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Title: Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "A" (The Philadelphia Administrative Code), by modifying certain administrative and enforcement provisions, all under certain terms and conditions.

Sponsors: Councilmember Mariano

Indexes: BUILDING CODE

Code sections: Title 4 - THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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Date	Ver.	Action By	Action	Result	Tally
12/31/2003	1	MAYOR	SIGNED		
12/18/2003	1	CITY COUNCIL	PASSED	Pass	15:0
12/18/2003	0	CITY COUNCIL	READ		
12/11/2003	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/11/2003	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/11/2003	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/10/2003	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
12/10/2003	1	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
12/10/2003	0	Committee on Licenses and Inspections	AMENDED		
12/10/2003	0	Committee on Licenses and Inspections	HEARING HELD		
11/20/2003	0	CITY COUNCIL	Referred		
11/20/2003	0	CITY COUNCIL	Introduced	Pass	

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "A" (The Philadelphia Administrative Code), by modifying certain administrative and enforcement provisions, all under certain terms and conditions.

WHEREAS, as required by Pennsylvania Act 45 of November 10, 1999, P.L. 491 (35 P.S. §7210.501(a)), the City must adopt standards consistent with those set forth in the Pennsylvania Uniform Construction Code; and

WHEREAS, The purpose of this Bill is to amend portions of the Administrative Code to achieve consistency with Pennsylvania Act 45, as well as to make certain other technical and related changes; and

WHEREAS, Separate bills are being introduced to add and amend other Subcodes included within Title 4;

NOW THEREFORE,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code" is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING
CONSTRUCTION AND OCCUPANCY CODE

* * *

Chapter 4-200.0 Text of Subcodes

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

CHAPTER 1

GENERAL

SECTION A-101[.0] PURPOSE

A-101.1 Title: These provisions shall be known as the Philadelphia Administrative Code, *shall be cited as such, and will be* [hereinafter] referred to *herein* as "this code."

li0* * *

A-101.3 Intent: This code shall be construed to secure its expressed intent which is to provide for the clear and consistent administration and enforcement of the technical codes adopted by the City of Philadelphia. The term "technical codes" shall mean the *Building Code, Electrical Code, Energy Conservation Code, Existing Building Code, Fire [Prevention] Code, Fuel Gas Code, Mechanical Code, Performance Code for Buildings and Facilities, Plumbing Code, Property Maintenance Code and Residential Code[s]* (Subcodes "B", "E", "EC", "EB", "F", "G", "M", "PC", "P", [and] "PM" and "R," respectively of this Title), and the Zoning Code (Title 14).

SECTION A-102[.0] APPLICABILITY

A-102.1 General: The provisions of this code shall apply to matters of administration common to the technical codes as set forth in Section A-101.0. Administrative provisions which are unique to one of the technical codes will be set forth in the administrative provisions of such code. Terms used in this code shall be as defined by the technical codes unless defined herein. *The codes listed in Section A-101.3 (other than the Zoning Code) and referenced elsewhere in this code and the other technical codes comprise the Philadelphia Building Construction and Occupancy Code and shall be applicable as provided in Sections A-102.1.1 through A-102.1.11 and as stated in each of the codes. Provisions in the appendices of the International codes shall not apply unless specifically adopted in the administrative provisions of the adopted code.*

The Building Construction and Occupancy Code does not apply to:

- 1. Carports, detached private garages, greenhouses and sheds, where such structures have a building area less than 120 square feet and are accessory to detached one-family dwellings, except such structures are subject to the Property Maintenance Code and the Fire Code.*
- 2. An agricultural building that is a structure used to store farm implements, hay, feed, grain or other*

agricultural or horticultural products or to house poultry, livestock or other farm animals. The exemption does not include habitable space or spaces in which agricultural products are processed, treated or packaged, or any place of occupancy by the general public.

3. *Installation of tubing, piping, propane gas burning appliances, equipment or fixtures related to liquefied petroleum gas under the Propane and Liquefied Petroleum Gas Act, Act 61 of 2002, P.L. 421 (35 P.S. §§ 1329.1-1329.19).*
4. *Construction of individual sewage disposal systems under 25 Pa. Code, Chapter 73 (relating to onlot sewage treatment facilities).*
5. *With respect to electrical provisions of the code only, to a dwelling unit utilized by a member of a recognized religious sect if a code administrator grants an exemption under section 901(b) of the Act.*

A-102.2 Conflicting provisions: Whenever conflicting provisions or requirements occur *within or* between this code, the technical codes and any other applicable codes or laws, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

A-102.3 Referenced codes and standards: The *codes and standards* referenced in any of the technical codes shall be considered part of the requirements of such code to the prescribed extent of each such reference. Where differences occur between provisions of a technical code and the referenced *codes and standards*, the provisions of the *originating* code shall apply. The Department is authorized by regulation to update the edition of standards referenced by the technical codes as necessary to maintain current technical provisions.

Exception: *Where enforcement of a code provision would violate the conditions of the listing of equipment or an appliance, the conditions of the listing and manufacturer's instructions shall apply.*

A-102.3.1 Referenced codes. *Where this code or the technical codes reference the Administrative Code, International Building Code, ICC Electrical Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Performance Code for Buildings and Facilities, International Plumbing Code, International Property Maintenance Code, International Residential Code or Zoning Code, it shall mean the City of Philadelphia Code of such title listed in the "Referenced Standards" chapter of the referencing code and currently in effect unless specifically stated otherwise.*

A-102.3.2 Referenced standards. *The standards referenced in this code or the technical codes shall be those that are listed in the "Referenced Standards" chapter of the referencing code.*

A-102.4 Authority: Nothing in this code or in any of the technical codes shall be construed as conferring or attempting to confer upon any officer, department, board or commission of the City, the power of eminent domain. All actions by any officer, department, board or commission pursuant to this code or any of the technical codes shall be deemed to be in the exercise of the police power. *The provisions of this code and the technical codes shall not be deemed to nullify any applicable provisions of other local, state or federal laws.*

A-102.5 Subjects not regulated by this code. *Where no applicable standards or requirements are set forth in the technical codes, or are contained within other laws, codes, regulations or ordinances, compliance with applicable nationally recognized standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of the technical code. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility. Requirements necessary for the strength, stability or proper operation of an existing or proposed building or mechanical system, or for the public safety, health and general welfare, not specifically covered by the technical codes or applicable standards, shall be determined by the code official.*

A-102.6 Existing structures. *The legal occupancy of any structure existing on the date of adoption of the*

Building Construction and Occupancy Code, or any subcode thereof, shall be permitted to continue without change, except as is specifically covered in such code, the Philadelphia Property Maintenance Code or Philadelphia Fire Code, or as is deemed necessary by the code official for the general safety and welfare of the occupants and the public.

A-102.6.1 Existing installations. *Except as otherwise specifically provided for in the technical codes, a provision in the technical codes shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of the following systems and equipment lawfully in existence at the time of adoption of this code and the technical codes.*

1. *Building envelope*
2. *Electrical systems and equipment*
3. *Fuel gas installations*
4. *Mechanical systems*
5. *Plumbing systems*
6. *Service water-heating systems*

A-102.7 Maintenance. *Buildings and parts thereof shall be maintained in a safe and sanitary condition. Fuel gas installations; mechanical systems; and electrical systems, equipment, materials and appurtenances and parts thereof, shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. All existing devices and safeguards that are required by the technical codes shall be maintained in existing buildings. The owner or the owner's designated agent shall be responsible for the maintenance of the building. To determine compliance with this subsection, the code official shall have the authority to require a building to be reinspected. Except where specifically permitted by the Building Construction and Occupancy Code, the code shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings.*

Exception: *This section shall not prohibit the removal of fire protection systems or equipment where such removal is authorized by an approved building permit and construction documents for alterations and/or a change in occupancy classification, and the fire protection systems or equipment are not required by the current Building Code.*

A-102.8 Additions, alterations and repairs. *Additions, alterations, renovations and repairs to the following systems and installations shall conform to the requirements for new systems and installations without requiring the existing systems and installations to comply with all of the requirements of the applicable technical codes. Additions, alterations and repairs shall not cause an existing structure, system or installation to become unsafe, hazardous or overloaded.*

1. *Building construction*
2. *Building envelope*
3. *Electrical installations*
4. *Fuel gas installations*
5. *Mechanical systems*
6. *Plumbing systems*
7. *Service water-heating systems*

Minor additions, alterations, renovations and repairs to existing installations shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was done in the existing

system, is not hazardous and is approved.

A-102.9 Change in occupancy. *It shall be unlawful to make a change in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code and the applicable technical codes for such division or group of occupancy.*

Exceptions:

1. *In the case of the Energy Conservation Code, the requirement to comply with the provisions of the code is triggered by the new occupancy resulting in an increased demand for fossil fuel or electrical energy supply.*
2. *At the option of the permit applicant, the provisions of the Philadelphia Existing Building Code shall apply to a building undergoing a change of use or occupancy.*

A-102.10 Historic buildings. *The Building Construction and Occupancy Code shall be fully applicable to buildings designated as historic pursuant to Section 14-2007 or listed in the National Register of Historic Places; provided, however, that variances shall be available pursuant to Section A-802.*

A-102.11 Moved structures. *Structures moved into or within the City of Philadelphia shall comply with the requirements of the Building Code for new structures. Electrical systems and equipment, fuel gas installations, and mechanical systems that are a part of buildings or structures moved into or within the City of Philadelphia shall comply with the provisions of the Electrical Code, Fuel Gas Code and Mechanical Code respectively for new installations. This subsection shall not apply to structures regulated under the Industrialized Housing Act, Act 70 of 1972, P.L. 286 (35 P.S. §§ 1651.1 - 1651.12) or the Manufactured Housing Construction and Safety Standards Authorization Act, Act 192 of 1982, P.L. 676 (35 P.S. §§ 1656.1 - 1656.9).*

A-102.12 Manufactured and Industrialized housing. *Manufactured and Industrialized housing pursuant to the Manufactured Housing Construction and Safety Standards Authorization Act (35 P.S. §§ 1656.1 - 1656.9) and the Industrialized Housing Act (35 P.S. §§ 1651.1 - 1651.12) respectively shall be governed by Sections A-102.12.1 through A-102.12.2.2.*

A-102.12.1 Manufactured housing. *Manufactured housing shall comply with the provisions of Sections A-102.12.1.1 through A-102.12.1.3.*

