

## Legislation Details (With Text)

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**On agenda:**      **Final action:** 6/16/2016

**Title:** Amending Subcode "A" (The Philadelphia Administrative Code), Subcode "F" (The Philadelphia Fire Code) and Subcode "PM" (The Philadelphia Property Maintenance Code) of Title 4 of The Philadelphia Code, by adding certain provisions related to maintenance and inspection of fire escapes; all under certain terms and conditions.

**Sponsors:** Councilmember Jones

**Indexes:** FIRE CODE, PROPERTY MAINTENANCE CODE

**Code sections:** SUBCODE "F" - (THE PHILADELPHIA FIRE CODE), SUBCODE "PM" - (THE PHILADELPHIA PROPERTY MAINTENANCE CODE), Title 4 - THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

**Attachments:** 1. CertifiedCopy16046200.pdf

Date	Ver.	Action By	Action	Result	Tally
6/28/2016	0	MAYOR	SIGNED		
6/16/2016	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
6/9/2016	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
6/9/2016	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
6/9/2016	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
6/9/2016	0	Committee on Licenses and Inspections	HEARING HELD		
6/9/2016	0	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
5/12/2016	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Subcode "A" (The Philadelphia Administrative Code), Subcode "F" (The Philadelphia Fire Code) and Subcode "PM" (The Philadelphia Property Maintenance Code) of Title 4 of The Philadelphia Code, by adding certain provisions related to maintenance and inspection of fire escapes; all under certain terms and conditions.

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

SECTION 1. Subcode "A" of Title 4 (The Philadelphia Administrative Code) is amended to read as follows:

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

\* \* \*

CHAPTER 6

PENALTIES

SECTION A-601 FINES

\* \* \*

A-601.3 Fines for Class III offenses: Notwithstanding subsection A-601.1

<[http://library.amlegal.com/nxt/gateway.dll?f=jumplink&jumplink\\_x=Advanced&jumplink\\_vpc=first&jumplink\\_xsl=querylink.xml&jumplink\\_sel=title;path;content-type;home-title;item-bookmark&jumplink\\_d=pennsylvania\(philadelphia\\_pa\)&jumplink\\_q=%5bfield%20folio-destination-name:%27A-601.1%27%5d&jumplink\\_md=target-id=JD\\_A-601.1](http://library.amlegal.com/nxt/gateway.dll?f=jumplink&jumplink_x=Advanced&jumplink_vpc=first&jumplink_xsl=querylink.xml&jumplink_sel=title;path;content-type;home-title;item-bookmark&jumplink_d=pennsylvania(philadelphia_pa)&jumplink_q=%5bfield%20folio-destination-name:%27A-601.1%27%5d&jumplink_md=target-id=JD_A-601.1)>

, any person who violates any of the following provisions shall have committed a Class III offense and shall be subject to the fines set forth in subsection 1-109

<[http://library.amlegal.com/nxt/gateway.dll?f=jumplink&jumplink\\_x=Advanced&jumplink\\_vpc=first&jumplink\\_xsl=querylink.xml&jumplink\\_sel=title;path;content-type;home-title;item-bookmark&jumplink\\_d=pennsylvania\(philadelphia\\_pa\)&jumplink\\_q=%5bfield%20folio-destination-name:%271-109%27%5d&jumplink\\_md=target-id=JD\\_1-109](http://library.amlegal.com/nxt/gateway.dll?f=jumplink&jumplink_x=Advanced&jumplink_vpc=first&jumplink_xsl=querylink.xml&jumplink_sel=title;path;content-type;home-title;item-bookmark&jumplink_d=pennsylvania(philadelphia_pa)&jumplink_q=%5bfield%20folio-destination-name:%271-109%27%5d&jumplink_md=target-id=JD_1-109)>(3) of The Philadelphia Code:

\* \* \*

7.1 *F-1011 (Fire escapes);*

\* \* \*

SECTION 2. Subcode F of Title 4 (The Philadelphia Fire Code) is amended to read as follows. In this Section 2., *italics* and [brackets] have the meaning set forth in Code subsection F-1.2.1. Matter added to The Philadelphia Code in this Section 2. is set forth in **Bold**. Matter deleted from the Code is set forth in ~~Strikethrough~~:

SUBCODE "F" (THE PHILADELPHIA FIRE CODE)

\* \* \*

CHAPTER 10 MEANS OF EGRESS

\* \* \*

[**B**] SECTION 1011 [EXIT SIGNS] *FIRE ESCAPES*

\* \* \*

*F-1011.1 Fire escapes ~~stairs~~.*

*Fire escapes ~~stairs~~ and fire escape balconies shall comply with this section.*

***F-1011.1.1 Definitions. The following definitions shall apply to this Section F-1011:***

***FIRE ESCAPE. A system of metal landings, balconies, stairs or ladders attached to a building that are not classified as an exterior stairway and are intended or designed to aid in egress from a building in an emergency.***

**FIRE ESCAPE BALCONY.** *A balcony that projects from the building face and is intended for use in conjunction with a fire escape, an exit stair or an area of refuge.*

