-503.2.1 [Lack of heat: The department is authorized to purchase and supply fuel on an emergency basis to tenants in dwellings between the months of October and May where the following conditions exist:

1. The owner or operator is required to supply heat under the provisions of the Property Maintenance Code;
2. The heat in the dwelling does not conform to the minimum requirements of the Property Maintenance Code;

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3. The owner or operator of the dwelling knows or has reason to know that the heat in the dwelling does not conform to the minimum requirements of the Property Maintenance Code; and

4. The absence of heat creates extreme discomfort, hardship and an imminent peril to health to the tenants which will continue unless fuel is supplied.

If the department purchases fuel on an emergency basis for dwellings, the Law Department is authorized to take appropriate action, in law or equity, to collect the sums expended by the department from the owners or operators. This procedure shall be in addition to any fine, penalty, costs, or other remedy which may be invoked against any owner or operator who violates the minimum heat requirements of the Property Maintenance Code.

A-503.2.2] Vacant lots: Where a vacant lot is enclosed by fencing and secured by a lock that prevents the code official from entering upon the lot for the purpose of correcting a violation, the code official may gain access to the lot by all legal means, including obtaining an administrative warrant.

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SECTION A-505 CEASE OPERATIONS ORDER

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A-505.4 Posting: The Cease Operations Order shall be posted at every entrance to the premises in conspicuous places clearly visible to the public. The Cease Operations Order shall remain posted on the premises until removal by, *or with the approval of*, the code official upon compliance with its terms.

* * *

SECTION A-506 CODE VIOLATION NOTICES (CVN)

A-506.1 General. The code official is authorized to issue *code violation* notices [of violation] for any violation of any provision of this code or the technical codes, pursuant to the procedures set forth in Section 1-112 of The Philadelphia Code.

A-506.2 Remittance amount. The amount required to be remitted in response to a *code violation* notice [of violation] is the amount indicated in Section 1-112 of The Philadelphia Code unless otherwise specified.

Exceptions: The amount required to be remitted shall be as follows for violation of the following provisions:

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1. Section F-1008.[1.8]2
(door operations). . . .One hundred dollars (\$100.00)
2. Section F-[1027]1009
(egress *maintenance*). . . .One hundred dollars (\$100.00)
3. Section F-401.3
(notice of fire or fire alarm). . . .Three hundred dollars (\$300.00)
4. Section F-1004.[3]1
(*exceeding the* lawful occupancy [signs]). . . .One hundred dollars
(\$100.00) [per missing sign]
5. Section 9-[3902(6)(c)]3901(3)
(notification of license changes). . . .Seventy-five dollars (\$75.00)
6. Section 9-[3902(6)(e)]3907
(managing agents and property managers). . . .One hundred fifty dollars
(\$150.00)
7. Section PM-902
(Foreclosed Vacant Residential Properties). . . .Three hundred dollars
(\$300.00)
8. Section A-504.7
(Prohibited conduct during a Stop Work Order). . . .Five hundred dollars
(\$500.00)
9. Section A-402.10.6
(Failure to provide for required demolition inspections). . . .Five hundred
dollars (\$500.00)
10. Section PM-904
(Chronic Non-Compliant Owner). . . .One hundred fifty dollars (\$150.00)

A-506.3 Licensed Contractors. *The Department is authorized to deny the issuance of permits to any contractor licensed pursuant to the Philadelphia Code or licensed or registered by the Commonwealth of Pennsylvania who has been issued more than three (3) code violation notices and has either failed to remit the required amount of the code violation notice, or failed to appeal the issuance of the code violation notice. Such limitation shall remain in place until the contractor has remitted the required amounts or presented confirmation of an appeal.*

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CHAPTER 6 PENALTIES

SECTION A-601 FINES

A-601.1 Basic Fines: Any person who [shall] violates any provision of this code or the technical codes or regulations adopted thereunder; or who [shall] fails to comply with any order issued pursuant to any Section thereof[,]; or who [shall] erects, constructs, installs, removes, alters or repairs a structure, [mechanical] equipment or system in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code or the technical codes, shall be subject to a fine of [not less than \$150.00 and not more than] \$300.00 for each offense.

