

Legislation Text

File #: 130691-A, Version: 2

Amending Title 4 "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "A," (The Philadelphia Administrative Code), and Subcode "B" (The Philadelphia Building Code), and Title 20 entitled "Officers and Employees," of The Philadelphia Code, by adding certain provisions related to construction and demolition, special inspections, contractors, stop work orders, fees, fines, ethical violations and penalties; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode A of Title 4 is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 3. PERMITS

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A-302.8 Posting of permits and licenses: Permits and licenses shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official. A true copy of permits authorizing construction activity shall be posted on the site of the operations, open to public inspection during the entire time of the prosecution of the work for which the permit has been issued. *The Department shall establish Regulations for additional posting and signage requirements related to construction sites by December 31, 2013.*

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A-303 DEMOLITION AND RELOCATION OF STRUCTURES

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A-303.2 Posting and Notice: Prior to the demolition of a structure by the owner thereof, or demolition required by the Department of Licenses and Inspections, the department shall post a notice on the structure to be demolished and distribute an informational bulletin indicating that the City or owner intends to demolish said structure. The department shall distribute the informational bulletin to the front doors of the following properties:

1. The three nearest properties on each side of the subject property.
2. The seven nearest properties across the street from the subject property.
3. The seven nearest properties to the rear of the subject property.
4. *Any structure or property located within the safety zone area, as defined in Section B-3303.8.1 of the Building Code, surrounding the subject property.*

The requirement to distribute an informational bulletin shall not create any actionable right for any resident or owner of the subject property or any neighboring property.

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A-303.2.5 Additional Posting and Notice: The Department shall establish Regulations for additional posting and notice requirements related to demolition projects by December 31, 2013, to be included in the informational bulletin required under this Section, including all of the following: education material explaining the inherent safety risks of demolition; contractor obligations regarding party walls; information concerning shoring and bracing of walls; waterproofing and enclosure of breaches for interior walls that become exterior walls, and other required finishings.

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A-305 CONSTRUCTION DOCUMENTS

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.] *for demolition shall be submitted in accordance with subsections A-305.2.1.15.1 through A-305.2.1.15.3.*

A-305.2.1.15.1 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:

1. *Details on the type of construction and condition of the structure(s) to be demolished, including photographs of the structure and the site that accurately depict its present condition.*
2. *Inspection details on the structural conditions of the adjoining properties.*
3. *Description of the means and methods for protection of the adjacent structures.*

4. *Description of the method of demolition to be used.*
5. *Details on any potential hazards.*
6. *Underground utility confirmation number.*
7. *Description of any safety exposures and environmental issues.*

A-305.2.1.15.2 Site Plan. A site plan which includes the following information shall be submitted:

1. *Identification of elements listed below with the distance between each element and the structure(s) to be demolished:*
 - a) *Property lines.*
 - b) *Adjacent walkways, streets, and easements.*
 - c) *All existing buildings, including height, number of stories, and construction type.*
 - d) *Neighboring structures on adjacent lots, including height, number of stories, and construction type.*
 - e) *Location of utilities within the work area.*
2. *The extent of demolition, including underground removal.*
3. *Planned pedestrian protections.*

A-305.2.1.15.3 Demolition schedule. The contractor shall submit a schedule of the proposed demolition which shall include the following:

1. *The start date that is consistent with code requirements for public notice.*
2. *Identification of demolition milestones and projected dates of completion.*
3. *The proposed start and stop times for daily activity.*
4. *Confirmation that the work will not begin before site safety measures are in place and those measures are inspected and approved by the code official.*

A-305.2.1.15.3.1 Revised demolition schedule. As soon as practicable, the contractor is

required to submit to the Department a revised demolition schedule if the demolition does not start in the time frame established by the schedule submitted with the permit application. Failure to submit the revised demolition schedule shall be a Class II violation.

