



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 150538

Introduced June 4, 2015

Councilmember Jones

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction And Occupancy Code," by amending Subcode "PM" (The Philadelphia Property Maintenance Code), by providing further requirements relating to the maintenance of exterior stairs and fire escapes, including but not limited to requiring professional safety inspections and reports and requiring signs, regarding the proper use of exterior fire escapes, providing penalties for violations, and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

**TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION
AND OCCUPANCY CODE**

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SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

* * *

**CHAPTER 6
FIRE AND LIFE SAFETY REQUIREMENTS**

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SECTION PM-602.0 MEANS OF EGRESS

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PM-602.5 Maintenance of exterior stairs and fire escapes: All exterior stairways and fire escapes shall be kept free of snow and ice. Exterior stairways and fire escapes constructed of materials requiring the application of weather protecting products, shall have these products applied in an approved manner and shall be applied as often as necessary to maintain the stairways and fire escapes in safe condition.

For every exit to an exterior fire escape, a sign, warning that the fire escape is to be used only in the case of an emergency, shall be posted in a prominent location inside the building near the fire escape exit, with an arrow pointing in the direction of the fire escape. The Department, in consultation with the Fire Department, shall determine further requirements regarding the sign, including but not limited to the following: the size of the sign; the size of the letters and characters; the exact wording of the sign; and the location of the sign.

PM-602.5.1 Periodic Inspection of Exterior Fire Escape Stairs and Fire Escape Balconies.

PM-602.5.1.1 Definitions. The following definitions shall apply to this subsection PM-602.5.1:

Fire Escape Inspection Business. Any business entity that performs an inspection of fire escape stairs and fire escape balconies that are conducted by a professional.

Professional. A professional engineer, licensed in the Commonwealth of Pennsylvania and experienced in the practice of structural engineering.

Safe. A condition of fire escape stairs and fire escape balconies that are neither in unsafe condition nor in need of repair and maintenance.

Safe with a Repair and Maintenance Program. A condition of fire escape stairs and fire escape balconies that are not determined to be unsafe, at the time of inspection, but that require maintenance or repair within a time period (designated by the professional) in order to prevent further deterioration into an unsafe condition.

Unsafe. A condition of any part of fire escape stairs or fire escape balconies that are dangerous to persons or property and require prompt remedial action.

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PM-602.5.1.2 The owner of any building with exterior fire escape stairs, fire escape balconies, or both, shall retain a professional to inspect the fire escape stairs and fire escape balconies for structural integrity and safety every five (5) years and file a report with the Department with respect to such inspection.

PM-602.5.1.3 The initial inspection shall be conducted by January 1, 2015. Following the initial inspection, fire escape stairs and fire escape balconies shall be re-inspected and the required report filed on a five (5) year cycle, based on the date of the initial inspection. Where the fire escape stairs and fire escape balconies have been substantially repaired within one year of January 1, 2015, the owner may apply to the Department for a waiver of the required initial inspection. With the application for waiver, the owner shall submit such other information determined by the Department to be necessary to evaluate the waiver application. The Department shall grant the waiver if it determines that the repairs obviate the need for an inspection until the commencement of the next five (5) year cycle.

PM-602.5.1.4 Inspection Procedures.

1. Before conducting an inspection, the professional shall review previous reports, inspections, and evidence of repairs made in the past five (5) year period, including confirmation that all areas previously determined to require repair (as noted in any previous report) have been made.

2. The inspection shall be conducted by or under the supervision of the professional and performed to the best of his or her knowledge, information and belief.

3. The professional shall employ the appropriate professional standard of care in order to detect structural defects, rust, corrosion or any other condition affecting the structural integrity of the fire escape stairs and fire escape balconies. If a distressed condition is identified, the professional shall order any other inspections or tests that may be required to determine the significance and cause of the distress as well as appropriate remediation of the distress.

4. During the course of the inspection, photographs shall be taken or sketches made of the fire escape, including documentation of the location of all conditions that are unsafe or safe with a repair and maintenance program.

5. Upon discovery of any unsafe condition, the professional shall immediately notify the owner of the building by electronic mail or fax and shall within

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twelve (12) hours of such discovery, notify the Department, in writing, and in an electronic format determined by the Department.

6. Once the professional has determined that the condition is safe, the professional shall post, upon the fire escape, a tag or placard (made of reflective material) that clearly and legibly states the date of the inspection and the date of expiration (5 years after the date of inspection), and the name, address and telephone number of the professional or fire escape inspection business on the tag or placard.

