City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 090568-AA
(As Amended on Floor 12/3/2009)

Introduced September 17, 2009

Councilmembers Kenney and DiCicco

Referred to the
Committee on Licenses and Inspections

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "PM" (The Philadelphia Property Maintenance Code), by requiring the periodic inspection of the exterior walls and appurtenances of certain buildings, the filing of reports of such inspections, and the repair and maintenance of certain conditions discovered during such inspections, 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

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CHAPTER 4-200.0. TEXT OF SUBCODES

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SUBCODE "A"
(THE PHILADELPHIA ADMINISTRATIVE CODE)

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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:

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16. PM-304.10 (Periodic Inspection of Exterior Walls and Appurtenances of Buildings)

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SUBCODE "PM"
(THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 3
GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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SECTION PM-304.0 EXTERIOR STRUCTURE

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PM-304.10 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.

PM-304.10.1. Definitions. The following definitions shall apply to this subsection PM-304.10:

Affected Buildings. All buildings six or more stories in height, all buildings with any appurtenance in excess of 60 feet in height, and any building, other than one- or two-family dwellings, greater than two stories, located in the following areas:

[RESERVED].

Professional. A Commonwealth of Pennsylvania licensed Professional Engineer experienced in the practice of structural engineering or a licensed Registered Architect knowledgeable in the design, construction, and inspection of building facades.

Safe. A condition of a building wall, any appurtenances thereto that exhibits neither an Unsafe nor a condition that is Safe with Repair and Maintenance Program at the time of inspection.

Safe with a Repair and Maintenance Program. A condition of a building wall, any appurtenances thereto or any part thereof that the Professional does not consider Unsafe at the time of inspection, but requires repairs or maintenance within a time period designated by the Professional in order to prevent its deterioration into an Unsafe condition.

Unsafe condition. A condition of a building wall, any appurtenances thereto or part thereof that has no reliable means of structural support and that is dangerous to persons or property and requires prompt remedial action.

PM-304.10.2. Inspections Required.

PM-304.10.2.1. The owner of each Affected Building shall be responsible for retaining a Professional to conduct periodic inspections of exterior walls and any appurtenances thereto, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building, and to prepare and file a report on such inspection as required by this Section.

PM-304.10.2.2. For Affected Buildings, the first inspection required by this Section shall be conducted as shown in the following schedule:

Construction Date	*Report to be completed no later than:*
Prior to and including 1950	*June 30, 2011*
1951 – 1970	*June 30, 2012*
1971 - 1980	*June 30, 2013*
1981 -1990	*June 30, 2014*
1991 - 2005	*June 30, 2015*

If the date of construction cannot be determined by the owner, the first inspection must be performed by June 30, 2011. For all other buildings, the first inspection shall be conducted, and required report shall be filed, within ten years after the certificate of occupancy was issued.

PM-304.10.2.3. Following the Initial Inspection, an Affected Building shall be re-inspected, and the required report shall be filed, on a five-year cycle based on the original schedule.

PM-304.10.2.4. If all facades of an Affected Building have been substantially restored during the five years immediately preceding the date of any required inspection, the owner may apply to the Department for a waiver of the required inspection. The owner shall submit with such application such information as the Department determines is necessary to enable it to evaluate the request. The Department shall grant the waiver if it determines that the recent facade restoration obviates the need for an inspection until the next inspection cycle.

PM-304.10.3. Inspection Procedures.

PM-304.10.3.1. Before inspecting an Affected Building, the retained Professional shall review previous reports, inspections, and evidence of repairs made in the past 5 year period, including confirmation that all areas previously determined to require remediation in less than 5 years, (as noted on the original report) have been addressed.

PM-304.10.3.2. The inspection shall be conducted and witnessed by or under the supervision of the Professional, and performed to the best of his/her knowledge and belief. The Professional shall determine the extent of the inspection required, based upon the known history of the building, the nature of the materials used, and the conditions observed. The Professional shall determine methods employed in the inspection, but need not be physically present at the location where the inspection is made.

PM-304.10.3.3. The methods used to inspect a building shall permit a physical, hands-on inspection of the building. The Professional may use other methods of inspection as deemed appropriate, except that a physical inspection from a scaffold or other observation platform is required for a representative sample of the exterior wall. The Professional shall determine what constitutes a representative sample, but not less than one physical inspection along a path from grade to top of an exterior wall on each street front comprising of twenty-five percent (25%) of the elevation.

PM-304.10.3.4. The Professional shall employ the appropriate professional standard of care to detect distressed conditions such as delaminating, separating, splitting or fracturing of material or components as well as movement or displacement indicative of unsound façade materials or loss of structural support. If a distressed condition is identified, the Professional shall order any other inspections and/or tests that may be required to determine the significance and probable cause of the observed distress.

PM-304.10.3.5. During the course of the inspection, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either Unsafe or Safe with a Repair and Maintenance Program.

PM-304.10.3.6. Upon discovery of any Unsafe condition the Professional shall immediately notify the Department and the owner of the building by letter or fax.

PM-304.10.4. Report Requirements.