A-305.2.1.15.4 Maintenance of submittal documents. The prime contractor and/or owner must keep the approved set of submittal documents on-site at all times and make the documents accessible for inspection upon demand of the code official. Failure to keep or make submittal documents available on-site shall result in the issuance of a stop work order until the documents are produced and the Department determines that work can proceed safely.

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CHAPTER 4. INSPECTIONS

SECTION A-402 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.

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A-402.10.6 Demolition. Specific demolition inspections are included in Sections A-402.10.6.1 through A-402.10.6.5, as applicable to the scope of work.

A-402.10.6.1 Initial inspection. The contractor shall schedule an initial inspection with the Department a minimum of 48 hours prior to the start of work. During the initial on-site inspection, the contractor shall be present and conduct a review of the site safety demolition plan with the code official prior to the start of any demolition activity. The contractor shall provide the code official with proof of all utility disconnections. Pedestrian protection required by the Building Code must be in place before the start of work. If adequate pedestrian protection is not in place and any work has commenced, the Department shall issue a Stop Work order which will remain in effect until the necessary pedestrian protections are put in place, inspected and approved by a code official.

A-402.10.6.2 Floor inspection. An inspection is required to ensure that the contractor is maintaining all safety measures detailed in the site safety demolition plan and using the means and methods detailed in the plan in a safe and workmanlike manner. A review of the submitted schedule shall be performed on-site by the code official. An inspection shall be required for each floor of the building being demolished. When necessary, an additional inspection may be required to ensure proper drainage of the cellar cavity has been achieved by breaking up the cellar floor.

A-402.10.6.3 Close-in inspection. An inspection is required to ensure that any adjacent

foundation walls have been properly treated prior to backfilling of any areas below the finished grade. Additionally, the code official shall confirm that the contractor has completed the closing of all openings in any exposed party walls prior to finished treatment.

A-402.10.6.4 Pre-final inspection. The pre-final inspection is required to ensure that all improper fill has been removed from the site prior to the backfilling of the cellar cavity.

A-402.10.6.5 Final inspection. A final inspection is required to determine compliance of the permitted demolition, and when necessary, to confirm proper grading of the site has been achieved upon completion of the demolition.

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CHAPTER 5. VIOLATIONS

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SECTION A-504 STOP WORK ORDER

A-504.1 General: The Department *and, to the extent permitted under the PA Construction Code Act and Uniform Construction Code, any Philadelphia Fire Department Battalion Chief* 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:

1. Any structure or part thereof, *including any adjoining or abutting structures*, is found to be in a dangerous or unsafe condition due to inadequate maintenance, deterioration, damage by natural causes, fire, or faulty construction that it is likely to cause imminent injury to persons or property.

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4. *In cases of demolition activity, there is a failure to provide for a site safety review as required by Chapter 4 of this Code. Upon the issuance of a stop work order under this subsection, the work shall be stopped for a minimum of three (3) business days. The Department shall take any other appropriate actions necessary, including revoking any permits, and shall not allow work to begin until the code official is satisfied that the demolition will proceed in a safe manner.*

5. *A contractor is found performing construction without a license required by Chapter 9-1000.*

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A-505 CEASE OPERATIONS ORDER

A-505.1 General: The department and the Fire Department are authorized to issue Cease Operations Orders directing that use and other activities cease immediately and that the premises be vacated pending

compliance with such orders whenever:

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4. Any condition is observed which presents an immediate danger to life or property, *including any danger to life or property of adjoining or abutting structures.*

5. Any unsafe or unsanitary condition is observed which presents an immediate danger to the health of the occupants of any abutting premises due to the presence of raw sewage, garbage, rubbish or infestation.

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 the amount indicated in Section 1-112 of The Philadelphia Code unless otherwise specified.

