

EXHIBIT "A"

§PM-4. Text of the Philadelphia Property Maintenance Code:

Chapter 1 Scope and Administration

PART 1 — SCOPE AND APPLICATION

SECTION **PM-101** GENERAL

PM-101.1 Title. These ~~regulations~~ **provisions** shall be known as the ~~International Property Maintenance Code of [NAME OF JURISDICTION]~~ **Philadelphia Property Maintenance Code**, hereinafter referred to as "this code."

PM-101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

PM-101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

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.

SECTION **PM-102** APPLICABILITY

PM-102.1 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.

PM-102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from

or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

PM-102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code.

PM-102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

PM-102.5 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.

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.

PM-102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 **10** and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the equipment or appliance, the conditions of the listing shall apply.

PM-102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

PM-102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

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

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION PM-103

[Reserved]

DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

~~103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~

~~103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.~~

~~103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the code official.~~

~~103.4 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

~~103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.~~

~~[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]~~

SECTION PM-104

[Reserved]

DUTIES AND POWERS OF THE CODE OFFICIAL

~~104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.~~

~~104.2 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

~~104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.~~

~~104.4 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.~~

~~104.5 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.~~

~~104.6 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.~~

SECTION PM-105

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.

SECTION **PM-106**

[Reserved] VIOLATIONS

~~106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.~~

~~106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.~~

~~106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

SECTION PM-107
[Reserved]
NOTICES AND ORDERS

~~107.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.~~

~~107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:~~

- ~~1. Be in writing.~~
- ~~2. Include a description of the real estate sufficient for identification.~~
- ~~3. Include a statement of the violation or violations and why the notice is being issued.~~
- ~~4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~
- ~~5. Inform the property owner of the right to appeal.~~
- ~~6. Include a statement of the right to file a lien in accordance with Section 106.3.~~

~~107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:~~

- ~~1. Delivered personally;~~
- ~~2. Sent by certified or first-class mail addressed to the last known address; or~~
- ~~3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

~~107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.~~

~~107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4~~

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~~107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

SECTION PM-108 UNSAFE STRUCTURES AND EQUIPMENT

~~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.~~

~~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.~~

~~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.~~

~~108.1.3 Structure unfit for human occupancy. 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.~~

~~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.~~

~~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.~~

PM-108.2 Closing Sealing of vacant structures. If the structure is ~~vacant~~ **open to trespass or** and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a **No Trespassing** placard ~~of condemnation~~ on the premises and order the structure closed up so as not to be ~~an attractive nuisance~~ **open to trespass**. Upon failure of the owner to ~~close up~~ **seal** the premises within the time specified in the order, the code official shall cause the premises to be ~~closed~~ **sealed** and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

PM-108.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section **PM-102.7** in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever 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 disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

~~108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.~~

~~108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.~~

~~108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.~~

~~108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a~~

~~placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.~~

~~108.6 Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.~~

~~108.7 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.~~

SECTION 109 EMERGENCY MEASURES

~~109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the code official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.~~

~~109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.~~

~~109.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.~~

~~109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.~~

~~109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.~~

~~109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.~~

~~SECTION 110~~ ~~DEMOLITION~~

~~110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.~~

~~110.2 Notices and orders. All notices and orders shall comply with Section 107.~~

~~110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.~~

~~SECTION 111~~ ~~MEANS OF APPEAL~~

~~111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.~~

~~111.2 Membership of board. The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

~~111.2.1 Alternate members. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~111.2.2 Chairman. The board shall annually select one of its members to serve as chairman.~~

~~111.2.3 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~111.2.4 Secretary. The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~111.2.5 Compensation of members. Compensation of members shall be determined by law.~~

~~111.3 Notice of meeting. The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

~~111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two thirds of the board membership.~~