**FIRE ESCAPE INSPECTION BUSINESS.** *A business entity that uses a Professional to perform inspections of fire escapes and fire escape balconies.*

**PROFESSIONAL.** *A professional engineer, licensed in the Commonwealth of Pennsylvania and experienced in the practice of structural engineering.*

**SAFE.** *A condition of a fire escape or a fire escape balcony that is neither an Unsafe condition nor Safe with a Repair and Maintenance Program.*

**SAFE WITH A REPAIR AND MAINTENANCE PROGRAM.** *A condition of a fire escape or a fire escape balcony that is not determined to be Unsafe, at the time of inspection, but that requires maintenance or repair within a time period designated by a Professional in order to prevent further deterioration into an unsafe condition.*

**UNSAFE.** *A condition of any part of a fire escape or fire escape balcony that is dangerous to persons or property and requires prompt remedial action.*

~~F-1011.1.1~~ **F-1011.1.2** *Materials and strength. Components of fire escapes ~~stairs~~ shall be constructed of noncombustible materials. Fire escapes ~~stairs~~ and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot (4.78 kN/m<sup>2</sup>). Fire escapes ~~stairs~~ and balconies shall be provided with a top and intermediate handrail on each side. The fire code official is authorized to require testing or other satisfactory evidence (documentation from a registered engineer) that an existing fire escape stair meets the requirements of Section ~~F-1011.1~~.*

~~F-1011.1.2~~ **F-1011.1.3** *Access to fire escape ~~stairs~~. \* \* \**

~~F-1011.1.3~~ **F-1011.1.4** *Maintenance. \* \* \**

**F-1011.1.5** *Inspection Required. The owner of a building with a fire escape or fire escape balcony shall be responsible for retaining a Professional to conduct periodic inspections of the fire escape or fire escape balcony for structural adequacy and safety and to file a report on such inspection as required by this Section.*

**F-1011.1.6** *Initial Inspection. The initial inspection required by this Section shall be conducted, and the required report shall be filed, on or before July 1, 2017. If the construction of the fire escape or fire escape balcony was completed after July 1, 2007, the first inspection shall be conducted within ten years after construction of the fire escape was completed.*

**F-1011.1.7** *Extensions. Where fire escapes and fire escape balconies have undergone a restoration within one year prior to July 1, 2017, the owner may apply to the fire code official for an extension of the required initial inspection. With the application for extension, the owner shall submit such other information determined by the fire code official to be necessary to evaluate the extension request. The fire code official shall grant an extension if he or she determines that the restoration obviates the need for the*

*initial inspection until a date established by the fire code official.*

***F-1011.1.8 Subsequent Inspections.*** *Following the initial inspection, and every inspection thereafter, a fire escape and fire escape balcony shall be re-inspected, and the required report shall be filed within five years of the filing of the report concerning the previous inspection.*

***F-1011.1.9 Timing of Report in Relation to Inspection.*** *All reports shall be filed within three months of the inspection that is the subject of the report.*

***F-1011.1.10 Inspection Procedures.***

- 1. Before conducting an inspection, the Professional shall review previous reports, inspections, and evidence of repairs made in the five (5) year period prior to the inspection, including confirmation that all areas previously determined to require repair (as noted in any previous report) have been addressed.***
- 2. The inspection shall be conducted by or under the supervision of the Professional.***
- 3. The Professional shall employ the appropriate Professional standard of care in order to detect structural defects, rust, corrosion or any other condition affecting the structural integrity of the fire escape and fire escape balconies. If a distressed condition is identified, the Professional shall order any other inspections or tests that may be required to determine the significance and cause of the distress as well as measures appropriate to remediate the distress.***
- 4. During the course of the inspection, photographs shall be taken or sketches made of the fire escape and fire escape balconies, including documentation of the location of all conditions that are Unsafe or Safe With a Repair and Maintenance Program.***
- 5. To be considered Safe or Safe With a Repair and Maintenance Program, the fire escape and fire escape balconies shall be capable of meeting or exceeding the load requirements of Section F-1011.1.2. This load requirement can be met by either an engineering analysis by the Professional or by conducting a load test. Any load test shall be witnessed by the Professional.***
- 6. Upon discovery of any Unsafe condition, the Professional shall immediately notify the owner of the building by electronic mail or fax and shall within twelve (12) hours of such discovery, notify the fire code official, in writing, and in an electronic format determined by the fire code official.***
- 7. Once the Professional has determined that the condition is safe, the Professional shall post, upon the fire escape, a tag or placard (made of weather-resistant reflective material) that clearly and legibly states the date of the inspection and the date by which a new inspection is required (5 years after the date of inspection), and the name, address and telephone number of the Professional or fire escape inspection business on the tag or placard.***

***F-1011.1.11 Report Requirements.***

- 1. The Professional who performs the inspection shall submit a written report to the owner of the building. The Professional shall also submit a summary of the written report to the fire***

