

## Legislation Text

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**File #:** 110833, **Version:** 0

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Amending Chapter 9-1300 of The Philadelphia Code, entitled “Home Inspection Business,” by changing the title to “Inspection Businesses,” by adding sections regulating licensing of Fire Alarm Systems Inspectors, Electrical Inspection Agencies, and Electrical Inspectors; and by making conforming amendments to Subcode “E” (The Philadelphia Electrical Code) of Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code”; all under certain terms and conditions.

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

SECTION 1. Subcode “E” (The Philadelphia Electrical Code) of Title 4 of The Philadelphia Code is hereby amended as follows:

### SUBCODE “E” (THE PHILADELPHIA ELECTRICAL CODE)

#### CHAPTER 1 SCOPE

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#### [SECTION E-103 ELECTRICAL INSPECTION AGENCIES

E-103.1 General. Pursuant to Section E-201.1 the code official is authorized to accept certifications from approved Electrical Inspection Agencies as evidence of compliance with NFPA 70 and applicable provisions of Subcode B of this Title 4. This Section and the regulations promulgated hereunder establish requirements for conduct of Electrical Inspection Agencies.

E-103.2 Approval. Electrical Inspection Agencies shall be approved by the code official as to qualifications, method of operation, completeness of inspection activity and type of report prior to acceptance of any certificate of inspection. The code official shall reserve the right to re-inspect, approve or reject the certification of any inspection agency.

E-103.3 Agency license. Issuance of a license by the code official to perform electrical inspections in the City of Philadelphia is deemed to be approval to conduct the business of electrical inspections. Qualifications for license and renewal of license are established by regulations promulgated hereto.

E-103.3.1 Continuing education. Before any agency license is issued or renewed, the principals of such agency shall have completed at least 12 hours per year in course work or seminars on the then-current edition of NFPA 70 at an approved or accredited school or organization approved by the code official. The applicant or licensee shall furnish the code official with a completion certificate indicating the course activity and the length in hours of each course.

E-103.3.2 Renewal limitation. No license shall be renewed if the licensee is delinquent in City of Philadelphia

business taxes.

E-103.4 Inspector license. No person shall engage in the trade as an electrical inspector for an Electrical Inspection Agency without first securing a license from the code official. Applicants for a license shall establish their qualifications in accordance with the regulations pursuant to this Section and shall pass a written examination to determine their qualifications to perform and/or supervise electrical inspection work.

E-103.4.1 Continuing education. Before any inspector's license is issued or renewed, the applicant or licensee shall have completed at least 12 hours per year in course work or seminars on the then-current edition of NFPA 70 at an approved or accredited school or organization approved by the code official. The applicant or licensee shall furnish the code official with a completion certificate indicating the course activity and the length in hours of each course.

## CHAPTER 2 INSPECTIONS AND TESTING

### SECTION E-201 GENERAL

E-201.1.1 Agency inspection. The code official is authorized to accept a certification from a licensed Electrical Inspection Agency as evidence of compliance with NFPA 70 and applicable provisions of Subcode B of this Title 4 in lieu of inspections by the code official.

E-201.1.2 Responsibility. It shall be the responsibility of the licensed electrical contractor to arrange for inspections of electrical work. A minimum of 24 hours advance notice shall be given for inspections. Arrangements for final inspections shall be made within five days of completion of the work.

## CHAPTER 3 ELECTRICAL PROVISIONS

### SECTION E-301 PROVISIONS

E-301.1 Existing installations. Emergency and standby electrical systems shall be maintained, operated and tested in accordance with the provisions of this code, the Philadelphia Fire Code and the regulations adopted pursuant thereto.

E-301.2 Smoke alarm interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R-2 or R-3, throughout Group R-4, or within an individual sleeping unit in Group R-1, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit or throughout the Group R-4. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

E-301.3 Fire alarm systems. The electrical work associated with the installation of fire alarm systems shall also comply with the provisions of NFPA 72.