PM-602.5.1.5 Report Requirement.

1. The professional, who performs the inspection, shall submit a written report to the owner of the building, certifying that the inspection was performed in accordance with this Code and detailing all conditions not classified as safe. The professional shall also submit a summary of the written report to the Department in a form approved by the Department. The Department may impose a fee to cover the reasonable costs of processing that must be paid upon the submission of the summary of the written report. If the report identifies an unsafe condition, then within twenty-four (24) hours of the completion of the report, the professional shall file the full report with the Department, in writing and in an electronic format to be determined by the Department. The owner or his agent shall retain all written reports submitted pursuant to this subsection and keep them readily available for inspection by the Department.

2. The Report shall include the following:

- (a) The name and license number of the professional;
- (b) The name, mailing address and telephone number of the owner of the building, or where applicable, the owner's agent or person in charge, possession or control of the building;
- (c) A description of the building, including the number of stories and height;
- (d) The date of the start and completion of the inspection and a detailed description of the procedures used in making the inspection;
- (e) The condition of the fire escape and any fire escape balconies. The report shall classify each condition as safe, unsafe or safe with a repair and maintenance program;
- (f) The probable cause of the reported conditions;

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(g) Any conditions identified in the previously filed report (if any), and whether such conditions have been repaired or maintained as recommended in that report;

(h) Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for such repairs or maintenance;

(i) Photographs or sketches documenting the locations of any conditions that are either unsafe or safe with a repair and maintenance program;

(j) A statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging all required repairs or maintenance (if any) and the recommended time for their completion;

(k) A certification by the professional that the inspection was performed in accordance with all applicable rules and regulations and appropriate standards of care;

(l) The signature and seal of the professional; and

(m) Such other requirements deemed appropriate by the Department.

3. The professional may submit an amended report within thirty (30) days of the initial submission. The amended report shall clearly indicate any change from the initial report and all reasons for such changes.

PM-602.5.1.6 Unsafe Conditions.

1. Within twenty-four (24) hours of being notified of an unsafe condition by a professional, the owner of the building shall take any and all actions necessary to protect public safety. Such actions shall be considered an effort to remedy an emergency situation, and appropriate permit applications (when required) shall be submitted within the next three (3) days to the Department.

2. Within ten (10) days of the receipt or filing of a report identifying an unsafe condition, the owner of a building shall commence work to correct the condition, and work shall continue without interruption until the unsafe condition has been corrected, unless there has been an unforeseen delay (e.g. weather, labor strike). Within two (2) weeks after the unsafe condition has been corrected, the professional shall

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re-inspect the fire escape stairs and fire escape balconies and file with the Department a detailed amended report, stating their condition.

PM-602.5.1.7 Conditions that are Safe with a Repair and Maintenance Program.

The owner of a building is responsible for ensuring that the conditions, described in the report as "safe with a repair and maintenance program," are repaired and the actions identified by the professional are completed, within the time frame designated in the report, or by such time necessary to prevent a condition from becoming an unsafe condition, whichever is sooner.

PM-602.5.1.8 Appeals.

1. The owner of the building may appeal the findings set forth in the professional's initial report or amended report to the Board of Building Standards. Such appeal must be filed within thirty (30) days of the receipt or filing of the report, and must include the professional's report. The filing and pendency of such an appeal shall stay the requirement for making repairs, unless immediate repairs are necessary for the protection of the public health, safety and welfare.

2. Upon consideration of any such appeal, the Board shall issue a recommendation to the Commissioner either to grant the appeal; deny the appeal; or grant the appeal with such proposed modifications to the professional's findings as the Board deems consistent with the intent of this subsection. The Commissioner thereafter shall make the final determination on the appeal.

3. The owner of the building may appeal the determination of the Commissioner to the Board of License and Inspection Review, pursuant to the procedures set forth in Section A-803.2 of The Administrative Code.

PM-602.5.1.9 Penalties.

The following penalties shall be imposed for violations of the provisions of subsection PM-602.5.1:

1. Failure to satisfy the inspection and reporting requirements shall constitute a Class III offense and shall subject the owner of the building to the penalties set forth in Section 1-109(3).

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2. Failure to correct a condition, identified by the professional as “unsafe”, shall constitute a Class III offense and shall subject the owner of the building to the penalties set forth in Section 1-109(3).

3. Failure to correct a condition, identified by the professional as “safe with a repair and maintenance program,” shall constitute a Class II offense and shall subject the owner of the building to the penalties set forth in Section 1-109(2).