~~111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

~~111.5 Postponed hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

~~111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.~~

~~111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.~~

~~111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.~~

~~111.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.~~

~~111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.~~

~~SECTION 112 STOP WORK ORDER~~

~~112.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.~~

~~112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.~~

~~112.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.~~

~~112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

Chapter 2 Definitions

SECTION **PM**-201 GENERAL

PM-201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

PM-201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

PM-201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code,

International Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

PM-201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

PM-201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION **PM-202** GENERAL DEFINITIONS

ABANDONED PROPERTY. A dwelling or vacant lot which has been determined by the code official to have been unoccupied for one year or more, and against which there are outstanding municipal liens, or the owner of which is delinquent in the payment of Real Estate Taxes, Water and Sewer Rents, or other municipal claims. For purposes of this definition, a lot shall be considered vacant and unoccupied if no structure is built thereon and no lawful, productive activity has been conducted on the lot with the owner's authorization within the past twelve (12) months.

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit

BLIGHTING PROBLEM. A building that lacks windows with frames and glazing and/or lacks one or more doors in entryways of the building if:

1. the building is located on a block face where 80% or more buildings on the block face are occupied; or

2. the code official has provided 30 days notice to the owner of the property that the code official has determined, in consultation with other City officials as appropriate, that the lack of windows and/or entry doors has a significant adverse influence on the community based on the following factors:

a. deterioration and/or safety of the property;

b. safety of the surrounding community;

c. the value of intact, occupied properties in the surrounding vicinity of the property;

d. marketability of the property; and

e. community morale.

CODE OFFICIAL. ~~The official who is charged with administration or enforcement of this code~~
Commissioner of Licenses and Inspection, or any duly authorized representative.

CONDEMN. ~~To adjudge unfit for occupancy.~~

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner (s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EMERGENCY NUISANCE ABATEMENT AREA. Any ward or part of a ward of the City determined by City Council to contain such a great number of abandoned properties constituting unsafe structures or unfit dwellings as defined in Section PM-310 or unsafe lots as defined in Section PM-903, that traditional abatement methods have been unsuccessful and that resulting neighborhood blight and deterioration are so widespread and unchecked that an emergency exists.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

FAMILY. An individual or two or more persons related by blood, marriage, Life Partnership or adoption; or a group of three or less unrelated persons, living together as a single housekeeping unit.

FORECLOSED VACANT RESIDENTIAL PROPERTY or FVRP. A residential property that has been vacated in connection with a residential mortgage foreclosure, regardless of any subsequent conveyance of title or interest in the property. Such a residential property

shall no longer be considered an FVRP when a natural person takes lawful possession of such property for use as his or her residence.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GIFT PROPERTY PROGRAM. The program operated by the Vacant Property Review Committee under Chapter 16-400 of The Philadelphia Code.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

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 square feet.

MANAGING AGENT. A natural person over the age of eighteen years who either resides within the City or customarily and regularly attends a business office maintained within the City and who agrees to receive service of notices, orders, or summonses issued by the Department on behalf of the owner or corporate principal. An owner or corporate principal who meets the above qualifications may serve as a managing agent.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

Chapter 3 General Requirements

SECTION **PM**-301 GENERAL

PM-301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

PM-301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for

keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

PM-301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION **PM-302** EXTERIOR PROPERTY AREAS

PM-302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

PM-302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of ~~stagnant~~ **standing** water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

PM-302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

PM-302.4 Weeds. 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 **PM-106.3** 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.

PM-302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. 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 eliminate rodent harborage and prevent reinfestation.

PM-302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

PM-302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

PM-302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

PM-302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION **PM-303** SWIMMING POOLS, SPAS AND HOT TUBS

PM-303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

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.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION **PM-304** EXTERIOR STRUCTURE

PM-304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

PM-304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing building:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guard s and handrails, are not structurally sound, not properly anchored or that

are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

PM-304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] **PM-304.3** Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

PM-304.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

PM-304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

PM-304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

PM-304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in

good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

PM-304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

PM-304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

PM-304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

PM-304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM-304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

PM-304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

PM-304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

~~304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.~~

~~Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.~~

PM-304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section **PM-702.3**.

