PURPOSE:
This Bulletin is issued to achieve reasonable and equitable enforcement of the commercial kitchen exhaust hood requirements of the Philadelphia Building Construction and Occupancy Code. It is meant to do so while maintaining the intent of the code provisions to provide safety from fire resulting from the accumulation of grease laden vapors (Type I hoods) and protection from moisture, heat and fumes (Type II hoods).

ISSUE:
It is recognized by the Fire Department and the Department of Licenses and Inspections that relief is appropriate for certain categories of cooking applications from the burden of the code requirements applicable to commercial cooking. The targeted categories of food preparation do not present the risks addressed by the commercial cooking requirements of the Fire Code and related provisions of the Mechanical Code.

DISCUSSION:
The Building Construction and Occupancy Code requires the installation of a commercial kitchen exhaust hood at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes. Determining that an application is “commercial” triggers the requirement of either a Type I or II hood under the Mechanical Code (Section M-507.2) and the requirement of a Type I hood under the Fire Code (F-609.2). These requirements are based on the likelihood that smoke or grease will be produced in sufficient quantities to constitute a hazard or that high moisture, heat or fume loads will be produced. Not all circumstances produce such quantities. Reasonable and equitable enforcement therefore must consider the nature of the cooking operation and its potential frequency, and duration. This consideration shall be applied in both plan examination and field inspection.

DIRECTION:
“Commercial cooking” shall mean any one of the following:

1. A cooking appliance listed for commercial-use-only installed in any location; or
2. A cooking appliance of any type where the appliance is being utilized in the preparation of food for profit or sale at retail or wholesale (this does not mean food paid for as a component of weekly or monthly service fees such as day care, personal care facilities, boarding houses, etc.); or
3. A cooking appliance that is listed for domestic-use-only being utilized in the preparation of meals on a regular basis for more than 20 people.

**Exceptions:**

An appliance shall not be considered as utilized for commercial purposes where —

1. An Affidavit of Limited Cooking was accepted by the Department of Licenses and Inspections under an earlier version of this Bulletin and the conditions attested to in that affidavit have not changed; or
2. The food being prepared on the appliance is not to be sold; and
   a. The cooking appliance is not used for deep frying (the term "deep frying" shall mean frying in a utensil with sufficient fat or oil to cover the food to be fried); and
   b. If used in a dwelling unit, the appliance is listed for domestic use; and
   c. If the cooking appliance is listed for domestic-use-only, it is not being utilized in the preparation of meals on a regular basis for more than 20 people; and
   d. The owner or facility operator submits an "Affidavit of Limited Cooking" to the Department of Licenses and Inspections and maintains a copy of the affidavit on the premises for inspection by the code official.

A copy of the affidavit is attached to this Bulletin.

NOTE: The scope of this Bulletin does not include application of Sections M-917.2 and M-917.3 that set forth the listed types of cooking appliances appropriate for use in commercial occupancies and in dwelling units. Be advised that appliances listed for commercial-use-only are not permitted to be installed within dwelling units because safety measures such as child safe knobs and insulated oven doors are not usually installed on such appliances. For similar reasons, appliances listed for domestic-use-only are not to be used in commercial applications.
AFFIDAVIT OF LIMITED COOKING

On the ____________ day of ______________________, __________, personally appeared before me

__________________________________________________________________________

{name}

__________________________________________

Notary public

Sworn and subscribed to before me this ______________________, __________.

NOTE: Any person who is convicted of having willfully and knowingly made a false affidavit before any Notary Public shall be guilty of perjury and subject to criminal penalties.