

City of Philadelphia



December 18, 2003

CERTIFICATION: This is to certify that Bill No. 030714, entitled "An Ordinance amending Section 11-505 of The Philadelphia Code, entitled 'Sidewalk Paving and Other Improvements by Property Owners,' by revising the process governing the grading, paving, repaving, or repair of sidewalks and the setting or resetting of curbs, and by revising the assessment of property owners for the costs of such work," was returned by the Mayor to City Council on the eighteenth day of December, 2003 "DISAPPROVED."

The said bill having been considered again, was repassed on the eighteenth day of December, 2003. Two-thirds of all of the members of City Council having voted in the affirmative, the said bill became law without the Mayor's approval, pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council

(Bill No. 030714)

AN ORDINANCE

Amending Section 11-505 of The Philadelphia Code, entitled "Sidewalk Paving and Other Improvements by Property Owners," by revising the process governing the grading, paving, repaving, or repair of sidewalks and the setting or resetting of curbs, and by revising the assessment of property owners for the costs of such work; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 11-500 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 11-500. PAVING.

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* * *

§11-505. Sidewalk Paving and Other Improvements [by Property Owners].

(1) The sidewalks of the all public streets, and the roadways and sidewalks of all private streets, shall be graded, curbed, paved and kept in repair at the expense of the owners of the land fronting thereon, *except as otherwise provided in this section.*

(2) Whenever the Department of Streets determines that it is necessary to grade, pave, repave, or repair the sidewalks and to set or reset the curb of any public street 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 the owner of the property adjoining which such work is to be done, or to his agent or the person in possession of such property, or, if opposite any alley or driveway, to all the owners, agents, or persons in possession of the properties abutting on, having the use of, the alley or driveway opposite which the sidewalk or curb work is to be done[, to do such work at their own expense within 30 days from the date of service of such notice]. 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. [On the failure of any owner to comply with such notice within the time specified therein, the Department of Streets shall, subject to the provisions of this Chapter, have the necessary work done.]

(3) 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 [include the following provisions:

(a) the work shall] be done in accordance with plans and specifications of the Department of Streets and pursuant to existing laws and ordinances [;

(b) the contractor shall collect the entire cost of the work from assessments as provided hereafter in this Section, and shall accept the assessment bills in lieu of cash and in full payment of money to be paid him by the City for the work, unless otherwise provided by ordinance;

(c) the contractor shall collect the assessment bills at his own expense without recourse to the City in any event].

(4) Any contract authorized by §11-505(3) may be combined with an otherwise authorized contract for the paving or repaving of a street, but the work provided for in this Section shall be done and the expense thereof assessed or collected in accordance with this Section.

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(5) Upon the completion of any work done under a contract entered into pursuant to this Section [the procedure set forth in §11-503(4) shall be followed for the completion, assessment and collection of the cost thereof]:

(a) *the surveyor of the district in which the work is located shall compute the cost thereof in accordance with the provisions of the contract;*

(b) *the surveyor shall assess the cost for sidewalks and curbs against the properties abutting on the sidewalks and curbs in the names of the registered owner, provided that the total of such assessments shall not exceed thirty percent (30%) of the total cost of the work and that each registered owner shall pay in proportion to their property width, and the bills shall be returned in duplicate to the Department of Streets.*

(c) *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;*

(d) *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; and*

(e) *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.*

* * *

Explanation:

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