A-102.12.1.1 Exemption. *Except as provided in Section A-102.12.1.2, the Building Construction and Occupancy Code does not apply to manufactured housing assembled by and shipped from the manufacturer and which bears a label which certifies that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (42 U.S.C. §§ 5401 - 5426).*

A-102.12.1.2 Site construction. *Sections R-AE501 - R-AE503 and R-AE601 - R-AE605 of Appendix E of the Philadelphia Residential Code apply to the following:*

1. *Site preparation*
2. *Foundation construction*
3. *Connection to utilities*

A-102.12.1.3 Code application. *The Building Construction and Occupancy Code applies to the following:*

1. *Alteration or repair to the unit that is not within the scope of 24 CFR 3280.1 - 3280.904 (relating to manufactured home construction and safety standards) and the manufacturer's installation instructions after assembly and shipment by the manufacturer.*
2. *Additions to the unit after delivery to the site.*

3. *Construction, alteration, repair or change of occupancy if the manufactured housing is resold to a subsequent purchaser.*
4. *Construction, alteration, repair or change of occupancy if the original purchaser relocates the manufactured housing.*

A-102.12.2 Industrialized housing. *Industrialized housing shall comply with the provisions of Sections A-102.12.2.1 through A-102.12.2.2.*

A-102.12.2.1 Exemption. *Except as provided in Section A-102.12.2.2, the Building Construction and Occupancy Code does not apply to industrialized housing assembled by and shipped from the manufacturer.*

A-102.12.2.2 Code application. *The Building Construction and Occupancy Code applies to the following:*

1. *Site preparation*
2. *Foundation construction*
3. *Utilities connection*
4. *Installation*
5. *Construction, alteration or repair to the industrialized housing unit after installation.*
6. *Change of occupancy classification if industrialized housing is resold to a subsequent purchaser or relocated.*

A-102.13 Swimming pools. *Swimming pools shall be governed by the provisions of Sections A-102.13.1 through A-102.13.3.*

A-102.13.1 Requirements. *Swimming pools, hot tubs and spas that are accessory to one- or two-family dwellings shall comply with all of the following:*

1. *Chapter 41 of the Philadelphia Residential Code.*
2. *Appendix G of the Philadelphia Residential Code.*
3. *Section B-2406.2, Paragraph 9 of the Philadelphia Building Code (glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas).*
4. *Section B-3109.4 of the Philadelphia Building Code (residential swimming pool enclosures).*

A-102.13.2 Swimming pools not accessory to dwellings. *Swimming pools that are not accessory to one- or two-family dwellings shall comply with this section (A-102.13), the “American National Standards for Public Pools” issued by ANSI and NSPI (ANSI/NSPI-1 1991) and the Public Bathing Law (35 P.S. §§ 672-680d).*

A-102.13.3 Hot tubs and spas. *Hot tubs and spas that are not accessory to one- or two-family dwellings shall comply with this section (A-102.13) and the “American National Standard for Public Spas” issued by ANSI and NSPI (ANSI/NSPI-2 1999).*

A-102.14 State-owned buildings. *The provisions of this Title 4 shall apply to all State-owned buildings; provided, however, that, in lieu of any inspection or any plan or specification review required to be performed by the Department, the applicant may submit to the Department a certification by the Commonwealth Department of Labor and Industry that such inspection or review has been performed to the satisfaction of said Department of Labor and Industry and that all applicable standards of this Title have been met. Such certification shall satisfy any applicable requirements of this Title, provided that the Department shall have been given notice and an opportunity to observe any inspection, including review of any building plans or plan review documents.*

SECTION A-103[.0] VALIDITY

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SECTION A-104[.0] WORKMANSHIP

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SECTION A-105[.0] RESPONSIBILITY

A-105.1 [Maintenance: All equipment, systems, devices and safeguards required by the current technical codes or by previous ordinances or codes for the structure or premises when erected or altered, shall be maintained in good working order. The requirements of the current technical codes are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

Exception: This section shall not prohibit the removal of fire protection systems or equipment where such removal is authorized by an approved building permit and construction documents for alterations and/or a change in Use Group, and the fire protection systems or equipment are not required by the current Building Code.

A-105.2] Owners:

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A-105.2[3] Occupant responsibility:

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A-105.3[4] Transfer of responsibility:

* * *

[A-105.5 Licensed trades: Prior to the issuance by the Department of any new or annual licenses for trades and professions regulated by this code or the technical codes, the license applicant shall show proof that the applicant possesses the most recent edition of the relevant technical code and update service.]

SECTION A-106 DEFINITIONS

A-106.1 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code and the technical codes, have the meanings shown in this section.

ACT: The Pennsylvania Construction Code Act, Act 45 of November 10, 1999, P.L. 491.

CODE OFFICIAL (OR BUILDING OFFICIAL): The Commissioner of Licenses and Inspections or his or her duly authorized representative charged with the administration and enforcement of such codes.

Exception: In the Fire Code, the term "fire code official" or "code official" shall mean the Fire Commissioner and/or the Commissioner of Licenses and Inspections or their duly authorized representatives charged with the administration and enforcement of the code in accordance with practices established by the two departments.

DEPARTMENT: The Department of Licenses and Inspections unless otherwise specified.

Exception: In the Fire Code, the term "Department" shall mean the Fire Department unless otherwise specified.

HEALTH CARE FACILITY: Any of the following, regardless whether the facility is operated for profit, nonprofit or by an agency of the Commonwealth or local government:

- a general, chronic disease or other type of hospital,
- a home health care agency,

- *a hospice or long-term care nursing facility,*
- *a cancer treatment center using radiation therapy on an ambulatory basis,*
- *an ambulatory surgical facility,*
- *a birth center, or*
- *any other health care facility licensed by the Commonwealth Department of Health as may be necessary due to emergence of new modes of health care;*

provided that the term "health care facility" shall not include

- *an office used primarily for the private practice of a health care practitioner,*
- *a program which renders treatment or care for drug or alcohol abuse or dependence unless located within a health facility,*
- *a facility providing treatment solely on the basis of prayer or spiritual means, or*
- *a facility which is conducted by a religious organization for the purpose of providing health care services exclusively to clergymen or other persons in a religious profession who are members of a religious denomination.*

CHAPTER 2

ENFORCEMENT AUTHORITY

SECTION A-201[.0] GENERAL

A-201.1 Administration: This code and the technical codes shall be administered and enforced by the department except:

1. The Fire [Prevention] Code which is administered and enforced mutually by the Fire Department and the department; and

* * *

[A-201.2 Code official: Where this code and the technical codes refer to "code official", it shall mean the Commissioner of Licenses and Inspections or his or her duly authorized representative charged with the administration and enforcement of such codes, unless otherwise specified.

Exception: In the Fire Prevention Code, the term "code official" shall mean the Fire Commissioner and/or the Commissioner of Licenses and Inspections or their duly authorized representatives charged with the administration and enforcement of the code in accordance with practices established by the two departments.

A-201.3 Department: Where this code and the technical codes refer to "department", it shall mean the Department of Licenses and Inspections unless otherwise specified.

Exception: In the Fire Prevention Code, the "department" shall mean the Fire Department unless otherwise specified.]

SECTION A-202[.0] DUTIES AND POWERS OF THE CODE OFFICIAL

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A-202.4 Inspections: The code official shall make all of the required inspections, or shall *have the authority to* accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The

code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to approval.

* * *

A-202.6 Policies and procedures: *The Department shall have the authority to render interpretations of this code and the technical codes and to adopt policies and procedures in order to clarify the application of the provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the codes.*

SECTION A-203[.0] APPROVAL

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A-203.2 Used materials and equipment: *The use of used materials, equipment, appliances and devices that meet the requirements of the technical codes for new materials is permitted. Used [materials,] equipment and devices shall not be reused unless they have been reconditioned and placed in good and proper working condition, tested, and approved by the code official.*

A-203.3 Alternative materials and equipment: The provisions of the technical codes are not intended to prevent the installation of any material, *design* or method of construction not specifically prescribed by the technical codes, provided that any such alternative has been reviewed and approved. The commissioner is authorized to approve an alternative material, *design* or method of construction upon favorable recommendation of the Board of Building Standards (Board of Safety and Fire Prevention for matters exclusive to the Fire [Prevention] Code) when he or she finds that the proposed design is satisfactory and complies with the intent of the provisions of the technical codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety.

A-203.3.1 Research and investigation: Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of the technical codes.

Whenever there is insufficient evidence of compliance with the provisions of the technical codes, or evidence that a material or method does not conform to the requirements of the technical codes, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the Department. Test methods shall be as specified in the technical codes or other recognized test standards. In the absence of recognized and accepted test methods, testing procedures shall be subject to the approval of the code official. Tests shall be performed by an approved agency. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

* * *

A-203.3.2.1 Evaluation services. *Materials, product, and methods of construction that were evaluated as meeting subcodes of the Building Construction and Occupancy Code by the ICC Evaluation Service, Inc. or an evaluation service accredited under the “General Requirements for Bodies Operating Product Certification Systems” issued by the ISO (ISO Guide 65) are approved for use. The use shall conform with the evaluation.*

A-203.3.2.2 Testing laboratories. *Materials, equipment and devices bearing the label or listed by a testing laboratory or quality assurance agency accredited by the International Accreditation Service, Inc. or another agency accredited under the “Calibration and Testing Laboratory Accreditation Systems - General Requirements for Operation and Recognition” issued by ISO (ISO Guide 65) are approved for use if:*

1. *The testing laboratory or quality assurance agency deemed the material as meeting standards required by the Building Construction and Occupancy Code, and*
2. *The scope of accreditation is applicable to standards required by the Building Construction and Occupancy Code.*

**CHAPTER 3
PERMITS**

SECTION A-301[.0] APPLICATION FOR PERMIT

A-301.1 Permits required: An application shall be submitted to the Department for the activities listed in Sections A-301.1.1 through A-301.1.5 and these activities shall not commence without a permit being issued in accordance with Section A-302.0. *Where the scope of work includes more than one lot, a separate permit shall be required for each lot.*

A-301.1.1 Building permits: A building permit is required for the following activities:

- * * *
3. Altering, modifying, *repairing*, or improving a structure.