A-601.2 Fines for Class II offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class II offense and be subject to the *maximum* fine[s] set forth in subsection 1-109(2) of The Philadelphia Code:

* * *

A-601.3 Fines for Class III offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class III offense and shall be subject to the *maximum* fine[s] set forth in subsection 1-109(3) of The Philadelphia Code:

* * *

16. PM-[304.15]315 (Periodic Inspection of Exterior Walls and Appurtenances of Buildings).

* * *

A-601.5 Accrual of fines: *Each day that a violation continues after the time for correcting the violation as stated in the initial notice of violation has passed, and where no timely appeal has been filed pursuant to A-801 or A-803, shall be deemed a separate offense for purposes of determining the accrual of fines.*

A-601.6 Imposition and accrual of fines: *If no timely appeal is filed from the issuance of a violation notice issued under this Section, the applicable fines set forth for such violation in this Section shall be deemed imposed for purposes of A-202.7 and A-503.1; all fines so imposed shall continue to accrue for each separate offense of each violation.*

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CHAPTER 7 CERTIFICATES AND APPROVALS

SECTION A-701 CERTIFICATE OF OCCUPANCY

A-701.1 General: A certificate of occupancy, indicating compliance with permits and construction documents, shall be obtained prior to occupancy of a building *or portion thereof* in the following cases:

1. Erection of a new building,
2. Erection of an addition to a building,
3. Change from one Occupancy [Group]*Classification* to another[.],
4. *Relocation of a building,*
5. *Interior alteration of an existing building or space,*
6. *A change of occupancy as defined in A-106.1.*

Exceptions: A certificate of occupancy [for change in non-residential Occupancy Group] shall not be required under the following conditions:

1. [The gross building floor area does not exceed 2,000 square feet (186 m²) per floor; and] *The work is limited to additions or alterations to existing one- or two-family occupancies.*
2. [The part of the building changed requires no substantial increase in live loads; and] *The work is limited to minor alterations of any existing occupancy that do not impact the egress or fire protection of the building or space.*
3. [The part of the building changed requires no increase in occupancy load, or the occupant load for the new use does not exceed 100 persons.]*Where a Family Child Day Care facility is operated in a one- or two-family dwelling, provided it is licensed pursuant to the Fire Code.*

A-701.2 Review and approval: In each case where a Certificate of Occupancy is required by Section A-701.1, construction documents shall be submitted as prescribed in Section A-301.6 for review by the department for conformance to the Building Code in effect at the time of application. Upon approval, the code official shall prepare the certificate in accordance with this Section and procedures of the department. A maximum of one building as defined by the Building Code shall be included on any one certificate.

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A-701.2.1 Approval prior to occupancy. *Newly constructed buildings, altered areas of existing buildings and relocated buildings shall not be used or occupied, and a change of occupancy of a building or portion thereof shall not be made, until the code official has issued a certificate of occupancy.*

A-701.2.2 Certificates of Occupancy for uncertified buildings. *Pursuant to the UCC, the Department shall issue a Certificate of Occupancy to an existing building that was not previously issued a Certificate of Occupancy if the building meets the requirements of the Existing Building Code. The code official may deny the issuance of a Certificate of Occupancy if the official deems that a building is unsafe because of inadequate means of egress, inadequate lighting and ventilation, fire hazards or other dangers to human life or to public welfare.*

A-701.3 Issuance: *Upon successful completion of the final inspection in accordance with Section A-402.5 and within five business days thereafter, the certificate of occupancy shall be issued by the code official. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the technical codes or other provisions of The Philadelphia Code. The certificate shall be available for inspection by the code official at any reasonable time.*

* * *

A-701.3.2 Conditions related to prerequisite approvals. *Where the issuance of the building permit includes a prerequisite approval as listed in Section A-305.2.1.6, and such approval was granted with conditions, the Department is authorized to withhold the issuance of the Certificate of Occupancy until such conditions of approval have been satisfied. The department issuing the conditional approval must notify the Department and the permit holder prior to the final inspection of the permit where conditions of approval have not been satisfied.*