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

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8. *Section A-504.7 (Prohibited conduct during a Stop Work Order) Five Hundred Dollars (\$500.00).*

9. *Section A-402.10.6 (Failure to provide for required demolition inspections) Five Hundred Dollars (\$500.00).*

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CHAPTER 6. PENALTIES

A-601 FINES

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A-601.3 Fines for Class III offenses: Notwithstanding subsection 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(3) of The Philadelphia Code:

1. A-301.1.5 (Zoning and Use Registration Permits);

1.1 A-402.10.6 (Failure to provide for required demolition inspections);

2. A-701 (Certificate of Occupancy);

2.1 B-1704.15 (Special Inspections of Special Cases);

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A-603 INDIVIDUAL LICENSE

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A-603.4 Unpaid fees: When a license holder has been issued a permit and has failed to properly remit the required fees for that permit, the Department is authorized to refuse issuance of additional permits to that licensed person or business until the outstanding fees have been paid in full.

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CHAPTER 9. FEES

A-901 GENERAL

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A-901.12 Inspection fee: The Department is authorized to charge inspection fees in accordance with Sections A- 901.12.1 through A-901.12.3.

A-901.12.1 Reinspection fee: The Department is authorized to charge a reinspection fee of [\$75.00] \$100 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.

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A-901.13 Work without or in excess of a permit *or license*: In addition to the permit *or license* fee, an inspection fee equal to the permit *or license* fee shall be imposed when work has commenced without first obtaining the required permit(s) *or license(s)*.

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A-902 BUILDING, FUEL GAS AND MECHANICAL CODE FEES

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A-902.2.2 Demolition: Fees for permits for demolition shall be [~~\$10.00~~] *\$15.00* per 100 square feet or fraction thereof, but shall not exceed [~~\$25,000~~] *\$37,500*. [Where the permit application includes the erection of a new structure at the same site, no demolition fee shall be required.]

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SECTION 2. Title 4 of The Philadelphia Code, Subcode “B” (The Philadelphia Building Code) is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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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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B-1704 SPECIAL INSPECTIONS

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B-1704.15 Special cases. Special inspections shall be required for proposed work that is, in the opinion of the building official, unusual in its nature, such as, but not limited to, the following examples:

1. Construction materials and systems that are alternatives to materials and systems prescribed by this code.
2. Unusual design applications of materials described in this code.
3. Materials and systems required to be installed in accordance with additional manufacturer’s instructions that prescribe requirements not contained in this code or in standards referenced by this code.

B-1704.15.1 Underpinning. Underpinning of structures shall be subject to special inspections in accordance with Sections 1704.15.1.1 and 1704.15.3. In addition to the special inspection for structural stability, any new foundation elements installed as part of underpinning operations shall be subject to special inspection as a permanent installation in accordance with the applicable sections of this Chapter, including, but not limited to, special inspection for concrete, welding, and

pile driving.

B-1704.15.1.1 Inspection program. Prior to commencement of work, the special inspector shall review the contractor's proposed sequence of operations and determine the areas of work that require design. Inspections of this work shall be continuous during the operations, and shall be conducted by a geotechnical, civil, or structural professional engineer licensed by the Commonwealth of Pennsylvania.

B-1704.15.2 Demolition. The following demolition operations shall be subject to special inspections in accordance with Sections 1704.15.2.1 and 1704.15.3:

- 1. Complete demolition of a building in excess of three (3) stories or any structure in excess of 40 feet (12192 mm) in height. These inspections shall be performed on a continuous basis until the structure is demolished to a height of 10 feet (3048 mm).*
- 2. Where the use of mechanical demolition is recommended in writing by a licensed structural engineer, pursuant to Section 3303.9. These inspections shall be performed on a continuous basis until the structure is demolished to a height of 10 feet (3048 mm).*
- 3. Where mechanical demolition equipment, other than handheld devices, is to be used in the full or partial demolition of a building from within the building, or is to be used within the building to remove debris or move material. These inspections shall be performed on a periodic basis.*

B-1704.15.2.1 Inspection program. Prior to commencement of work, the special inspector shall review the permit documents, including the site safety demolition plan (also known as an engineering study), and become familiar with the reported demolition methods and details of any potential structural hazards to the project and adjoining properties.

