

# City of Philadelphia



(Bill No. 080758)

## AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by creating a new Chapter relating to energy conservation, by providing for certain requirements regarding the efficient operation of air conditioning and cooling systems in certain buildings and structures, and providing for penalties for violations, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

\* \* \*

#### *CHAPTER 9-3400. ENERGY CONSERVATION.*

##### *§ 9-3401. Air Conditioning and Cooling Systems.*

*(1) Legislative Purpose. The purpose of this Section is to conserve energy, reduce peak hour demands on utilities during hot weather, and limit environmental pollution and local impacts on global warming, by prohibiting certain buildings and structures from keeping their exterior doors open while air conditioners or central cooling systems are operating.*

##### *(2) Definitions.*

*(a) Covered building or structure. A building or structure, or a portion thereof, with a use and occupancy classification under Section 303 Assembly Group A-1, A-2, or A-3; Section 304 Business Group B; or Section 309 Mercantile Group M of Subcode “B,” The Philadelphia Building Code.*

*(b) Exterior Door. A door used to close off any entrance to or exit from a covered building or structure and that, when open, allows for the co-mingling of indoor and outdoor air, but not including doors that:*

# City of Philadelphia

BILL NO. 080758 continued

Certified Copy

*(.1) are adjacent to indoor seating areas where food or beverages are served and link such areas to outdoor seating areas; or*

*(.2) allow for direct table service of food or beverages to outdoor seating areas during times when servers are actively engaged in serving such areas.*

*(c) Person. The owner or lessee of any portion of a covered building or structure or the record owner of a covered building or structure.*

*(3) Prohibited Conduct. No exterior door of a covered building or structure shall be kept open while an air conditioner or central cooling system is operating that cools the area adjacent to such door, except as needed to permit ingress and egress or the delivery or shipping of goods.*

*(4) Exemptions. The provisions of this Section shall not apply when an emergency requires that an exterior door be kept open.*

*(5) Enforcement. Any person who violates this Section shall be issued a written warning for the first violation. A notice of violation, in accordance with Section 1-112 of this Code, shall be issued to such person for any subsequent violation.*

*(6) Penalties. Any person who violates this Section shall be subject to a penalty in the amount of not more than three hundred (300) dollars for any violation after the first violation.*

SECTION 2. This Ordinance shall take effect 90 days after enactment.

---

**Explanation:**

*Italics indicate new matter added.*

# City of Philadelphia

BILL NO. 080758 continued

Certified Copy

# City of Philadelphia

BILL NO. 080758 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 29, 2010. The Bill was Signed by the Mayor on May 12, 2010.



Michael A. Decker  
Chief Clerk of the City Council