A-701.3.3 Flood protection confirmation. *Prior to the issuance of a Certificate of Occupancy, the permit holder shall submit a Flood Elevation Certificate (or Floodproofing Certificate if a non-residential structure) as published by FEMA. The Certificate shall be completed by a registered design professional.*

A-701.4 Contents of certificate: *The certificate of occupancy shall include a statement that the described portion of the structure has been inspected for compliance with the applicable code requirements for the occupancy and division of occupancy and the use for which the proposed occupancy is classified and shall specify the following:*

1. The address of the building [and census tract].
2. The location within the building if for part of a building.

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3. The edition of the code under which the permit was issued.
4. The [use(s) and] Occupancy *Classification* Group(s) in accordance with the Building Code.
5. The type of construction as defined by the Building Code.
6. If and where an automatic sprinkler system is provided and whether it is required.
7. [If a standpipe system is provided and whether it is required.
- 8.] Any variances or special conditions.
- [9]8. The [application,] permit [and plan] number[s].
- [10]9. The date of the final inspection.
- [11]10. The name and address of the [owner] *permit holder*.
- [12]11. The printed name [and signature] of the *building* code official.

A-701.5 Partial or temporary occupancy: Upon request of the applicant, a temporary or partial certificate of occupancy [shall] *may* be issued to occupy the premises or a portion of the premises before completion of the entire work or operation covered by the permit provided that such portion or portions will be occupied safely prior to full completion of the structure or installation of equipment and systems without endangering life or public welfare. Such issuance shall be in accordance with departmental procedures and the code official shall notify the applicant of any limitations or restrictions imposed by the partial or temporary occupancy.

A-701.6 Posting: Either the original or a true copy of the Certificate of Occupancy shall be posted in each building, available to inspection.

Exceptions:

1. [B] *Residential buildings and buildings* of Group R-3 occupancy;
2. Buildings of Group R-2 occupancy which have no management office on premises.

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SECTION A-702 CERTIFICATE OF APPROVAL

A-702.1 General: A certificate of approval shall be issued by the code official upon completion of the final inspection in accordance with Section A-402.5 for permits issued pursuant to the Philadelphia Building, Construction and Occupancy Code for which a certificate of occupancy is not issued.

[**Exception:** Fast-form building permits.]

A-702.2 Contents of certificate: The certificate of approval shall specify the following:

1. The address of the building [and the census tract].
2. The location within the building if for part of a building.
3. [The edition of the code under which the permit was issued.
4. The occupancy(ies) of the space covered by the permit.
- 5.] The [application,] permit [and plan] number[s].

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CHAPTER 8 APPEALS AND VARIANCES

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SECTION A-802 TECHNICAL BOARDS

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A-802.2 Variances: Variances from the technical codes shall be granted subject to the provisions of Sections A-802.2.2.1 through A-802.2.2.4, shall be in writing and shall be available for public inspection in the department.

A-802.2.1 Board of Building Standards: The commissioner of the Department is authorized to grant an extension of time or a variance from the requirements of the Building, Electrical, Energy Conservation, Existing Building, Fuel Gas, Mechanical, Performance, Plumbing, Property Maintenance and Residential Codes upon the written recommendation of a majority of the Board of Building Standards, as established by provisions of the Philadelphia Home Rule Charter.

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A-802.2.1.1 Board recommendation: Recommendation for an extension of time or a variance from a technical code by the Board of Building Standards shall be made upon written petition by, or on behalf of, the owner where there is a finding that:

* * *

7. *A reasonable accommodation is requested under the Fair Housing Act for provisions related to the technical codes.*

* * *

A-802.2.1.3 Determination of substantial improvement in areas prone to flooding: When the code official provides a finding of *substantial improvement* to [the Board of Building Standards] *a permit applicant* regarding a [residential] building or structure regulated by the [Philadelphia Residential Code] *technical codes* as required in Section A-302.1.2, *and the applicant disagrees with such finding, the applicant may file an appeal with the Board of Building Standards. The Board* shall determine whether the value of the proposed work constitutes a substantial improvement. [A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:

1. Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the code official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:

2.1 Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

2.2 Determined by the Secretary of the U. S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

2.3 Designated as historic under Chapter 14-1000 of The Philadelphia Code.]

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A-802.2.1.4 Advisory input: The Board of Building Standards shall consider advice from the Electrical Advisory Board and Plumbing Advisory Board when hearing appeals from the Electrical Code and Plumbing Code respectively where such advice is submitted.

