

EXHIBIT "C"

DIFFERENCES BETWEEN THE SUBCODE PM ADOPTED BY THIS ORDINANCE AND
THE SUBCODE PM ADOPTED BY BILL NO. 120647 (APPROVED JANUARY 20, 2014)

Note:

Language deleted from the Bill No. 120647 version of Subcode PM shown in ~~strikethrough~~ text
Language added to the Bill No. 120647 version of Subcode PM shown in **bold underlined** text

1. PM-101.4:

~~PM-101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.~~

2. PM-102.1:

PM-102.1 **[Reserved]** General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. ~~Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.~~

3. PM-102.5:

PM-102.5 **[Reserved]** Workmanship. ~~Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.~~

4. PM-102.6 (Historic buildings).

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. **Nothing in this code shall be construed to repeal or modify any applicable provisions of Chapter 14-1000 ("Historic Preservation").**

5. PM-102.10:

~~102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.~~

6. PM-105:

SECTION PM-105

RESERVED

~~APPROVAL~~

~~PM-105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.~~

~~PM-105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.~~

~~PM-105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.~~

~~PM-105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.~~

~~105.3.2 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.~~

~~PM-105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.~~

~~PM-105.5 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.~~

~~PM-105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.~~

7. PM-108.1:

PM-108.1 [Reserved] General. When a structure or equipment 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 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.

PM-108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

PM-108.1.3 Reserved.

PM-108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

PM-108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

8. PM-202:

(a) The definitions of “abandoned property” and “emergency nuisance abatement area” are deleted, and moved to PM-903 (Emergency Nuisance Abatement Program).

(b) The definition of “LVCIP” is revised to incorporate the provisions of Bill No. 140608:

LARGE VACANT COMMERCIAL OR INDUSTRIAL PROPERTY or LVCIP. Any vacant property containing an improvement that has a commercial or industrial zoning designation, where the improvement area is greater than ~~15,000~~ 5,000 square feet.

9. PM-302.4:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with ~~Section 106.3~~ Subcode A and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

10. PM-302.7.1 is added to incorporate the provisions of Bill No. 140723:

PM-302.7.1 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.

11. PM-303.2:

PM-303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

12. PM-304.6.1 Satellite Dishes and Antennas; Findings

1. The City of Philadelphia was established by Charter of 1701, is considered the birthplace of American Independence, the American Revolution and a centerpiece of early American history.

2. Philadelphia boasts historical, cultural and architectural lineage longer than that of almost any other place in America, with much of its buildings dating from the early 20th Century or earlier.

3. Certain considerations should be made to preserve the character and appeal of this uniquely American city as modern technological advancements are integrated into the City's landscape.

4. The City of Philadelphia has a vested interest in protecting its neighborhoods from conditions that could substantially and interfere with enhancing quality of life, fostering and facilitating commerce, maintaining and improving property values, and preserving and protecting the public's health, safety, and welfare.

5. The City of Philadelphia has an interest in ensuring the structural integrity and safety of building appurtenants, particularly those that extend into the public right-of-way.

6. The City of Philadelphia also recognizes the interest of its citizens in receiving and maintaining access to television, cable and satellite airwaves.

7. The Federal Communications Commission in 1996 adopted the Over-the-Air Reception Devices ("OTARD") rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals.

8. Since then, the OTARD ruling has been interpreted by the FCC to allow the imposition of "reasonable" regulations on satellite dish and antenna placement under terms and conditions that don't impede signal access.

9. Particular attention needs to be given to tailoring measures that properly balance the interest of cable and satellite signal access and the City's interest in quality of life enhancement, historic preservation and public safety.

PM-304.6.2 Satellite Dishes and Antennas; Locations.

PM-304.6.2.1 Where an alternative location is available, including but not limited to a roof, rear yard or facade, or side yard or facade, no property owner or tenant in a multiple-family or two-family dwelling shall place or permit the placement of a satellite dish or antenna between the facade of the building and the street, unless the device is wholly within a balcony or patio area that is under the exclusive use or control of the unit owner or tenant.

