




Chimney and Vent Extension




Current Requirements

- The Mechanical Code includes provisions for required chimney and vent terminations to ensure proper airflow and clearance to combustibles.
 - When building higher than a chimney or vent on an adjacent property, it obstructs airflow and makes the adjacent property non-compliant. This obstruction leads to increased fire risk, potential carbon monoxide poisoning, and inefficient operation of appliances.
 - L&I has long required the person causing construction to make reasonable attempt to extend the adjacent chimney through Code Bulletin.
 - Existing requirements do not define commitments/process.
 - Existing requirements do not address when adjacent owner cannot be located, is unresponsive, or unwilling to allow extension. This is addressed on a case-by-case basis.
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New Regulations

- Regulations shall apply to all permit applications filed after January 1, 2024.
 - Identifies when chimney or vent clearance must be addressed with a permit application.
 - Clarifies that extension must comply with the provisions of the Code.
 - Provides initial and final notification requirements.
 - Requires resolution by the time construction reaches the height of the adjacent roofline.
 - Identifies adjacent owner responsibility if they fail to respond, reject offer for chimney extension, or fail to make corrections necessary to support extension.
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New Regulations

**DEPARTMENT OF LICENSES AND INSPECTIONS
REGULATIONS CONCERNING CHIMNEY AND VENT CLEARANCE ON
PROPERTIES ADJOINING CONSTRUCTION SITES**

The following regulations are hereby adopted under Title 4, Section B-3307 of The Philadelphia Code ("Protection Of Adjoining Property").

**TITLE 4. PHILADELPHIA BUILDING
CONSTRUCTION AND OCCUPANCY CODE**

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SUB-CODE B (THE PHILADELPHIA BUILDING CODE)

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**CHAPTER 33
SAFEGUARDS DURING CONSTRUCTION**

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§ B- 3307. PROTECTION OF ADJOINING PROPERTY

B- 3307.1 Protection Required. Adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work.

Regulation:

B-3307.1.1 (R)

(1) Where a newly constructed or modified building extends above the roofline of an adjacent building on an adjoining lot and the chimney or vent of the adjacent building is located within 10 feet of the newly constructed or modified building, the person causing construction must take reasonable steps to ensure that the chimney or vent on the adjoining building is extended or offset to satisfy clearance and termination requirements set forth in the Philadelphia Building Construction and Occupancy Code.

(a) A person causing construction will be deemed to have taken reasonable steps, within the meaning of this Paragraph if:

(i) The chimney or vent on the adjacent building is extended or offset to satisfy applicable clearance and terminations requirements; OR



Chimney & Vent Clearance Information Sheet

A. Overview

The Philadelphia Building Construction and Occupancy Code establishes minimum vertical and horizontal clearance requirements for chimneys and vents. These separation requirements address multiple concerns, including:

- Ensure proper exhaust to avoid any backdraft that may increase levels of carbon monoxide or reduce the efficiency of a product.
- Reasonably ensure that exhaust air does not enter windows or air intake openings in an adjacent structure and there is adequate separation from any combustion air.

Where a building is constructed or extended above the chimney or vent of an adjacent building, the proper operation of the existing chimney or vent may be hindered by reduced clearances. In accordance with Section 3307 of the Philadelphia Building Code and [associated regulations](#), the person causing construction must protect the adjacent property by taking reasonable steps to ensure that the chimney or vent on the adjoining building is extended or offset to satisfy clearance and termination requirements of the Code.

B. Building Permit Application Requirements

A building permit application for a new building or addition extending above an existing chimney or vent on an adjacent roof and within 10 feet of the building must address any potential impacts on the operation of the chimney or vent by satisfying one of the following:

1. Proof of intent to extend chimney or vent and notice to adjoining owner. See [Section C](#) for requirements.
2. Certification that the location and termination of the existing chimney or vent will satisfy the requirements of the Code. This certification must be provided in the form of a written report signed and sealed by a PA Registered Architect or Professional Engineer.
3. Certification that the chimney or vent is no longer connected to a fireplace or other equipment requiring exhaust. This certification must be provided in the form of a written statement signed by the adjacent owner OR a Registered Architect, Professional Engineer, or contractor authorized to perform an inspection by the adjacent owner.

C. Chimney or Vent Extension

The person causing construction must take reasonable steps to ensure that the chimney or vent on the adjoining building is extended or offset to satisfy clearance and termination requirements set forth in the Philadelphia Building Construction and Occupancy Code. The minimum requirements necessary to establish that due diligence has been exercised are outlined in the section and illustrated in the chart provided in [Appendix A](#).

1. Initial Notice to Owner

- a. Notice shall include a description of proposed work and impacts on adjacent chimney or vent, offer to [perform](#) or fund chimney or vent extension and identification of any pre-existing conditions that require correction prior to safe extension (if known).
- b. The permit application must include the [Acknowledgment of Receipt of Construction or Demolition Project Information form](#), indicating that a chimney or vent extension will be required.

