

City of Philadelphia



(Bill No. 160202)

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” Subcode “PM” (The Philadelphia Property Maintenance Code), Chapter 3, “General Requirements,” to require inspections of certain bridges, to impose reporting, remediation, and other requirements in connection therewith; 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)

* * *

CHAPTER 3 GENERAL REQUIREMENTS.

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SECTION PM-316 PERIODIC INSPECTION OF PRIVATE BRIDGES

PM-316.1 Definitions. *The following definitions shall apply to this Section PM-316:*

1. ***Private Bridge.*** *An elevated structure that crosses over any part of a public right-of-way or publicly-owned pedestrian, bicycle or equestrian trail that typically allows for pedestrian passage between buildings or supports building systems and processing equipment or allows for vehicular access to private property, and often is referred to as a skyway, catwalk, skybridge or skywalk. A*

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private bridge does not include a structure inspected as required by a federal authority such as the Federal Highway Administration or the Federal Railroad Administration.

2. **Professional.** *A Commonwealth of Pennsylvania licensed Professional Engineer experienced in the practice of structural engineering.*
3. **Safe.** *A condition of a private bridge or any appurtenance thereto that is neither an Unsafe condition nor Safe with a Repair and Maintenance Program.*
4. **Safe with a Repair and Maintenance Program.** *A condition of a private bridge or any appurtenance thereto or any part thereof that the Professional does not consider Unsafe at the time of inspection, but requires repairs or maintenance in order to prevent its deterioration into an Unsafe condition.*
5. **Unsafe condition.** *A condition of a private bridge or any appurtenance thereto or part thereof that is dangerous to persons or property and in need of prompt remedial action.*

PM-316.2 Inspections Required.

1. *The owner of a private bridge shall be responsible for retaining a Professional to conduct periodic inspections of the structure and any appurtenances thereto, and to prepare and file a report on such inspection as required by this Section.*
2. *The initial inspection required by this Section shall be conducted, and the required report shall be filed, on or before July 1, 2017. If the construction of the private bridge was completed after July 1, 2007, the first inspection shall be conducted within ten years after the certificate of occupancy was issued or, in such case where the bridge is not connected to a building, construction of the bridge was completed. All reports shall be filed within three months of the inspection that is the subject of the report.*
3. *Following the initial inspection, and every inspection thereafter, a private bridge shall be re-inspected, and the required report shall be filed within five years of the filing of the report concerning the previous inspection.*
4. *If a private bridge has been substantially restored during the five years immediately preceding the date of any required inspection report, the owner may submit to the code official a request for a waiver of the required inspection. The owner shall submit with such application such information as the code official*

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determines is necessary to enable evaluation of the request. The code official shall grant the waiver if it determines that the restoration obviates the need for an inspection until a date established by the Code official.

PM-316.3 Inspection Procedures.

- 1. Before inspecting a private bridge, the retained Professional shall review previous reports, inspections, and evidence of repairs made in the 5 year period prior to the inspection, including confirmation that all areas previously determined to require remediation in less than 5 years (as noted in any previous report) have been addressed.*
- 2. The inspection shall be conducted by or under the supervision of the Professional. The Professional shall determine the extent of the inspection required, based upon the known history of the private bridge, the nature of the materials used, and the conditions observed. The Professional shall determine the methods employed in the inspection. The Professional need not be physically present at the location where the inspection is made.*
- 3. The methods used to inspect a private bridge shall include a physical, hands-on inspection of the structure, its support systems and any appurtenances attached to the private bridge. The Professional may use other methods of inspection as deemed appropriate.*
- 4. The Professional shall employ the appropriate professional standard of care to detect distressed conditions such as spalling, delaminating, separating, splitting or fracturing of material or components as well as movement or displacement indicative of unsound exterior covering 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.*
- 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.*
- 6. Upon discovery of any Unsafe condition the Professional shall immediately notify the owner of the private bridge by electronic mail or by fax; and shall, within 12 hours of discovery, notify the code official in writing and in an electronic format determined by the code official.*

PM-316.4 Report Requirements.

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1. *The Professional shall submit to the owner of the private bridge a written report as to the result of each inspection. The Professional 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. If the report identifies an Unsafe condition, then the Professional, within 24 hours of completion of the report, shall file the full report with the code official in writing and in an electronic format determined by the code official. The owner or owner's agent shall retain all written reports submitted pursuant to this Section and keep them readily available for inspection by the code official.*
2. *The report shall include, on the front page, the name and license number of the Professional and the date of the report, and shall include the following:*
 - 2.1 *The addresses of any buildings connected to the private bridge and the public right-of-way or trail spanned by the private bridge.*
 - 2.2 *The name, mailing address, and telephone number of the owner of the private bridge and of the owner's agent or person in charge, possession or control of the private bridge, if any.*
 - 2.3 *A description of the private bridge, including number of stories, clearance above the public way, plan dimensions, usage, age and type of exterior wall construction, and system of water management.*
 - 2.4 *A brief history of any known changes, repairs or revisions to the private bridge.*
 - 2.5 *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.*
 - 2.6 *A report of all conditions, including, but not limited to, significant deterioration, and movement, the apparent watertightness of the exterior surfaces and any deleterious impact or condition of exterior appurtenances, including exterior fixtures, signs, copings, window frames, hardware, lights and similar items. The report shall classify each such condition as Safe, Unsafe, or Safe with a Repair and Maintenance Program.*
 - 2.7 *The probable causes of the reported conditions.*