*code official in a form determined by the fire code official. The fire code official may by regulation impose a fee to cover the reasonable costs of processing that must be paid upon the submission of the summary of the written report. If the report identifies an unsafe condition, then within twenty-four (24) hours of the completion of the report, the Professional shall file the full report with the fire code official, in writing and in an electronic format to be determined by the fire code official. The owner or owner's agent shall retain all written reports submitted pursuant to this Section and keep them readily available for inspection by the fire code official.*

*2. The report shall include, on the front page, the name and license number of the Professional and the date of the report, and shall include the following information:*

*2.1 The address of the building;*

*2.2 The name, mailing address and telephone number of the owner of the building, or where applicable, the owner's agent or person in charge, possession or control of the building;*

*2.3 A description of the building, including the number of stories and height;*

*2.4 The date of the start and completion of the inspection and a detailed description of the procedures used in making the inspection;*

*2.5 A report of all conditions, including, but not limited to, significant deterioration, and movement, and mechanical operations. The report shall classify each such condition as Safe, Unsafe, or Safe with a Repair and Maintenance Program.*

*2.6 The probable causes of the reported conditions.*

*2.7 The status of ongoing maintenance efforts.*

*2.8 For any conditions listed in any previously filed report, whether such conditions have been repaired or maintained as recommended in that report.*

*2.9 Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for the repairs or maintenance to be performed.*

*2.10 The classification of the fire escape and fire escape balconies overall according to the following scheme:*

*a. "Unsafe," if there is at least one unsafe condition.*

*b. "Safe with a Repair and Maintenance Program," if there is a condition that is "Safe with Repair and Maintenance Program" and there are no Unsafe conditions.*

*c. "Safe", in all cases other than a or b.*

- 2.11 Photographs or sketches documenting the locations of any conditions that are either Unsafe or Safe with a Repair and Maintenance Program.*
- 2.12 A statement by the Professional indicating which repairs or maintenance require work permits prior to their commencement.*
- 2.13 A statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging any required repairs or maintenance and the recommended time frame for performing such repairs or maintenance.*
- 2.14 The Professional's certification that, to the best of his or her knowledge and belief, the physical inspection was performed in accordance with applicable rules and regulations, including the provisions of this Section, and within the appropriate professional standard of care.*
- 2.15 The Professional's seal and signature in accordance with the professional registration laws of the Commonwealth of Pennsylvania.*
- 2.16 Such other matters as the code official may require by regulation.*

*3. The Professional may submit an amended report. The amended report shall clearly identify any change from the initial report and all reasons for such changes.*

***F-1011.1.12 Unsafe Conditions.***

- 1. Within twenty-four (24) hours of being notified of an Unsafe condition by a Professional, the owner of the building shall take any and all actions necessary to protect public safety including, but not limited to, posting notice of the unsafe condition in a prominent location inside the building near every exit to an exterior fire escape. If the fire escape or fire escape balcony encroaches upon a public right-of-way, such notice shall be posted in a prominent location visible from the right-of-way and the right-of-way shall be protected by installation of a sidewalk shed or other approved means. Such actions shall be considered part of an effort to remedy an emergency situation, and applications for any required permit shall be filed with the Department of Licenses and Inspections within three (3) days of notification.*
- 2. Within ten (10) days of the receipt of a report identifying an unsafe condition, the owner of a building shall commence work to correct the condition, and work shall continue without interruption until the unsafe condition has been corrected. Within two (2) weeks after the unsafe condition has been corrected, the Professional shall re-inspect the fire escape and fire escape balconies and file with the fire code official a detailed amended report concerning their condition.*
- 3. When a fire escape or fire escape balcony is determined to be unsafe and such condition is considered imminently dangerous by the Professional, the Professional shall notify the fire code official immediately. Signage shall be posted by the owner at each entry point to the fire escape or fire escape balcony and at the lowest balcony. Where required, the building shall either be evacuated or an approved fire watch shall be provided until the fire escape has been made safe and approved for use.*

***F-1011.1.13 Conditions that are Safe with a Repair and Maintenance Program. The owner of a building is responsible for ensuring that the conditions described in the report as Safe With a Repair and Maintenance Program are repaired and the actions identified by the Professional are completed within the time frame designated in the report, or by such time necessary to prevent a condition from becoming an unsafe condition, whichever is sooner.***

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SECTION 3. Subcode PM of Title 4 (The Philadelphia Property Maintenance Code) is amended to read as follows:

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

\* \* \*

CHAPTER 7  
FIRE SAFETY REQUIREMENTS

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SECTION PM-702 MEANS OF EGRESS

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*PM-702.5 Exterior stairs and fire escapes. All exterior stairways and fire escapes, as defined in the Fire Code, shall be kept free of snow and ice. The owner of the building shall have weather protecting products applied to all exterior stairways and fire escapes constructed of materials requiring the application of such products in an approved manner and as often as necessary to maintain the stairways and fire escapes in safe condition. Fire escapes and fire escape balconies shall be examined for structural adequacy and safety in accordance with Section F-1011.1.*

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