* * *
 6. Installing, *erecting, enlarging, removing, replacing, converting, repairing* or altering any equipment which is regulated by the Building Code, *Fuel Gas Code*, [or] *Mechanical Code or Chapters 3 through 24 of the Residential Code.*
 7. *Installing any trailer, regardless of the method of support, including support on wheels or blocks. The provisions of this Title shall apply to a trailer in the same manner as if the trailer were a site-built structure*

Exceptions:

- a. *Recreational trailers.*
- b. *Vacant trailers parked on a site.*
- c. *Trailers used in conjunction with construction operations.*
- d. *Buildings and structures subject to the Pennsylvania Industrialized Housing Act, Act 70 of 1972, P.L. 286, or the Pennsylvania Manufactured Housing Construction and Safety Standards Authorization Act, Act 192 of 1982, P.L. 676.*

A-301.1.2 Fire [prevention] permits: A permit or license is required for those operations, facilities, trades and hazardous materials specified in the Fire [Prevention] Code.

A-301.1.2.1 Multiple permits or licenses: Any person carrying on two or more activities for which permits or licenses are required by the Fire [Prevention] Code shall have a permit or license for each such activity, *provided that, where multiple permits are required for activities conducted at the same location, the code official is authorized to consolidate all required operational permits on a single document and all required construction permits on a single document, provided that each operation or construction activity is listed on the document.*

Exception: [except w]Where facilities store, use, dispense or handle two or more hazardous materials on the premises at any one time, only one permit shall be required which lists each such hazardous material.

* * *

A-301.1.6 Emergency repairs: *Where equipment replacements and repairs that require a permit must be*

performed in an emergency situation, the permit application shall be submitted within the next three business days to the Department.

A-301.2 Permits not required: Permits shall not be required for the activities listed in Sections A-301.2.1 through A-301.2.5 and the regulations promulgated pursuant thereto. *Exemptions from permit requirements of this code or the technical codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of The Philadelphia Code.*

A-301.2.1 Building permits: A building permit shall not be required for the following activities. *This subsection does not exempt any activity from any other applicable permit requirements under The Philadelphia Code, including Section 14-2007 relating to historic designations.*

* * *

3. *Non-masonry fences that do not exceed six feet high.*
4. *Masonry fence walls that do not exceed two feet high.*
5. *Retaining walls that do not exceed two feet in height measured from the lowest level of grade to the top of the wall where no surcharge is supported and that do not impound Class I, II or III-A liquids.*
6. *Pointing of masonry.*
7. *Water tanks supported directly on grade where the tank capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2-to-1.*
8. *Painting, papering and similar wall and ceiling finishes that do not exceed 0.036 inches (0.9 mm) in thickness.*
9. *Paneling or gypsum wallboard installed over existing wall surfaces and ceiling material applied directly to existing ceilings in Group R-3 and U occupancies.*
10. *Insulation installed in Group R-3 and U occupancies without removal of wall or ceiling surfaces.*
11. *Traditional floor coverings such as wood, vinyl, linoleum, terrazzo and resilient floor coverings that are not comprised of fibers.*
12. *Carpeting and similar floor coverings that are not installed in exit access corridors, exit passageways or vertical exits.*
13. *Cabinets, counter tops and similar finishing work.*
14. *Movable cases, counters and partitions that are not over 5 feet 9 inches in height.*
15. *Temporary motion picture, television, and theater stage sets and scenery.*
16. *One-story detached structures accessory to R-3 occupancies, provided the floor area does not exceed 200 square feet (18.58 m²).*
17. *Prefabricated swimming pools accessory to Group R-3 occupancies where the pool is less than 24 inches deep, does not exceed 5,000 gallons and is installed entirely above ground.*
18. *Window awnings that are supported solely by, and do not project more than 54 inches from, the exterior wall of buildings containing Group R-3 or Group U occupancies.*
19. *Shade cloth structures constructed for nursery or agricultural purposes that do not include service systems.*
20. *Swings, playground equipment and structures limited to the use of a household pet, accessory to Group R-3 occupancies.*

21. *Sidewalks, driveways, patios, and similar concrete or other hard surface materials constructed on grade where they are not part of an accessible route. This exception includes decks of any material, accessory to Group R-3 occupancies where the deck is located not more than 12 inches above the ground surface below and is not over a story or basement.*
22. *Replacement of non-fire-resistance rated windows and doors without structural change (no change in shape or size of existing openings).*
23. *Portable units including: ventilation equipment, heating appliances, cooling units, evaporative coolers, clothes drying appliances, fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.*
24. *Steam, hot or chilled water piping within any heating or cooling equipment regulated by the Building Construction and Occupancy Code.*
25. *Replacement of any component part or assembly of an appliance or equipment that does not alter its original approval and does not render the appliance or equipment unsafe.*
26. *Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less.*
27. *Bridge structures for rail, vehicular and/or footway traffic only, that are within street or rail rights-of-way.*
28. *Replacement of exterior stairs, ramps, platform lifts, steps and landings accessory to a one and two family dwelling provided that they do not exceed 6 feet in vertical height; do not encroach upon the public right-of-way; and the landing does not have a surface area greater than 36 square feet with no individual dimension greater than 6 feet. This exclusion does not provide for vertical enclosure of the covered element(s) except guards required by the Building Code.*

* * *

A-301.2.3 Electrical permits: An electrical permit shall not be required for the following activities:

1. Minor repair *and maintenance* work including, the replacement of [broken] lamps, circuit breakers and fuses; repairing or replacement of switches, lamp sockets, ballasts, drop cords, receptacles, bulbs; taping bare joints; and replacing lighting fixtures to existing connections [as described in subcode "E" Section E-2701.8].

* * *

7. [Electrical work where the total cost of materials, equipment, labor, overhead and profit is less than \$100.00. This exception does not include the installation or modification of an electric service.] *The installation of low voltage wiring in Group R-3 and U occupancies.*
8. *Installations in railway cars or automotive equipment.*

A-301.2.4 Plumbing permits: A plumbing permit shall not be required for the following activities:

1. Minor repairs including the replacement of faucets or valves or parts thereof with like material or material serving the same purpose; *or the removal and reinstallation of water closets, provided the work does not include the replacement or rearrangement of valves, pipes or fixtures.*
2. [The clearance of stoppages.
3. The stopping of leaks without replacement of water, drainage or vent piping.
4. Other repairs designated as "minor repairs" by the Plumbing Code.

- 5.] *The sealing of sewer laterals for building demolitions contracted by the Department.*
3. *Stopping leaks in a drain, water, soil, waste, or vent pipe provided that no piping is replaced with new material.*
4. *Clearing stoppages or repairing leaks in pipes, valves or fixtures, provided that valves, pipes or fixtures are not replaced or rearranged.*

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A-301.6 Construction documents: Applications for [building, electrical and plumbing] permits shall be accompanied by three sets of construction documents *that include the information required by Section A-305.0, the technical codes, regulations, plan submission standards, and any other information that the code official determines is necessary to issue the permit.* [Plans shall be drawn to scale, and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the technical codes and all applicable standards, regulations and ordinances. The Department is authorized to establish plan submission standards and to waive any or all of the requirements for filing construction documents when the scope of the work so dictates. When the quality of the materials is essential for conformity to the technical codes, specific information shall be given to establish such quality, and the code shall not be cited, nor shall the term "legal" or its equivalent be used as a substitute for specific information.

A-301.6.1 Engineering details: Construction documents shall include adequate details of structural, mechanical and electrical work, including computations, diagrams and other essential technical data as determined by the code official.

A-301.6.2 Documentation. Applications for fire prevention and zoning permits shall be accompanied by such documentation as the technical codes, regulations, or departmental procedures require.

A-301.6.3 Site plan. In the case of new construction, additions and demolition, the zoning and building permit applications shall be accompanied by a site plan showing to scale the size and location of all new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.]

* * *

A-301.8 Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of [filing] *any request by the Department for information from the applicant or 60 days after notification by the Department that the application is approved and available for pick-up, whichever is sooner,* unless [such application has been diligently prosecuted] *the applicant provides any requested information to the Department and [or a permit shall have been issued;] has taken the necessary steps to pick up the permit from the Department.* [except that t]The code official may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

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SECTION A-302[.0] PERMITS

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A-302.1 Action on application: The Department shall examine or cause to be examined all applications for permits and amendments thereto [within a reasonable time after filing]. If the application or the construction documents do not conform to the requirements of all pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this code and the technical codes and all laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable upon payment of requisite fees.

A-302.1.1 Time limit. *The code official shall grant or deny a permit application in whole or in part or request further information, within 30 business days of the filing date for commercial construction and 15 business days for residential construction. Reasons for a denial shall be in writing and sent to the applicant. When agreed to by the code official and the permit applicant in writing, the deadline for action shall be extended by the number of days specified in the agreement*

Exception: *The deadline for action on permits for structures that have been designated as historic or are located in an historic district is extended by the amount of time the application is under review by the Historical Commission.*

A-302.1.2 Substantially improved or substantially damaged existing residential buildings in areas prone to flooding. *For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures subject to the Philadelphia Residential Code and located in an area prone to flooding as established by Table R-R301.2(1), the code official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damage condition. If the code official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the Board of Building Standards for a determination of substantial improvement or substantial damage. Applications determined by the board to constitute substantial improvement or substantial damage shall meet the requirements of Section R-R323 of the Residential Code.*

A-302.2 Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The code official [may] *is authorized*, for reasonable cause, *to extend in writing* the time for commencing the work for a period not exceeding six months upon written request of the permittee. No permit shall be extended more than once. In order to proceed with the work authorized by an expired permit, a new permit shall be obtained.

Exception: Zoning and use registration permits.

A-302.2.1 Pre-paid permits: *In the case of pre-paid permits, the valid six month period shall commence on the date that the permit is completed and submitted to the Department, not on the date of purchase.*

A-302.2.2[1] Zoning and use registration permits: Zoning and/or Use Registration Permits issued with respect to construction or interior alterations, shall expire one year after the date of issuance unless the building permit for such work is issued prior thereto and the work is carried on to completion without voluntary interruption. Use registration permits, where no construction or alteration work is involved, shall expire three months from the date of issuance unless the approved use has begun.

A-302.3 Previous approvals: This code and the technical codes shall not require changes in the construction documents, construction or designated [use group] *occupancy classification* of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been actively prosecuted within 90 days after the effective date of the applicable code(s) and is completed with dispatch.

* * *

A-302.5 Construction documents: Upon approval, the code official shall stamp or endorse in writing "Approved" on *each page* of three sets of construction documents, unless otherwise specified. *Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents and required non-design changes*

marked thereon by the code official.

