



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 100637

Introduced September 30, 2010

Councilmember Clarke

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, Subcode "PM" (The Philadelphia Property Maintenance Code) and Subcode "A" (The Philadelphia Administrative Code), by amending provisions relating to Vacant Premises, by allowing for the immediate issuance of code violation notices for blighted vacant lots, and providing for penalties for such code violations; all under certain terms and conditions.

WHEREAS: Blighted vacant property exists in the City of Philadelphia in flagrant and persistent violation of local laws; and

WHEREAS: Such blighted vacant property substantially and seriously interferes with the interest of the public for enhancing the quality of life in the City, and in fostering and facilitating commerce, maintaining and improving property values, and preserving and protecting the public health, safety, and welfare; and

WHEREAS: The City Council of the City of Philadelphia further finds that the persistence of such activities and violations is detrimental to the health, safety, and welfare of the people of the City of Philadelphia, and of the dwellings and businesses thereof, and the visitors thereto; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4, Subcode "PM" of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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Subcode "PM" (The Philadelphia Property Maintenance Code)

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CHAPTER 3 - GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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SECTION PM-302.0 EXTERIOR PROPERTY AREAS

PM-302.1 General: All exterior property and premises shall be subject to the provisions of Sections PM-302.2 through PM-302.7.

PM-302.2 Sanitation: All exterior property and premises, including porches, patios and decks, shall be maintained in a clean, safe and sanitary condition and free from any accumulation of:

1. rubbish or garbage;
2. building materials or equipment that are not currently being used for work at the property, or are being used in connection with work at the property which requires a building permit, if no such permit has been obtained; or
3. an unreasonable quantity of other personal property, not including currently functional items such as patio furniture, play equipment, lawn and garden equipment or other similar outdoor items.

Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

PM-302.3 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees, shrubs, cultivated flowers and gardens.

PM-302.4 Grading and drainage: All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure, including but not limited to, any swimming pool, pool designed with architectural features, fountain, decorative pond, spa or hot tub, located thereon, in order to prevent the breeding of insects and other unhealthy conditions.

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Exception: Approved water retention areas and reservoirs.

PM-302.4.1 Storm drainage: Drainage of roofs, paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner that creates a health or safety hazard.

PM-302.4.2 Drainage: Activity on a premises including, but not limited to regrading, terracing, fencing and construction activity shall not result in the concentration of surface water drainage to adjoining property.

Exception: Where terrain slopes toward a natural water course such as a creek, stream or river.

PM-302.5 Site hazard: All walkways, stairs, driveways, paving spaces and similar areas shall be maintained free from hazardous conditions. Stairs shall also comply with the requirements of Sections PM-304.7 and PM-602.3.

PM-302.6 Accessory structures: All accessory structures, including detached garages, tool sheds, decks, fences, swimming pools and walls, shall be maintained structurally sound and in good repair. In addition, every person owning or occupying land on which a swimming pool with a depth of 24 inches or greater is placed, located, constructed or erected, shall comply with the following provisions:

1. erect and maintain an enclosure which can be locked, not less than four (4) feet in height around the pool, in order to make it inaccessible to children when the pool is not in use; or

2. comply with the Philadelphia Building Code requirements for a pool cover, enclosure or other protective device as approved by the code official.

PM-302.6.1 Temporary Fences: No person shall place or maintain a fence in the 10th Councilmanic District that is free-standing (meaning not permanently affixed to the property) and that is of a type customarily used for building projects and construction sites, such as a modular chain-link fence, unless such free-standing fence is placed and maintained in connection with a building permit issued pursuant to Subcode "A" (The Philadelphia Administrative Code), or unless such fence is placed and maintained to protect against either a potential safety hazard from an ongoing work process for which a building permit is not required or any imminent safety hazard. Any temporary fence so placed shall be removed upon completion of the work authorized by such building permit or the elimination of the present or potential safety hazard.

PM-302.7 Motor vehicles: Except as provided for by Use Registration Permit, not more than one currently unregistered motor vehicle shall be parked, kept or stored and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled on any exterior property.

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SECTION PM-306.0 VACANT PREMISES

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PM-306.2 Responsibility:

(A) The owner of any vacant building shall keep the interior and exterior of the premises free of garbage and rubbish.

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(B) *The owner of any vacant lot as it is defined in the Philadelphia Code must comply with the provisions of Section PM-302.0 relating to Exterior Property Areas.*

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PM-306.3 Notice:

(A) Where the Department determines that any vacant building is in violation of this Section, a written notice of that determination shall be given to the registered owner together with an appropriate order to comply with this code, and a copy shall be posted in a conspicuous place on the premises. Such written notice shall indicate the number of doors, windows or other entrances or openings to the building that the owner has failed to secure or seal in violation of PM-306.2. Such notice shall be in addition to a notice, if any, designating a property as a blighting influence.

