File #: 180746, **Version:** 0

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode “PM” (The Philadelphia Property Maintenance Code), to amend provisions relating to periodic inspections of piers and other waterfront structures; and to make technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE “PM” (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

§ PM-1. The International Property Maintenance Code, with certain deletions and additions, as set forth in § PM-4, is hereby adopted as the Philadelphia Property Maintenance Code. [The text of § PM-4 does not indicate what deletions and additions have been made to the International Property Maintenance Code ("IPMC") as it has been adopted in this Code. The Department shall keep on file an unofficial version of the Philadelphia Property Maintenance Code that clearly shows how it differs from the IPMC, using strikethrough text for deletions from the IPMC and bold, underlined text for additions to the IPMC. Such unofficial version shall be updated whenever this Subcode PM is amended, and the Department shall keep an updated copy available for viewing and download on the City's official website.]

* * *

CHAPTER 3
GENERAL REQUIREMENTS

* * *

SECTION PM-314 PIERS AND OTHER WATERFRONT STRUCTURES

PM-314.0 General. In order to confirm and maintain the structural integrity of their structures, the owners of piers, bulkheads, wharves, docks[, moored vessels,] and other structures that have structural elements partly or totally below water along the shorelines of the Delaware River, Schuylkill River, or estuaries shall inspect and submit a structural assessment report to the code official on a triennial basis with the first report due no later than January 1, 2003. Subsequent reports will be due [January 1, 2006 and] every three years thereafter. The structural assessment report shall be subject to the provisions of Sections PM-314.1 through [PM-314.6] *PM-314.7*.

Exceptions:

* * *

3. The reporting requirement shall not apply to bulkheads in Fairmount Park.

4. The reporting requirements shall not apply to bulkheads along public rights-of-way regulated by other entities.

* * *

PM-314.2 Inspections: The inspections required by this Section shall be classified as follows:

* * *

PM-314.2.1. Previous inspections. Prior to performing a routine or post-event inspection of a pier or waterfront structure, the Project Engineer shall review previous reports, inspections, and evidence of repairs made in the past three (3) year period, including confirmation that all areas previously determined to require remediation in less than three (3) years (as noted in any previous report) have been addressed. The results shall be included in the structural assessment report.

PM-314.3 Structural assessment [rating system:] *rating:* A rating system conforming to the following criteria shall be used in the structural assessment report to describe the overall condition of the pier or other waterfront structure:

1. [Very Good - No visible defects or deterioration observed. All structural elements are sound and performing their function. No repairs are required to accommodate the structure's current use and loading conditions] *Safe - No visible damage or only minor to moderate defects or deterioration observed, but no overstressing observed. Structural elements may show very minor deterioration, but no overstressing observed. No repairs are required.*

2. [Good - Localized minor defects or deterioration observed. All structural elements are sound and performing their function. No repairs are required to accommodate the structure's current use and loading conditions] *Safe with a Repair and Maintenance Program - All primary structural elements are sound but minor to moderate defects or deterioration observed. Areas of moderate to advanced deterioration may be present but do not significantly reduce the load-bearing capacity of the structure. Repairs are recommended and may need to be carried out with moderate urgency.*

3. [Fair - Moderate defects or deterioration observed. Primary structural elements are sound, however, repairs must be completed in order to accommodate the structure's current use and loading conditions] *Unsafe - Advanced deterioration, overstressing, or breakage may have significantly affected the load-bearing capacity of primary structural components. Local failures are possible and loading restrictions may be necessary. Repairs may need to be carried out on a high-priority basis. The structure, or a ortion thereof, must be posted with maximum permitted live load certificate(s) and the use restricted or portions barricaded until repairs are completed. Where widespread failure is possible, all occupancy must cease immediately and the structure barricaded and posted. The pier or other waterfront structure, or a portion thereof, must remain closed until repairs are completed and the structure deemed Safe.*

powered by Legistar™

[4. Poor - Advanced defects or deterioration observed. Overstressing of structural elements observed. The structure or a portion thereof, must be posted with maximum permitted live load certificate(s) and the use restricted until repairs are completed.

5. Serious - Advanced defects or deterioration observed. Overstressing or breakage of structural elements that significantly affects the load bearing capacity of primary structural elements. Localized failure is possible and portions of the structure must be barricaded from occupancy and posted until repairs are completed.

6. Critical - Very advanced defects or deterioration observed. Overstressing or breakage of structural elements has resulted in failure(s) of primary structural components. Widespread failure is possible. All occupancy must cease immediately and the structure barricaded and posted. The pier or other waterfront structure must remain closed until repairs are completed.]

PM-314.4 Structural assessment report: Structural assessment reports shall be sealed by the project engineer. Each report shall consist of the following Sections:

* * *

3. Evaluation - Evaluate the structure based upon the existing conditions, *previous inspections,* current use (function), and loading conditions. The overall structural assessment rating *pursuant to Section PM-314.3* shall be included in this Section.