* * *

A-302.5.2 Responsibility: Construction documents approved by the Department are approved with the intent that such construction documents comply in all respects with this code and the applicable technical codes. Any omissions or errors on the construction documents do not relieve the applicant or other responsible persons of having to comply with all applicable requirements of this code and the technical codes. *The issuance of a permit based on construction documents and other data shall not prevent the code official from requiring the correction of errors in the construction documents and other data. The code official is authorized to prevent occupancy or use of a structure where in violation of The Philadelphia Code.*

A-302.5.3 Health care facilities. *The code official shall not approve plans for a health care facility under this section unless the Pennsylvania Department of Health has approved the plans.*

* * *

A-302.7 Annual permit. *In lieu of an individual permit for each repair, replacement, maintenance operation or alteration to an already approved electrical, gas, mechanical, or plumbing installation, the code official is authorized to issue an annual permit upon application therefor. The work authorized under an annual permit does not include new installations or the extension of existing systems. The applicant shall be a person, firm, or corporation regularly employing one or more qualified trade persons in the building, structure, or on the premises owned or operated by the applicant for the permit.*

A-302.7.1 Records. *The entity to whom an annual permit is issued shall keep a detailed record of all work performed under the annual permit. The work record shall be available for inspection by the code official at all times, or at the code official's discretion, shall be filed with the code official.*

A-302.8[7] Posting of permits and licenses:

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A-302. 9[8] Revocation of permit: The code official is authorized to revoke a permit or approval issued pursuant to the provisions of this code and the technical codes in case of any of the following:

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2. The permit was issued on the basis of incorrect, *inaccurate or incomplete* information in the application or construction documents.

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A-302.9[8].1 Correction:

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A-302.10[9] Conditions of permit:

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A-302.10[9].1 Payment of fees:

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A-302.10[9].2 Compliance with code:

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A-302.10[9].3 Compliance with permit:

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A-302.10[9].4 Compliance with site plan:

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A-302.10[9].5 Asbestos inspection report:

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A-302.11[0] Notice of start:

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SECTION A-303[.0] DEMOLITION AND RELOCATION OF STRUCTURES

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SECTION A-304[.0] PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES

A-304.1 General: The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures required for a permit application shall be prepared by a registered design professional consistent with the professional registration laws of the Commonwealth of Pennsylvania. *Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.* The construction documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration laws.

Exceptions:

1. *A registered design professional is not required to prepare the construction documents for the remodeling or alteration of a building where there is no compensation paid for such preparation and the remodeling or alteration does not relate to additions to the building or changes to the building's structure or means of egress.*
2. *A registered design professional is not required to prepare designs submitted under the provisions of Chapter 4 of the Fuel Gas Code for residential buildings having a conditioned floor area of 5,000 square feet (465 m²) or less, provided a qualified person prepares such designs.*

* * *

A-304.3 Design professional in responsible charge: *When it is required that documents be prepared by a registered design professional, the code official is authorized to require the owner to engage and designate on the building permit application, a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge, who shall perform the duties required of the original registered design professional in responsible charge. The code official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.*

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

A-304.3.1 Deferred submittals: *For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the code official within a specified period.*

Deferral of any submittal items shall be subject to the prior approval of the code official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for

review by the code official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the code official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the code official.

SECTION A-305 CONSTRUCTION DOCUMENTS

A-305.1 General. *Plans shall be drawn on suitable material, generally to scale, dimensioned, and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed. Plans shall show in detail that the work will conform to the provisions of the technical codes including applicable items specified in this section 305.0 and all applicable standards, regulations and ordinances.*

A-305.1.1 Waiver. *The code official is authorized to waive the submission of construction documents and other data that is not required to be prepared by a registered design professional where the code official determines that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the technical codes.*

A-305.1.2 Plan submission standards. *The Department is authorized to establish plan submission standards.*

A-305.1.3 Material quality. *Where the quality of the materials is essential for conformity to the technical codes, specific information shall be given to establish such quality, and the code shall not be cited, nor shall the term "legal" or its equivalent be used as a substitute for specific information.*

A-305.1.4 Engineering details. *Construction documents shall include adequate details of structural, mechanical and electrical work, including computations, diagrams and other essential technical data as determined by the code official.*

A-305.1.5 Fire and zoning permits. *Applications for fire operational permits, fire construction permits and zoning permits shall be accompanied by such documentation as this section, the technical codes, regulations and departmental procedures require.*

A-305.2 Contents. *The construction documents shall contain the following information as required by the technical codes and additional provisions of the Department.*

A-305.2.1 Building Code. *Specific requirements of the Building Code include the items or data included in A-305.2.1.1 through A-305.2.1.15.*

A-305.2.1.1 Site plan. *In the case of new construction, additions and demolition, the zoning and building permit applications shall be accompanied by a site plan showing to scale the size and location of all new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades, and as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey*

Required accessibility features shall be shown including but not limited to: parking spaces, public transportation stops and accessible routes.

In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

A-305.2.1.2 Penetrations. *Construction documents shall include information regarding the tested systems and assemblies used to protect through-penetrations and membrane penetrations of horizontal assemblies and fire-resistance-rated vertical assemblies in accordance with Section B-712 of the Building Code.*

A-305.2.1.3 Fire-resistant joint systems. *Construction documents shall include information regarding the*

tested systems used to protect joints in or between fire-resistance-rated building assemblies in accordance with Section B-713 of the Building Code.

A-305.2.1.4 Fire extinguishing system shop drawings. Shop drawings for automatic fire extinguishing systems shall be submitted for review and approval prior to system installation, to indicate conformance with the Building Code and the construction documents. They shall contain all information required by the referenced installation standards in Chapter 9 of the Building Code.

A-305.2.1.5 Fire alarm and detection systems. In accordance with Section B-907.1.1 of the Building Code, construction documents for fire alarm systems shall be submitted for review and approval prior to system installation. Construction documents shall include, but not be limited to all of the following:

1. A floor plan which indicates the use of all rooms.
2. Locations of alarm-initiating and notification appliances.
3. Alarm control and trouble signaling equipment.
4. Annunciation.
5. Power connection.
6. Battery calculations.
7. Conductor type and sizes.
8. Voltage drop calculations.
9. Manufacturers, model numbers and listing information for equipment, devices and materials.
10. Details of ceiling height and construction.
11. The interface of fire safety control functions.

A-305.2.1.6 Smoke control systems. In accordance with Section B-909.2 through B-909.4 of the Building Code, construction documents shall include sufficient information and detail to adequately describe the elements of the design necessary for the proper implementation of the smoke control systems. These documents shall be accompanied by sufficient information and analysis to demonstrate compliance with these provisions. The design submission accompanying the construction documents shall clearly detail procedures and methods to be used and the items subject to special inspections and tests.

A rational analysis supporting the types of smoke control systems to be employed, their methods of operation, the systems supporting them and the methods of construction to be utilized shall accompany the submitted construction documents and shall include, but not be limited to the items indicated below.

1. **Stack effect.** The system shall be designed such that the maximum probable normal or reverse stack effect will not adversely interfere with the system's capabilities. In determining the maximum probable stack effect, altitude, elevation, weather history and interior temperatures shall be used.
2. **Temperature effect of fire.** Buoyancy and expansion caused by the design fire in accordance with Section B-909.9 of the Building Code shall be analyzed. The system shall be designed such that these effects do not adversely interfere with the system's capabilities.
3. **Wind effect.** The design shall consider the adverse effects of wind. Such consideration shall be consistent with the wind-loading provisions of Chapter 16 of the Building Code.
4. **HVAC systems.** The design shall consider the effects of the heating, ventilating and air-conditioning (HVAC) systems on both smoke and fire transport. The analysis shall include all permutations of systems status. The design shall consider the effects of the fire on the HVAC systems.

5. **Climate.** The design shall consider the effects of low temperatures on systems, property and occupants. Air inlets and exhausts shall be located so as to prevent snow or ice blockage.

6. **Duration of operation.** All portions of active or passive smoke control systems shall be capable of continued operation after detection of the fire event for not less than 20 minutes.

A-305.2.1.7 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, as applicable in Section B-101.2 of the Building Code, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

A-305.2.1.8 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetrations and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

A-305.2.1.9 Roof assemblies and rooftop structures. The construction documents shall indicate the type of roof assembly used, materials, fire classification, fastening requirements, roof ventilation, roof drainage, parapet coping, and flashing materials and locations. The details of any rooftop structures shall also be included.

A-305.2.1.10 Structural design. Construction documents shall show the size, section and relative locations of structural members with floor levels, column centers and offsets fully dimensioned. The design loads and other information pertinent to the structural design required by Subsections A-305.2.1.10.1 through A-305.2.1.10.8 shall be clearly indicated on the construction documents for parts of the building or structure.

Exception: Construction documents for buildings constructed in accordance with the conventional light-frame construction provisions of Section B-2308 of the Building Code shall indicate the following structural design information:

1. Floor and roof live loads.
2. Ground snow load, P_g .
3. Basic wind speed (3-second gust), miles per hour (mph) (km/hr) and wind exposure.
4. Seismic design category and site class.

A-305.2.1.10.1 Floor live load. The uniformly distributed, concentrated and impact floor live load used in the design shall be indicated for floor areas. Live load reduction of the uniformly distributed floor live loads, if used in the design shall be indicated.

A-305.2.1.10.2 Roof live load. The roof live load used in the design shall be indicated for roof areas (Section B-1607.11 of the Building Code).

A-305.2.1.10.3 Roof snow load. The ground snow load, P_g , shall be indicated. In areas where the ground snow load, P_g , exceeds 10 pounds per square foot (psf) (0.479 kN/m²), the following additional information shall also be provided, regardless of whether snow loads govern the design of the roof:

1. Flat-roof snow load, P_f .

2. Snow exposure factor, C_e .
3. Snow load importance factor, I_s .
4. Thermal factor, C_t .

A-305.2.1.10.4 Wind design data. The following information related to wind loads shall be shown, regardless of whether wind loads govern the design of the lateral-force-resisting system of the building.

1. Basic wind speed (3-second gust), miles per hour (km/hr).
2. Wind importance factor, I_w , and building category.
3. If more than one wind exposure is utilized, the wind exposure and applicable wind direction shall be indicated.
4. The applicable internal pressure coefficient.
5. Components and cladding. The design wind pressure in terms of psf (kN/m^2) to be used for the design of exterior component and cladding materials not specifically designed by the registered design professional.