A-802.2.1.4.1 Delegation. *The Board of Building Standards may delegate its authority to the Plumbing Advisory Board to hear appeals from requirements of the Plumbing Code, and provide recommendations as authorized by Section A-203.3 on alternative material, design or method of construction related to plumbing. Decisions of the Plumbing Advisory Board recommending granting of such appeals, shall be submitted directly to the Commissioner for further consideration. Decisions of the Board recommending denial of such appeals shall be reviewed by the Board of Building Standards in accordance with A-802.2.1.*

A-802.2.2 Accessibility Advisory Board: Pursuant to the [Act (35 P.S. § 7210.301(a)(3))] UCC, the Secretary of the Pennsylvania Department of Labor and Industry (Secretary) has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Philadelphia Building Code and other accessibility requirements contained in or referenced by the [Philadelphia Building Construction and Occupancy Code] *technical codes* for individual projects.

A-802.2.2.1 Variance requests. Pursuant to the [Act] UCC, the Secretary will review all applications for modifications or variances of Chapter 11 (Accessibility) of the Philadelphia Building Code and any other accessibility requirements contained in or referenced by the Philadelphia Building Construction and Occupancy Code. The Pennsylvania Accessibility Advisory Board will advise the Secretary whether modification or variance should be granted or whether compliance is technically infeasible.

A-802.2.2.2 Code official's decisions. Pursuant to the [Act] UCC, the Secretary will hear appeals from decisions of code officials; recommend modifications or variances, or extensions of time. An appeal of a decision of a code official [will] *may* be based *only* on a claim that the true intent of the [Act] UCC or the Building Construction and Occupancy Code was incorrectly interpreted, the [Act] UCC does not apply, or an equivalent form of construction is to be used.

* * *

A-802.2.4 Zoning Board of Adjustment: The Zoning Board of Adjustment is authorized to hear and decide appeals in zoning matters in accordance with provisions of Section [5-1006] 4-607 of the Philadelphia Home Rule Charter, the Zoning Code and regulations pursuant thereto.

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CHAPTER 9 FEES

SECTION A-901 GENERAL

* * *

A-901.2 Pre-requisite: An application shall not be accepted, a permit, license or certificate shall not be issued, nor a listed service performed until the designated fees have been paid. *Where it is found that final payment of such fees has not been made, the permit, license or certificate may be revoked.*

* * *

A-901.5 Refund of permit fees: Where the work authorized by a permit is not commenced, a request for refund of the permit fee shall be accepted on forms provided by the department within one year from the date of permit issuance. An approved refund shall not exceed 50 percent of the permit fee minus [any non-refundable filing fee prescribed by this Chapter] *a \$200 processing fee.*

* * *

A-901.15 License and permit fee revisions: The Department, by regulations effective on or after July 1, 2018, is authorized to revise the fees established in Sections A-[901]902 through A-907 of this Chapter, or adopt fees not otherwise provided for in such sections, based upon the costs to administer and enforce the applicable programs and services, provided that no fee shall be increased to an amount higher than the fee as it existed on July 1, 2017, multiplied by the CPI Multiplier, as defined in Section 9-102 of the Code[, and further provided that regulations adopted pursuant to the authority to establish and revise fees as set forth in Subsection A-901.11 may be effective on or after March 1, 2017].

* * *

SECTION A-902 BUILDING, FUEL GAS AND MECHANICAL CODE FEES

* * *

A-902.2.5 Miscellaneous items: Fees for miscellaneous items shall be as listed below:

Exception: The fee for each of the following for one- or two-family dwellings shall be \$55.