PM-304.6.2.2 Where an alternative location is available for placement of a satellite dish or antenna, with no material delay or material reduction in signal reception and at no significant additional cost to the owner or tenant (including but not limited to a roof, rear yard or facade, or side yard or facade), no property owner or tenant in a one-family dwelling shall place, install or maintain, or allow to be placed, installed or maintained, a satellite dish or antenna between the facade of a building and the street.

PM-304.6.2.3 Any property owner or tenant in a one-family, two-family or multi-family dwelling, if his or her satellite dish or antenna was installed by a provider or installer, shall keep the certification provided by the installer as required by Section 9-632(4) of this Code at the residence at which the satellite dish or antenna is maintained, and shall produce it upon request by an inspector from the Department.

PM-304.6.2.4. No property owner or tenant shall place a satellite dish or antenna that does not meet one of the following criteria between the facade of any building and the street:

1. A "dish" antenna that is one meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.

2. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

3. An antenna that is designed to receive local television broadcast signals.

13. The provisions of PM-304.20 (Special Requirements for Vacant Properties; Blighting Problems; FVRP/LVCIPs) and PM-304-21 (Large Vacant Commercial or Industrial Property ("LVCIP") and Foreclosed Vacant Residential Property ("FVRP")) are moved without change to PM-901 (Special Requirements for Vacant Properties; Blighting Problems) and PM-902 (Special Requirements for FVRP/LVCIPs), and conforming changes are made to cross-references to those provisions.

14. Section 310 (Unfit Structures):

~~SECTION PM-310 UNSAFE AND UNFIT STRUCTURES AND EQUIPMENT~~

~~PM-310.1 Unsafe Structures: All structures that are or hereafter shall become unsafe, unsanitary or deficient because of inadequate means of egress facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe. All unsafe structures shall be taken down and removed or made safe and secure as the code official deems necessary and as provided for in this Section. A vacant building that is not secured against entry shall be deemed unsafe. Likewise, a pier or other waterfront structure shall be deemed "unsafe" pursuant to this Section where the owner has not complied with the most recent deadline for performing an inspection and submitting a structural assessment report to the code official pursuant to Section PM-304.9.~~

~~PM-310.1.1 Construction Excavations: A construction excavation where no work has been done within the past six months shall be deemed unsafe and shall be subject to the same requirements, penalties and procedures as applicable to unsafe structures under this Section, unless the developer or property owner:~~

1. ~~Submits a report to the code official from a professional engineer registered in the Commonwealth of Pennsylvania certifying that the excavation is safe;~~
2. ~~Provides a suitable barrier to prevent trespass;~~
3. ~~Maintains the site in a sanitary condition free from any trash or refuse; and~~
4. ~~Provides a plan that explains, to the satisfaction of the code official, how the excavation site will be kept safe and secure.~~

~~PM-310.2 Unsafe installations, systems and equipment: Equipment, appliances, mechanical systems, plumbing systems, fuel gas installations or electrical systems that are unsafe, constitute a fire or health hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed unsafe by the code official and shall constitute a violation of this code. Use of equipment, appliances, systems, or installations regulated by the Philadelphia Building Construction and Occupancy Code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use and shall constitute a violation of this code. Such unsafe equipment, appliance, system or installation is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.~~

~~PM-310.2.1 Authority to seal equipment: In the case of an emergency, the code official shall have the authority to seal out of service immediately any unsafe device or equipment regulated by The Philadelphia Code.~~

~~PM-310.2.2 Unlawful to remove seal: Any device or equipment sealed out of service by the code official shall be plainly marked with a sign or tag indicating the reason for such sealing. The sign or tag shall not be tampered with, defaced or removed except by the code official.~~

~~PM-310.3 **310.1** Unfit dwellings: A dwelling shall be designated by the code official as "Unfit for Human Habitation" where the dwelling is unsanitary, vermin infested, lacking in the facilities or equipment required by this code or is otherwise in such a state of disrepair as to be a hazard to the health or safety of the occupants.~~

~~**A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.**~~

~~PM-310.3.1 **310.1.1** Continued occupancy: Where a dwelling is designated as unfit for human habitation but does not present an immediate hazard to safety,~~

evacuation will not be required; however, the owner shall be denied the right to collect rent for the duration of such unfit designation.