A-305.2.1.10.5 Earthquake design data. The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building:

1. Seismic importance factor, I_g , and seismic use group.
2. Mapped spectral response accelerations S_s and S_1 .
3. Site class
4. Spectral response coefficients S_{DS} and S_{D1} .
5. Seismic design category.
6. Basic seismic-force-resisting system(s).
7. Design base shear.
8. Seismic response coefficient(s), C_s .
9. Response modification factor(s), R
10. Analysis procedure used.

A-305.2.1.10.6 Flood load. For buildings located in flood hazard areas as established in Section B-1612.3 of the Building Code, the following information, referenced to the datum on the Philadelphia Flood Insurance Rate Map (FIRM), shall be shown, regardless of whether flood loads govern the design of the building.

1. In flood hazard areas not subject to high-velocity wave action, the elevation of proposed lowest floor, including basement.
2. In flood hazard areas not subject to high-velocity wave action, the elevation to which any nonresidential building will be dry floodproofed.
3. In flood hazard areas subject to high-velocity wave action, the proposed elevation of the bottom of the lowest horizontal structural member of the lowest floor, including basement.

A-305.2.1.10.7 Special loads. Special loads that are applicable to the design of the building, structure or portions thereof shall be indicated along with the specified section of this code that addresses the special

loading condition.

A-305.2.1.10.8 System and components requiring special inspections for seismic resistance. Construction documents or specifications shall be prepared for those systems and components requiring special inspection for seismic resistance as specified in Section B-1707.1 of the Building Code by the registered design professional responsible for their design and shall be submitted for approval in accordance with Section B-106.1 of the Building Code. Reference to seismic standards in lieu of detailed drawings is acceptable.

A-305.2.1.11 Statement of special inspections. The permit applicant shall submit a statement of special inspections prepared by the registered design professional in responsible charge as a condition for permit issuance. This statement shall include a complete list of materials and work requiring special inspections by Section B-1704 of the Building Code, the inspections to be performed and a list of the individuals, approved agencies or firms intended to be retained for conducting such inspections.

A-305.2.1.12 Foundation and soils investigations. The soil classification and design load-bearing capacity shall be shown on the construction documents. The owner or applicant shall submit a foundation and soils investigation to the code official where required in Sections B-1802.2.1 through B-1802.2.6 of the Building Code. Where required by the code official, a written report of the investigation shall be submitted that includes, but need not be limited to, the following information:

1. A plot plan showing the location of test borings and/or excavations.
2. A complete record of the soil samples.
3. A record of the soil profile.
4. Elevation of the water table, if encountered.
5. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils mitigation of the effects of liquefaction, differential settlement and varying soil strength; and the effects of adjacent loads.
6. Expected total and differential settlement.
7. Pile and pier foundation information in accordance with Section B-1808.2.2 of the Building Code.
8. Special design and construction provisions for footings or foundations founded on expansive soils, as necessary.
9. Compacted fill material properties and testing in accordance with Section B-1803.5 of the Building Code.

A-305.2.1.13 Structural concrete construction. The construction documents for structural concrete construction shall include:

1. The specified compressive strength of concrete at the stated ages or stages of construction for which each concrete element is designed.
2. The specified strength or grade of reinforcement.
3. The size and location of structural elements, reinforcement, and anchors.
4. Provision for dimensional changes resulting from creep, shrinkage and temperature.
5. The magnitude and location of prestressing forces.
6. Anchorage length of reinforcement and location and length of lap splices.

7. *Type and location of mechanical and welded splices of reinforcement.*
8. *Details and location of contraction or isolation joints specified for plain concrete.*
9. *Minimum concrete compressive strength at time of posttensioning.*
10. *Stressing sequence for posttensioning tendons.*
11. *For structures assigned to Seismic Design Category D, E or F, a statement if slab on grade is designed as a structural diaphragm (see Section 21.10.3.4 of ACI 318).*

A-305.2.1.14 Masonry construction. *The construction documents shall show all of the items required by the Building Code including the following:*

1. *Specified size, grade, type and location of reinforcement, anchors and wall ties.*
2. *Reinforcing bars to be welded and welding procedure.*
3. *Size and location of structural elements.*
4. *Provisions for dimensional changes resulting from elastic deformation, creep, shrinkage, temperature and moisture.*

A-305.2.1.15 Demolition. *Construction documents and a schedule for demolition shall be submitted when required by the code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.*

A-305.2.2 Electrical Code. *Specific requirements of the Electrical Code include the items or data included in A-305.2.2.1 through A-305.2.2.3.*

A-305.2.2.1 General. *Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Electrical Code and relevant laws, rules and regulations, as determined by the code official. The detail shall include but not be limited to the location and capacity of lighting facilities, electrically operated equipment and electrical circuits required for service equipment that is included in, or affected by, the scope of work covered by the permit.*

A-305.2.2.2 Penetrations. *Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.*

A-305.2.2.3 Load calculations. *Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.*

A-305.2.3 Energy Conservation Code. *Specific requirements of the Energy Conservation Code require that the construction documents be of sufficient clarity to indicate the location, nature and extent of the work proposed. Construction documents shall show in sufficient detail pertinent data and features of the building and the equipment and systems governed therein, including, but not limited to:*

1. *Design criteria*
2. *Exterior envelope component materials*
3. *U-factors of the envelope systems*
4. *U-factors of fenestration products*
5. *R-values of insulating materials*

6. *Size and type of apparatus and equipment*
7. *Equipment and systems controls*
8. *Other pertinent data to indicate compliance with the requirements of the Energy Conservation Code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.4 Existing Building Code. *Specific requirements of the Existing Building Code include the items or data indicated in A-305.2.4.1 through A-305.2.4.4.*

A-305.2.4.1 General. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Existing Building Code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.4.2 Work area. *The work area, as defined in Chapter 2 of the Existing Building Code, shall be identified on the construction documents.*

A-305.2.4.3 Means of egress. *The construction documents for alterations Level 2, alterations Level 3, additions, and changes of occupancy shall show in sufficient detail the location, construction, size, and character of all portions of the means of egress in compliance with the provisions of the Existing Building Code. The construction documents shall designate the number of occupants to be accommodated in every work area of every floor and in all affected rooms and spaces.*

A-305.2.4.4 Exterior wall envelope. *Construction documents for all work affecting the exterior wall envelope shall describe the exterior wall envelope in sufficient detail to determine compliance with the Existing Building Code. The construction documents shall provide the details of the exterior wall envelope as required, including windows, doors, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings.*

A-305.2.5 Fire Code. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Fire Code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.5.1 LP-gas installations. *Construction documents are required for LP-gas installations that are required to obtain a permit by Sections F-105.6 or F-105.7 of the Fire Code.*

A-305.2.6 Fuel Gas Code. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Fuel Gas Code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.6.1 General. *Construction documents shall include, but not be limited to design criteria, exterior envelope component materials, U-factors of the envelope systems, U-factors of fenestration products, R-values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate compliance with the code.*

A-305.2.6.2 Buildings more than two stories. *Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.*

A-305.2.7 Mechanical Code. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the mechanical code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.7.1 Buildings more than two stories. *Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials*

and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

A-305.2.8 Performance Code. *The design professional shall prepare appropriate documentation for the project that clearly provides the design approach and rationale for design submittal, construction, and future use of the building, facility or process in accordance with the Performance Code. Construction documents shall contain the design approach, analysis, research, computation and criteria for acceptance that specify the applicable design guides, and authoritative documents utilized to demonstrate that design objectives are met.*

A-305.2.9 Plumbing Code. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Plumbing Code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.6.1 Buildings more than two stories. *Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.*

A-305.2.10 Residential Code. *The construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work will conform to the provisions of the Residential Code and relevant laws, rules and regulations, as determined by the code official.*

A-305.2.10.1 Manufacturer’s installation instructions. *Manufacturer’s installation instructions, as required by the Residential Code, shall be available on the job site at the time of inspection.*

A-305.2.10.2 Areas prone to flooding. *For buildings and structures in flood hazard areas as established by Table R-R301.2(1) of the Residential Code, construction documents shall include:*

- 1. Delineation of flood hazard areas, floodway boundaries, and flood zones; and the design flood elevation as appropriate.*
- 2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade.*

SECTION A-306 COMMERCIAL CONSTRUCTION RECORDS

A-306.1 Record retention. *The Department shall keep records of all applications received, permits issued, reviewed building plans and specifications, certificates issued, fees collected, reports of inspections, notices and orders issued for all commercial buildings and structures under the Building Construction and Occupancy Code. The Department shall retain these records as long as the related building, structure or equipment remains in existence.*

CHAPTER 4 INSPECTIONS

SECTION A-401[.0] RIGHT OF ENTRY

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A-401.2.1 Non-public spaces: *Prior to entering into a space not otherwise open to the general public, the code official shall make a reasonable effort to locate the owner or other person having charge or control of the space or premises, present proper identification and request entry. Failure or refusal by the owner or other person in charge of the space or premises to permit such entry shall constitute [a violation of this code. Such right of entry and inspection shall be enforced by application to and proper orders from] a basis for the code official to apply to a court of competent jurisdiction for proper orders authorizing entry.*

* * *

SECTION A-402[.0] PERMIT INSPECTIONS

A-402.1 General: *The code official shall conduct inspections as provided in this section and the technical codes. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code, the technical codes, or of other ordinances. Inspections presuming to give authority to violate or cancel the provisions of The Philadelphia Code shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes until approved. Neither the code official nor the City of Philadelphia shall be liable for expense entailed in the removal or replacement of any material to allow inspection.*

A-402.1.1 Concealed work. *Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall have the authority to require that such work be exposed for inspection.*

A-402.2 Preliminary inspection: *Before issuing a permit, the code official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.*

A-402.3[1] Record: A record of all inspections and violations of this code or the technical codes shall be maintained by the code official.

A-402.4[2] Special inspections: The owner shall provide for special inspections in accordance with the Building Code.

A-402.5[3] Equipment: All equipment and systems for which a permit is obtained shall be inspected and approved. Any portion of equipment or system intended to be concealed by any permanent portion of the structure shall not be concealed until inspected.