PM-304.10.4.1. The Professional shall submit to the owner of the building a written report as to the result of each inspection, certifying that the inspection was performed and completed in accordance with this Code, and detailing all conditions not classified as Safe. The Professional shall also submit a summary of the written report to the Department in a form determined by the Department. The Department 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. Within 12 hours of the discovery of an Unsafe condition, the Professional shall report the condition to the Department in writing and in an electronic format determined by the Department. If the Professional deems a building Unsafe, then the full report shall be filed within 24 hours of completion of the report with the Department in writing and in an electronic format determined by the Department. The owner or its agent shall retain all written reports submitted pursuant to this Section and keep them readily available for inspection by the Department.

PM-304.10.4.2. The report shall include, on the front page, the name and license number of the Professional and shall be signed, sealed and dated by the Professional in accordance with the professional registration laws of the Commonwealth of Pennsylvania, and shall include:

1. The address and the location from the nearest intersection.

2. The name, mailing address, and telephone number of the owner of the building and of the owner's agent or person in charge, possession or control of the building, if any.

3. A description of the building, including number of stories, height, plan dimensions, usage, age and type of exterior wall construction, and system of water management.

4. A brief history of any settlements, repairs, revisions to exterior enclosures, if available.

5. The date of the start and completion of the inspection, a detailed description of the procedures used in making the inspection, and the extent and location of all physical inspections performed.

6. A report of all conditions including but not limited to significant deterioration and movement observed as well as a statement concerning the apparent water-tightness of the exterior surfaces, and the deleterious effect of exterior appurtenances, including exterior fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), window guards, window air conditioners, flower boxes, and similar items. The report shall classify each such condition as Safe, Unsafe, or Safe with a Repair and Maintenance Program.

7. The probable causes of the reported conditions.

8. The status of the exterior maintenance.

9. For any conditions listed in the previously filed report (if any), whether such conditions have been repaired and/or maintained as recommended in that report.

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

11. The classification of the building 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).

12. Photographs and/or sketches documenting the locations of any conditions that are either Unsafe or Safe with a Repair and Maintenance Program.

13. A statement by the Professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.

14. A statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging all required repairs and/or maintenance (if any) and the recommended time frame for performing such repairs and/or maintenance.

15. The Professional's certification that the physical inspection was performed in accordance with applicable rules and regulations and within the appropriate professional standard of care.

16. The Professional's seal and signature.

17. Such other matters as the Department may by regulation require.

PM-304.10.4.3. The Professional may submit an amended report within thirty (30) days of the initial submission. The amended report shall clearly indicate any change from the initial report and all reasons for such changes.

PM-304.10.5. Unsafe Conditions.

PM-304.10.5.1. If the required report includes an Unsafe condition, then the owner of the building shall within twenty-four (24) hours of being notified of the condition by the Professional take any actions necessary to protect public safety, such as erecting sidewalk sheds, fences, and/or safety netting. Such actions shall be considered as an effort to remedy an emergency situation and appropriate permit applications shall be submitted within the next three (3) days to the Department.

PM-304.10.5.2. Work to correct the Unsafe conditions shall begin ten (10) days from the filing of the report, and work shall continue without interruption until the Unsafe condition has been corrected, unless there has been an unforeseen delay (e.g. weather, labor strike). Within two weeks after the Unsafe condition has been corrected, the Professional shall reinspect the building and file with the Department a detailed amended report stating the condition of the building.

PM-304.10.5.3. The Department may grant an extension of time of up to ninety (90) days to begin the repairs required to remove an Unsafe condition, after receipt and review of an initial extension application submitted by the Professional which includes:

1. Proof that the premises have been made safe by means of a shed, fence, or other appropriate measures.

2. A copy of the contract indicating the scope of work necessary to remedy the Unsafe condition(s).

3. The Professional's estimate of the length of time required for repairs, and a notarized affidavit by the owner of the building or its agent that work will be completed within such time.

PM-304.10.5.4. A further extension of time will be considered by the Department only upon receipt and review of a further extension application which details that one of the following is met:

1. The work has been substantially completed, but there has been an unforeseen delay (e.g. weather, labor strike).

2. Unforeseen circumstances (e.g., fire, building collapse).

3. The nature of hazard requires more than 90 days to remove (e.g., new wall to be built).

PM-304.10.5.5. The owner of the building may appeal the findings set forth in the Professional's initial report or amended report to the Board of Building Standards. Such appeal must be filed within thirty (30) days of the submission of the initial report or amended report, and must include a second Professional's report. The filing and pendency of such an appeal shall stay the requirement for making repairs as set forth in PM-304.10.5.2, but not the requirement for taking actions necessary to protect public safety as set forth in PM-304.10.5.1.

PM-304.10.6. Conditions that are Safe with a Repair and Maintenance Program.

PM-304.10.6.1. The owner of the 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 recommended by the Professional are completed within the time frame recommended by the Professional, and, in no circumstances may such conditions be left to deteriorate into an Unsafe condition before the next inspection.

Explanation:

Italics indicate new matter added.