PM-310.3.2 310.1.2 New tenancy: Where a dwelling is designated as unfit for human habitation, the owner shall be prohibited from admitting any new tenants to any tenant space within such dwelling for the duration of such unfit designation.

~~PM-310.4 Notice: If an unsafe or unfit condition is found, the code official shall serve on the owner, managing agent or person in control of the structure a written notice describing the condition deemed unsafe or unfit. The notice shall specify the required repair or improvements to be made to render the structure, equipment, appliance, mechanical system, plumbing system, fuel gas installation, or electrical system safe and secure, or require the unsafe structure, equipment, appliance, mechanical system, plumbing system, fuel gas installation, or electrical system or portion thereof to be demolished or removed within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of an order to demolish.~~

~~PM-310.5 Posting unsafe or unfit notice: If the person addressed with an unsafe notice does not receive service by one or more of the methods specified in the administrative code, a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.~~

~~PM-310.6 Disregard of notice: Where the order to eliminate an unsafe condition is not obeyed, the code official, in addition to invoking any other sanction or procedure, is authorized to eliminate the unsafe condition or contract with other persons for repair or demolition and, with the approval of the Law Department, collect the costs, including departmental monitoring costs, from the owner by lien or otherwise. When the code official proceeds to demolish any structure whether by contract or by its own employees, the contract or the code official may provide for the installation of a fence or other protective devices and the application of environmentally safe treatments to control vegetative overgrowth by the demolition contractor or by code official employees in order to secure the perimeter of the vacant lot, protect the health, safety and welfare of the community, prevent overgrowth and deter the illegal dumping of trash and debris. In addition, the code official shall work cooperatively with other city and city-related agencies on any plans for the acquisition, disposition and re-use of vacant lots including, but not limited to: community development, housing, neighborhood gardening, landscaping, play areas, side yards, or any other legal uses. The code official shall have the discretion to determine whether a fence or other protective device is necessary based on a planned re-use of the vacant lot by an abutting or nearby property owner, community development corporation, community-based or block organization; other unique circumstances; or upon the written request of a City department, agency or official.~~

~~PM-310.7 Restoration: A structure determined to be unsafe or unfit by the code official is permitted to be restored to a safe and habitable condition. Any repairs, alterations, additions or change of occupancy which occurs during restoration of the structure shall comply with the requirements of the applicable codes.~~

~~PM-310.8 Authority to disconnect service utilities: The code official shall have the authority to authorize disconnection of utility services or energy sources to a building, structure or system regulated by the Philadelphia Building Construction and Occupancy Code where it is necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.~~

~~PM-310.8.1 Connection after order to disconnect: A person shall not make utility service or energy source connections to systems regulated by the Philadelphia Building Construction and Occupancy Code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.~~

15. The numbering of the subsections of PM-312, PM-313, and PM-314 is changed, and conforming changes are made to cross-references in those Sections. The text of those Sections otherwise remains unchanged.

16. PM-605.3:

PM-605.3 Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

PM-605.3.1 Outdoor lighting fixture: Every owner or operator of every multiple-family dwelling shall provide an outside light over each entrance from the street and in a prominent place in each side yard and rear yard sufficient to illuminate and maintain in service 16 square feet (1.49 m²) of ground area to the intensity of 3 foot candles (33 lux). The light shall be turned on automatically at sunset and shall remain on until sunrise the following morning.

17. The list of neighborhood commercial areas in PM-804.3.2 is revised to incorporate the provisions of Bill No. 140723:

PM-804.3.2 Specified areas: Neighborhood commercial areas shall consist of the following:

* * *

5. All commercial corridors and neighborhood commercial properties throughout the Tenth Councilmanic District, as defined by Section 20-501 of The Philadelphia Code, relating to boundaries of Councilmanic Districts.

18. PM-901 through PM-905 (Emergency Nuisance Abatement Program) are all moved to PM-903, with some cross-references revised, and definitions of “abandoned property” and “emergency nuisance abatement area” added from the definitions that used to appear in PM-202.