A-402.4] Final inspection: Upon completion of the work authorized by the permit and before issuance of the certificate of occupancy or final approval, a final inspection shall be made. All violations of the permit and approved construction documents shall be noted and the holder of the permit shall be notified of the violations. A re-inspection shall be conducted to confirm compliance with all such violations prior to issuance of the certificate of occupancy or final approval. *The final inspection shall be performed by persons who are certified in accordance with the regulations of the Commonwealth of Pennsylvania in the categories appropriate for the scope of work to be inspected.*

A-402.6[5] Approved inspection agencies: The Department [shall] *is authorized to accept reports of approved inspection agencies provided such agencies satisfy the Department's requirements as to qualifications and reliability.*

A-402.7[6] Plant inspection: Where required by the provisions of the technical codes or regulations, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with applicable provisions of the technical codes.

A-402.8 Inspection requests: *It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code or the technical codes.*

A-402.9 Approval required: *Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.*

A-402.10 Required inspections. *Required inspections shall include the following items as they relate to the*

technical codes. The Department is authorized to conduct additional inspections as determined by conditions and the scope of work.

A-402.10.1 Building Code. Specific Building Code inspections include the items included in A-402.10.1.1 through A-402.10.1.9 as applicable to the scope of work.

A-402.10.1.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

A-402.10.1.2 Concrete slab or under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including subfloor.

A-402.10.1.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section B-1612.5 of the Building Code shall be submitted to the building official.

A-402.10.1.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

A-402.10.1.5 Lath or gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

A-402.10.1.6 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

A-402.10.1.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 of the Building Code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water heating equipment efficiency.

A-402.10.1.8 Other inspections. In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department.

A-402.10.1.9 Special Inspections. For special inspections, see Section B-1704 of the Building Code.

A-402.10.2 Existing Building Code. The required inspections for compliance with the Existing Building Code are those listed in Sections A-402.10.1.1 through A-402.10.1.9 as applicable to the scope of work.

A-402.10.3 Fuel Gas Code. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections as applicable to the scope of work, and other such inspections as necessary, and shall either release that portion of the construction or notify the permit holder or the permit holder's agent of violations that are required to be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping is installed and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean

backfill shall be on the job site.

2. *Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all components to be concealed are complete, and prior to the installation of wall or ceiling membranes.*
3. *Final inspection shall be made upon completion of the installation.*

A-402.10.4 Mechanical Code. *The inspections required for Mechanical Code compliance are the same as those listed for the Fuel Gas Code in Section A-402.10.3 as applicable to the scope of work.*

Exception: *Ground-source heat pump loop systems tested in accordance with Section M-1208.1.1 of the Mechanical Code shall be permitted to be backfilled prior to inspection.*

A-402.10.5 Residential Code. *For onsite construction, from time to time the code official, upon notification from the permit holder or the permit holder's agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or the permit holder's agent wherein the same fails to comply with the code. Specific required inspections include those in Sections A-402.10.5.1 through A-402.10.5.5.1 as applicable to the scope of work.*

A-402.10.5.1 Foundation inspection. *Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.*

A-402.10.5.2 Plumbing, mechanical, gas and electrical systems inspection. *Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.*

Exception: *Ground-source heat pump loop systems tested in accordance with Section R-M2105.1 of the Residential Code shall be permitted to be backfilled prior to inspection.*

A-402.10.5.3 Floodplain inspections. *For construction in areas prone to flooding as established by Table R-R301.2(1) of the Residential Code, upon placement of the lowest floor, including basement, and prior to further vertical construction, the code official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R-R323 of the Residential Code.*

A-402.10.5.4 Frame and masonry inspection. *Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.*

A-402.10.5.5 Other inspections. *In addition to the called inspections above, the code official may make or require any other inspections to ascertain compliance with the Residential Code and other laws, rules and regulations enforced by the code official.*

A-402.10.5.5.1 Fire-resistance-rated construction inspection. *Where fire-resistance-rated construction is required between dwelling units or due to location on property, the code official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.*

SECTION A-403[.0] COORDINATION OF INSPECTIONS

* * *

SECTION A-404 SERVICE UTILITIES

A-404.1 Connection of service utilities. *No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code or the technical codes for which a permit is required, until released by the code official.*

A-404.2 Temporary connection. *The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.*

A-404.3 Authority to disconnect service utilities. *The code official shall have the authority to authorize disconnection of utility services or energy sources to a building, structure or system regulated by the Philadelphia Building Construction and Occupancy Code where it is necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.*

A-404.3.1 Connection after order to disconnect. *A person shall not make utility service or energy source connections to systems regulated by the Philadelphia Building Construction and Occupancy Code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.*

SECTION A-405[4.0] IDENTIFICATION

A-405[4].1 Credentials:

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**CHAPTER 5
VIOLATIONS**

SECTION A-501[.0] GENERAL

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SECTION A-502[.0] NOTICES AND ORDERS

A-502.1 Notice of violation: Whenever the code official observes an apparent or actual violation of a provision of this code or the technical codes or of a permit, certificate or construction document issued thereunder, the code official shall prepare a written notice of violation describing the condition of violation and specifying time limitations not to exceed 30 days for the required correction, discontinuance of illegal action or condition, repairs, improvements or abatement of violation. *Where the code official determines that a condition exists which creates a hazard to life or property requiring immediate action, an immediate oral order to repair or otherwise immediately remove the hazard shall have the full effect of the required subsequent written notice of violation.*

A-502.2 Form: [Such] *The written notice prescribed in Section A-502.1 shall:*

1. [Be in writing;
- 2.] Include the address of the premises in violation;
- [3]2. Include a description of the violation(s);
- [4]3. Include a correction order to eliminate the violation(s); and
- [5]4. Include a time limitation for correction of the violation(s).

* * *

SECTION A-503[.0] PROSECUTION

* * *

SECTION A-504[.0] STOP WORK ORDER

A-504.1 General: The Department is authorized to issue Stop Work Orders directing that erection, construction, alterations, installation, repairs, removal, demolition and other activities cease immediately and that the premises be vacated pending compliance with such orders whenever:

* * *

- 2. Any erection, construction, alterations, installation, repairs, removal, demolition or other activity is being performed in or on any structure or premises, or part thereof, contrary to accepted construction practices or in a dangerous or unsafe manner which imperils life, safety or property, [or] constitutes a fire or health hazard, *or will interfere with a required inspection.*

* * *

SECTION A-505[.0] CEASE OPERATIONS ORDER

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SECTION A-506 CODE VIOLATION NOTICES (CVN)

A-506.1 General. *The code official is authorized to issue notices of violation for any violation of any provision of this code or the technical codes, pursuant to the procedures set forth in Section 1-112 of The Philadelphia Code.*

A-506.2 Remittance amount. *The amount required to be remitted in response to a notice of violation is twenty-five dollars (\$25).*

Exceptions: *The amount required to be remitted shall be as follows for violation of the following provisions:*

- 1. *Section F-1008.1.8 (door operations) One hundred dollars (\$100.00)*
- 2. *Section F-1027 (egress) One hundred dollars (\$100.00)*
- 3. *Section F-401.3 (notice of fire or fire alarm) Three hundred dollars (\$300.00)*
- 4. *Section F-1004.3 (lawful occupancy signs) One hundred dollars (\$100.00)
per missing sign*
- 5. *Section PM-102.6.3 (notification of license changes) Seventy-five dollars (\$75.00)*
- 6. *Section PM-312.4.1 (overhanging or encroaching tree) Fifty dollars (\$50.00)*

**CHAPTER 6
PENALTIES**

A-601[.0] FINES

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A-602[.0] FACILITY LICENSE

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SECTION A-603[.0] INDIVIDUAL LICENSE

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SECTION A-604[.0] COMPLIANCE REQUIRED

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CHAPTER 7
CERTIFICATES AND APPROVALS

SECTION A-701[.0] CERTIFICATE OF OCCUPANCY

A-701.1 General: A certificate of occupancy, indicating compliance with permits and construction documents, shall be obtained prior to occupancy of a building in the following cases:

* * *

3. Change from one [Use] *Occupancy* Group to another.

Exception: A certificate of occupancy for change in non-residential [Use] *Occupancy* Group shall not be required under the following conditions:

* * *

A-701.3 Issuance: Upon *successful* completion of the final inspection in accordance with Section A-402.[4]6 and within five business days thereafter, the certificate of occupancy shall be issued by the code official. The certificate shall be available for inspection by the code official at any reasonable time.

A-701.3.1 Health care facilities. *The code official shall not issue a Certificate of Occupancy for a health care facility until the Pennsylvania Department of Health has approved the occupancy under 28 Pa. Code § 51.5.*

A-701.4 Contents of certificate: The certificate of occupancy shall include a statement that the described portion of the structure has been inspected for compliance with the applicable code requirements for the occupancy and division of occupancy and the use for which the proposed occupancy is classified [bear the signature of the code official] and shall specify the following:

1. The address of the building and census tract.
2. The location within the building if for part of a building.
3. The edition of the code under which the [certificate is] *permit was* issued.
4. The *use(s) and [o]Occupancy[(ies) and Use] Group(s)* in accordance with the Building Code.
5. The type of construction as defined by the Building Code.
6. If and where an automatic sprinkler system is provided and whether it is required.
7. If a standpipe system is provided and whether it is required.
8. Any variances or special conditions.
9. The application, permit and plan numbers.
10. *The date of the final inspection.*
11. *The name and address of the owner.*
12. *The printed name and signature of the code official.*

* * *

A-701.6 Posting: Either the original or a true copy of the Certificate of Occupancy shall be posted in each building, available to inspection.

Exceptions:

1. Buildings of [Use] Group R-3 *occupancy*;
2. Buildings of [Use] Group R-2 *occupancy* which have no management office on premises.

A-701.7 Revocation: *The code official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code and the technical codes wherever the certificate is issued in error or on the basis of incorrect information supplied.*

SECTION A-702[.0] CERTIFICATE OF APPROVAL

A-702.1 General: A certificate of approval shall be issued by the code official upon completion of the final inspection in accordance with Section A-402.6[4] for [the following:

1. P]permits issued pursuant to the *Philadelphia [b]Building, Construction and Occupancy [and mechanical c]Code[s]* for which a certificate of occupancy is not issued.

Exception: Fast-form building permits.

- [2. Operation permits issued pursuant to the Fire Prevention code.
3. Permits issued pursuant to the Electrical Code.
4. Permits issued pursuant to the Plumbing Code.]

A-702.2 Contents of certificate: The certificate of approval shall [bear the signature of the code official and] specify the following:

1. The address of the building and the census tract.
2. The location within the building if for part of a building.
3. The edition of the code under which the [certificate is] *permit was* issued.
4. The occupancy(ies) of the space covered by the permit.
5. [Any variances or special conditions.
- 6.] The application, permit and plan numbers.