Regulations and info
sheet available at
www.phila.gov/li



Building Permit Application


Affected applications:

In most cases, the new construction or addition will be subject to protection of property requirements. Under the existing law, the chimney must be annotated on the preconstruction survey and application must address how it will be handled.

B-3307.9.1 Preconstruction surveys of buildings or structures shall include the following information:

1. Documentation of adjoining or adjacent buildings, including height, number of stories, construction type, and identification of any elements that may be impacted by construction or demolition operations, including but not limited to identification of any visible structural, roof, or wall covering elements extending continuously across the property line. **If the work included in the application for permit includes demolition or construction above the roof line of any building or structure on adjoining property, include identification of locations of any visible bulkheads, chimneys, mechanical equipment,** parapets, skylights, or vertical extensions of fire walls on the roof of any adjoining or adjacent building.

If a project includes building construction above a chimney/ vent within 10' but is not subject to protection of property requirements, the chimney/ vent extension requirements still apply.



Building Permit Application

An affected building permit application must include one of the following:

- Proof of intent to extend chimney or vent and notice to adjoining owner.
- Certification that the location and termination of the existing chimney or vent will satisfy the requirements of the Code. This certification must be provided in the form of a written report signed and sealed by a PA Registered Architect or Professional Engineer. No additional requirements shall apply.

Table 4: Termination Height Requirements

Vent Type (Phila Fuel Gas Code, Table 503.4)	Vertical Distance, from Top of a Building	Highest Connected appliance draft hood outlet or flue collar	Forced Air Inlet
Type B	≥ 2 feet above, within a horizontal distance of 10 feet, <i>(where vent is < 12-inches, OR where vent is located < 8 feet from existing structures and vertical walls)</i> — Otherwise, N/A	≥ 5 feet above	≥ 3 feet above, where within 10 feet
Factory Built Chimney	Manufacturer's Specs	Manufacturer's Specs	Manufacturer's Specs
Single Wall Metal Pipe	≥ 2 feet, within a horizontal distance of 10 feet	≥ 5 feet	
Listed Chimney Lining System for Gas Venting	Manufacturer's Specs	Manufacturer's Specs	Manufacturer's Specs
Listed Appliances equipped with Draft Hoods, or Listed for use with Type B Vents	Manufacturer's Specs	Manufacturer's Specs	Manufacturer's Specs
As specified or furnished by manufacturers of listed appliances	Manufacturer's Specs	Manufacturer's Specs	Manufacturer's Specs
Type L Vent	≥ 2 feet above, within a horizontal distance of 10 feet	≥ 5 feet above	
Integral Vent			≥ 3 feet above, where within 10 feet

Clearance requirements vary by vent type.

- Certification that the chimney or vent is no longer connected to a fireplace or other equipment requiring exhaust. This certification must be provided in the form of a written statement signed by the adjacent owner OR a Registered Architect, Professional Engineer, or contractor authorized to perform an inspection by the adjacent owner. No additional requirements shall apply.



Notice to Adjoining Owner

Must provide **Notice of Intent to Extend Chimney or Vent**, which will require the following detail:

- A description of the scope of work to be performed on the newly constructed or modified building, including the impact on adjacent chimney/ vent.
- An offer to secure necessary permits and fund or perform the necessary work to bring the adjacent property into compliance
- Any underlying corrective actions that owner must take to support extension, if known. Note: An owner must be given at least 60 days to make corrections.
- A statement that if the adjacent owner declines to accept the offer or otherwise fails to respond, they may be deemed responsible to cure resultant violation.

Proof of Notice must be provided in following form:

- Where the project is subject to Protection of Property laws, the Acknowledgment Form must indicate inclusion of chimney extension.
- If the Acknowledgment Form is not required, proof of delivery (i.e. certified mail receipt) must be submitted with permit application.

Initial notice must be provided at least 60 days in advance of start of work. Timeframe is waived if an agreement on chimney extension is reached OR adjacent owner expressly rejects the offer in writing.


If no response is received, a final notice must be sent to the owner at least 10 days in advance of start of work.





