

# City of Philadelphia



(Bill No. 030778)

## AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by adopting and incorporating, with certain additions, deletions and amendments, the 2003 International Existing Building Code as the Philadelphia Existing Building Code, under certain terms and conditions.

WHEREAS, as required by Pennsylvania Act 45 of November 10, 1999 (35 P.S. §7210.501(a)), the City must adopt standards consistent with those set forth in the Pennsylvania Uniform Construction Code; and

WHEREAS, the purpose of this Bill is to enact The Existing Building Code, to appear as Subcode "EB" of Title 4 of the Philadelphia Code, and adopt, with certain additions, deletions and amendments, the "2003 International Existing Building Code" as published by the International Code Council as the Philadelphia Existing Building Code, to achieve consistency with Act 45 as well as to make certain other technical and related changes; and

WHEREAS, separate bills are being introduced to add and amend other Subcodes included within Title 4; NOW THEREFORE,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code" is hereby amended to read as follows:

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

#### CHAPTER 4-100.0 LISTING OF SUBCODES

**§4-101.0** Listing of Subcodes. This title shall consist of the following subcodes:

\* \* \*

(d) Subcode "EB" (The Philadelphia Existing Building Code)

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#### CHAPTER 4-200.0 TEXT OF SUBCODES

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## SUBCODE “EB” (THE PHILADELPHIA EXISTING BUILDING CODE)

**Article EB-1.0** Adoption of the “2003 International Existing Building Code” with additions, deletions and amendments.

**§EB-1.1** The “2003 International Existing Building Code” as published by the International Code Council is hereby adopted as the Existing Building Code of the City of Philadelphia, with such additions, deletions and amendments as set forth in §EB-1.2.

**§EB-1.2** The “2003 International Existing Building Code,” copies of which are on file with the Department of Licenses and Inspections, is incorporated as if fully set forth herein, subject to the following additions, deletions and amendments.

**§EB-1.2.1** [Brackets] indicate matter deleted. *Italics* indicate matter added.

**§EB-1.2.2** The numbers of all sections and subsections shall be preceded with the prefix “EB-.”

**§EB-1.2.3** Throughout the code, references to “International” codes or “ICC” codes shall be deemed to refer to the “Philadelphia” codes of the same name.

**§EB-1.2.4** THE 2003 INTERNATIONAL EXISTING BUILDING CODE:

### CHAPTER 1 ADMINISTRATION

**(Delete entire Chapter and substitute the following)**

#### SECTION EB-101 GENERAL

**EB-101.1 Title.** *These provisions shall be known as the Philadelphia Existing Building Code and shall be cited as such and will be referred to herein as “this code.”*

**EB-101.2 Scope.** *The provisions of the Philadelphia Existing Building Code shall apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings in accordance with the applicability provisions of the administrative code. A building or portion of a building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the building code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings, and relocated buildings complying with the*

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*provisions of the Building Code, Mechanical Code, Plumbing Code, and Residential Code as applicable shall be considered in compliance with the provisions of this code.*

***EB-101.3 Intent.*** *The purpose of this code is to establish the minimum requirements to safeguard the public health, safety, and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings.*

***EB-101.4 Preliminary meeting.*** *When requested by the permit applicant, the code official shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this code.*

***Exception:*** *Repairs and Level 1 alterations.*

***EB-101.4.1 Building evaluation.*** *The code official is authorized to require an existing building to be evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting to determine the existence of any potential nonconformance with the provisions of this code.*

***EB-101.5 Work on individual components or portions.*** *Where the code official determines that a component or a portion of a building or structure is in need of repair, strengthening or replacement by provisions of this code, only that specific component or portion shall be required to be repaired, strengthened, or replaced unless specifically required by other provisions of this code.*

***EB-101.6 Design values for existing materials and construction.*** *The incorporation of existing materials, construction, and detailing into the structural system shall be permitted where approved by the code official. Minimum quality levels and maximum strength values shall comply with this code.*

***EB-101.7 Safeguards during construction.*** *All construction work covered in this code, including any related demolition, shall comply with the requirements of Chapter 13.*

***EB-101.8 Correction of violations of other codes.*** *Repairs or alterations mandated by the property maintenance or fire code or mandated by any licensing ordinance or regulation shall conform to the requirements of that code, regulation or ordinance and shall not be required to conform to this code unless the code requiring such repair or alteration so provides.*

***EB-101.9 Administrative provisions.*** *This chapter contains those provisions that are unique to the administration of this code. All other administrative provisions applicable to this code are as set forth in the administrative code.*