* * *

SECTION A-703[.0] SPECIAL CERTIFICATE OF INSPECTION

A-703.1 Special *Occupancy Requirement for Structures in [Use] Group E occupancy:* No structure in [Use] Group E *occupancy*, the Educational [Use Group] *occupancy*, as defined in Subcode “B” of Title 4 owned or operated by an entity to which the City provides substantial funding, 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-703.3 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 [Use] Group E *occupancy* for which a special certificate of inspection under subsection A-703.1 is required to permit occupancy;

* * *

CHAPTER 8

APPEALS AND VARIANCES
SECTION A-801[.0] TECHNICAL APPEALS

* * *

A-801.3 Basis for appeal: An application for appeal shall be based on a claim that:

1. The true intent of the applicable code or regulations adopted thereunder [have] *has* been incorrectly interpreted;
2. The provisions of the code do not fully apply; *or*
3. An equivalent form of construction or installation is proposed. [;
4. The requirements of the code are satisfied by other means; *or*,
5. Owing to extraordinary conditions, a literal enforcement of the code will result in a unique and unnecessary hardship to the applicant or premises.]

A-801.4 Public hearing: All appeals considered by the technical boards shall be heard in public at such times and locations scheduled by the boards. *The appellant, the owner or owner’s agent, and the code official shall be notified of the date, time and place of the hearing.* The board shall recommend [affirming, modifying, reversing or vacating the decision, notice or action from which the appeal is taken] *to:*

1. *Deny the request in whole or in part;*
2. *Grant the request in whole or in part; or*
3. *Grant the request upon certain conditions being satisfied.*

SECTION A-802[.0] TECHNICAL BOARDS

A-802.1 General: Appeals filed pursuant to Section A-801[.0] shall be submitted to the technical board specified in Table A-802.1. The code official shall transmit to such board all the documents, or photocopies thereof, which constitute the record upon which the action appealed from was taken and the reasons for said action.

TABLE A-802.1
TECHNICAL APPEAL BOARDS

Subject Code	Technical Appeal Board
Building Code Electrical Code <i>Energy Conservation Code</i> <i>Existing Building Code Fuel Gas Code Mechanical Code</i> <i>Performance Code for Buildings and Facilities Plumbing</i> Code Property Maintenance Code <i>Residential Code</i>	Board of Building Standards
Building and Residential Codes - Accessibility for the physically disabled	<i>Pennsylvania</i> Accessibility Advisory Board
Fire [Prevention] Code	Board of Safety and Fire Prevention
Zoning Code	Zoning Board of Adjustment

A-802.2 Variances: Variances from the technical codes shall be granted subject to the provisions of Sections A-802.2.1 through A-802.2.4, shall be in writing and shall be available for public inspection in the Department.

A-802.2.1 Board of Building Standards: The commissioner of the Department is authorized to grant *an extension of time or a variance* from the requirements of the Building, Electrical, *Energy Conservation, Existing Building, Fuel Gas, Mechanical, Performance, Plumbing, [and] Property Maintenance and Residential Codes* upon the written recommendation of a majority of the Board of Building Standards, as

established by provisions of the Philadelphia Home Rule Charter.

A-802.2.1.1 Board recommendation: Recommendation for an *extension of time or a variance* from a technical code by the Board of Building Standards shall be made upon written petition by, or on behalf of, the owner where there is a finding that:

1. The variance will fulfill the intent of the code; and
2. Literal enforcement will result in unique and unnecessary hardship or extraordinary conditions make literal compliance impractical; and
3. The variance will not be an unreasonable deviation from the requirements of the code; and
4. [The variance will not result in increased flood heights and is the minimum variance necessary, considering the flood hazard, to afford relief.] *In the case of a variance in an area prone to flooding, the considerations and conditions for issuance set forth in Appendix G of the Philadelphia Building Code are satisfied; and*
5. *In the case of buildings designated as historic pursuant to Section 14-2007 of The Philadelphia Code or listed in the National Register of Historic Places, where strict compliance with a provision of this Title would interfere with the historic character of the property, the variance does not constitute a material life safety hazard; and*
6. *In the case of the request for an extension of time, efforts are being made to come into compliance as quickly as possible.*

* * *

A-802.2.1.3 Determination of substantial improvement in areas prone to flooding. *When the code official provides a finding to the Board of Building Standards regarding a residential building or structure regulated by the Philadelphia Residential Code as required in Section A-302.1.2, the Board of Building Standards shall determine whether the value of the proposed work constitutes a substantial improvement. A substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the building or structure has sustained substantial damage, all repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include:*

1. *Improvements of a building or structure required to correct existing health, sanitary or safety code violations identified by the code official and which are the minimum necessary to assure safe living conditions; or*
2. *Any alteration of an historic building or structure provided that the alteration will not preclude the continued designation as an historic building or structure. For the purpose of this exclusion, an historic building is:*
 - 2.1 *Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or*
 - 2.2 *Determined by the Secretary of the U. S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or*
 - 2.3 *Designated as historic under Section 14-2007 of The Philadelphia Code.*

A-802.2.1.4[3] Advisory input:

* * *

A-802.2.2 Accessibility Advisory Board: [In accordance with regulations promulgated pursuant to Pennsylvania Act 1988-166, the commissioner of the Department is authorized to grant a variance from the requirements of the Act upon the written recommendation of a majority of the Accessibility Advisory Board.

A-802.2.2.1 Board recommendation: Recommendation for variance from the Building Code provisions for accessibility by persons with physical disabilities shall be made upon written petition by, or on behalf of, the owner where there is a finding that:

1. The variance will fulfill the intent of the code; and
2. Literal enforcement will result in extreme hardship which includes, but is not limited to, prohibitive costs, a conflict with the Zoning Code or compliance is not feasible due to inherent dimensional, structural or other physical constraints; and
3. The extreme hardship has not been created by the applicant.]

Pursuant to the Act (35 P.S. § 7210.301(a)(3)), the Secretary of the Pennsylvania Department of Labor and Industry (Secretary) has the exclusive power to grant modifications and extensions of time and decide issues of technical infeasibility under Chapter 11 (Accessibility) of the Philadelphia Building Code and other accessibility requirements contained in or referenced by the Philadelphia Building Construction and Occupancy Code for individual projects.

A-802.2.2.1 Variance requests. *Pursuant to the Act, the Secretary will review all applications for modifications or variances of Chapter 11 (Accessibility) of the Philadelphia Building Code and any other accessibility requirements contained in or referenced by the Philadelphia Building Construction and Occupancy Code. The Pennsylvania Accessibility Advisory Board will advise the Secretary whether modification or variance should be granted or whether compliance is technically infeasible.*

A-802.2.2.2 Code official's decisions. *Pursuant to the Act, the Secretary will hear appeals from decisions of code officials; recommend modifications or variances, or extensions of time. An appeal of a decision of a code official will be based on a claim that the true intent of the Act or the Building Construction and Occupancy Code was incorrectly interpreted, the Act does not apply, or an equivalent form of construction is to be used.*

A-802.2.2.3 Filing of appeal. *An owner or owner's agent shall file an appeal regarding accessibility provisions with the Pennsylvania Accessibility Advisory Board on a form provided by the Pennsylvania Department of Labor and Industry.*

A-802.2.2.4 Stay of enforcement. *An appeal to the Pennsylvania Accessibility Advisory Board will automatically suspend an action to enforce an order to correct except where there is an unsafe building, structure or equipment.*

A-802.2.3 Board of Safety and Fire Prevention: The Fire Commissioner is authorized to grant *an extension of time or a variance* from the requirements of the Fire [Prevention] Code upon the written recommendation of a majority of the Board of Safety and Fire Prevention.

A-802.2.3.1 Board recommendation: Recommendation for *an extension of time or a variance* from the Fire [Prevention] Code by the Board of Safety and Fire Prevention shall be made upon written petition by, or on behalf of, the owner where there is a finding that:

1. The variance will fulfill the intent of the code; and
2. Literal enforcement will result in unique and unnecessary hardship or extraordinary conditions make literal compliance impractical; and

- 3. The variance will not be an unreasonable deviation from the requirements of the code[.]; *and*
- 4. *In the case of buildings designated as historic pursuant to Section 14-2007 of The Philadelphia Code or listed in the National Register of Historic Places, where strict compliance with a provision of this Title would interfere with the historic character of the property, the variance does not constitute a material life safety hazard; and*
- 5. *In the case of a request for an extension of time, efforts are being made to come into compliance as quickly as possible.*

* * *

SECTION A-803[.0] NON-TECHNICAL APPEALS

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SECTION A-804[.0] BOARD OF LICENSE AND INSPECTION REVIEW

* * *

SECTION A-805[.0] ACTION PENDING APPEAL

* * *

CHAPTER 9

FEES

SECTION A-901[.0] GENERAL

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A-901.8 Rough-in permits: *The Department is authorized to issue permits for the rough-in of various utility systems, service systems and other building systems or elements as authorized by the Department from time to time, where such work is applied for in advance of the application for the complete system or element installation. Each type of system or element shall be applied for separately and shall require a permit fee of \$125.00.*

A-901.9 Annual permits: *Where annual permits are issued pursuant to Section A-302.7, the fee shall be \$1250.00 per annum, payable on a schedule established by the Department.*

A-901.10[8] Accelerated plan review:

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A-901.11[9] Administrative fees: For items that require the Department to perform administratively, the fee schedule is listed below:

* * *

For replacement of a photo ID license, certificate or permit \$25.00

* * *

[For processing a request to have a scheduled hearing before an advisory board continued \$50.00]

* * *

A-901.12[10 Rei]Inspection fee: The Department is authorized to charge *inspection fees in accordance with Sections A-901.12.1 and A-901.12.2.*

A-901.12.1 Reinspection fee: *The Department is authorized to charge a reinspection fee of \$50.00 for each*

additional inspection that is required as a result of the need to re-schedule a scheduled inspection for one or more of the following reasons, *and the Department shall have the discretion to require that such fee be paid in advance of any re-inspection:*

1. The work is not constructed in accordance with the applicable code;
2. The work is not ready for inspection;
3. Access to the work to be inspected is not provided.

A-901.12.2 Overtime fee: An overtime fee of \$50.00 per hour, with a minimum charge of four hours, shall be charged to any person requesting an inspection at any time other than normal working inspection hours.

