



Legislation Details (With Text)

**File #:** 2016-0619      **Version:** 1

**Type:** Ordinance      **Status:** Passed Finally

**File created:** 7/11/2016      **In control:** Committee on Public Safety Services

**On agenda:** 7/12/2016      **Final action:** 7/26/2016

**Enactment date:** 7/26/2016      **Enactment #:** 25

**Effective date:** 8/3/2016

**Title:** Ordinance amending and supplementing the Pittsburgh City Code, Title Eight, Fire Prevention, by adding Chapter 802, Fire Safe Building Inspection Program.

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**Indexes:** PGH. CODE ORDINANCES TITLE 08 - FIRE PREVENTION

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/3/2016	1	Mayor	Signed by the Mayor	
7/26/2016	1	City Council	Passed Finally	Pass
7/20/2016	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
7/12/2016	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh City Code, Title Eight, Fire Prevention, by adding Chapter 802, Fire Safe Building Inspection Program.

WHEREAS, the Pennsylvania Uniform Construction Code has adopted and incorporated by reference the International Fire Code, as codified by 34 P.S. 403.21(a)(8); and

WHEREAS, in accordance with applicable City and State laws, as well as related manufacture recommended installation, testing and inspection methods, building and fire and mechanical industry codes and standards, Fire Dampers, Smoke Dampers and Smoke Control Systems are installed in the ductwork of the heating, ventilating and air conditioning systems of buildings throughout the City of Pittsburgh, and such devices must be installed and maintained in accordance with specific requirements to prevent the spreading of fire and smoke through a building’s ductwork, which has been documented as a means by which fire and smoke can spread to areas beyond the fire origin; and

WHEREAS, faulty and inoperable Fire Dampers, Smoke Dampers, and Smoke Control Systems are likely to exist in the City of Pittsburgh without periodic inspection and testing as required by law and applicable industry codes and standards; and

WHEREAS, the failure of building owners to properly perform periodic inspection and testing of Fire Dampers, Smoke Dampers and Smoke Control Systems is detrimental to the health, safety and welfare of the people of the City of Pittsburgh and the dwellings and businesses thereof, and visitors thereto.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** The Pittsburgh Code, Title Eight Fire Prevention, is hereby amended and supplemented by adding Chapter 802, Fire Safe Building Inspection Program, to provide for the inspection of certain buildings to ensure that Fire Dampers, Smoke Dampers, and Smoke Control Systems are in working order.

**Section 802.01. Purpose and Intent**

A Fire Damper, Smoke Damper, and Smoke Control System Inspection Program shall be established for certain buildings in the City of Pittsburgh, for the purpose of ensuring that Fire Dampers, Smoke Dampers and Smoke Control Systems are in working order to prevent the spread of fire and smoke within walls, floors and ceilings. Nothing in this section shall be construed as a requirement to install new Fire Dampers, Smoke Dampers or Smoke Control Systems.

**Section 802.02. Definitions.**

As used in this Section the following terms have the following meanings:

(a) “*Fire Damper*” means a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame, and includes devices installed in air conditioning systems to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flames. A Fire Damper shall also include a combination fire/smoke damper system.

(b) “*High-rise building*” means all residential-use, non-residential-use and mixed-use buildings with an occupied floor located more than seventy-five (75) feet above the lowest level of fire department vehicle access.

(c) “*Hospital*” means an institution that:

- i. Offers services beyond those required for room, board, personal services and general nursing care; and,
- ii. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and,
- iii. Regularly makes available clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical treatment of similar extent.

Hospitals may include offices for medical and dental personnel, central facilities such as pharmacies, medical laboratories and other related uses.

(d) “*Mid-rise building*” means all residential-use, non-residential-use and mixed-use buildings with occupied floors located between 45 and 75 feet in height above the lowest level of fire department vehicle access.

(e) “*NFPA*” means the National Fire Protection Association.

(f) “*Restaurant*” means an establishment where the principal business is the sale of food in a ready to consume state, where there is no service to a customer in an automobile, and where the design or principal methods of operation consist of one (1) or more of the following:

- i. A sit-down restaurant where customers are normally provided with an individual menu, are generally served food in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed; or
- ii. A cafeteria or cafeteria-type operation where food and beverage generally are served in non-

disposable containers and are consumed within the restaurant; but not including a Social Club. Restaurants may include those that meet the definition of “Fast-Food Restaurant” in the Use Table of Sec. 911.02 of the Zoning Code.

(f) “*Smoke Control System*” means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including engineered systems that use mechanical fans to produce pressure differences across smoke barriers to inhibit smoke movement.

(g) “*Smoke Damper*” means a device within an air distribution system to control the movement of smoke, and includes devices installed in air conditioning systems to control the movement of smoke. A Smoke Damper shall also include a combination smoke/fire damper system.

### **Section 802.03. Periodic Testing**

(a) All owners of High-rise buildings shall meet the standards in this Section within four (4) years of the effective date of this Ordinance, shall inspect and test all Fire Dampers and Smoke Dampers at least once every four years, and shall inspect and test all Smoke Control Systems at least once every six months or twelve months, as required under the applicable NFPA standard.