Construction Requirements

By the time construction reaches the height of the adjacent roof, the permit holder must submit one of the following to the permit hold:

- Permit to extend the chimney
 - Must be issued to adjacent property with owner's authorization.
 - EZ Permit option available for one-and-two family dwellings. Will be GM permit type.
 - Work must be completed before a CO will be issued.
 - Proof in writing that offer has been rejected.
 - Proof of delivery of final notice AND affidavit that adjacent owner failed to respond or rejected offer (where adjacent owner did not provide in writing).
 - Proof that adjacent failed to make underlying correction as required by Engineer's Report. Must include proof that at least 60 days notice of required corrections was provided.
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Adjacent Owner Responsibilities

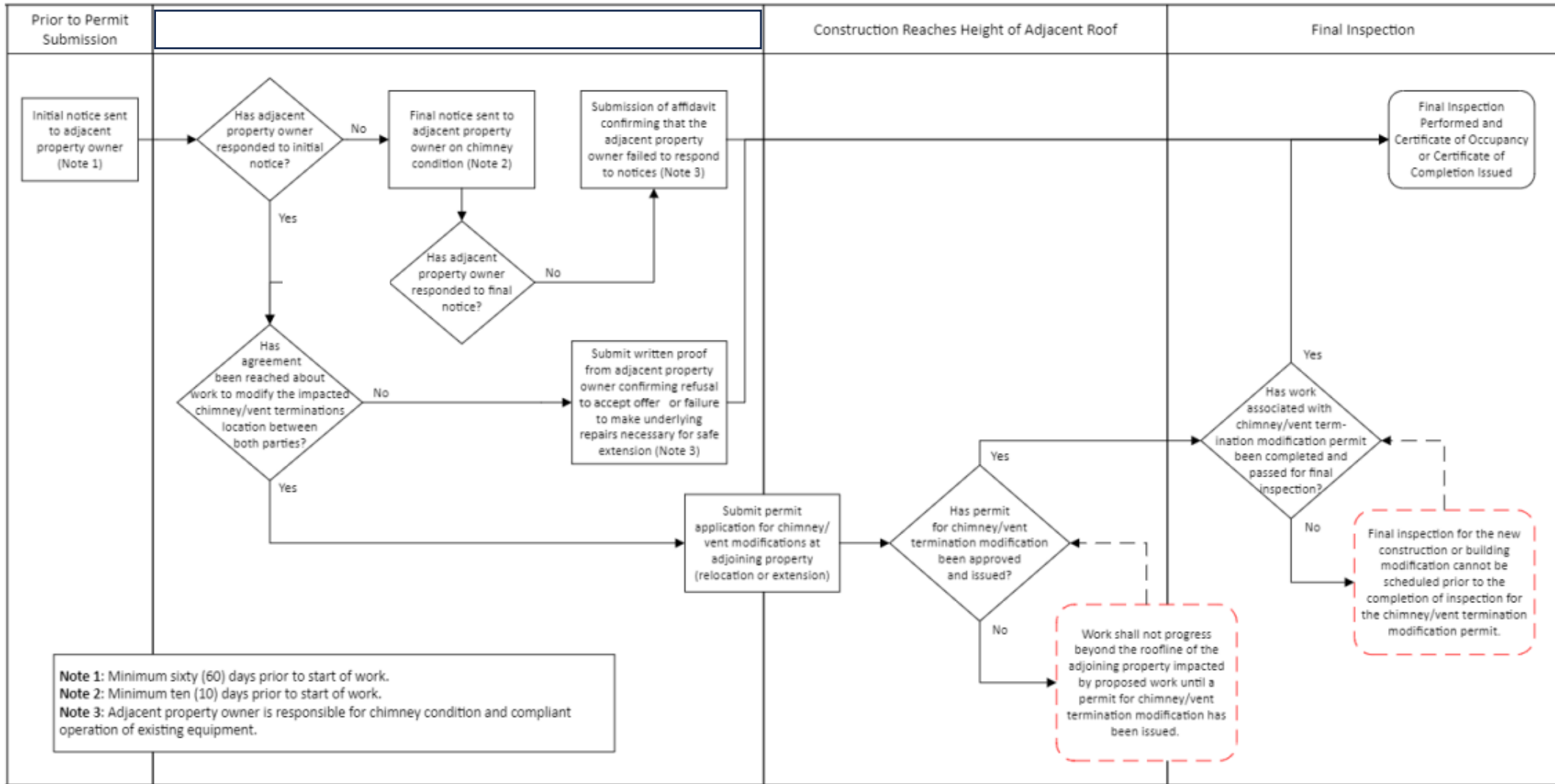
The owner shall bear responsibility for any resultant, non-compliant conditions, if they:

- Fail to respond notice within allocated timeframe;
- Reject an offer to extend that is compliant with regulations;
- Fail to correct underlying deficiencies necessary for extension.

A Notice of Violation may be issued to the adjacent property owner if condition is not remediated.




Extension Workflow





Resources

- Information Sheets:
 - [Pre-Construction Survey](#)
 - [Monitoring Plan](#)
 - [Notification to Adjacent Owner](#)
 - Code Bulletins and Regulations:
 - [Code Bulletin: Excavations and the Protection of Adjacent Property - Public and Private](#)
 - Other:
 - [Acknowledgment of Receipt](#)
 - [L&I Notification](#)
 - [Construction FAQs](#)
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