Legislation Details (With Text)

File #:	170898	**Version:**	0	**Name:**	
Type:	Bill			**Status:**	ENACTED
File created:	10/19/2017			**In control:**	Committee on Licenses and Inspections
On agenda:				**Final action:**	12/7/2017
Title:	Amending Section A-301 of Title 4 of The Philadelphia Code, entitled "Application for Permit," and Section 9-1008, entitled "Demolition Contractor License," by adding and amending certain provisions related to permits for demolition and the licensing of demolition contractors; all under certain terms and conditions.				
Sponsors:	Councilmember Jones, Councilmember Johnson				
Indexes:	DEMOLITION				
Code sections:	A-301.0 - APPLICATION FOR PERMIT				
Attachments:	1. CertifiedCopy17089800.pdf				

Date	Ver.	Action By	Action	Result	Tally
12/20/2017	0	MAYOR	SIGNED		
12/7/2017	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
11/30/2017	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
11/30/2017	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
11/30/2017	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
11/28/2017	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
11/28/2017	0	Committee on Licenses and Inspections	HEARING HELD		
11/28/2017	0	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/19/2017	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Section A-301 of Title 4 of The Philadelphia Code, entitled “Application for Permit,” and Section 9-1008, entitled “Demolition Contractor License,” by adding and amending certain provisions related to permits for demolition and the licensing of demolition contractors; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section A-301 of Title 4 of The Philadelphia Code is amended to read as follows:

CHAPTER 3
PERMITS

SECTION A-301 APPLICATION FOR PERMIT

* * *

A-301.5 Contents of application: Every permit application shall, to the extent applicable:

* * *

10. In addition to the above, a Demolition Permit Application *may only be applied for by a demolition contractor licensed pursuant to Section 9-1008 who will perform the work and* shall include all of the following:

a. A true and accurate copy of the insurance policy covering the permitted work which includes the name of the carrier, policy number, coverage amount and period of coverage;

b. The signature of the owner of the [property. If the application is made by a person other than the owner without the owner's signature, it shall be accompanied by] *property in the form of* an affidavit [of the owner] or a signed statement to the effect that the proposed work is authorized by the owner and that the applicant is authorized to make the demolition permit application. The Department is authorized to accept electronic signatures.

* * *

g. [If the application is for demolition work having an estimated cost of $10,000 or more, such bond as may be required by regulation of the Department.] *Bonding for demolition work shall be satisfied by the bonding requirements for demolition contractors set forth in Section 9-1008 of the Code.*

(h) A building permit for demolition shall be valid only in connection with work performed by the licensed Demolition Contractor to whom the permit was issued. A Demolition Contractor that seeks to perform demolition work under a permit issued to another contractor must obtain an amendment of such permit that authorizes work by the new Demolition Contractor.

* * *

SECTION 2. Section 9-1008 of The Philadelphia Code is amended to read as follows:

CHAPTER 9-1000. TRADES

* * *

§ 9-1008. Demolition Contractor License.

(1) Definitions.

(a) Class "A" Demolition Contractor. A demolition contractor authorized to demolish any size and type of structure.

(*b*) *Class "B" Demolition Contractor. A demolition contractor authorized to demolish any size and type of structure except for Major Buildings, as defined in Section A-1001.1 of the Administrative Code*

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(Title 4, Subcode A).

[(a)] *(c)* * * *

(d) Demolition. The removal or partial removal of structural elements for purposes of removal of an entire structure. Does not include the removal of structural elements as part of the alteration or renovation of an existing building.

[(b)] *(e)* * * *

[(c)] *(f)* Demolition Supervisor. A competent person employed by the Demolition Contractor and designated to develop site safety plans *who has passed an examination related to demolition as determined by the Department and who is in good standing with respect to periodic training sessions as may be required and publicly advertised by the Department.* [The demolition supervisor may not be concurrently employed by another licensed Demolition Contractor.]

[(d)] *(g)* * * *

(h) Serious violation. An OSHA safety violation classification where OSHA has determined that there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

[(e)] *(i)* Site Safety Manager. A competent person employed by a licensed Demolition Contractor with *OSHA 30* training *or an equivalent training program approved by the Department* in the past five years [in a course of training certified by the Department] to provide significant public safety benefit, appropriate to the position, [which may include OSHA 30 training,] whose primary responsibility is to ensure safe practices on demolition sites and compliance with the site safety plan. [The site safety manager may not be concurrently employed by another licensed Demolition Contractor.]

[(f)] *(j)* * * *

(2) License [Required] *and Required Conduct*.

(a) No person or business entity shall act as a Demolition Contractor unless that entity possesses a current and valid license issued under this Section.

[(b) A license issued under this Section shall be valid for one year. The annual fee for the license shall be two hundred dollars ($200).]

