



City of Philadelphia

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

BILL NO. 140013

Introduced January 23, 2014

Councilmember Reynolds Brown

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

AN ORDINANCE

Amending Section A-703 of The Philadelphia Code, entitled "Special Certificate of Inspection," to require the issuance of special certificates of inspection for the occupancy of day care facilities, and to include day care facilities in the reporting requirements regarding special certificates of inspections, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section A-703 of The Philadelphia Code is amended as follows:

SECTION A-703 SPECIAL CERTIFICATE OF INSPECTION

A-703.1 Special occupancy requirement for structures in Group E occupancy: No structure in Group E occupancy, the Educational occupancy, as defined in Subcode "B" of Title 4, *that is either* owned or operated by an entity to which the City provides substantial funding *or that is a day care facility*, shall be occupied unless a current special certificate of inspection has been issued in connection with such structure.

[Exception: Day care facilities that are not part of a school are not regulated under this subsection.]

A-703.2 Issuance of special certificates of inspection: Special certificates of inspection shall be issued on the following basis:

1. A special certificate of inspection shall be valid for no more than a single one year period, between August 1 of a given year and July 31 of the following year;

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2. For use at the start of such one year period on August 1, such special certificate must be obtained during the nine month period between November 1 and August 1 immediately preceding the beginning of the one year period;

3. A certificate obtained after the one year period has started on August 1 is valid only for the remainder of that one year period;

4. The Department shall not issue a special certificate of inspection unless the building has been inspected for fire, safety, electrical, lead paint, water quality and all other property-related hazards and:

A. the Commissioner of Licenses and Inspections has certified that the building is in substantial compliance with the fire, safety and all other property-related requirements of this Code and that the building can be occupied safely without endangering life or public safety or welfare;

B. the Health Department has certified that the building is in substantial compliance with applicable water quality requirements of the Health Department, [and] lead paint requirements of this Code *and any food safety licensing requirements applicable to day care facilities* and that the building can be occupied safely without endangering life or public safety or welfare;

C. the owner of the building or its agent has provided either a certification from an Electrical Inspection Agency licensed by the City or, if the owner of the structure employs, on a full-time basis, an electrician licensed by the City, a certification from such electrician that is also signed by a person with supervisory authority over the electrician, such as a facilities manager, operations manager, or chief operating officer, that the building is in substantial compliance with the provisions of the Philadelphia Electrical Code.

5. The contents of special certificates of inspection issued under this subsection shall be made available for inspection by the Department and shall contain the following information:

- A. The name of the owner of the building;
- B. The address of the building;
- C. The location of automatic fire sprinkler system(s), if any;
- D. Location and type of fire alarm system(s), if any;

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E. Location of fire standpipe system(s), if any;

F. If provided for only a portion of the building, a description of the portion of the building covered by the certificate of inspection;

G. The time period for which it has been issued.

6. Upon the request of the owner of the structure, a partial special certificate of inspection shall be issued to occupy a portion of the premises upon certification by the Commissioner of Licenses and Inspections that such portion of the premises has been certified to be in substantial compliance with fire, safety, electrical, lead paint, water quality and other property-related requirements provided that such portion or portions can be occupied safely prior to correction of the defect preventing full certification without endangering life or public safety or welfare. Such issuance shall be in accordance with procedures established by the Department and the code official shall notify the applicant of any limitations or restrictions imposed by the partial occupancy; and

7. No fee shall be charged by the City *with respect to Group E facilities owned or operated by an entity to which the City provides substantial funding* for the issuance of special certificates of inspection or the inspections performed by the City in connection therewith.

A-703.3 Reporting Requirement. On August 15 of each year, the Commissioner of Licenses and Inspections shall provide the following information in a report to the Mayor, the President of City Council, and the owner or person responsible for each structure, including the Superintendent of Schools, and shall provide a copy to the Chief Clerk of City Council, containing the following information:

1. The names and addresses of the structures in Group E occupancy, *including day care facilities*, for which a special certificate of inspection under subsection A-703.1 is required to permit occupancy;

2. The list of structures for which certification is required shall be divided into three subgroups: structures for which certification pursuant to subsection A-703 has been issued; structures for which partial certification has been issued; and structures for which certification has not been issued;

3. In connection with the listing of structures for which certification has been issued, the listing shall include, for each of the structures, a description of the conditions, if any, that bring the structure out of total compliance with the fire, safety, electrical, lead paint and all other property-related requirements of this Code and any applicable water quality requirements of the Health Department, but which do not prevent certification

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that the building can be occupied safely without endangering life or public safety or welfare.

4. In connection with the listing of structures for which partial certification has been issued or for which certification has not been issued, the listing shall include a description of the fire, safety, electrical, lead paint, water quality and other property-related requirements that prevented full certification and a description of the actions that must be taken by the owner of the structure to obtain full certification. Such description shall also include a description of the conditions, if any, that bring the structure out of total compliance with the fire, safety, electrical, lead paint and all other property-related requirements of this Code and any applicable water quality requirements of the Health Department, but which do not themselves prevent certification that the building can be occupied safely without endangering life or public safety or welfare.

5. The Health Department and any Electrical Inspection Agency or electrician involved in inspection of the structure shall provide to the Department of Licenses & Inspections any information in its possession relevant to such reports within ten days of the inspection.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.