4. Recommendations - The report shall contain:

4.1 Recommendations for repairs or replacement including [timeframe for] *any temporary measures that must be taken before* completion *of the repairs.*

4.2 Restrictions of use and required posting(s) of live load certificate(s).

PM-314.4.1 Summary report. The Project Engineer shall also submit a summary of the written report to the code official in a form determined by the code official. The code official may by regulation impose a processing fee, not to exceed one hundred dollars ($100), that must be paid upon submission of the summary of the written report.

PM-314.4.2 Submission period. Structural assessment reports and summary reports shall be submitted to the code official within sixty days of physical inspection.

PM-314.5 *Unsafe Conditions.*

1. Upon discovery of any Unsafe condition the Project Engineer shall immediately notify the owner of the pier or other waterfront structure by electronic mail or by fax; and shall, within 12 hours of discovery, notify the code official in writing in an electronic format determined by the code official.

2. Within twenty-four (24) hours of being notified of an Unsafe condition by a Project Engineer, the owner of a pier or other waterfront structure shall take any actions necessary as recommended by the Project Engineer to protect public safety, such as posting, restricting occupancy or closing the structure.

powered by Legistar™

3. The owner shall designate a professional engineer to develop a remediation plan, detailing the extent of the required repairs and temporary measures to ensure public safety. The engineer shall provide periodic structural observations prior to the remediation work and throughout the repair process as required by the Building Code and shall inform the Department if oversight responsibilities are terminated by the owner.

4. Within ten (10) days of the issuance of a building permit to repair an Unsafe condition, the owner of a pier or other waterfront structure shall commence work to correct the condition and work shall continue without interruption until the Unsafe condition has been corrected.

5. Upon completion of the repairs, the designated professional engineer shall reinspect the structure and submit a sealed statement to the Department that the structure has been made Safe.

PM-314.5.1 Posting[, repairs] and restricted occupancy: *Where an Unsafe condition is reported, the following actions shall be taken* [B]*b*ased upon the recommendations of the Project Engineer, as detailed in the structural assessment report[, the following shall occur]:

1. [Required Repairs (Fair Rating) - Repairs identified by the Project Engineer as necessary to accommodate the structure's current use shall be completed within nine months of the report date.

2.] Post Maximum Permitted Live Load Certification [(Poor Rating)] - Live load certification signs, approved by the code official, shall be conspicuously posted.

[3]*2.* Barriers [(Serious Rating)] - Install barriers and post approved signage to prevent access to specific areas identified by the Project Engineer.

[4]*3.* Restrict Occupancy [(Critical Rating)] - Immediately cease operation of any pier or other waterfront structure*, or portion thereof,* determined by the Project Engineer to be in [critical] *unsafe* condition. Post "Danger - No Trespassing" signs on all sides including the on-shore and out-shore sides. Install a barrier to prevent access to the pier or other waterfront structure*, or portion thereof,* from all points of access [from the on-shore side].

[5. Rating Upgrade - Once repairs have been completed to a pier or other waterfront structure, the Project Engineer may submit an addendum to the structural assessment report to upgrade the load limitations, use, and structural assessment rating.]

PM-314.6 [Submission Schedule: Notification of poor, serious or critical conditions and submission of reports shall be in accordance with the following schedule:

1. Should a condition warrant a poor, serious or critical designation, the Project Engineer shall notify the owner, current occupant, and the code official immediately. The immediate notice may be oral, but shall in all cases be submitted in writing via certified letter within 24 hours of discovery to the owner, current occupant and the code official.

2. Structural assessment reports shall be submitted to the code official within sixty days of physical inspection.] *Conditions That Are Safe with a Repair and Maintenance Program. The owner of the pier or waterfront structure 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 Project Engineer are completed within the time frame designated by the Project Engineer or by such time necessary to prevent a condition from*

powered by Legistar™

becoming an Unsafe condition, whichever is sooner.

PM-314.7 Appeals. The owner of the pier or other waterfront structure may appeal the findings set forth in the Project Engineer's report to the Board of Building Standards. Such appeal must be filed within thirty (30) days of the receipt or filing of the report, and a second Project Engineer's report shall be submitted within thirty (30) days of filing the appeal. The filing and pendency of such an appeal shall stay the requirement for making repairs as set forth in Section PM-314.5, but not the requirement for taking actions necessary to protect public safety as set forth in Section PM-314.5.1.

1. Upon consideration of any such appeal, the Board shall issue a recommendation to the Commissioner either to grant the appeal; deny the appeal; or grant the appeal with such proposed modifications to the Project Engineer's findings as the Board deems consistent with the intent of this Section. The Commissioner thereafter shall make the final determination on the appeal.

2. The owner of the pier or other waterfront structure may appeal the determination of the Commissioner to the Board of License and Inspection Review, pursuant to the procedures set forth in Section A-803.1 of The Administrative Code.