(b) All owners of Mid-rise buildings shall meet the standards in this Section within six (6) years of the effective date of this Ordinance, shall inspect and test all Fire Dampers and Smoke Dampers at least once every six years, and shall inspect and test all Smoke Control Systems at least once every six months or twelve months, as required under the applicable NFPA standard.

(c) All owners of Restaurants shall meet the standards in this Section within six (6) years of the effective date of this Ordinance, shall inspect and test all Fire Dampers and Smoke Dampers at least once every six years, and shall inspect and test all systems at least once every six months or twelve months, as required under the applicable NFPA smoke control standard.

(d) All owners of Hospitals shall meet the standards in this Section within six (6) years of the effective date of this Ordinance, shall inspect and test all Fire Dampers and Smoke Dampers at least once every six years, and shall inspect and test all Smoke Control Systems at least once every six months or twelve months, as required under the applicable NFPA standard.

(e) All owners of residential properties located above a Restaurant shall meet the standards in this Section with four (4) years of the effective date of this Ordinance, shall inspect and test all Fire Dampers and Smoke Dampers at least once every four years, and shall inspect and test all Smoke Control Systems at least once every six months or twelve months, as required under the applicable NFPA standard.

(f) Newly installed Fire Dampers, Smoke Dampers, and Smoke Control Systems shall be inspected and tested within one year of installation. In lieu of a satisfactory commissioning report of newly installed dampers, a full inspection of new dampers may be conducted.

(g) All owners of buildings subject to this Chapter shall maintain full inspection and testing reports on the property and shall make such reports available for inspection upon request by an official of the Pittsburgh Bureau of Fire.

(h) Fire Dampers, Smoke Dampers, and Smoke Control Systems shall be installed, inspected, tested, and maintained in accordance with this Ordinance, manufacturers’ guidelines and the applicable industry standards,

on an ongoing basis.

#### **Section 802.04. Requirements of Testing.**

(a) Inspections and tests under this Section shall be performed by a contractor or engineer with the following qualifications:

- i. For inspection and testing of fire and Smoke Dampers, employ only persons who are certified to inspect and test fire and Smoke Dampers and hold certification from the International Certification Board as a HVAC Fire Life Safety Technician through a program accredited by ANSI under the ISO/IEC 17024 standard.
- ii. For inspection and testing of Smoke Control Systems, employ only persons who have obtained air balancer certifications from the International Certification Board as a HVAC Fire Life Safety Technician through a program accredited by ANSI under the ISO/IEC 17024 standard.

(b) A building engineer or other person knowledgeable with the building system must accompany the inspector during the inspection and testing in order to provide building and systems access and information.

(c) If an inspection or test reveals compliance with the requirements of this Section, the person performing the inspection or test shall execute a Compliance Certification which shall verify such compliance, and provide the name of the individual(s) conducting the inspection or test and that person's employer, the name of the building owner and address of the property, the location of all Smoke Dampers, Fire Dampers, and Smoke Control Systems inspected or tested, and the date of the inspection or test.

(d) In the event an inspection or test reveals deficiencies in Smoke Dampers, Fire Dampers, or Smoke Control Systems, the person(s) who conducted the inspection or test shall prepare a Deficiency Report for the building owner identifying the nature of the deficiency and reasons for non-compliance. The building owner shall, within 120 days of the date of the inspection or test, take necessary steps to ensure the defective equipment is replaced or repaired and that compliance with the requirements of ANSI & ICB has been achieved.

(e) In addition to identifying the location and nature of the deficiency, the report shall contain the name of the individuals conducting the inspection or test and that person's employer, the name of the building owner, address of the property, the location of all Fire Dampers, Smoke Dampers and Smoke Control Systems inspected or tested, and the date of the inspection or test.

(f) Tests and inspections of Fire Dampers, Smoke Dampers, and Smoke Control Systems shall be conducted in accordance with the technical specifications and required time periods specified by NFPA Standards 80, 90, 90A, 92, and 105, as applicable.

#### **Section 802.05. Implementation and Enforcement**

(a) The Bureau of Fire shall coordinate the implementation and enforcement of this Ordinance and shall develop an internal policy for such purposes within twelve (12) months of the effective date of this Ordinance. Such a policy shall include a schedule for ongoing, randomized auditing of applicable buildings by the Bureau.

(b) For the first four years following the effective date of the Ordinance or until all applicable buildings have been inspected, the Bureau of Fire shall report to the City Council on an annual basis, outlining the number of buildings already inspected, the number of buildings to be inspected, the number Fire Dampers, Smoke Dampers and Smoke Control Systems that required repairs or replacement, and the timeline for such repairs and/or replacement.

**Section 802.06. Non-Compliance, Violations.**

Each day of non-compliance, following the 120 days after the inspection or test in which deficiencies were found, as specified in Section 802.04 (d), shall constitute a separate violation for which a separate fine shall be assessed.

**Section 802.07. Fines.**

Any person who violates any provision of this code or the technical codes or regulations adopted thereunder; or fails to comply with any order issued pursuant to any Section thereof; or who shall erect, construct, install, remove, alter or repair a structure, mechanical equipment or system in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this Ordinance or the technical codes, shall be subject to a fine of not less than \$150.00 and not more than \$300.00 for each offense.

**Section 802.08.**

This Ordinance shall be effective immediately upon final passage.