

<p style="text-align: center;">DEPARTMENT OF LICENSES AND INSPECTIONS</p> <p style="text-align: center;">CODE BULLETIN OF INFORMATION</p> <p style="text-align: center;">No. A-1501 R1</p>		<p style="text-align: center;">CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA</p> <hr/> <p style="text-align: center;">TITLE 4</p> <p style="text-align: center;">Building Construction and Occupancy Code</p>
<p>SUBJECT OF BULLETIN:</p> <p style="text-align: center;">TEMPORARY USES AND STRUCTURES</p>		<p>REFERENCE CODE SECTION(S):</p> <p style="text-align: center;">PA Act 45 (UCC) A-301 B-102 F-105</p>
<p style="text-align: center;">ISSUED BY</p>		
<p>NAME: Michael Fink</p>	<p>SIGNATURE:</p>	<p>ISSUE DATE</p> <p style="text-align: center;">January 12, 2015</p>
<p>TITLE: Building Code Official</p>		<p>REVISED</p> <p style="text-align: center;">8/29/18</p>
		<p style="text-align: center;">PAGE 1 OF 6</p>

BACKGROUND:

The Department is responsible for applying the provisions of the Zoning and Building Codes to provide for safe structures and uses. Occasionally because of special events, seasonal conditions or unforeseen emergencies, the Department is tasked with approving temporary uses, temporary structures and temporary uses of existing structures.

DISCUSSION:

Temporary uses and structures are addressed in many codes, regulations and public variance.

The Philadelphia Administrative Code Section A-301.2.5 stipulates that zoning and use registration permits are not required for, "Temporary uses, structures and signs for special events of a limited time period, typically open to the public and of a non-commercial nature, as approved by the Code Official after consideration of the impact on the immediate area."

The PA Uniform Construction Code (UCC) does not adopt Chapter 1 of the *International Building Code* (IBC). The UCC regulation replaces Chapter 1 of the IBC and it does not incorporate §108 of the IBC that provides the basis for requiring permits for temporary structures and uses. However, a PA Labor and Industry Advisory provides the following interpretation regarding temporary structures (not temporary uses):

"... an enforcing municipality has a basis for viewing a temporary building or structure that will be occupied on a regular basis or to which the public has access differently than a building or structure that is erected for less than 180 days and that is not occupied by the general public. If the building will be occupied by the general public, a Building Code Official should require a permit and impose the requirements found in section 3103.2 through 3103.4 of the IBC. (Section 3103.1.1 is not applicable because it conflicts with the scoping provisions of the UCC regulation and, where such a conflict exists, 34 Pa Code §403.27(e) stipulates that the regulation governs.)"

Note also that temporary buildings for which a building permit must be secured must comply with accessibility requirements, since IBC Section 1103.1 stipulates that, "Sites, buildings, structures, facilities, elements and spaces, temporary or permanent, shall be accessible to persons with physical disabilities."

The Philadelphia Building Code includes Section B-102.2, a local modification of the UCC, which requires that, "Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare."

A Variance of General Application issued in 1998 (and further revised in 2005) for minimum code requirements for Temporary Certificates of Occupancy for short term events from one to 15 days in a given calendar year to address the desire of various groups to hold a special assembly event with duration of 15 or fewer days in a building that is not approved for assembly occupancy.

This Variance of General Application was established as policy to provide applicants and the Department of Licenses and Inspections with a formal process to satisfy the life safety issues associated with using an existing building on a temporary basis for a use which was not intended. It is based upon previous variances granted by the Board of Building Standards for similar events and has since been applied to all applications for special assembly short-term events. By conforming to this Variance of General Application, permit applications have been processed and a permit issued in a much shorter period of time. This process encouraged the public to seek formal approval as opposed to operating with little to no safety measures, resulting in enforcement action by the Department where discovered.

ISSUE:

The Department needs to establish clear processes and requirements for various types of temporary uses, temporary structures and temporary uses of existing structures which are consistent with the codes, provide for life safety of the public and allow for reasonable temporary uses for special events or circumstances.

DIRECTION:

The purpose of this Code Bulletin is to develop clear and comprehensive policies utilizing existing code provisions and policies to assure the safety of temporary uses, structures and occupants. "Temporary" shall mean 180 days or less unless otherwise restricted.