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Antennas – Roof- or ground-mounted (each) \$110

[Canopies (each) \$125]

* * *

CHAPTER 10 WORK SITE PUBLIC SAFETY, WORKER TRAINING IDENTIFICATION, AND SIGNAGE

SECTION A-1001 GENERAL

A-1001.1 Definitions: [Unless otherwise provided in the Code, t]The following definitions apply to this Chapter:

["OSHA 10." The 10-hour program designed and approved by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction intended to train workers on the recognition, avoidance, abatement, and prevention of safety and health hazards in workplaces in construction.

"OSHA 30." The 30-hour program designed and approved by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction for additional training of supervisors and workers with some safety responsibilities.]

"Major Building." A building that is either:

1. More than 3 stories in height; or
2. More than 40 feet (12,192 mm) in height; or
3. Covers 10,000 square feet (929 square meters) or more of lot space, regardless of height.

* * *

A-1001.3 Department duties:

1. The Department shall [develop forms, cards and a tracking system to] ensure that all construction and demolition workers have completed the training required under this Chapter.

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2. The Department shall [issue] *accept* a wallet sized *identification* card or *other written proof issued by the training provider, as confirmation of completion of an approved training course and as proof that* [to each] *a construction or demolition worker* [that] has successfully completed the training required under this Chapter[, upon proper application and review by the Department]. At a minimum the card shall include[:] the name of the applicant[, a recent photograph of the applicant, the name of the Department,] an issue date[, an expiration date,] and the level of training completed.

[3. The Department may accept another form of identification that evidences the same information as the departmentally issued identification card and conforms to the same specifications.]

A-1001.4 Worker training requirements:

1. In order to protect public safety, all workers performing duties at a construction or demolition site, regardless of their position, shall have completed a course of [training certified by the Department to provide significant public safety benefit, which course may include] OSHA 10 training, and carry the [Department's] card [or the alternative expressed in A-1001.3(3)] at all times.

2. All independent contractors working at a demolition site shall [have completed a course of training certified by the Department to provide significant public safety benefit, which course may include OSHA 30 training, within the past 5 years of the date of application for a contractor's license or renewal of the contractor's license and shall carry the Department's card or the alternative expressed in A-1001.3(3) at all times] *be licensed in accordance with Chapter 9-1000 of the Philadelphia Code.*

3. *The worker training requirements of this Section shall apply only to persons performing construction or demolition activities for which a permit must be obtained, and do not apply to delivery persons, design professionals and their staff, special inspectors and similar persons performing duties at a construction or demolition site whose work is not considered construction or demolition work regulated by a permit.*

4. *A licensed contractor who employs any such worker shall maintain a copy of such written proof for each worker under his/her employ on file and make it available to the Department upon request.*

A-1001.5 Site Safety Manager: A Site Safety Manager with OSHA 30 training must be designated by the general contractor and present [on] *during* the construction or demolition of a Major Building.

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A-1001.7 Preconstruction meetings. *Before construction or demolition of a building begins, the Department may require that the responsible contractors attend a meeting with representatives of city departments to review the schedule of operations and safety protections for the project.*

A-1001.7 Work site signage:

A-1001.7.1 Sign requirements: Signs shall be posted at all construction or demolition sites in accordance with this Section.

A-1001.7.2 Project information panel sign for major buildings: The signs required in this Section shall be constructed of 3/4 inch plywood or sheet metal. The letters on the required signs shall be black on white background, with lettering of at least 1.5 inches in height. The sign shall be prominently posted onsite in an area reasonably likely to draw the attention of persons passing by. A Project Information Panel sign shall be posted at all sites of new construction, structural alteration or demolition of Major Buildings containing the following information:

* * *

(h) A copy of the primary project permit *or notice of permit issued by the Department*, with the accompanying text "To see other permits issued on this property, call 311 or visit www.phila.gov/li." The permit *or notice of permit issued by the Department* shall be laminated or encased in a plastic covering to protect it from the elements or shall be printed directly onto the project information panel.

* * *

SECTION 2. This Ordinance shall become effective immediately.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 24, 2018. The Bill was Signed by the Mayor on June 6, 2018.

A handwritten signature in cursive script, reading "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council