

## Legislation Text

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**File #:** 130698-A, **Version:** 2

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Amending Title 4 "The Philadelphia Building Construction and Occupancy Code," of The Philadelphia Code by amending Subcode "A," (The Philadelphia Administrative Code) by adding new definitions, enforcement powers, a separate permit for demolitions, and training requirements for Licenses and Inspections code officials; 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 1. GENERAL

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#### A-104 WORKMANSHIP

A-104.1 General: All work which is performed either directly or indirectly for compliance with the *this code and all other technical codes and the mandates of the Department's bulletins*, shall be conducted, installed and completed in a workmanlike and acceptable manner so as to secure the results intended by such codes.

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#### A-106 DEFINITIONS

A-106.1 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code and the technical codes, have the meanings shown in this Section.

ACT: The Pennsylvania Construction Code Act, Act 45 of November 10, 1999, P.L. 491.

CODE OFFICIAL (OR BUILDING OFFICIAL): The Commissioner of Licenses and Inspections or his or her duly authorized representative charged with the administration and enforcement of such codes.

Exception: In the Fire Code, the term "fire code official" or "code official" shall mean the Fire Commissioner and/or the Commissioner of Licenses and Inspections or their duly authorized representatives charged with the administration and enforcement of the code in accordance with practices established by the two departments.

*COMPETENT PERSON: An individual who is capable of identifying existing and predictable hazards at the job site or is knowledgeable of policies and practices that affect working conditions which are unsanitary, hazardous or dangerous to employees, and who has authority to take prompt corrective measures to eliminate them.*

DEPARTMENT: The Department of Licenses and Inspections unless otherwise specified.

Exception: In the Fire Code, the term "Department" shall mean the Fire Department unless otherwise specified.

HEALTH CARE FACILITY: Any of the following, regardless whether the facility is operated for profit, nonprofit or by an agency of the Commonwealth or local government:

a general, chronic disease or other type of hospital,

a home health care agency,

a hospice or long-term care nursing facility,

a cancer treatment center using radiation therapy on an ambulatory basis,

an ambulatory surgical facility,

a birth center, or

any other health care facility licensed by the Commonwealth Department of Health as may be necessary due to emergence of new modes of health care;

provided that the term "health care facility" shall not include

an office used primarily for the private practice of a health care practitioner,

a program which renders treatment or care for drug or alcohol abuse or dependence unless located within a health facility,

a facility providing treatment solely on the basis of prayer or spiritual means, or

a facility which is conducted by a religious organization for the purpose of providing health care services exclusively to clergymen or other persons in a religious profession who are members of a religious denomination.

*REGISTERED DESIGN PROFESSIONAL: A licensed architect, licensed engineer or other licensed design professional that holds a currently valid license to practice in Pennsylvania or any other state.*

SECTION 2. Subcode A of Title 4 is amended to read as follows:

#### TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

\* \* \*

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

\* \* \*

CHAPTER 2. ENFORCEMENT AUTHORITY

SECTION A-201 GENERAL

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*A-201.2 Definitions*

*Unless otherwise provided in the Code, the following definitions apply to this Chapter:*

*“OSHA 10.” The 10-hour program designed and approved by the United States Occupational, Safety and Health Administration (“OSHA”) under its Outreach Training Program for Construction intended to train workers on the recognition, avoidance, abatement, and prevention of safety and health hazards in workplaces in general industry.*

*“OSHA 30.” The 30-hour program designed and approved by the United States Occupational, Safety and Health Administration (“OSHA”) under its Outreach Training Program for Construction for additional training of supervisors and workers with some safety responsibilities.*

*“OSHA 500.” The trainer course for construction offered by the United States Occupational, Safety and Health Administration (“OSHA”) designed to prepare and certify individuals to teach the OSHA 10 and OSHA 30 hour construction safety and health courses to others.*

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A-202 DUTIES AND POWERS OF THE CODE OFFICIAL

A-202.1 General: The code official shall enforce all of the provisions of this code and the technical codes and *shall refer any observation of worker safety violations to OSHA*, and shall act on any question relative to the following items, except as otherwise specifically provided for by statutory requirements or as provided for in this code or the technical codes *or the*:

1. The mode or manner of construction and materials to be used in the erection, addition to, alteration, repair, removal and demolition of structures;
2. The location, occupancy and maintenance of structures;
3. The installation of service equipment;
4. The installation, alteration, repair, maintenance or operation of all mechanical, electrical and plumbing systems devices and equipment; and
5. The installation, alteration, repair, maintenance or operation of all fire protection systems, devices and equipment.