A. Temporary Uses and Structures (Zoning)

A zoning/use registration permit is required for temporary uses and structures.

The Department is granted some discretion by the code in approving temporary uses, structures and signs for special events without a zoning permit.

In cases where a fire operational permit (tent) or a building permit is required and the event is limited to 15 days in a calendar year, the temporary use and temporary structure approval shall be granted by the Department through the issuance of the permit and will not require a zoning/use registration permit.

In considering any approval of a temporary use and structures without a zoning permit, the Department is authorized to require any additional information necessary to evaluate the proposal. Should the department deny the request, the applicant may file a zoning permit application, obtain a permit refusal and seek a variance from the Zoning Board.

The Department reserves the right to rescind approval of the temporary use if the use is found to present a negative impact on the community or is found to be a threat to public health or safety.

Note: If any temporary use includes the serving of food or beverage, the applicant must contact the Department of Public Health for separate approval and/or license.

B. Temporary Structures (Building and Fire Code)

Temporary tents of 200 square feet or more require a fire operational permit to ensure compliance with the Philadelphia Fire Code.

All temporary structures that are to be occupied by the public require a building permit with approved construction plans that confirm compliance with Sections 3103.2 through 3103.4 of the IBC. A Temporary Certificate of Occupancy shall be issued upon approval of the final inspection.

Note also that temporary buildings for which a building permit must be secured must comply with accessibility requirements per section 1103.1 of IBC.

Temporary structures (other than tents) of up to 1,600 square feet in size, erected for less than 30 days for the purpose of “participation in a fair, flea market, arts and crafts festival or other public celebration” are excluded from the UCC and therefore do not need to comply with the requirements of the UCC, including any permit requirement.

All other temporary structures not to be occupied by the general public do not require a permit but must comply with all other portions of the UCC and IBC Section 3103. Labor and Industry has determined that the UCC does not require a permit for temporary structures other than those occupied by the general public.

The following temporary structures are exempt from building permits per the Administrative Code:

- Recreation trailers
- Trailers used for construction sites
- Temporary stage sets and scenery for motion picture, television or theater

C. Temporary Uses of Existing Structures

Any temporary use of an existing building, where the building has been previously approved for a different occupancy classification category, shall require a building permit with a Temporary Certificate of Occupancy. Such Temporary Certificates of Occupancy shall be limited to 15 days within a calendar year.

Such Temporary Certificates of Occupancy shall not be issued for the following IBC occupancy classifications:

- E (Education)
- F (Factory)
- H (High Hazard)
- I (Institutional)
- R-2, R-3 and R-4 (Residential)
- S (Storage)
- U (Utility)
- Special Amusement Buildings (IBC Section 411)

A building permit application for a Temporary Certificate of Occupancy for temporary use in an existing building shall be filed with the Department at least twenty (20) working days prior to the

start of the temporary use or event for the permit to be issued. Upon receipt of the building permit, the applicant shall schedule an inspection with the Department at least 48 hours in advance. The final inspection must be approved before the Temporary Certificate of Occupancy is issued.

Zoning

The approval of a temporary use without a zoning permit will be considered as part of the building permit application review. The Department reserves the right to refuse the building permit and associated Temporary Certificate of Occupancy where it believes the proposed use will have a negative impact on the surrounding area. In such cases, the applicant may choose to apply for a formal zoning/use registration permit for the temporary use.

Building Permits

Pursuant to previous policy, the building permit application and plans shall include the following:

1. The dates of the proposed use.
2. The starting and ending times for each day of the use. (Any assembly occupancy must end before 2:00 AM unless special permission has been granted by the Department).
3. The maximum proposed occupant load for the temporary use [per floor if more than one (1) floor]. The maximum occupant load may not exceed 150% of the total exit capacity (exit doors and/or stairs calculated for use). Lawful Occupancy Signs are to be issued indicating the maximum allowable occupant load per floor.
4. Information regarding exiting:
 - a. The plans must show the location, size and capacity of each exit from the space(s) to grade (including stair and door widths).
 - b. If there is a band, orchestra, DJ or other presentation at the event, the locations of all exits shall be announced prior to the beginning of each set or program.
 - c. At least one (1) entrance and exit, accessible to the disabled, shall be provided for the event. Portable ramps, elevators (in sprinklered buildings only), areas of refuge and stair enclosures will be acceptable accessible means of egress. If it is technically infeasible to provide grade access or ramps, an attendant may be substituted at the accessible entrance and/or exit to assist the disabled into the building or space.
 - d. If the temporary use takes place on other than a slab on grade floor, a letter, sealed by a Pennsylvania Registered Professional Engineer, stating that the design floor load of the space is sufficient for the proposed occupant load shall be submitted with the application.
 - e. Illuminated exit signs and emergency lighting are to be provided, clearly indicating the egress path to all exits and illuminating the egress paths from the space to the outside, including the egress doors themselves. In addition, all mechanical spaces are to be provided with emergency lighting.
 - f. A minimum of two (2) exits must be available with an occupant load of 500 or less persons per floor; three (3) exits must be available with a maximum occupant load of 1,000, but more than 500 persons per floor; four (4) exits must be available with an occupant load of more than 1,000 persons per floor.
5. Written confirmation that a Fire Watch is to be provided during periods of occupancy.

- a. Each member of the Fire Watch (uniformed guards trained in procedures for sounding an alarm and familiar with the building's facilities) shall be provided with a radio or telephone and portable lights. The radio or telephone shall be capable of transmitting information to a central location which shall have the means to call the fire department in the event of an emergency.
 - b. Each member of the Fire Watch shall be assigned no other duties.
 - c. There shall be at least one (1) person assigned to each required exit from the space in a sprinklered building and at least two (2) people assigned to each required exit from the space in a non-sprinklered building.
 - d. There shall be at least one (1) person assigned as a roving watcher on each floor used.
 - e. There shall be at least one (1) person assigned as a roving watcher on each floor below those used.
 - f. A log is to be maintained and signed by each member of the fire watch every half-hour and initialed by a supervisor if there is one. These logs shall be made available to the city inspector at any given time.
 - g. The Fire Department is to be notified of any assembly occupancy event upon approval of the permits.
6. If the building is sprinklered and/or has standpipes, a letter from a licensed fire suppression system contractor shall be submitted stating that the sprinkler system and standpipe system are operational from the highest floor of the temporary use down to grade.
 7. If the building has a manual and/or automatic fire alarm system, a letter from a licensed fire alarm inspector, shall be submitted, stating that the alarm systems are operational from the highest floor of the temporary use down to grade.
 8. Written confirmation that all curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall be non-combustible or maintained flame-resistant in accordance with both the small and large-scale tests of NFPA #701.
 9. The plans submitted for permit shall include any warming devices, such as ovens, heaters, etc. and their locations.

The Department is authorized to waive requirements where existing building conditions and proposed temporary uses warrant.

Inspections

The following requirements shall be confirmed by the inspector prior to issuance of the Temporary Certificate of Occupancy:

1. Toilet facilities shall be provided for the occupants based on the posted occupant load. Portable toilets will be permitted to make up any deficiencies between the existing building's toilet fixtures and the required number of toilet fixtures.
 - a. At least one (1) toilet room or portable toilet for each sex must be accessible to and useable by the disabled.
 - b. At least one (1) water closet shall be provided for every 75 occupants.
 - c. At least one (1) lavatory shall be provided for every 200 occupants.
 - d. Urinals may be substituted for up to 50% of the required number of water closets for men.

2. No cooking, open flames, indoor fireworks or indoor pyrotechnics are permitted within the building during the temporary use. Any food service must be brought in from the outside. Approved warming devices and small heating sources, such as alcohol burning devices in spill-proof containers, may be used for warming of food.
3. Any areas on the floors used for the temporary use that are not to be occupied are to be physically barricaded.
4. No smoking is to be permitted. Signs shall be posted.
5. Any temporary electrical wiring and/or power sources for the temporary use shall require an electrical permit from the Department.

Inspections may be conducted after the Temporary Certificate of Occupancy to ensure that the use is being conducted within the requirements set forth above. Failure to do so may result in revocation of the Certificate.