B-1704.15.3 Records of special inspections for special cases. In addition to other reporting requirements established by this Chapter, a special inspection logbook shall be maintained at the special inspector's office and shall contain the following information:

- 1. Project identification, permit number and address.*
- 2. Date and time of each inspection.*
- 3. Names of personnel who performed each inspection.*
- 4. Dates of off-site meetings, names of the participants and a summary of the conversations.*
- 5. Any significant observations or instructions given related to any of the following:*
 - a) Deviations from the design documents;*

- b) *Anticipated field conditions;*
- c) *Proper execution of the work;*
- d) *Safe jobsite conditions; and*
- e) *pararsid6511860Precautions taken to maintain safe conditions, if work is stopped for any reason.*

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CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

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SECTION B-3302. CONSTRUCTION SAFEGUARDS

B-3302.1 Remodeling and additions. Required exits, existing structural elements, fire protection devices and sanitary safeguards shall be maintained at all times during remodeling, alterations, repairs or additions to any building or structure.

Exceptions:

1. When such required elements or devices are being remodeled, altered or repaired, adequate substitute provisions shall be made.
2. When the existing building is not occupied.

B-3302.2 Manner of removal. Waste materials shall be removed in a manner which prevents injury or damage to persons, adjoining properties and public rights-of-way.

B-3302.3 Fire safety during construction. Fire safety during construction shall comply with the applicable requirements of this code and the applicable provisions of the Philadelphia Fire Code.

B-3302.4 Abandoned and discontinued operations.

B-3302.4.1 Barrier. If any construction or demolition operation is abandoned, discontinued or interrupted, a barrier meeting the requirements of Section 3306 shall be provided to protect the public from potential hazards on the site.

B-3302.4.2 Filling and grading. When permits have expired and when no permits have been issued within 3 months of the cessation of excavation operations, the lot shall be filled and graded to eliminate

all steep slopes, holes, obstructions or similar sources of hazard. Fill shall be free of organic material and construction debris. The final surface shall be graded in such a manner as to drain the lot, eliminate pockets in the fill, and prevent the accumulation of water without damaging any foundations on the premises or on adjoining property.

B-3303. DEMOLITION

B-3303.1 Construction documents. Construction documents and a schedule for demolition must be submitted when required by the building official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.

B-3303.2 Pedestrian protection. The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by this chapter.

[B-3303.3 Means of egress. A party wall balcony or horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.]

B-3303.3 Means of egress. A horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.

B-3303.4 Vacant lot. Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority.

B-3303.4 .1 Site grading after demolition. Where a structure is demolished or removed and no new construction is contemplated, the vacant lot shall be graded in accordance with the Building Code. The following demolition material shall not to be used as backfill: combustible and fibrous material including metal, reinforcing steel, wood, plastic, plaster, ceramic, roofing materials, trash, household garbage or ash, and any other such debris. The fill shall be covered with a uniform layer of clean, inert, granular material 4 inches or more in depth. A layer of asphalt or concrete paving may be substituted as a covering. The owner and/or the general contractor for the demolition shall be responsible for compliance with this regulation.

B-3303.5 Water accumulation. Provision shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

B-3303.6 Utility connections. Service utility connections shall be discontinued and capped in accordance with the approved rules and the requirements of the applicable governing authority.

B-3303.7 Fire safety during demolition. Fire safety during demolition shall comply with the applicable requirements of this code and the applicable provisions of the Philadelphia Fire Code.

B-3303.8 Protection of adjoining property during demolition. Demolition operations shall not commence until the applicable adjoining property protection is in place as required by Sections 3303 and 3307.

B-3303.8.1 Safety zone. A safety zone shall be maintained around all demolition areas to prevent non-authorized persons from entering such zone. Where mechanical demolition equipment, other than

handheld devices, is to be used for the demolition of a building, the safety zone shall be equal to or greater than half the height of the building to be demolished. Such safety zone may be reduced at a rate in ratio to the extent of demolition, as demolition occurs. For example, at the time 50% of the demolition is complete, the safety zone may be reduced by 50%.