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*A-202.1.1 Training: In addition to the training and certification requirements of the Pennsylvania Uniform Construction Code, the Department shall ensure that inspectors responsible for construction and demolition code enforcement receive training by OSHA on identifying worker safety issues. The Department shall make every attempt to develop and maintain a formal training program in conjunction with OSHA which meets or exceeds OSHA 30 training certification. Should OSHA fail to provide such training, the Department shall have such inspectors receive OSHA 30 training either through a private provider or through OSHA 500 certified individuals within the Department.*

*A-202.1.2 Code Official Training: The Department shall do the following to ensure adequate enforcement of this Title, to the extent permitted under the PA Construction Code Act and Uniform Construction Code.*

- 1. Any code official assigned to enforce the provisions this Title shall have completed OSHA administered training equivalent to the OSHA 30 within the past 5 years.*
- 2. At least 20 percent of all currently employed code officials shall have completed OSHA administered training equivalent the OSHA 500. These OSHA 500 code officials shall offer to the public, once annually, OSHA 10 and OSHA 30 training and certification. No fee shall be charged for this training.*
- 3. All code officials assigned to enforce the provisions of this Title shall complete at least 3 hours of annual continuing education training focused on construction, hazmat issues, fire prevention strategies, safety, and other related industry or legal updates.*

*A-202.3 Code Official Qualifications: The Department shall:*

- 1. Revise the qualifications standards for new hires to the Department to ensure that applicants have the requisite background to properly perform their duties;*
- 2. Revise job descriptions and continuing education requirements to conform to this Section; and*
- 3. Ensure that its employee complement is of adequate size to safely and efficiently meet the requirements of this Code.*

*A-202.2. Notification of Worker Safety Issues. The code official shall be responsible for notifying OSHA whenever any worker safety hazard is observed during the course of an inspection or site visit. The Department shall develop and maintain a formalized notification process with OSHA.*

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## CHAPTER 3. PERMITS

### A-301 APPLICATION FOR PERMIT

**A-301.1 Permits required:** An application shall be submitted to the department for the activities listed in Sections A-301.1.1 through A-301.1.6 and these activities shall not commence without a permit being issued in

accordance with Section A-302.0. *Where the scope of work includes demolition, moving or removal of a structure, a separate application and permit for such work shall be required.* Where the scope of work includes more than one lot, a separate permit shall be required for each lot.

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A-301.3 Form of application: The application for a permit shall be submitted in such written form as *this Code requires and as the department prescribes* and shall be accompanied by the required fee as prescribed in Chapter 9.

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

\* \* \*

10. *In addition to the above, a Demolition Permit Application 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 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.*

*c. 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.*

d. *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.*

e. *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.*

f. *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.*

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.*

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A-301.6 Construction documents: Applications for permits shall be accompanied by three sets of construction

documents that include the information required by Section A-305.0, the technical codes, regulations, plan submission standards, and any other information that the code official determines is necessary to issue the permit. *As used in this Chapter, construction documents shall include demolition plans as described in Section A-301.5(10)(c).*

SECTION 3. Subcode A of Title 4 is amended to read as follows:

## TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

\* \* \*

### SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

\* \* \*

#### CHAPTER 3. PERMITS

##### A-302 PERMITS

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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 preliminarily review such application for completeness at the time submitted, and shall grant or deny a complete permit application within 7 days of receipt.* 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.

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##### A-302.2 Suspension of permit:

1. Any permit, *other than a demolition permit*, issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The code official is authorized, for reasonable cause, to extend in writing the time for commencing the work for a period not exceeding six months upon written request of the permittee, *except for demolition permits*. No permit shall be extended more than once. In order to proceed with the work authorized by an expired permit, a new permit shall be obtained.

2. *Any demolition permit issued shall become invalid if the authorized work is not commenced*

*within forty-five (45) days after issuance of the demolition permit, or if the authorized demolition work is suspended or abandoned for a period in excess of 30 days after commencing the work. The Department Deputy Commissioner is authorized, for reasonable cause, to extend in writing the time for commencing the work for a period not exceeding 30 days upon written request of the permittee. No demolition permit shall be extended more than once. In order to proceed with demolition work authorized by an expired permit, a new permit shall be obtained.*

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#### SECTION 4.

1. Sections 1 and 2 shall take effect within 18 months of enactment.
2. The remainder of this Ordinance shall become effective immediately.

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**Explanation:**

*Italics* indicate new matter.