E-301.4 Fire pumps. The electrical work associated with the installation of fire pumps shall also comply with the provisions of NFPA 20.

### SECTION E-302 EXISTING ELECTRICAL FACILITIES

E-302.1 Additional loads. Where additional electrical loads are to be connected to existing services in other than Group R-3 occupancies, the existing load shall be established as not less than the maximum demand figures. New loads shall be computed in accordance with the requirements of NFPA 70.]

SECTION 2. Title 9 of The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-1300. [HOME] INSPECTION BUSINESSES

§ 9-1301. Definitions.

(1) Home or residential inspection business. Any individual, partnership or corporation engaged in the business of providing non-invasive inspections of residential or mixed use residential properties for material defects.

(2) *Fire alarm systems inspector.* An individual who inspects, tests and certifies new and existing fire alarm systems for conformance to The Philadelphia Code and referenced standards.

(3) *Electrical Inspection Agency.* A person, firm or corporation that contracts to perform plan review of construction documents and/or inspect electrical construction for code compliance.

(4) *Electrical Inspector.* An individual employed by an Electrical Inspection Agency to inspect electrical construction for code compliance.

§ 9-1302. Home Inspection License.

(1) No person shall engage in the business of home or residential inspections unless that person has first secured a license from the Department [of Licenses and Inspections].

(2) In order to secure a license, an applicant must:

(a) be at least eighteen (18) years of [age.] *age*;

(b) be certified by a nationally recognized professional organization which qualifies or certifies inspectors and is recognized by the [Department of Licenses and Inspections.] *Department*;

(c) maintain commercial general liability insurance which names the City of Philadelphia as a certificate holder, in an amount in accordance with the Home Inspection Law, 68 Pa. C.S. § 7509, [as it may be amended from time to time,] and Workers' Compensation insurance in the statutory [amount.] *amount*; and

(d) [pays] *pay* a tri-annual license fee of three hundred (300) dollars.

(3) Professional Architects or Engineers, validly licensed to practice under the laws of [the] *this* Commonwealth, and inspectors [of governmental agencies] who perform inspections on behalf of their [agencies] *governmental agency employers* [are] *shall be* exempt from the provisions of this Chapter.

[§ 9-1303.] (4) Required Conduct.

[(1)] (a) Inspections shall be made according to the standards of practice of the National Home Inspection Association by which the home inspector is certified.

[§ 9-1304.] (5) Restrictions.

[(1)] (a) No person shall be licensed *as a home inspector* if that person has been convicted before a court of law of a crime of

fraud, dishonesty, breach of trust or deceit.

[§ 9-1305.] (6) Penalties.

[(1)] (a) In addition to the penalties established in Section 9-105, a license may be revoked for failure to comply with the provisions of [the] *this* Section.

§ 9-1303. Fire Alarm Systems Inspector License.

(1) License required. No person shall certify the installation, extension, alteration or repair of a fire alarm system without a Fire Alarm Systems Inspector license. Only a licensed Fire Alarm Systems Inspector may submit the annual certification of fire alarm systems required by The Philadelphia Code.

(2) Application Requirements. In order to secure a license an applicant must:

(a) pay the annual fee as set forth in the Administrative Code (Subcode “A” of Title 4 - Philadelphia Building Construction and Occupancy Code, § A-904);

(b) hold, or be an employee of a person who holds, a Business Privilege License issued by the Department; and

(c) demonstrate competency in fire alarm systems. Competency shall be presumed if the applicant presents one of the alternatives set forth below:

(.1) NICET Alternative. A National Institute for Certification in Engineering Technologies (NICET) certificate at Level II or higher in the Fire Alarms subfield of Fire Protection Engineering Technology.

(.2) Underwriters’ Laboratory (UL) Alternative. The company for which the applicant is principal or designee is listed with UL in one of two categories of Protective Signaling Services. The first acceptable category is for Central Station Service (UUFX) as a “Full Service Company” or “Fire Alarm Service - Local Company.” The second acceptable category is for Local, Auxiliary, Remote Station and Proprietary Service (UUJS).

