



City of Philadelphia

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

BILL NO. 230647

Introduced September 28, 2023

Councilmembers Phillips, Gauthier and Squilla

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

AN ORDINANCE

Amending Subcode “A” (The Philadelphia Administrative Code) and Subcode “PM” (The Philadelphia Property Maintenance Code) of Title 4 and Chapter 9-3900 (“Property Licenses and Owner Accountability”) of The Philadelphia Code to modify prohibitions, remedies, including fines, and licensing and certification requirements related to shared retaining walls, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is hereby 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

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A-601.3 Fines for Class III offenses: Notwithstanding Section A-601.1, any person who violates any of the following provisions shall have committed a Class III offense and shall be subject to the maximum fine set forth in subsection 1-109(3) of The Philadelphia Code:

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13. Section PM-109 (Unfit Structures); Section PM-108 (Unsafe Structures and Equipment);

Exception: Violations of Section PM-108.1.3 (Unsafe shared retaining walls) shall be subject to the Basic Fines set forth in subsection A-601.1 of The Philadelphia Code.

14. Section PM-110 (Imminently Dangerous Structures);

Exception: Violations of Section PM-110.1.1 (Imminently dangerous shared retaining wall) shall be subject to the Basic Fines set forth in subsection A-601.1 of The Philadelphia Code.

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SUBCODE “PM” (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 1 SCOPE AND ADMINISTRATION

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SECTION PM-108 UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General. When a structure, [or] equipment, *or shared retaining wall* is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

PM-108.1.1 Unsafe structures. An unsafe structure is *a structure, other than a shared retaining wall subject to the provisions of PM-108.1.3*, [is one] that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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PM-108.1.3 [Reserved] *Unsafe shared retaining walls. An unsafe shared retaining wall is one that: (a) has two or more separate owners that, as determined by the Department of Streets are responsible parties for a retaining wall; and (b) is found to be dangerous to the life, health, property or safety of the public or the occupants of the property because*

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the wall is damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

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SECTION PM-110 IMMINENTLY DANGEROUS STRUCTURES

PM-110.1 Conditions: When, in the opinion of the code official, there is imminent danger of failure or collapse of a structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the code official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith in accordance with the cease operations provisions set forth in the administrative code. The code official shall cause to be posted at each entrance to such structure a notice stating the imminent danger and prohibiting occupancy. It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or demolishing the structure.

PM-110.1.1 Imminently dangerous shared retaining wall: Consistent with Section A-601.3(14), imminently dangerous shared retaining walls shall be subject to the Basic Fines set forth in subsection A-601.1 of The Philadelphia Code and shall not be subject to additional heightened fines. An imminently dangerous shared retaining wall is one that: (a) has two or more separate owners that, as determined by the Department of Streets, are responsible parties for a retaining wall; and (b) is, in the opinion of the code official, in imminent danger of failure or collapse.

SECTION 2. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-3900. PROPERTY LICENSES AND OWNER ACCOUNTABILITY

§ 9-3901. General Provisions.

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(2) Application and Issuance. In addition to the provisions set forth in Subcode A of Title 4, the following provisions shall also apply to licenses required by this Chapter:

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(b) The Department shall issue or renew a license if it finds:

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(.3) There are no outstanding violation notices associated with the property for which the application is made that were issued under Title 4 which have been of record for more than 30 days, unless the owner has filed an appeal of the violation which is pending, and the owner has notified the Department of such appeal in a manner prescribed by the Department; and

Exception: The Department of Licenses and Inspections may promulgate regulations regarding conditions under which a license may be issued despite violations of Section PM-108.1.3 (Unsafe shared retaining walls).

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§ 9-3903. Certificate of Rental Suitability; Required Tenant Documents.

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(2) Application and Issuance.

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(b) The Department shall issue a Certificate of Rental Suitability only after it determines that:

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(.2) There are no outstanding violation notices under this Code with respect to the property, except with respect to violations for which there is a pending appeal of which the owner has notified the Department in a manner prescribed by the Department.

Exception: The Department of Licenses and Inspections may promulgate regulations regarding conditions under which Certificates of Rental Suitability may be issued, despite violations of Section PM-108.1.3 (Unsafe shared retaining walls).

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§ 9-3909. Limited Lodging Operator License.

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(4) An application for such a license shall be submitted on a form as established by the Department. To obtain a license, the applicant must:

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* * *

(b) Have no outstanding violation notices issued under Title 4 of this Code associated with the property for which the application is made, unless the owner has filed an appeal of the violation which is pending, and the owner has notified the Department of such appeal in a manner prescribed by the Department;

Exception: The Department of Licenses and Inspections may promulgate regulations regarding conditions under which this license may be issued despite violations of Section PM-108.1.3 (Unsafe shared retaining walls).

SECTION 3. This Ordinance shall be effective immediately.

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