SECTION 2. Effective January 1, 2015, Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

* * *

Chapter 7 Fire Safety Requirements

* * *

[F] SECTION PM-702 MEANS OF EGRESS

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PM-702.5 Maintenance of exterior stairs and fire escapes: All exterior stairways and fire escapes shall be kept free of snow and ice. Exterior stairways and fire escapes constructed of materials requiring the application of weather protecting products, shall have these products applied in an approved manner and shall be applied as often as necessary to maintain the stairways and fire escapes in safe condition.

For every exit to an exterior fire escape, a sign, warning that the fire escape is to be used only in the case of an emergency, shall be posted in a prominent location inside the building near the fire escape exit, with an arrow pointing in the direction of the fire escape. The Department, in consultation with the Fire Department, shall determine further requirements regarding the sign, including but not limited to the

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following: the size of the sign; the size of the letters and characters; the exact wording of the sign; and the location of the sign.

PM-702.5.1 Periodic Inspection of Exterior Fire Escape Stairs and Fire Escape Balconies.

PM-702.5.1.1 Definitions. The following definitions shall apply to this subsection PM-602.5.1:

Fire Escape Inspection Business. Any business entity that performs an inspection of fire escape stairs and fire escape balconies that are conducted by a professional.

Professional. A professional engineer, licensed in the Commonwealth of Pennsylvania and experienced in the practice of structural engineering.

Safe. A condition of fire escape stairs and fire escape balconies that are neither in unsafe condition nor in need of repair and maintenance.

Safe with a Repair and Maintenance Program. A condition of fire escape stairs and fire escape balconies that are not determined to be unsafe, at the time of inspection, but that require maintenance or repair within a time period (designated by the professional) in order to prevent further deterioration into an unsafe condition.

Unsafe. A condition of any part of fire escape stairs or fire escape balconies that are dangerous to persons or property and require prompt remedial action.

PM-702.5.1.2 The owner of any building with exterior fire escape stairs, fire escape balconies, or both, shall retain a professional to inspect the fire escape stairs and fire escape balconies for structural integrity and safety every five (5) years and file a report with the Department with respect to such inspection.

PM-702.5.1.3 The initial inspection shall be conducted by January 1, 2015. Following the initial inspection, fire escape stairs and fire escape balconies shall be re-inspected and the required report filed on a five (5) year cycle, based on the date of the initial inspection. Where the fire escape stairs and fire escape balconies have been substantially repaired within one year of January 1, 2015, the owner may apply to the Department for a waiver of the required initial inspection. With the application for waiver, the owner shall submit such other information determined by the Department to be necessary to evaluate the waiver application. The Department

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shall grant the waiver if it determines that the repairs obviate the need for an inspection until the commencement of the next five (5) year cycle.

PM-702.5.1.4 Inspection Procedures.

1. Before conducting an inspection , the professional shall review previous reports, inspections, and evidence of repairs made in the past five (5) year period, including confirmation that all areas previously determined to require repair (as noted in any previous report) have been made.

2. The inspection shall be conducted by or under the supervision of the professional and performed to the best of his or her knowledge, information and belief.

3. The professional shall employ the appropriate professional standard of care in order to detect structural defects, rust, corrosion or any other condition affecting the structural integrity of the fire escape stairs and fire escape balconies. If a distressed condition is identified, the professional shall order any other inspections or tests that may be required to determine the significance and cause of the distress as well as appropriate remediation of the distress.

4. During the course of the inspection, photographs shall be taken or sketches made of the fire escape, including documentation of the location of all conditions that are unsafe or safe with a repair and maintenance program.

5. Upon discovery of any unsafe condition, the professional shall immediately notify the owner of the building by electronic mail or fax and shall within twelve (12) hours of such discovery, notify the Department, in writing, and in an electronic format determined by the Department.

6. Once the professional has determined that the condition is safe, the professional shall post, upon the fire escape, a tag or placard (made of reflective material) that clearly and legibly states the date of the inspection and the date of expiration (5 years after the date of inspection), and the name, address and telephone number of the professional or fire escape inspection business on the tag or placard.

PM-702.5.1.5 Report Requirement.

