**File #:** 220008, **Version:** 1

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," to revise and add provisions relating to investigations concerning property adjacent to or adjoining certain construction activities and the provision of notice to owners and residents of such properties; all under certain terms and conditions.

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

SECTION 1. Title 4 of the Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING
CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "A" (THE PHILADELPHIA BUILDING CODE)

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CHAPTER 3

PERMITS

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SECTION A305 CONSTRUCTION DOCUMENTS

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A-305.2 Contents.

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A-305.2.1 Building permits

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*A-305.2.1.8 Preconstruction Survey. Where required by the Philadelphia Building Code, a preconstruction survey prepared by a licensed professional engineer that documents the existing conditions of all adjoining and adjacent buildings and that identifies any potential hazards must be submitted.*

*A-305.2.1.9 Notification. Where required by the Building Code, proof of notification to the property owner of all adjoining and adjacent buildings must be submitted.*

* * *

A-305.2.2 Demolition permits. Construction documents for a permit for the complete demolition of a structure shall be submitted in accordance with Sections A-305.2.2.1 through [A-305.2.2.5] *A-305.2.2.6.*

* * *

A-305.2.2.1 Site Safety Plan. A site safety demolition plan or complete "engineering survey" as required by the Occupational Safety and Health Administration (OSHA) regulations developed by a competent person shall be submitted. The plan must address the methods used to carry out the demolition, as well as the proposed measures for protecting adjoining structures, property and pedestrians. A schedule of the demolition activities shall be developed as part of demolition planning. At a minimum, the plan shall include the following:

* * *

3. Description of the means and methods for protection of *adjoining or* adjacent structures and public right- of-ways. *Where required by the Building Code, a preconstruction survey complying with Section B-3307.9 and prepared by a licensed engineer shall be submitted.*

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*A-305.2.2.6 Notification. Where required by the Building Code, proof of notification to the adjoining and adjacent property owner and resident must be submitted.*

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SUBCODE “B” (THE PHILADELPHIA BUILDING CODE)

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CHAPTER 17
STRUCTURAL TESTS AND SPECIAL INSPECTIONS

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SECTION 1704 SPECIAL INSPECTIONS AND TESTS, CONTRACTOR RESPONSIBILITY AND STRUCTURAL OBSERVATION

* * *

B-1704.6.4 Structural observations of buildings or structures *adjoining or* adjacent to excavation, demolition or construction activity. Structural observations shall be provided by an approved agency for the proposed work and with respect to any other adjacent buildings and structures, as applicable, where any of the following conditions exist:

1. Excavation work to a depth of more than 5 feet (1524 mm) below adjacent grade within 10 feet (3048 mm) of an adjacent building or structure. Continuous structural observations shall be provided at all times during excavation work.

2. Excavation, new construction or demolition work occurs within 90 feet [(27.43 mm)]

*(27.43 m)* of a building or structure designated as historic under Chapter 14-1000 of The Philadelphia Code on the subject property or abutting lot. Periodic structural observations shall be provided in accordance with an approved monitoring plan per Section [B-3309] *B-3310*.

*3. Modification to a wall which is used for joint service between two buildings on separate lots, including demolition. Modifications shall include, but are not limited to, exposure of the wall; removal of perpendicular walls, floor diaphragms, or roof diaphragms; or addition of loading to the wall. Periodic structural observation shall be provided in accordance with an approved monitoring plan per Section B-3310 and shall be in addition to special inspections required by other sections of this code.*

*Exceptions:*

*1. Structural observation shall not be required for demolition performed under contract with the Department and in compliance with current Procurement Department specifications.*

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CHAPTER 33
SAFEGUARDS DURING CONSTRUCTION

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SECTION 3307 PROTECTION OF ADJOINING PROPERTY

Add Sections B-3307.2 through [B-3307.10] *B-3307.11* as follows:

* * *

*B*-3307.4 Soil or foundation work affecting adjoining property. Whenever soil or foundation work occurs, regardless of the depth of such, the person who performs or causes such work shall, at all times during the course of such work and at his or her own expense, preserve and protect from damage any adjoining *or adjacent* structures, including but not limited to footings and foundations.