B-3303.9 Mechanical demolition equipment. Mechanical demolition equipment shall not be used where a building or portion thereof occupied by one or more persons is located within the safety zone. In no case shall mechanical demolition equipment be used where the structure undergoing demolition is physically connected to a structure not being demolished.

Exception: When the use of mechanical demolition is recommended and endorsed in writing by a professional structural engineer licensed in the Commonwealth of Pennsylvania and Special Inspections are performed pursuant to Section B-1704.15.2.

B-3303.10 Demolition sequence. Any structural member that is being dismembered shall not support any load other than its own weight. No wall, chimney, or other structural part shall be left at any time in such condition that it may collapse or be toppled by wind, vibration or any other cause. The method of removal of any structural member shall not destabilize remaining members. All handling and movement of material or debris shall be controlled such that it will not develop unaccounted impact loads on the structure.

B-3303.10.1 Structural steel, reinforced concrete, and heavy timber buildings. Structural steel, reinforced concrete, and heavy timber buildings, or portions thereof, shall be demolished column length-by-column length and tier-by-tier. Structural members shall be chained or lashed in place to prevent any uncontrolled swing or drop. In buildings of "skeleton-steel" construction, the steel framing may be left in place during the demolition of masonry. Where this is done, all steel beams, girders, and similar structural supports shall be cleared of all loose material as the masonry demolition progresses downward.

Exception: Where the design applicant has demonstrated the adequacy of alternate means of demolition through plans, calculations, or the establishment of safety zones, as appropriate, the Department may accept such alternative means of demolition.

B-3303.10.2 Masonry buildings with wooden floors. Demolition of masonry buildings with wooden floors shall comply with the following requirements:

- 1. Demolition of walls and partitions shall proceed in a systematic manner, and all work above each tier of floor beams shall be completed before any of the supporting structural members are disturbed.*
- 2. Masonry walls, or other sections of masonry, shall not be loosened or permitted to fall upon the floors of the building in such masses as to exceed the safe carrying capacities of the floors or the stability of structural supports.*
- 3. No wall section, which is more than one story or 12 feet (3658 mm) in height, shall be permitted to stand alone without lateral bracing designed by a registered design professional, unless such*

wall was originally designed and constructed to stand without such lateral support, and is in a condition safe enough to be self-supporting. All walls shall be left in a stable condition at the end of each shift.

4. Structural or load-supporting members on any floor shall not be cut or removed until all stories above such a floor have been demolished and removed. This provision shall not prohibit the cutting of floor beams for the disposal of materials or for the installation of equipment necessary to safely complete the demolition, so long as the cutting does not negatively impact the safety of the floor system being cut.

B-3303.11 Hazards to be removed. Prior to the commencement of demolition operations, hazards shall be removed, in accordance with Sections 3303.11.1 through 3303.11.2.

B-3303.11.1 Dust. Dust producing operations shall be wetted down to the extent necessary to control the dust.

B-3303.11.2 Fuel. Prior to the commencement of demolition operations, all pipes, tanks, boilers, or similar devices containing fuel and located in the area authorized to be demolished by the permit shall be purged of such fuel.

Exception: Pipes, tanks, boilers, or similar devices containing fuel located in the area authorized to be demolished by the permit and which will not be disturbed during the course of the demolition operation may, in lieu of being purged, be safeguarded so as to prevent damage to such devices during the course of demolition operations.

B-3303.12 Removal of foundations and slabs. Where a building, or any portion, has been demolished to grade, the floor slab or foundation of such building, or portion, shall be removed and the site backfilled to grade.

Exceptions:

1. Cellar floors may remain provided the cellar floor slab is broken up to the extent necessary to provide ground drainage that prevents accumulation of water, and also provided that all fixtures or equipment that would cause voids in the fill are removed.
2. Where a floor slab or foundation is to remain and not be backfilled, a waiver approved by the Department shall be obtained. Such request for waiver shall be accompanied by a statement and drawings prepared by a registered design professional demonstrating the necessity for retaining the existing floor slab or foundation for future construction or site remediation, as well as demonstrating positive cellar drainage to an approved place of disposal.

