



City of Philadelphia

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

BILL NO. 120103

Introduced February 16, 2012

Councilmember Henon

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

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, Subcode "F" (The Philadelphia Fire Code) and Subcode "A" (The Philadelphia Administrative Code), by providing that building owners shall follow applicable requirements of State and City Construction Codes to conduct periodic inspection and testing of fire dampers, smoke dampers and smoke control systems; to require such inspections and testing be performed by qualified persons; and to provide for penalties for violations of such code requirements; all under certain terms and conditions.

WHEREAS, The Pennsylvania Uniform Construction Code has adopted and incorporated by reference the International Fire Code, as codified at 34 Pa. Code § 403.21(7); and

WHEREAS, By Pennsylvania Act 45 of November 10, 1999 (35 P.S. § 7210.501(a)), as amended, the City of Philadelphia was required to adopt the International Fire Code in order to administer and enforce the Pennsylvania Uniform Construction Code; and

WHEREAS, As required by the above-referenced state law, the City of Philadelphia adopted the International Fire Code, as codified at Title 4, Subcode "F" of The Philadelphia Code, including recent updates to this Code; and

WHEREAS, In accordance with applicable State and City laws, as well as related manufacturer recommended installation, testing and inspection methods, building, and fire and mechanical industry codes and standards, fire dampers, smoke dampers and smoke control systems are installed in the ductwork of the heating, ventilating and air-conditioning systems of buildings throughout the City of Philadelphia and such devices must be installed and maintained in accordance with specific requirements to prevent the spreading of fire and smoke through a building's ductwork, which has been documented as a means by which fire and smoke can spread to areas beyond the fire's origin; and

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WHEREAS, The International Fire Code § 703.1.2, incorporated by applicable State and City laws, specifically requires that fire dampers, smoke dampers and smoke control systems be installed, inspected, tested and maintained in accordance with National Fire Protection Association (NFPA) Standards 80 and 105.

WHEREAS, Applicable NFPA Standards, which are key provisions incorporated into the International Fire Code to ensure fire and smoke safety, require periodic inspection and testing of fire dampers, smoke dampers and smoke control systems in accordance with the specifications of NFPA Standard 80, Chapter 19.4; NFPA Standard 90A, Chapter 5.4.8; NFPA Standard 92A, Chapter 8.6; NFPA Standard 92B, Chapter 8.4; and NFPA Standard 105, Chapter 6.5; and

WHEREAS, Faulty and inoperable fire dampers, smoke dampers and smoke control systems are likely to exist in the City of Philadelphia without periodic inspection and testing as required by law and applicable industry codes and standards; and

WHEREAS, The failure of building owners to properly perform periodic inspection and testing of fire dampers, smoke dampers and smoke control systems is detrimental to the health, safety and welfare of the people of the City of Philadelphia, and the dwellings and businesses thereof, and visitors thereto; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4, Subcode “F” of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION
AND OCCUPANCY CODE

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SUBCODE “F” (THE PHILADELPHIA FIRE CODE)

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CHAPTER 7
FIRE-RESISTANCE-RATED CONSTRUCTION

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SECTION F-705 PERIODIC TESTING OF FIRE DAMPERS, SMOKE DAMPERS AND SMOKE CONTROL SYSTEMS

F-705.1 Definitions.

As used in this Section the following terms have the following meanings:

- (1) “Fire Damper” means equipment as defined in Section 3.3.48 of NFPA of Standard 80 and includes devices installed in air conditioning systems to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flames. A fire damper shall also include a combination fire/smoke damper system.
- (2) “NFPA” means the National Fire Protection Association.
- (3) “Smoke Control System” means equipment in a smoke-control or smoke-management system as defined in Section 3.3.11 of NFPA Standard 92A and NFPA Standard 92B, including engineered systems that use mechanical fans to produce pressure differences across smoke barriers to inhibit smoke movement.
- (4) “Smoke Damper” means equipment as defined in Section 3.3.1 of NFPA Standard 105, and includes devices installed in air conditioning systems to control the movement of smoke. A smoke damper shall also include a combination smoke/fire damper system.

F-705.1.2 Periodic Testing.

- (1) Fire dampers, smoke dampers and smoke control systems shall be installed, inspected, tested and maintained in accordance with this Code, manufacturers’ guidelines and the applicable industry standards, including NFPA standards and specifically NFPA Standards 80, 90, 92A, 92B and 105.
- (2) Building owners shall inspect and test all fire dampers at least once every four years and at least once every six years for hospitals. Newly installed fire dampers shall be inspected and tested within one year of installation. Inspections and tests required under this subsection shall be conducted in accordance with Section 19.4 of Chapter 19 of NFPA Standard 80.
- (3) Building owners shall inspect and test all smoke dampers at least once every four years and at least once every six years for hospitals. Newly installed smoke dampers shall be inspected and tested within one year of installation. Inspection

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and tests under this subsection shall be conducted in accordance with Section 6.5 of Chapter 6 of NFPA Standard 105.