(B) *Where the Department determines that any vacant lot is in violation of Section PM-306.2(B) an Enforcement Officer is authorized to issue a Code Violation Notice to the property owner pursuant to the procedures set forth in Section 1-112 of the Code. The amount required to be remitted in response to a Code Violation Notice issued pursuant to Section 1-112 of the Code to enforce this Section is the amount indicated in Section A-506.6 of the Philadelphia Administrative Code. Payment in response to a Code Violation Notice shall not excuse the owner's responsibility to remedy the violation.*

PM-306.4 Compliance:

(A) The owner of any vacant building which is in violation of this Section shall, upon written notice, either eliminate the violation(s) or demolish the building. Where immediate compliance is not feasible, the owner shall notify the Department in writing within 10 days of the notice served by the Department of the steps taken to correct the conditions, together with an estimate of the time required to fully comply with the provisions of the code.

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(B) The owner of any vacant lot which is in violation of this Section, upon receiving a Code Violation Notice (CVN) shall, in addition to either remitting the required amount or appearing at a code enforcement hearing, immediately eliminate the condition bringing rise to the violation(s). The owner shall notify the Department in writing within 10 days of service of the CVN of the steps taken to correct the conditions. After the 10 day period allotted for corrective actions has lapsed, the Department shall re-inspect the subject property. If all violations are not corrected, the Department shall issue a subsequent CVN.

PM-306.5 Penalties:

(A) If the vacant building owner does not comply with the notice or fails to correct the conditions specified in the Department's notice within the required period of time, the owner shall be subject to penalties set forth in the administrative code, provided that it shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure or seal each separate door, window or other entrance or opening enumerated in the written notice required by PM-306.3. As provided in A-601.2, each day that each such separate offense continues after issuance of a notice or order shall also be deemed a separate offense for which a separate fine may be imposed.

(B) The Penalty for a violation of any provision of Section PM-306.2(B) regarding vacant lots shall be a fine of one thousand dollars (\$1000.00).

(C) The Penalty for any subsequent violation of any provision of Section PM-306.2(B) regarding vacant lots shall be a Class III offense as it is defined in The Philadelphia Code.

PM-306.6 Abatement: If the owner does not comply with the order of the Department to correct the conditions prohibited by this Section, the Department is authorized to correct the conditions or demolish the building with its own forces or by contract and charge the costs thereof to the owner, and with the approval of the Law Department, collect the costs, including administrative costs, by lien, or otherwise.

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SECTION A-506 CODE VIOLATION NOTICES (CVN)

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A-506.2 Remittance amount. The amount required to be remitted in response to a notice of violation is the amount indicated in Section 1-112 of The Philadelphia Code unless otherwise specified.

Exceptions: The amount required to be remitted shall be as follows for violation of the following provisions:

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- 6. *Section PM-306.2(B)
(Unmaintained Vacant Lot) Three hundred dollars
(\$300.00).*
- 7. *Section PM-306.2(B)
(Unmaintained Vacant Lot, Subsequent Offense)..... One Thousand
Dollars (\$1,000.00)*

SECTION 2. Title 4 of The Philadelphia Code, Subcode "A" is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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Subcode "A" (The Philadelphia Administrative Code)

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CHAPTER 6 PENALTIES

SECTION A-601 FINES

A-601.1 Basic Fines: Any person who shall violate any provision of this code or the technical codes or regulations adopted thereunder; or who shall fail 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

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certificate issued under the provisions of this code 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.

A-601.2 Fines for Class II offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class II offense and be subject to the fines set forth in subsection 1-109(2) of The Philadelphia Code:

1. F-106.4 (Rendering equipment inoperable);
2. F-106.4.1 (Fire Department notification);
3. F-104.2.2 (Obstructing operations);
4. F-106.7 (Obstructions);
5. F-307 (Open Burning and Recreational Fires);
6. F-308.5 (Open-flame devices);
7. F-901.4.6 (Changes to fire protection equipment);
8. F-901.7 (Systems out of service);
9. F-915 38.1 (Periodic Testing Of Fire Protection Systems);
10. F-1027 (Maintenance of the Means of Egress);
11. *PM-306.2 (Unmaintained Vacant Lot)*
- [11]12. PM-602.0 (Means of Egress);
- [12]13. PM-603.0 (Accumulations and Storage);
- [13]14. PM-604.0 (Fire Resistance Ratings);
- [14]15. PM-605.0 (Fire Protection Systems); and
- [15]16. PM-704.2 (Historic Area Standards).

SECTION 3. This Ordinance shall be effective upon becoming law.

Explanation:

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

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