*B*-3307.4.1 Additional safeguards during excavation. The person causing the excavation shall support the vertical and lateral load of the adjoining *or adjacent* structure by proper foundations, underpinning, or other equivalent means where the level of the foundation of the adjoining *or adjacent* structure is at or above the level of the bottom of the new excavation.

[3307.4.2 Preconstruction survey. No excavation work to a depth of more than 5 feet (1524 mm) within 10 feet (3048 mm) of an adjacent building shall commence until the person causing an excavation to be made has documented the existing conditions of all adjacent buildings in a preconstruction survey. Preconstruction surveys shall be maintained by the contractor and made available to the Department upon request.

B-3307.4.2.1 Preconstruction surveys of historic buildings or structures. Where a designated

historic building or structure is such an adjacent building, the required preconstruction survey shall be submitted to the building official at time of application for permit and shall, at a minimum, include the following information:

1. Documentation of the existing conditions of all adjacent buildings.

2. Identification of location, extent and dimension of any visible cracks or pronounced deformations or misalignment of the historic building or structure's entire exterior envelope.

3. Photographs of the historic building or structure showing, at a minimum:
   a. The elevation as visible from any public right-of-way.

   b. Close up photographs of any locations identified in B-3307.4.2.1 (2).

4. Statement, signed by a representative of the entity performing structural observations in accordance with Section B-1704.6.4, confirming that existing conditions identified in this preconstruction survey will be monitored during all times of excavation activity.]

* * *

B-3307.7 Interior walls exposed after demolition. Interior walls that become exterior walls as the result of a demolition shall comply with Chapter 14 of the Building Code. All cornices, where cut shall be sealed. All loose material shall be removed, and all voids shall be filled with a suitable material. Such walls shall have wall coverings installed that comply with the applicable provisions of Chapter 14 of the Building Code. The walls shall be carefully examined by a competent person designated by the permit holder to ascertain the condition and adequacy of the party wall to accept the required wall covering. Wall covering to be installed on a wall shall not be more than the wall is capable of safely supporting. Where the Department determines that a wall is incapable of supporting any acceptable wall covering and has issued a related violation, such wall shall not be required to be covered until the violation is corrected.

*The exposed portions of the wall may be temporarily protected from weather damage by tarpaulins, waterproof paper, or other temporary means approved for use by the code official for a maximum period of 60 days. Such temporary protection shall be maintained in a weatherproof condition.*

The exterior of foundation walls that enclose interior space of a structure adjoining a structure that has been demolished shall be damp-proofed in accordance with Chapter 18 of the Building Code prior to backfilling. The person responsible for the demolition shall be responsible for compliance with this regulation.

* * *

*B-3307.9 Preconstruction survey. A preconstruction survey documenting the condition of all adjoining or adjacent buildings or structures shall be prepared and submitted to the building official where the construction or demolition involves any of the following:*

1. *Excavation work to a depth of more than 5 feet (1524 mm) within 10 feet (3048 mm) of an adjoining or adjacent building.*


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2. *Excavation, new construction or demolition work occurring within 90 feet (27.43 m) of a building or structure designated as historic under Chapter 14-1000 of The Philadelphia Code on the subject property or abutting lot.*

3. *Modification to a wall which is used for joint service between two buildings on separate lots, including demolition. Modifications shall include, but are not limited to, exposure of the wall, removal of perpendicular walls, floor diaphragms, or roof diaphragms; or addition of loading to the wall.*

4. *Severing of any structural, roof, or wall covering element extending continuously across the property line onto adjoining property.*

*B-3307.9.1 Preconstruction surveys of buildings or structures shall include the following information:*