(.3) Professional Engineer Alternative. A professional engineer registered in the Commonwealth of Pennsylvania who provides the Department with a signed and sealed statement of qualifications in the field of fire alarm systems.

(d) Pay a non-refundable application fee as established in the Administrative Code (Subcode “A” of Title 4 - Philadelphia Building Construction and Occupancy Code, § A-904).

(3) Enforcement. The Department shall enforce the provisions of this Section by suspending, revoking or refusing to issue or renew the license of any fire alarm inspector or certificate holder who has:

(a) practiced any fraud, misrepresentation, or deceit in obtaining or renewing a license or certificate;

(b) performed the installation, alteration, repair, testing, servicing, inspection or certification of a fire protection system in a reckless or grossly negligent manner, or has engaged in intentional or knowing misconduct in the providing of such services;

(c) violated the codes and/or regulations adopted by the City of Philadelphia;

(d) engaged in unfair or deceptive trade practice;

(e) failed to responsibly train or control employees performing under the licensee’s supervision; or

(f) failed to pay the required annual license fee as established in the Administrative Code (Subcode “A” of Title 4 - Philadelphia Building Construction and Occupancy Code, § A-904).

(4) The licensee shall notify the Department in writing of any change of address, or change in certification status provided pursuant to Section 9-1303(2)(c), within ten days of such change.

§ 9-1304. Electrical Inspection Agency License.

(1) License Required. Electrical Inspection Agencies who provide third party code enforcement services must be licensed by the Department. Issuance of such license by the Department shall constitute approval to conduct the business of electrical inspection, subject to the conditions of this Section. The Department may accept certifications from licensed Electrical Inspection Agencies as evidence of compliance with the Building Construction and Occupancy Code (Title 4).

(2) Application Requirements.

(a) To obtain an Electrical Inspection Agency license, the agency shall submit the following information on a form provided by the Department:

(.1) The names and addresses of all persons who have either a financial, operational, legal or beneficial interest in the agency business. At least one of the named persons shall possess an Electrical Inspector's license, issued by the Department for a period of no less than one year.

(.2) The experience of the inspectors, and the description of the training programs for inspectors and other personnel, together with all supporting data for the Department to determine the qualifications of the agency to engage in the business of electrical inspections.

(.3) The location and phone number of the place of business.

(.4) The agency's Philadelphia Business Privilege License number and City tax identification number.

(b) Proof of liability insurance, in the minimum amount of one million dollars (\$1,000,000), to satisfy claims or judgments of property damage and/or personal injury arising out of any negligence of the agency in the performance of its duties.

(c) Proof of Workman's Compensation Insurance in the statutory amount.

(d) Proof of completion of at least 12 hours per year by the agency principals in continuing education course work or seminars on the then-current edition of NFPA 70 at an accredited school or organization approved by the Department. The applicant or licensee shall furnish the Department with a completion certificate indicating the course activity and the length in hours of each course.

(3) General requirements.

(a) No electrical inspection agency shall be permitted to inspect or file an inspection report with regard to electrical work performed by any individual, association, or company in which any of the agency employees or officers has any financial interest or family relationship.

(b) The agency employee to whom the inspectors report and who will offer the inspectors technical assistance and technical supervision shall be a licensed Electrical Inspector. If the agency operates out of more than one office, there shall be at least one licensed Electrical Inspector supervising each office. Whenever inspectors are divided into squads or teams for the purpose of technical supervision, there shall be at least one licensed technical supervisor or manager for each team. The person who makes the final technical decisions on electrical matters for the agency shall be a licensed Electrical Inspector.

(c) In connection with its inspection of any work, the agency shall furnish to the Department:

(.1) Written notification of the start of the job within one week following the start;

(.2) Details of any non-compliance with the electrical code; and

(.3) A duplicate copy of the agency's final approval of the work within 30 days of issuance.

