



City of Philadelphia

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

BILL NO. 170280

Introduced March 23, 2017

Councilmember Blackwell

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

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, Subcode "F" (The Philadelphia Fire Code), by requiring building owners to have certain tests performed on fire dampers, smoke dampers and smoke control systems; to require such tests be performed by qualified persons; and to provide for penalties for violations of such code requirements.

WHEREAS: The Pennsylvania Uniform Construction Code has adopted and incorporated by reference the International Fire Code (2009), as codified at 34 Pa. Code § 403.21(8); 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 (2009), as codified at Title 4, Subcode "F" of The Philadelphia Code, with certain subsequent amendments; and

WHEREAS: Section F-909.2.1 of The Philadelphia Code requires that smoke control systems, including all dampers by definition, must be subject to a routine maintenance and operational testing program; and

WHEREAS: Title 4, Subcode "F" of The Philadelphia Code does not currently provide for such a program, nor does it establish any minimum standards for such maintenance and operational testing; and

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

WHEREAS: The absence of testing of fire dampers, smoke dampers and smoke control systems creates serious imminent risks to public safety and is detrimental to the health, and welfare of the citizens 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)

* * *

CHAPTER 7 FIRE-RESISTANCE-RATED CONSTRUCTION

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SECTION F-705 PERIODIC TESTING OF FIRE DAMPERS AND SMOKE DAMPERS

F-705.1 Definitions.

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

- 1. ANSI. American National Standards Institute.*
- 2. Department. Department of Licenses and Inspections.*
- 3. Fire damper and smoke damper testing. Testing and inspection activities, including all physical, visual and operational tests necessary to ensure the complete opening and closing of dampers and the proper functioning of fire*

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dampers and smoke dampers as required by the IFC, NFPA 80, and applicable engineering specifications.

4. *Fire/smoke dampers. All fire dampers, smoke dampers, and combination fire and smoke dampers.*
5. *FLS. Fire Life Safety*
6. *ICB. International Certification Board.*
7. *IFC. International Fire Code.*
8. *NFPA. National Fire Protection Association.*

F-705.2 Buildings subject to testing. All buildings built in the year 1987 or later and buildings in which the heating, ventilating, air-conditioning systems have been installed or replaced in the year 1987 or later are subject to this section except:

1. *Residential dwellings having two units or less are excluded from the testing requirements of this section;*
2. *All other residential buildings, including hotels, are subject to the required testing only for mechanical rooms and common use areas, including but not limited to stairs, hallways and lobbies.*

F-705.3 Required testing of fire/smoker dampers.

1. *Newly-installed fire/smoke dampers shall be subject to fire/smoke damper testing in accordance with this section before use is permitted.*
2. *Once installed, fire/smoke damper testing shall be required every four (4) years in all buildings covered by this section, except hospitals, which shall be tested every six (6) years.*

F-705.4 Contractor qualifications fire/smoke damper testing. A contractor that provides fire/smoke damper testing services must hold an International ICB HVAC FLSI Contractor certification or an equivalent certification from an organization that has been accredited by ANSI in HVAC fire life safety inspections.

F-705.5 Required qualifications of individual testers of fire/smoke dampers by a Certified Contractor. A person performing fire damper and smoke damper testing services shall:

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1. *Be employed by a contractor certified pursuant to subsection F-705.3;*
2. *Hold a Certification as a Sheet Metal Technician pursuant to Philadelphia Code Chapter 9-3000, et seq.; and*
3. *Hold a certification from the ICB as an HVAC Fire Life Safety Technician, Level 1 or an equivalent certification from an organization that has accredited by ANSI in HVAC fire life safety inspections.*

F-705.6 Certificate of Operation. If a fire/smoke damper passes the required test, the building owner will be issued a “Certificate of Operation” by the contractor performing the tests. This Certificate shall contain the address of the building, locations of equipment tested, the names of the contractor and technician performing the tests, and the date of the tests.

F-705.7 Testing Failures. If a fire/smoke damper does not pass required testing, the building owner shall be notified of this fact and given thirty (30) days to have the equipment corrected and re-tested.

F-705.8 Department functions.

1. *Submissions. Building owners shall submit copies of Operation Certificates to the Department showing they are in compliance with the testing requirements of this section within thirty (30) days of obtaining Operation Certificates. The Department shall commence enforcement actions for any instance of non-compliance.*
2. *Inspections. When the Department conducts an annual fire inspection of any building, it shall inspect the building owner’s fire/smoke damper Certificate of Operation to ensure it complies with the requirements of this section and commence enforcement actions if violations are found.*

F-705.9 Enforcement and penalties. 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 Ordinance 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. Each day of non-compliance shall constitute a separate violation for which a separate fine shall be assessed.