B-3303.13 Retaining walls. Walls, which serve as retaining walls to support earth or adjoining structures, shall not be demolished until such earth has been properly braced or adjoining structures have been properly underpinned. Walls, which are to serve as retaining walls for backfill, shall not be so used unless capable of safely supporting the imposed load.

B-3303.14 Special inspection. Special inspection of demolition activities shall be required in accordance with Sections 3303.14.1 and 3303.14.2.

Exception: Demolition performed under contract with the Department and in compliance with current Procurement Department Specifications.

B-3303.14.1 Mechanical demolition. Where mechanical demolition equipment, other than handheld devices, is to be used in the full or partial demolition of a building from within the building, or is to be used within the building to remove debris or move material, such demolition operation shall be subject to special inspection in accordance with the provisions of Chapter 17 of the Building Code.

B-3303.14.2 Demolition of tall structures. Demolition of a building in excess of three (3) stories or any structure in excess of 40 feet (12192 mm) in height shall be subject to special inspection in accordance with the provisions of Chapter 17 of the Building Code.

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B-3306. PROTECTION OF PEDESTRIANS

B-3306.1 Protection required. Pedestrians shall be protected during construction, remodeling and demolition activities as required by this chapter and Table 3306.1. Signs shall be provided to direct pedestrian traffic.

B-3306.2 Walkways. A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the Streets Department authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be accessible in accordance with Chapter 11 and shall be designed to support all imposed loads and in no case shall the design live load be less than 300 pounds per square foot (psf) (14.4 kN/m²), except that a live load of 150 psf (7.2 kN/m²) may be permitted for buildings less than one hundred feet in height provided there is no storage thereon. The failure to maintain a walkway in accordance with all applicable provisions of this Title may result in revocation of any associated building permits and/or the issuance of a Stop Work Order.

B-3306.2.1 Sidewalk Closures. Where the Streets Department authorizes the sidewalk to be fenced or closed, the fence shall be a minimum of 6 feet in height. The fence shall be installed to the extent necessary to effectively close off the site.

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B-3307. PROTECTION OF ADJOINING PROPERTY

B-3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall

provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

B-3307.1.1 Notification. Where a construction or demolition project will require access to adjoining property, in order to protect the adjoining property or otherwise, written notification shall be provided to the adjoining property owner a minimum of 10 days prior to the commencement of work. Such notification shall describe the nature of work, estimated schedule and duration, details of monitoring to be performed on the adjoining property, protection to be installed on the adjoining property, and contact information for the project.

B-3307.2 License to enter adjoining property. The responsibility of affording any license to enter adjoining property shall rest upon the owner of the adjoining property involved. It is the responsibility of the person making or causing construction or demolition operations to obtain any necessary license to enter adjoining property from the owner of such property prior to the start of work. If the person who causes the construction, demolition, or excavation work is denied a license to enter by the adjoining property owner, and the building undergoing work is an imminent danger to the adjoining property, as determined by the Department, such duty to preserve and protect the adjacent property shall devolve to the owner of the adjoining property.

B-3307.3 Physical examination. A physical examination of such adjoining property shall be conducted by the person causing the construction or demolition operations prior to the commencement of the operations and at reasonable periods during the progress of the work. Observed conditions shall be recorded by the person causing the construction or demolition operations, and such records shall be made available to the Department upon request.

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 causes such to be made shall, at all times during the course of such work and at his or her own expense, preserve and protect from damage any adjoining 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 structure by proper foundations, underpinning, or other equivalent means where the level of the foundations of the adjoining structure is at or above the level of the bottom of the new excavation.

B-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-3307.5 Underpinning. Whenever underpinning is required to preserve and protect an adjacent property from construction, demolition, or excavation work, the person who causes such work shall, at his or her own expense, underpin the adjacent building.