PM-304.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

PM-304.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

PM-304.18 Building security. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

PM-304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

PM-304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

PM-304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

PM-304.19 Additional Requirements for Doors, Windows and Other Openings. The owner of a structure, including a vacant structure, shall keep all doors, windows and openings from the roof or other areas in good repair, and shall ensure that such doors, windows and openings are securely locked, fastened or otherwise secured. Sealing such a property with boards or masonry or other materials that are not windows with frames and glazing or entry doors shall not constitute good repair or being locked, fastened or otherwise secured.

PM-304.19.1 Use of alternative materials. If securely fastened windows and doors fail or are inadequate to prevent trespassers from entering a building, the owner shall take any measures prescribed by the code official to prevent unauthorized entry to the premises by closing all openings with materials approved by the code official, such as closing and securing all accessible openings using a commercial-quality, 14 gauge, rust-proof steel security panel or door, or such other materials deemed by the code official to provide an equivalent level of protection considering the specific characteristics of a property and its location. Security panels and doors shall be secured from the building interior, allow emergency access such as by key, and have an exterior finish that allows for easy removal of graffiti. The owner of property who shall obtain approval from the code official to use

alternative materials. The code official shall promulgate regulations outlining the process by which an owner may obtain approval to use alternative materials.

PM-304.20. Special Requirements for Vacant Properties; Blighting Problems; FVRP/LVCIPs

PM-304.20.1. Vacant Properties. The owner of any vacant building shall keep the interior and exterior of the premises free of garbage and rubbish. The owner of any vacant building shall keep all doors, windows and openings from the roof or other areas in good repair, and shall ensure that the roof is intact and allows for proper stormwater drainage. Where such doors or windows or entrance to openings are readily accessible to trespassers, they shall be kept securely locked, fastened or otherwise secured. The owner shall take any other measures prescribed by the code official to prevent unauthorized entry to the premises by closing all openings with materials approved by the code official. A vacant building, which is not secured against entry shall be deemed unsafe within the meaning of Section PM-310.

PM-304.20.2. Blighting Problems. The owner of a building that is a blighting problem, as defined in Section PM-202, shall secure all spaces designed as windows with windows that have frames and glazing and all entryways with doors. Sealing such a property with boards or masonry or other materials that are not windows with frames and glazing or entry doors shall not constitute good repair or being locked, fastened or otherwise secured pursuant to this subsection.

PM-304.20.3. FVRPs and LVCIPs. Except as otherwise provided in this subsection, the building owner of a Foreclosed Vacant Residential Property or a Large Vacant Commercial or Industrial Property shall keep all doors, windows and openings from the roof or other areas in good repair. If securely fastened windows and doors fail or are inadequate to prevent trespassers from entering the building, the owner shall close and secure all accessible openings using a commercial-quality, 14 gauge, rust-proof steel security panel or door, or such other materials deemed by the code official to provide an equivalent level of protection considering the specific characteristics of a property and its location. Security panels and doors shall be secured from the building interior, allow emergency access such as by key, and have an exterior finish that allows for easy removal of graffiti.

PM-304.20.4. It shall be a separate offense, for which a separate fine may be imposed, for the owner to fail to secure each separate door, window, or other entrance or opening as required by this subsection PM-304.20.

PM-304.21. Large Vacant Commercial or Industrial Property ("LVCIP") and Foreclosed Vacant Residential Property ("FVRP"). The owner of an LVCIP or FVRP shall cause an inspection of such property to be performed within fifteen (15) days of acquiring the property, and at least once every two weeks thereafter. Such inspections shall determine whether the property is in compliance with the requirements of this code. Where an LVCIP or FVRP does not comply with the requirements of this code, its owner shall promptly cause appropriate remediation to be undertaken.

