



City of Philadelphia

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

BILL NO. 051095

Introduced November 17, 2005

Councilmembers Tasco and Nutter

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Section 11-506 of The Philadelphia Code, entitled "Alleys, Driveways, and Retaining Walls," by providing additional methods by which the City may assess abutting property owners to alleys or driveways which must be paved, repaved, or repaired, and by authorizing the Procurement Department to designate one or more nonprofit entities to enter into contracts and otherwise administer the paving and repaving of alleys and driveways in the City; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 11-506 of The Philadelphia Code is hereby amended to read as follows:

§11-506. Alleys, Driveways, and Retaining Walls.

(1) *Whenever the Department of Streets determines that it is necessary to grade, pave, repave, or repair any public alley or driveway or any private alley or driveway having an outlet to any public street, highway or alley in the City, it shall give written notice of the Department's intention to have such work done and the provisions of this section to all the owners, agents, or persons in possession of the properties abutting on, having the use of, the alley or driveway where such work is to be done. If the Department of Streets is unable to serve the above persons, then the notice shall be posted upon a conspicuous part of the property.*

(2) *Whenever under the provisions of this section the Department of Streets is to have any work done, the Procurement Department is authorized to enter into a contract for such work, which shall be done in accordance with plans and specifications of the Department of Streets and pursuant to existing laws and ordinances. The*

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Procurement Department is further authorized to designate one or more existing nonprofit development corporations or nonprofit corporations, or a nonprofit development corporations or nonprofit corporations established by the Council of the City of Philadelphia, to enter into a contract for such work and to administer the provision of all products and services for the grading, paving, repaving or repair of any alley or driveway in the City.

(3[1]) Upon completion of the paving or repaving of any alley or driveway pursuant to the provisions of subsections 1 and 2 of this section, or the construction or reconstruction of any retaining wall pursuant to an order to abate a nuisance, the surveyor of the district in which the work is located shall compute the cost thereof in accordance with the provisions of the contract.

(4[2]) The surveyor shall assess the cost against the properties abutting on, having the use of, or actually using the alley, driveway, or retaining wall, in the names of the registered owners, provided that such assessments shall not exceed fifty dollars (\$50) per assessable linear foot for each alley or driveway that is paved or repaved and for each retaining wall that is constructed or reconstructed, and the bills shall be returned in duplicate to the Department of Streets.

(5[3]) The bills may be endorsed by the Department of Streets in favor of the contractor and delivered to the contractor in lieu of cash, if the contract so provides.

(6[4]) One copy of each bill shall be served upon the registered owner of the property, or if the owner cannot be found it shall be left upon the premises.

(7[5]) If the bill is not paid within 30 days from its service upon the owner of the property, a lien for the amount of the bill together with a penalty of 6% may be filed in the proper court against the property and the owner.

SECTION 2. Effective Date. This Ordinance shall take effect immediately.

Explanation:

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