B-3307.6 Examination of party walls. Party walls shall be carefully examined by a competent person designated by the permit holder to ascertain the condition and adequacy of the party wall prior to the placement of any material that will impose a load upon such party wall. If the party wall is found to be in poor condition or inadequate to support the stored material, no material shall be deposited on the floor until the party wall is shored or otherwise strengthened as determined by a registered design professional to safely support such material

B-3307.6.1. Support of party walls. Where a party wall will be affected by excavation, regardless of the depth, the person who causes the excavation to be made shall preserve such party wall at his or her own expense so that it shall be, and shall remain, in a safe condition. Where an adjoining party wall is intended to be used by the person causing an excavation to be made, and such party wall is in good condition and sufficient for the uses of the existing and proposed buildings, it shall be the duty of such person to protect the party wall and support it by proper foundations, so that it remains practically as safe as it was before the excavation was commenced.

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. 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 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-3307.8 Protection of roofs. Whenever any building is to be constructed or demolished above the roof of an adjoining building, it shall be the duty of the person causing such work to protect from damage at all times during the course of such work and at his or her own expense the roof, skylights, other roof outlets, and equipment located on the roof of the adjoining building, and to use every reasonable means to avoid interference with the use of the adjoining building during the course of such work.

Adjoining roof protection shall be secured to prevent dislodgement by wind. Where construction or demolition work occurs at a height of at least 48 inches (1219 mm) above the level of the adjoining roof, adjoining roof protection shall consist of 2 inches (51 mm) of flame-retardant foam under 2 inches (51 mm) of flame-retardant wood plank laid tight and covered by flame-retardant plywood, or shall consist of equivalent protection acceptable to the Department, and shall extend to a distance of at least 12 feet (3658 mm) from the edge of the building being constructed or demolished.

* * *

SECTION 3. Section 9-2203 of Title 9 is amended to read as follows:

§ 9-2203. License Issuance; Renewal.

(1) Applications for an Expediter license shall be filed on a form to be provided by the Department. No such application will be received unless it is accompanied by:

a. payment of a non-refundable application fee of [one hundred dollars (\$100)] *two hundred dollars (\$200)*;

* * *

(iv) *proof that the applicant is an employee of one of the following: an attorney or firm of attorneys currently licensed in the state of Pennsylvania; an architect or firm of architects currently licensed in the state of Pennsylvania; or an engineer or firm of engineers currently licensed in the state of Pennsylvania;*

* * *

(3) Term of license; renewal. Expediter licenses shall be valid for one year, and may be renewed for additional one year terms upon payment of an annual license renewal fee of [one hundred dollars (\$100)] *two hundred dollars (\$200)*.

SECTION 4. Subcode A of Title 4 is amended to read as follows:

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

* * *

CHAPTER 2. ENFORCEMENT AUTHORITY

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CHAPTER 3. PERMITS

A-302 PERMITS

* * *

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. *If the permit application is for an imminently dangerous structure as determined under the Property Maintenance Code Section PM-308.0, then the code official shall grant or deny a complete permit application within 7 days of receipt, and shall preliminarily review such application upon submittal.* 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.

SECTION 5. This Ordinance shall supersede all prior regulations previously promulgated under Chapter 33 of The Philadelphia Building Code and shall supersede the “New Philadelphia Demolition Standards and Activity Controls: Regulations” promulgated on June 7, 2013.

SECTION 6. The provisions of this Ordinance that are subject to review under the Pennsylvania Construction Code Act (Act 45 of 1999, P.L. 491, as amended) shall not become effective until the Secretary of the Pennsylvania Department of Labor and Industry certifies approval of this Ordinance or the City Solicitor certifies to the Chief Clerk of Council that the requirements of Section 503 of Act 45 of 1999, as amended (35 P.S. sec. 7210.503), have otherwise been satisfied so as to permit the Ordinance to go into law. The remainder of this Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.