- (4) Building owners shall inspect and test all smoke control systems at least once every six months or twelve months, as required under the applicable NFPA standard. Newly installed smoke control systems shall be inspected and tested within one year of installation. Inspection and tests under this subsection shall be conducted in accordance with Section 8.6 of Chapter 8 of NFPA Standard 92A.*
- (5) Forms for the inspection and testing reporting under this Section shall be prepared by the Department of Licenses and Inspections, and shall include information specified in International Fire Code Section F-705.1.2 and Section 19.4.9 of Chapter 19 of NFPA Standard 80 (for fire dampers and combination fire/smoke dampers) and Section 6.5.11 of Chapter 6 of NFPA Standard 105 (for smoke dampers) and Section 8.6.3 of Chapter 8 of NFPA Standard 92A and Section 8.4.5.1 of Chapter 8 of NFPA Standard 92B (for smoke control systems).*
- (6) Reporting forms required by this Section shall be maintained on the property and made available for inspection upon request by an official of the Fire Department or the Department of Licenses and Inspections.*

F-705.1.3 Requirements of Testing

- (1) Inspections and tests under this Section shall be performed by a contractor approved by and registered with the Department of Licenses and Inspections. Such contractor shall meet the following qualifications:*
 - (a) Has expertise in fire protection engineering, mechanical engineering and certification as air balancers in accordance with the requirement of Section 8.6.2 of Chapter 8 of the NFPA Standard 92A and Section 8.4.5 of Chapter 8 of the NFPA Standard 92B.*
 - (b) For inspection and testing of fire and smoke dampers, employ only persons who have been certified as Sheet Metal Technicians by the Department of Licenses and Inspections in accordance with Title 9, § 9-3001, et. seq. of The Philadelphia Code and are certified to inspect and test fire and smoke dampers by a third party accreditation program; or*
 - (c) For inspection and testing of smoke control systems, employ only persons who have been certified as Sheet Metal Technicians by the Department of Licenses and Inspections in accordance with Title 9, § 9-3001, et. seq. of the Philadelphia City Code, and who have obtained air balancer certifications*

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from a third party accreditation program for testing, adjusting and balancing systems.

- (2) If an inspection or test reveals compliance with the requirements of this Section, the person performing the inspection or test shall execute a Compliance Certification which shall verify such compliance, and provide the name of the individual(s) conducting the inspection or test and his/her employer, the name of the building owner and address of the property, the location of all smoke dampers, fire dampers and smoke control systems inspected or tested, and the date of the inspection or test.*
- (3) In the event an inspection or test reveals deficiencies in smoke dampers, fire dampers or smoke control systems, the person(s) who conducted the inspection or test shall prepare a Deficiency Report for the building owner identifying the nature of the deficiency and reasons for non-compliance. The building owner shall, within 120 days of the date of the inspection or test, take necessary steps to ensure the defective equipment is replaced or repaired and that compliance with the requirements of this Section has been achieved.*
- (4) Copies of Deficiency Reports shall be provided to the Department of Licenses and Inspections. In addition to indentifying the location and nature of the deficiency, the report shall contain the name of the individual(s) conducting the inspection or test and his/her employer, the name of the building owner and address of the property, the location of all fire dampers, smoke dampers and smoke control systems inspected or tested, and the date of the inspection or test.*
- (5) Tests and inspections of fire dampers, smoke dampers and smoke control systems shall be conducted in accordance with the technical specifications and required time periods specified by NFPA Standards 80, 90, 92A, 92B, and 105, as applicable.*

F-705.1.4 Non-Compliance, Violations.

Each day of non-compliance with the requirements of this Section shall constitute a separate violation for which a separate fine shall be assessed.

F-705.1.5 Willful Violations.

In addition to any applicable civil or criminal penalties provided by law, in the event that the Department of Licenses and Inspections determines that a willful violation of this Section has been committed, it shall revoke the Business Privilege License of any responsible person, corporation or other business entity. For

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purposes of this Section, a willful violation shall be considered any action taken with intent to violate the law or any action taken with deliberate ignorance or reckless disregard for the law.

F-705.1.6 Certification and Licensing.

No person shall install, alter, repair, service or test smoke or fire dampers unless that person is certified to perform such work as required by Title 9, § 9-3001, et. seq. of the Philadelphia City Code and any regulations issued pursuant thereto.

SECTION 2. Title 4, Subcode “A” of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE “A” (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 6 PENALTIES

SECTION A-601 FINES

A-601.1 Basic Fines: Any person who violates any provision of this code or the technical codes or regulations adopted thereunder; or fails to comply with any order issued pursuant to any Section thereof; or who shall erect, construct, install, remove, alter or repair 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 fines set forth in subsection 1-109(2) of The Philadelphia Code:

1. F-106.4 (Rendering equipment inoperable);
2. F-106.4.1 (Fire Department notification);
3. F-104.2.2 (Obstructing operations);
4. F-106.7 (Obstructions);

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- 5. F-307 (Open Burning and Recreational Fires);
- 6. F-308.5 (Open-flame devices);
- 7. *F-705.1 (Periodic Testing of Fire Dampers, Smoke Dampers and Smoke Control Systems)*
- [7]8. F-901.4.6 (Changes to fire protection equipment);
- [8]9. F-901.7 (Systems out of service);
- [9]10. F-915 38.1 (Periodic Testing Of Fire Protection Systems);
- [10]11. F-1027 (Maintenance of the Means of Egress);
- [11]12. PM-602.0 (Means of Egress);
- [12]13. PM-603.0 (Accumulations and Storage);
- [13]14. PM-306.2.1 (Foreclosed Vacant Residential Property);
- [14]15. PM-604.0 (Fire Resistance Ratings);
- [15]16. PM-605.0 (Fire Protection Systems); and
- [16]17. PM-704.2 (Historic Area Standards).

SECTION 3. This Ordinance shall be effective upon becoming law.

Explanation:

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

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