PM-304.21.1. Designation of Property Manager: Any owner of an LVCIP or FVRP who resides outside the City and does not customarily and regularly attend or maintain a business office in the City shall designate a property manager able to perform the inspections and any remediation required under subsection PM-304.21. This requirement shall not prohibit an owner who resides in the City or customarily and regularly attends or maintains a business office in the City from designating a property manager, nor shall it prohibit any owner from serving as the property manager for an LVCIP or FVRP owned by that owner.

PM-304.21.2. The owner of an LVCIP or FVRP shall immediately register such property with the code official on a form provided by the code official. A new owner of an LVCIP or FVRP shall register such property no later than five days following the transfer of title. The registration shall include the address of the LVCIP or FVRP, the name, address, and telephone number of the owner, the name, address, and twenty-four (24) hour contact telephone number of the property manager responsible for inspecting the property and performing any remediation under subsection PM-304.21 and such other information the code official deems appropriate. The owner of an LVCIP or FVRP shall, in the manner and time set forth in §9-3902(6)(c), inform the code official of any change in the foregoing required information. Registration of an LVCIP pursuant to this subsection shall be accompanied by certification that the property's fire protection systems are operating properly pursuant to F-915.1, or by documentation of exemption pursuant to F-311.

PM-304.21.3. Documentation of Inspections. The code official may require an owner or a property manager to provide documentation, satisfactory to the code official, of performance of the inspections and any remediation under subsection PM-304.21.

PM-304.21.4. Posting. The owner of an LVCIP or FVRP shall post the property with the owner's name and address, the name and address of the property manager responsible for inspecting the property and performing remediation under subsection PM-304.21, and the twenty-four (24) hour contact telephone number of the property manager. The posting shall be made using a weather-resistant sign no smaller than eighteen (18) inches by twenty-four (24) inches, and shall be in plain view, with print that may be easily read from the sidewalk or street immediately abutting the property.

PM-304.21.5. Violations. With respect to an LVCIP or FVRP, any of the following shall constitute a violation of subsection PM-304.21, and shall be in addition to any other violation of this Code:

1. Failure to correct any violation of this code cited in a notice of violation under A-502.1 within the time limitation set forth in such notice for performing such correction.

2. Failure to perform any inspection required by subsection PM-304.21.

PM-304.21.6. Notice. Where the code official determines that any vacant building is in violation of this subsection PM-304.21, 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 subsection PM-304.20. Such notice shall be in addition to a notice, if any, designating a property as a blighting problem.

PM-304.21.7. Service. Notices required by this subsection shall be served on the owner in accordance with the Philadelphia Administrative Code.

PM-304.21.8. Compliance. The owner of any vacant building which is in violation of this subsection shall, upon written notice, either eliminate the violation(s) or demolish the building. Where immediate compliance is not feasible, the owner shall notify the code official in writing within 10 days of the notice served by the code official 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.

PM-304.21.9. Penalties. If the owner does not comply with the notice or fails to correct the conditions specified in the code official's notice within the required period of time, the owner shall be subject to penalties set forth in the Philadelphia 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 subsection PM-304.21.6. As provided in A-601.4, 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.

PM-304.21.10. Abatement. If the owner does not comply with the order of the code official to correct the conditions prohibited by this subsection, the code official 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.

PM-304.21.11. A vacant structure deemed unsafe pursuant to this subsection for failure to secure it against entry shall be sealed with commercial-quality, 14 gauge, rust-proof steel security panels or doors, or such other materials deemed by the code official to provide an equivalent level of protection considering the specific characteristics of a property and its location, when any of the following criteria have been met:

1. The structure is an LVCIP or FVRP subject to the requirements of subsection PM-304.21;

2. A separate violation has been issued with respect to the structure for failure to secure it against entry; or

3. The code official determines that the structure is especially hazardous based on any of the following factors: there is evidence of unauthorized entry into the structure, based on complaints, police information or records, or physical evidence; the property is

located in an area with a high rate of crime connected to vacant buildings or lots, based on statistical crime numbers or consultation with the corresponding police district; the structure creates a significant fire hazard, due to its noncompliance with Fire Code requirements, condition, materials, size, or proximity to residential housing; and any additional factors identified by the code official. The code official may convene or utilize a task force to review relevant evidence and make recommendations to the code official. A notice, order, or other action made pursuant to this subsection may be appealed pursuant to A-803 by the property's owner, a neighboring resident, the representative of a neighborhood nonprofit or community group, or any other aggrieved person.