A-901.13[11] Work without or in excess of a permit:

* * *

A-901.14[12] Contract submission:

* * *

SECTION A-902[.0] BUILDING, FUEL GAS AND MECHANICAL CODE FEES

A-902.1 General: Fees for permits, approvals, appeals, certificates and administrative services related to activity regulated by the Building, *Fuel Gas* and Mechanical Codes shall be as set forth in this section.

A-902.2 Construction: Permit fees for new construction, additions, alterations demolition, occupancy and repairs shall be as set forth in Sections A-902.2.1, except as otherwise specified in Sections A-902.2.2 through A-902.2.10.

A-902.2.1 Constructed area: The permit fee for new construction, additions, alterations and repairs shall be based on the constructed area as follows:

For new construction and additions:

500 square feet or less \$100.00

Greater than 500 square feet \$100.00 plus \$50.00 for each additional 100 square feet or fraction thereof

Exceptions:

1. *For Group R-3 [Use Group] and U Occupancies*

500 square feet or less \$25.00

Greater than 500 square feet \$25.00 plus \$40.00 for each additional 100 square feet or fraction thereof

2. *For Manufactured and Industrialized Housing pursuant to the Manufactured Housing Construction and Safety Standards Authorization Act, Act 192 of 1982, P.L. 676 (35 P.S. §§ 1656.1 - 1656.9) and the Industrialized Housing Act, Act 70 of 1972, P.L. 286 (35 P.S. §§ 1651.1 - 1651.12) respectively, the building permit fee shall be \$50.00 per transported unit in addition to the fees for any work to be done on site as specified elsewhere in this Chapter.*

For alterations and repairs:

500 square feet or less \$100.00

Greater than 500 square feet \$100.00 plus \$38.00 for each additional 100 square feet or fraction thereof

Exception: For alterations and repairs, [T]he permit fee shall, at the applicant’s selection, be based upon 2% of the contract value for construction regulated by the Building, Fuel Gas and Mechanical Codes, when such value is substantiated by the submission of a valid contract. The fee so calculated shall not be less than \$100.00.

* * *

A-902.2.3 Fast form: For work included in the Fast Form Building Permit procedure, the fees shall be as set forth in Sections A-902.2.3.1 through A-902.2.3.10.

Exception: The fee for each of the following for a property in [the R-3 Use] Group *R-3 occupancy* shall be \$25.00 per dwelling unit.

* * *

A-902.2.5 Miscellaneous items: Fees for miscellaneous items shall be as listed below:

Exception: The fee for each of the following for a property in [the R-3 Use] Group *R-3 occupancy* shall be \$25.00 per dwelling unit.

* * *

Fences (each) - Non-masonry, exceeding 6 feet high \$100.00

* * *

A-902.2.6 Fire Suppression Equipment: For the installation or alteration of fire suppression systems, except for commercial cooking extinguishing systems, the fee shall be as follows:

* * *

[For the rough-in of piping for a sprinkler system (where separate from complete installation)\$125.00]

* * *

A-902.2.7 Heating, Ventilating and Air Conditioning (HVAC) Systems:

[A-902.2.7.1] For the installation of ductwork the fee shall be \$10.00 for each register or diffuser served by the ductwork.

[A-902.2.7.2 For the rough-in of ductwork where separate from complete installation the fee shall be \$125.00.]

* * *

A-902.4.3 [Testing laboratories: For inspection for approval of testing laboratories: \$500.00 for the first inspection plus traveling expenses and \$200.00 for each subsequent year.

A-902.4.4] Duplicate set of construction drawings: For the approval of a duplicate set of construction drawings, subsequent to issuance of the building permit, a fee of \$10.00 per sheet shall be paid. The minimum fee for such an approval is \$50.00.

A-902.4.4[5] Approval of revised drawings: For the review of revised drawings subsequent to issuance of the building permit, a fee of ten \$10.00 per sheet shall be paid. The fee shall be based on the total number of sheets contained on one of the three sets of revised drawings submitted for review. The minimum fee for such approval is \$50.00.

Exception: There will be no charge for the review of revised drawings submitted for existing owner occupied *Group R-3* one- or two-family dwellings, including those that contain a *Family Day Care Home*.

A-902.5 Appeals: For an appeal to the Board of Building Standards to request a variance, the fee schedule is as

follows:

Note: For the purpose of calculating the fee for an appeal to the Board of Building Standards, a story shall be any level of floor area either at, above or below grade.

For [Use] Group R-3, one- or two-family dwellings,
including those that contain a Family Day Care Home: \$50.00

For [Use] *occupancy* Groups other than R-3, the fee schedule is based on the building area affected by the refusal, as follows:

* * *

A-902.6.1 Certificate of Occupancy: For the issuance of a Certificate of Occupancy, the fee schedule is as follows:

[Application for a “Certificate of Occupancy Not Required” memorandum. \$50.00]

* * *

SECTION A-903[.0] ELECTRICAL CODE FEES

* * *

A-903.2 Electrical permit fees: The permit fee for electrical work shall be \$25.00 for each \$1,000.00 or fraction thereof of estimated electrical construction costs. The minimum fee shall be \$25.00. The maximum fee shall be \$7,500.00. The construction costs shall be determined *by inclusion of the following:* [in accordance with Section A-902.3.]

1. *All electrical equipment, conductors, conduit, etc.,*
2. *All material,*
3. *All labor,*
4. *Overhead and profit.*

* * *

[A-903.2.2 Annual permit: The fee for an annual permit issued pursuant to the Electrical Code shall be \$1000.00 per annum payable June 1 of each year.]

* * *

SECTION A-904[.0] FIRE [PREVENTION] CODE FEES

A-904.1 General: Fees for permits, licenses, appeals and services related to activity regulated by the Fire [Prevention] Code shall be as set forth in this section.

A-904.2 Operational permit: The fee for an Operational Permit shall be [\$75.00 per item] *based on the number of operations listed in Section F-105.6 of the Fire Code per property* as follows:

Family Child Day Care Home \$50.00

All other occupancies:

From one to three operations \$75.00

From four to six operations \$150.00

- More than six operations* \$225.00
- 1. Bowling Lane Resurfacing/Bowling Pin Refinishing Per operation
- 2. Tent/Air Supported Structure Per tent or structure
- 3. Welding or Cutting Per operation
- 4. Transportation of Explosives, less than 1,000 pounds (454 kg) Per operation
- 5. Use of Explosives Per operation
- 6. Tank Alteration or Repair Per tank
- 7. Tank Installation Per tank
- 8. Oil Burner Installation Per unit
- 9. Tank Abandonment or Removal Per tank
- 10. Underground Tank Test. Per tank]

A-904.3 Assisted operation permit: The fee for an Assisted Operation Permit shall be \$300.00 per item as follows:1. [Fire Department Assistance Testing Fire Pumps - per pump

2.] *Transportation of Explosives, 1000 pounds (454 kg) or more - per movement*

[3]2. Fireworks Display - Per event, *provided that where a single show has a series of performance dates in a theater, sports arena or similar venue, such series of dates shall be considered one event for the purposes of the Assisted Operation Permit, provided there is no change from the approved fireworks or pyrotechnic displays.*

[A-904.4 Facility operation license: The annual fee for a Facility Operation License shall be \$50.00 per Category I facility, \$75.00 per Category II facility and \$250.00 per Category III facility as follows:

	<u>Category</u>
1. Family Child Day Care Home	I
2. Crop-ripening and Coloring	II
3. Dry Cleaning Plant	II
4. Finishing Shop	II
5. Storage of Lumber	III
6. Organic Coating Manufacture	II
7. Vehicle Wrecking Yard, Junk Yard or Waste Material Handling Facility	III
8. Acetylene Generator	II
9. Motor Vehicle Repair Shop	II
A. Mechanical repair	
B. Body repair with painting	
C. Body repair without painting	

A-904.4.1 Inspection: Prior to approval of an initial Category II or III facility operation license, the code official shall conduct an inspection. The fee for such pre-license inspection shall be \$100.00 paid upon application and shall be non-refundable, but shall be credited in the amount of 50 percent toward an approved

- 1. Variance Appeal to the Board of Safety and Fire Prevention \$100.00 per building
- 2. [Automatic Fire Suppression and/or Standpipe System Test Permit \$30.00 per test
- 3.] Lawful Occupancy Sign. \$20.00 for replacement of a lost or damaged sign

(See A-[3]902.6.5 for initial use)

- [4]3. High-Rise Building Inspection Fee \$0.01 per square foot per year
- [5]4. Regulated Facility Hazardous Chemical Fee \$75.00 per chemical per year
- [6]5. Emergency Planning Fee \$100.00 per year

SECTION A-905[.0] PLUMBING CODE FEES

* * *

[A-905.5 Work without permit: In addition to the permit fee, an inspection fee equal to the permit fee shall be imposed when plumbing work has commenced without first obtaining the required permit.

A-905.6 Annual permit: Where the work is for minor repairs, maintenance or replacement, the Department is authorized to issue an annual permit for a fee of \$1,250.00 to businesses, institutions, or residential complexes which employ a registered master plumber on their staff.]

SECTION A-906[.0] PROPERTY MAINTENANCE CODE FEES

* * *

A-906.3 [Reserved

A-906.4 Reserved

A-906.5] Vacant property license: The annual license fee to own a vacant lot, vacant building or vacant wharf, pier or dock shall be \$30.00 per vacant lot and \$30.00 per vacant structure.

A-906.[6]4 Removal of exemption: The license for the proper number of units shall be obtained and the related fee paid not later than ten days following the vacating by an owner of a unit exempted by Section A-906.2.1.

* * *

Section 2. The provisions of Title 4 of The Philadelphia Code added by Section 1 of this Ordinance, so far as they are the same as existing provisions of The Philadelphia Code, shall be construed as a continuation of such provisions and not as new enactments.

Section 3. This Ordinance shall take effect as follows:

(a) From the time of adoption of this Ordinance until January 1, 2004, an applicant for a permit under one or more of the subcodes of Title 4 of The Philadelphia Code shall have the option of proceeding under the provisions of Title 4 as amended by this Ordinance, or under the provisions of Title 4 as they existed immediately prior to adoption of this Ordinance.

(b) Effective January 1, 2004, the provisions of this Ordinance shall apply.

(c) *Notwithstanding any provision of this Ordinance to the contrary, at the option of the permit applicant, this Ordinance shall not apply to:*

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the City prior to the effective date of this Ordinance; or

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of this Ordinance.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.