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CHAPTER 9 FIRE PROTECTION SYSTEMS

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SECTION 909 SMOKE CONTROL SYSTEMS

[(Delete Section in its entirety and substitute the following)]

F-909.1 Smoke control systems. Smoke control systems installed in buildings shall be maintained and tested in accordance with this section.

F-909.2 Maintenance. Smoke control systems shall be maintained to ensure to a reasonable degree that the system is capable of controlling smoke for the duration required. The system shall be maintained in accordance with the manufacturer's instructions and Sections 909.2.1 through 909.2.12[5].

909.2.1 Definitions.

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

1. *ANSI. American National Standards Institute.*
2. *Department. Department of Licenses and Inspections.*
3. *FLS. Fire Life Safety.*
4. *ICB. International Certification Board.*
5. *IFC. International Fire Code.*
6. *NFPA. National Fire Protection Association.*
7. *Smoke control system testing. Testing and inspection activities, including all physical, visual and operational tests, necessary to ensure the proper functioning of smoke control systems, as required by the IFC, NFPA 80, NFPA 92 and applicable engineering specifications, including all equipment such as initiating devices, fans, dampers, controls, doors and windows.*

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8. *TABB. Testing, Adjusting and Balancing Bureau of the International Certification Board.*

909.2.2[1] Schedule. A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established.

909.2.3. *Buildings subject to testing. Smoke control systems in all buildings shall be tested once a year in accordance with the requirements of this section.*

909.2.4 *Required testing of new smoke control systems. Newly-installed smoke control systems shall be subject to smoke control systems testing in accordance with this section before use is permitted.*

909.2.5[2] Written record. A written record of smoke control system testing and maintenance shall be maintained on the premises. The written record shall include the date of the maintenance, identification of the servicing personnel and notification of any unsatisfactory condition and the corrective action taken, including parts replaced.

[909.2.3 Testing. Operational testing of the smoke control system shall include all equipment such as initiating devices, fans, dampers, controls, doors and windows.]

909.2.6[4] Dedicated smoke control systems. Dedicated smoke control systems shall be operated for each control sequence semiannually. The system shall also be tested under standby power conditions.

909.2.7[5] Nondedicated smoke control systems. Nondedicated smoke control systems shall be operated for each control sequence annually. The system shall also be tested under standby power conditions.

909.2.8 *Contractor qualifications for smoke control system testing. A contractor that provides testing services for smoke control systems must hold an ICB TABB contractor certification or an equivalent certification from an organization that has been accredited by ANSI in HVAC fire life safety.*

909.2.9 *Technician qualifications for persons performing smoke control system testing: A person performing smoke control system testing services shall:*

1. *Be employed by a contractor certified pursuant to subsection F-705.3;*
2. *Hold a Sheet Metal Technician pursuant to Philadelphia Code Chapter 9-3000, et seq.; and*

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3. *Hold an ICB HVAC Fire Life Safety Technician, Level 2 certification or an equivalent certification from an organization that has been accredited by ANSI in HVAC fire life safety.*

909.2.10 Certificate of Operation. If a smoke control system passes the required test, the building owner will be issued a "Certificate of Operation" by the contractor performing the tests. This Certificate shall contain the address of the building, locations of equipment tested, the names of the contractor and technician performing the tests, and the date of the tests.

909.2.11 Failures in testing. If a smoke control system does not pass required testing, the building owner shall be notified of this fact and given thirty (30) days to have the equipment corrected and re-tested.

909.2.12 Department functions.

1. *Submission. Building owners shall submit copies of valid Operation Certificates to the Department showing they are in compliance with the testing requirements of this section within thirty (30) days of obtaining Operation Certificates. The Department shall commence enforcement actions for any instance of non-compliance and review compliance when conducting investigations of buildings for other reasons.*
2. *Inspections. When the Department conducts an annual fire inspection of any building, it shall inspect the building owner's smoke control systems damper Certificate of Operation to ensure it complies with the requirements of this section and commence enforcement actions if violations are found.*

909.2.12 Enforcement & penalties. 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 Ordinance 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. Each day of non-compliance shall constitute a separate violation for which a separate fine shall be assessed.

SECTION 2. This Ordinance shall be effective upon becoming law.

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Explanation:

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