(d) The final approval shall include:

(.1) Electrical work performed;

(.2) The date or dates of inspection;

(.3) The name of the installer;

(.4) The name of the inspector; and

(.5) Certification of compliance with the National Electrical Code.

(e) Each agency shall maintain and furnish to the Department a current list of the names, addresses and telephone numbers of the agent upon whom process may be served, and of the responsible officials and employees who may be contacted in connection with routine matters during normal working hours.

(f) Each agency shall notify the Department of any inspection personnel changes and shall furnish the name, address and qualifications of all new inspectors and supervisors to the Department within 72 hours of their appointment.

(g) The agency shall provide written notification to the Department, within two working days, of a violator's refusal to promptly correct any electrical violation.

(h) No electrical inspection shall be performed by the agency unless the applicant for the inspection has produced a valid electrical permit, when a permit is required by this Code. Each agency shall, within two working days, notify the Department of a request to inspect electrical work for which a permit is required but no permit has been issued.

(i) Each agency shall provide adequate supervision, so that the inspectors are prompt and diligent in discharging their duties. Each agency shall keep records of all its inspectors and business handled within the City available for inspection during normal working hours. No electrical inspection agency shall employ as an inspector, to perform work in the City, anyone who is not licensed by the Department as an electrical inspector.

(j) The agency shall keep a permanent record of all activities relating to its construction code enforcement, as required by the Pennsylvania Uniform Construction Code.

(5) Approval. Electrical Inspection Agencies shall be approved by the Department as to qualifications, method of operation, completeness of inspection activity and type of report prior to acceptance of any certificate of inspection. The Department shall reserve the right to re-inspect, approve or reject the certification of any inspection agency.

(6) Renewal limitation. No license shall be renewed if the licensee is delinquent in City of Philadelphia business taxes.

(7) The Department may establish additional qualifications for license and renewal of license by regulations promulgated pursuant to this Section.

§ 9-1305. *Electrical Inspector License.*

(1) *License Required.* No person shall engage in the trade as an electrical inspector without first securing a license from the Department.

(2) *Requirements for License.* Applicants for a license shall establish at least the following qualifications to perform or supervise electrical inspection work. The Department may require additional qualifications by regulation.

(a) *The applicant shall have been employed in the electrical field, or have equivalent practical experience, for a period of not less than six years preceding the time of such application, or shall otherwise establish to the satisfaction of the Department that the applicant has the necessary educational background and experience to qualify for the examination for a license. Satisfactory completion of two years of education in the electrical field shall be equivalent to one year of practical experience, but not more than four years of education shall count towards the required six years of practical experience.*

(b) *The applicant for a license or a renewal of a license shall have completed at least 12 hours in the preceding year in course work or seminars on the then-current edition of the National Electrical Code at an accredited school or organization approved by the Department. The applicant or licensee shall furnish the Department with a completion certificate indicating the course activity and the length in hours of each course.*

(c) *The applicant or licensee shall be certified by the Pennsylvania Department of Labor and Industry as an Electrical Inspector, as required by the Pennsylvania Uniform Construction Code.*

(3) *Required Conduct.*

(a) *The Department may suspend, revoke, or refuse to renew the license of any electrical inspector if the holder has:*

- (.1) *Secured such license by misrepresentation;*
- (.2) *Failed to maintain the qualifications required for retention of the license;*
- (.3) *Violated any rule, regulation or administrative order of the Department;*
- (.4) *Committed an act of gross negligence;*

(.5) *Approved electrical work that is not in conformance with this Code; or*

(.6) *Performed an electrical inspection on work completed without a valid electrical permit where such a permit is required.*

(4) *An applicant whose license has been revoked shall be eligible to apply for a new license after one year from the date of said revocation, upon demonstration of competence to the satisfaction of the Department, and the satisfactory completion of an examination as prescribed by the Department.*

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.