1. *Documentation of adjoining or adjacent buildings, including height, number of stories, construction type, and identification of any elements that may be impacted by construction or demolition operations, including but not limited to identification of any visible structural, roof, or wall covering elements extending continuously across the property line. If the work included in the application for permit includes demolition or construction above the roof line of any building or structure on adjoining property, include identification of locations of any visible bulkheads, chimneys, mechanical equipment, parapets, skylights, or vertical extensions of fire walls on the roof of any adjoining or adjacent building.*

2. *Documentation of the existing conditions of all adjacent or adjoining buildings, which shall include the location extent and dimension of any visible cracks or pronounced deformations or misalignment of the building or structure's entire exterior envelope.*

3. *Photographs of the adjoining or adjacent buildings or structures showing, at a minimum: (1) the elevation as visible from any public right-of-way and (2) photographs of any locations or elements identified in B-3307.9.1 or B-3307.9.2.*

4. *Statement, signed by a representative of the entity performing structural observations in accordance with Chapter 17, confirming that existing conditions identified in this preconstruction survey will be monitored throughout the construction or demolition operation.*

[3307.9] *B-3307.10* Monitoring. Construction or demolition operations shall be monitored by a licensed special inspector in accordance with [Section B-1704.6.4] *Chapter 17.* Operations shall be monitored in accordance with an approved monitoring plan specifying scope, frequency, and acceptable tolerances.

[3307.10] *B-3307.11* Notification. The owner or owner's agent performing or causing construction or demolition operations shall provide written notification *of the following activity* to the adjoining property owner a [minimum of 10 days prior to the commencement of the following activity]:

1. Excavation exceeding a depth of five (5) feet below adjacent grade, excluding digging, trenching, or boring for utilities or geotechnical exploration, that is within ten (10) feet of an


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adjacent structure.

2. Modification to a wall which is used for joint service between two buildings on separate lots, including demolition or underpinning.

3. Excavation, new construction or demolition work occurring within 90 feet of a designated historic building or structure on an abutting lot.

*4. Severing of any structural, roof, or wall covering element extending continuously across the property line onto adjoining property.*

*5. Demolition activity that results in the exposure of a wall of an adjacent or adjoining building.*

Such notification shall describe the nature of work, estimated schedule and duration, *and shall include the pre-construction survey*, *plans or details depicting work that may affect the adjoining or adjacent property,* details of monitoring to be performed on the adjoining property, protection proposed to be installed on the adjoining property, *a copy of the contractor's Certificate of Insurance for general liability*, and contact information for the project.

*Notification shall be delivered to the adjacent property owner at the address registered with the City of Philadelphia Office of Property Assessment and the resident of the adjoining property, if different from owner.*

*B-3307.11.1 Initial Notification shall be delivered prior to submission of the permit application.*

*1. The permit application shall include the adjacent property owner's signature affirming receipt of notification and statement of owner's rights on a form established by the Department.*

*2. If the party carrying out the construction or demolition is unable to obtain the adjacent property owner's signature of receipt, evidence of delivery and reasonable attempt to acquire signature must be provided. In the absence of the adjacent property owner's signature of receipt, no construction or demolition permit shall be issued less than 60 days after either permit application submission or the date that notice was transmitted, whichever comes later.*

*B-3307.11.2 Final notification shall be delivered at least 10 calendar days prior to commencement of work updating the construction schedule and providing any changes to the detail required for the Initial Notification under Section B-3307.11. The party carrying out the construction or demolition shall be responsible to notify the adjacent property owner and resident of any significant modifications required during construction or demolition operations that may have an impact on adjacent property.*

*Exceptions:*

*1. Notification shall not be required for demolition performed under contract with the Department and in compliance with current Procurement Department specifications.*

*2. The time periods prescribed under B-3307.11.1 and B-3307.11.2 shall be waived for work*

*performed under private contract that is necessary to abate an unsafe or imminently dangerous condition, as determined by the Department.*

*B- 3307.11.3 The Department may provide notice to the owner or resident of the adjoining property of permit application submission, the property owner's rights, and contact information for the permit applicant.*

* * *

SECTION 3. This Ordinance shall become effective on Jan 1, 2023.