(b) No person or business entity shall act as a Demolition Contractor without a demolition supervisor and site safety manager with the required qualifications on staff at all times. With respect to a Demolition Contractor performing work on a Major Building, required qualifications shall mean the qualifications necessary for the contractor to be licensed to perform such work. Neither the demolition supervisor nor the site safety manager may be concurrently employed by another licensed Demolition Contractor.

(c) A Demolition Contractor shall abide by:

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(.1) all regulations issued by the Department of Public Health pursuant to Title 3, Air Management Code regarding the control of dust at demolition sites, including but not limited to:

(.a) Dust control during demolition activity;

(.b) The proper storage and removal of demolition debris;

(.c) Cleaning dust from surrounding streets and sidewalks; and

(.d) Controlling dust during the transportation of debris from demolition sites.

(.2) the Water Department's Storm Water Erosion and Sediment Control Regulations;

(.3) all other applicable requirements of law.

(3) Requirements for License.

(a) Application Requirements. Applications for a *Class "B"* Demolition Contractor's license shall be made on forms to be supplied by the Department. No license or renewal shall be issued until the applicant:

* * *

(.3) certifies that all City tax obligations are satisfied and that the Demolition Contractor is in compliance with all applicable laws of the Commonwealth relating to the operation of its [business.] *business;*

(.4) identifies at least one site safety manager employed by the company who will supervise demolition projects for the Demolition Contractor *and provides documentation with respect to their required qualifications*; *and*

(.5) identifies of at least one demolition supervisor employed by the company *and provides documentation with respect to their required qualifications*. [with evidence of successful completion of an examination related to demolition as determined by the Department.]

(.6) [the] *The* site safety manager and demolition supervisor may be the same person.

(.7) If a Demolition Contractor changes its site safety manager or demolition supervisor, the contractor shall notify the Department within ten (10) days of employment of the new site safety manager or demolition supervisor and provide any necessary documentation with respect to their required qualifications.

(b) Additional Requirements for Class "A" Demolition Contractors. No license for a Class "A" Demolition Contractor shall be issued unless the applicant, in addition to meeting the requirements under subsection (3)(a) above, provides the following:

(.1) Proof of three years prior experience in the field of demolition for both a

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demolition supervisor and a site safety manager through one of the following:

(.a) Tax records indicating employment in the field of demolition by a demolition contractor licensed in the field by a state or local government; or

(.b) Licensure in the field of demolition by a state or local government.

(c) A license issued under this Section shall be valid for one year. The annual fee for the license shall be two hundred dollars ($200) or such other amount as established by the Department by regulation.

(4) Insurance and Bonding Requirements. All Demolition Contractors licensed under this Section shall at all times maintain, at a minimum, the following types and amounts of insurance and bonding:

(a) Insurance requirements.

* * *

(.2) comprehensive general liability, including products and completed operations, of a minimum limit of liability of $2,000,000 per occurrence. [The City of Philadelphia must be named Certificate Holder and Additional Insured. It is not acceptable for the additional insured requirement to be conditional upon there being a written contract]; and

* * *

(b) Bonding requirements.

(.1) A license [or permit] bond in an amount *established below* [to be determined by the Risk manager] shall be maintained by the Demolition Contractor to ensure compliance with local ordinances. The bond shall be issued by a surety company holding a certificate of authority to transact business in Pennsylvania, having a minimum surety underwriting limitation of $1,000,000.

(.2) Proof of bonding shall be submitted on a form approved by the Law Department.

(.3) Required bond amounts.

(a.) For Class "A" Demolition Contractors, a license bond in the amount of $50,000.

(b.) For Class "B" Demolition Contractors, a license bond in the amount of $10,000.

(5) License Suspension and Revocation; Other Remedies.

(a) The Department may suspend or revoke any license granted under this Section for any of the following reasons:

* * *

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(.9) conviction of a crime of fraud or dishonesty in connection with the licensed [activity.] *activity;*

(.10) determination by OSHA of a serious violation during the work of the contractor;

(.11) significant violation of a requirement of Chapter 33 (Safeguards During Construction) of Subcode B (The Philadelphia Building Code) of Title 4 of The Philadelphia Code (The Philadelphia Building Construction and Occupancy Code); or

(.12) any significant violation of a provision of this Section, including but not limited to the License and Required Conduct provisions of subsection (2) of this Section.

(b) Action against a license bond concerning a Demolition Contractor's failure to meet the requirements of this Section or a demolition permit may be taken by the Department following an administrative hearing.

* * *

SECTION 3. The provisions of Section 1 shall be effective immediately. The provisions of Section 2 shall be effective March 1, 2018, and upon taking effect replace and supersede the "Regulations Under Philadelphia Code Sections A-301.5.10 and 9-1008" of the Department of Licenses and Inspections.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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