***EB-101.10 Appendices.*** *No appendices are adopted as a part of this code.*

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## CHAPTER 8 CHANGE OF OCCUPANCY

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### SECTION 804 FIRE PROTECTION

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**EB-804.2 Fire protection.** *Other provisions of this code notwithstanding, the requirements of Sections B-903 “Automatic Sprinkler Systems” and B-905 “Standpipe Systems” of the Philadelphia Building Code shall apply to a change of occupancy.*

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## CHAPTER 12 COMPLIANCE ALTERNATIVES

### SECTION 1201 GENERAL

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**EB-1201.2 Applicability.** Structures existing prior to *January 1, 1984*, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 10. The provisions of Sections EB-1201.2.1 through EB-1201.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.

**EB-1201.2.1 Change in occupancy.** Where an existing building is changed to a new occupancy classification and this section is applicable, the provisions of this section for the new occupancy shall be used to determine compliance with this code.

**Exception:** *The provisions of this chapter notwithstanding, the requirements of Sections B-903 “Automatic Sprinkler Systems” and B-905 “Standpipe Systems” of the Philadelphia Building Code shall apply to a change in occupancy.*

**EB-1201.2.2 Partial change in occupancy.** Where a portion of the building is changed to a new occupancy classification, and that portion is separated from the

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remainder of the building with fire barrier wall assemblies having a fire-resistance rating as required by Table B-302.3.2 of the International Building Code or Section R-R317 of the International Residential Code for the separate occupancies, or with approved compliance alternatives, the portion changed shall be made to conform to the provisions of this section, *Section B-903 "Automatic Sprinkler Systems" and Section B-905 "Standpipe Systems" of the Philadelphia Building Code.*

Where a portion of the building is changed to a new occupancy classification and that portion is not separated from the remainder of the building with fire separation assemblies having a fire-resistance rating as required by Table B-302.3.2 of the International Building Code or Section R-R317 of the International Residential Code for the separate occupancies, or with approved compliance alternatives, the provisions of this section, *Section B-903 "Automatic Sprinkler Systems" and Section B-905 "Standpipe Systems" of the Philadelphia Building Code* which apply to each occupancy shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

\* \* \*

**EB-1201.3.1 Hazards.** Where the code official determines that an unsafe condition exists as provided for in [Section 115] *the Philadelphia Property Maintenance Code*, such unsafe condition shall be abated in accordance with [Section 115] *that code.*

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## CHAPTER 13 CONSTRUCTION SAFEGUARDS

### SECTION 1301 GENERAL

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**EB-1301.2.1 Duration.** *Temporary construction, scaffolding, and encroachments shall be removed from a construction site after the final inspection is made by the code official or within 30 days after the fulfillment of the requirements of the permit.*

\* \* \*

**EB-1301.7 Hot work operations.** *Cutting, welding or brazing operations shall be in accordance with the requirements of the Philadelphia Fire Code.*

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## SECTION EB-1307 AUTOMATIC SPRINKLER SYSTEM

**EB-1307.1 Completion before occupancy.** In portions of a building, where an automatic sprinkler system is required by this code, it shall be unlawful to occupy those portions of the building until the automatic sprinkler system installation has been tested and approved, except as provided in Section [110.3] *A-701.5 of the Philadelphia Administrative Code.*

\* \* \*

**SECTION 2.** The provisions of Title 4 of The Philadelphia Code added by Section 1 of this Ordinance, so far as they are the same as existing provisions of The Philadelphia Code, shall be construed as a continuation of such provisions and not as new enactments.

**SECTION 3.** This Ordinance shall take effect as follows:

(a) From the time of adoption of this Ordinance until January 1, 2004, an applicant for a permit under one or more of the subcodes of Title 4 of The Philadelphia Code shall have the option of proceeding under the provisions of Title 4 as amended by this Ordinance, or under the provisions of Title 4 as they existed immediately prior to adoption of this Ordinance.

(b) Effective January 1, 2004, the provisions of this Ordinance shall apply.

(c) *Notwithstanding any provision of this Ordinance to the contrary, at the option of the permit applicant, this Ordinance shall not apply to:*

(1) *new buildings or renovations to existing buildings for which an application for a building permit has been made to the City prior to the effective date of this Ordinance; or*

(2) *new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of this Ordinance.*

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 18, 2003. The Bill was Signed by the Mayor on December 31, 2003.



Patricia Rafferty  
Chief Clerk of the City Council