1. The professional, who performs the inspection, shall submit a written report to the owner of the building, certifying that the inspection was performed in accordance with this Code and detailing all conditions not classified as safe. The

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professional shall also submit a summary of the written report to the Department in a form approved by the Department. The Department may impose a fee to cover the reasonable costs of processing that must be paid upon the submission of the summary of the written report. If the report identifies an unsafe condition, then within twenty-four (24) hours of the completion of the report, the professional shall file the full report with the Department, in writing and in an electronic format to be determined by the Department. The owner or his agent shall retain all written reports submitted pursuant to this subsection and keep them readily available for inspection by the Department.

2. The Report shall include the following:

- (a) The name and license number of the professional;
- (b) The name, mailing address and telephone number of the owner of the building, or where applicable, the owner's agent or person in charge, possession or control of the building;
- (c) A description of the building, including the number of stories and height;
- (d) The date of the start and completion of the inspection and a detailed description of the procedures used in making the inspection;
- (e) The condition of the fire escape and any fire escape balconies. The report shall classify each condition as safe, unsafe or safe with a repair and maintenance program;
- (f) The probable cause of the reported conditions;
- (g) Any conditions identified in the previously filed report (if any), and whether such conditions have been repaired or maintained as recommended in that report;
- (h) Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for such repairs or maintenance;
- (i) Photographs or sketches documenting the locations of any conditions that are either unsafe or safe with a repair and maintenance program;

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(j) A statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging all required repairs or maintenance (if any) and the recommended time for their completion;

(k) A certification by the professional that the inspection was performed in accordance with all applicable rules and regulations and appropriate standards of care;

(l) The signature and seal of the professional; and

(m) Such other requirements deemed appropriate by the Department.

3. The professional may submit an amended report within thirty (30) days of the initial submission. The amended report shall clearly indicate any change from the initial report and all reasons for such changes.

PM-702.5.1.6 Unsafe Conditions.

1. Within twenty-four (24) hours of being notified of an unsafe condition by a professional, the owner of the building shall take any and all actions necessary to protect public safety. Such actions shall be considered an effort to remedy an emergency situation, and appropriate permit applications (when required) shall be submitted within the next three (3) days to the Department.

2. Within ten (10) days of the receipt or filing of a report identifying an unsafe condition, the owner of a building shall commence work to correct the condition, and work shall continue without interruption until the unsafe condition has been corrected, unless there has been an unforeseen delay (e.g. weather, labor strike). Within two (2) weeks after the unsafe condition has been corrected, the professional shall re-inspect the fire escape stairs and fire escape balconies and file with the Department a detailed amended report, stating their condition.

PM-702.5.1.7 Conditions that are Safe with a Repair and Maintenance Program.

The owner of a building is responsible for ensuring that the conditions, described in the report as "safe with a repair and maintenance program," are repaired and the actions identified by the professional are completed, within the time frame designated in the report, or by such time necessary to prevent a condition from becoming an unsafe condition, whichever is sooner.

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PM-702.5.1.8 Appeals.

1. The owner of the building may appeal the findings set forth in the professional's initial report or amended report to the Board of Building Standards. Such appeal must be filed within thirty (30) days of the receipt or filing of the report, and must include the professional's report. The filing and pendency of such an appeal shall stay the requirement for making repairs, unless immediate repairs are necessary for the protection of the public health, safety and welfare.

2. Upon consideration of any such appeal, the Board shall issue a recommendation to the Commissioner either to grant the appeal; deny the appeal; or grant the appeal with such proposed modifications to the professional's findings as the Board deems consistent with the intent of this subsection. The Commissioner thereafter shall make the final determination on the appeal.

3. The owner of the building may appeal the determination of the Commissioner to the Board of License and Inspection Review, pursuant to the procedures set forth in Section A-803.2 of The Administrative Code.

PM-702.5.1.9 Penalties.

The following penalties shall be imposed for violations of the provisions of subsection PM-602.5.1:

1. Failure to satisfy the inspection and reporting requirements shall constitute a Class III offense and shall subject the owner of the building to the penalties set forth in Section 1-109(3).

2. Failure to correct a condition, identified by the professional as "unsafe", shall constitute a Class III offense and shall subject the owner of the building to the penalties set forth in Section 1-109(3).

3. Failure to correct a condition, identified by the professional as "safe with a repair and maintenance program," shall constitute a Class II offense and shall subject the owner of the building to the penalties set forth in Section 1-109(2).

SECTION 3. Effective Date: Section 1 of this Ordinance shall take effect immediately. Section 2 of this Ordinance shall take effect January 1, 2016.

Explanation:

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In Section 1, *Italics* indicate new matter added.

In Section 2, ***Bold underlined italics*** indicate new matter added.

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