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- 2.8 *The status of ongoing maintenance efforts.*
- 2.9 *For any conditions listed in any previously filed report, whether such conditions have been repaired and/or maintained as recommended in that report.*
- 2.10 *Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for the repairs or maintenance to be performed.*
- 2.11 *The classification of the private bridge overall 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.*
- 2.12 *Photographs and/or sketches documenting the locations of any conditions that are either Unsafe or Safe with a Repair and Maintenance Program.*
- 2.13 *A statement by the Professional indicating which repairs and/or maintenance require work permits prior to their commencement.*
- 2.14 *A statement signed by the owner or agent of the private bridge, acknowledging receipt of a copy of the report and acknowledging any required repairs and/or maintenance and the recommended time frame for performing such repairs and/or maintenance.*
- 2.15 *The Professional’s certification that, to the best of his or her knowledge and belief, the physical inspection was performed in accordance with applicable rules and regulations, including the provisions of this Section, and within the appropriate professional standard of care.*
- 2.16 *The Professional’s seal and signature in accordance with the professional registration laws of the Commonwealth of Pennsylvania.*
- 2.17 *Such other matters as the code official may require by regulation.*

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3. *The Professional may submit an amended report. The amended report shall clearly identify any change from the initial report and all reasons for such changes.*

PM-316.5 Unsafe Conditions.

1. *Within twenty-four (24) hours of being notified of an Unsafe condition by a Professional, the owner of a private bridge shall take any actions necessary to protect public safety, such as closing the private bridge and erecting sidewalk sheds, fences, and/or safety netting. Such actions shall be considered part of an effort to remedy an emergency situation and applications for any required permit shall be filed with the code official within three (3) days of notification.*
2. *Within ten (10) days of the receipt of a report identifying an Unsafe condition, the owner of a private bridge shall commence work to correct the condition and work shall continue without interruption until the Unsafe condition has been corrected. Within two weeks after the Unsafe condition has been corrected, the Professional shall reinspect the private bridge and file with the code official a detailed amended report concerning the condition of the private bridge.*

PM-316.6 Conditions That Are Safe with a Repair and Maintenance Program.

The owner of the private bridge 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 Professional are completed within the time frame designated by the Professional or by such time necessary to prevent a condition from becoming an Unsafe condition, whichever is sooner.

PM-316.7 Extensions.

1. *Upon application of the owner, the code official may grant an extension of time of up to ninety (90) days to begin the repairs required to remove an Unsafe condition or to repair a Safe with Repair and Maintenance Program condition, provided such application includes:*
 - 1.1 *Proof that the structure has been made safe by means of a shed, fence, netting or other appropriate measures.*
 - 1.2 *A copy of the contract indicating the scope of work necessary to remedy the condition(s) requiring action.*
 - 1.3 *The Professional’s estimate of the length of time required for repairs and statement of agreement to the need for an extension.*

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- 1.4 A notarized certification by the owner of the private bridge or owner's agent that work will be completed within the established time.*
- 2. A further extension of time will be considered by the code official only upon receipt and review of a further extension application which details that one of the following justifications warrants and extension:*
 - 2.1 The work has been substantially completed, but there has been an unforeseen delay (e.g. weather, labor strike).*
 - 2.2 Unforeseen circumstances (e.g., fire, building collapse).*
 - 2.3 The nature of the hazard requires more than 90 days to address (e.g., new private bridge to be built).*

PM-316.8 Appeals.

- 1. The owner of the private bridge 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 receipt or filing of the 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 Section PM-316.5.2, but not the requirement for taking actions necessary to protect public safety as set forth in Section PM-316.5.1.*
- 2. 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 Professional's findings as the Board deems consistent with the intent of this Section. The Commissioner thereafter shall make the final determination on the appeal.*
- 3. The owner of the private bridge may appeal the determination of the Commissioner to the Board of License and Inspection Review, pursuant to the procedures set forth in The Administrative Code.*

SECTION 2. This Ordinance shall be effective January 1, 2017.

Explanation:

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 14, 2016. The Bill was Signed by the Mayor on April 26, 2016.

A handwritten signature in cursive script, reading "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council