PM-304.21.12. A structure that qualifies as an LVCIP subject to the requirements of subsection PM-304.21 that is a significant fire hazard shall be deemed imminently dangerous. The code official shall promulgate such regulations, policies, or procedures as it may deem necessary to aid in the administration and enforcement of this subsection.

SECTION **PM**-305 INTERIOR STRUCTURE

PM-305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

PM-305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

PM-305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

PM-305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

PM-305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

PM-305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

PM-305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION **PM**-306 COMPONENT SERVICEABILITY

PM-306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

PM-306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

- 1.4. Inadequate soil as determined by a geotechnical investigation;
- 1.5. Where the allowable bearing capacity of the soil is in doubt; or
- 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

- 2.1. Deterioration;
- 2.2. Ultimate deformation;
- 2.3. Fractures;
- 2.4. Fissures;
- 2.5. Spalling;
- 2.6. Exposed reinforcement; or
- 2.7. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

- 3.1. Deterioration;
- 3.2. Corrosion;
- 3.3. Elastic deformation;
- 3.4. Ultimate deformation;
- 3.5. Stress or strain cracks;
- 3.6. Joint fatigue; or
- 3.7. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- 4.1. Deterioration;
- 4.2. Ultimate deformation;

- 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
- 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
- 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. Detached, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SECTION **PM**-307 HANDRAILS AND GUARDRAILS

PM-307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION **PM**-308 RUBBISH AND GARBAGE

PM-308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

PM-308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

PM-308.2.1 Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

PM-308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

PM-308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

PM-308.3.1 Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

PM-308.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION PM-309
PEST ELIMINATION

PM-309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM-309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

PM-309.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

PM-309.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

PM-309.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

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 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.

PM-310.3.1 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 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.

SECTION PM-311

IMMINENTLY DANGEROUS STRUCTURES

PM-311.1 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-311.2 Notice: If an imminently dangerous 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 imminent danger and specifying the required repair to render the structure safe, or requiring the imminently dangerous structure or portion thereof to be demolished 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-311.2.1 Immediate hazard: Where the code official determines that a condition exists which creates a hazard to life or property requiring immediate action, an immediate oral order shall have the full effect of the subsequent written order.

PM-311.3 Posting notice: Regardless of whether the person addressed with a notice of imminent danger receives service by one or more of the methods specified in the administrative code, a copy of the notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

PM-311.4 Disregard of notice: Where the order to eliminate an imminent danger is rejected or not obeyed, or when, in the opinion of the code official, immediate action is required to protect the public safety, the code official shall cause the necessary work to be done to demolish the structure or to render the structure temporarily safe. Nothing in this code shall be deemed to limit in any way the right, under any existing law or ordinance, of any department of the City to correct or remove any condition deemed to be an immediate hazard to the health or safety of the public. 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 device and the application of environmentally-safe treatments to control vegetative overgrowth by the demolition contractor or by the code official in order to secure the perimeter of the vacant lot, protect the health, safety and welfare of the community, prevent vegetative 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 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-311.5 Closing streets: When necessary for the public safety, the code official shall order the temporary closing of structures, sidewalks, streets, public ways and places adjacent to dangerous structures, and prohibit the same from being used.

PM-311.6 Costs of emergency repairs: Where the code official incurs costs of emergency repairs whether by itself or by contract, such costs shall be charged to the owner. The code official shall, with the approval of the Law Department, collect such costs from the owner by lien or otherwise.

PM-311.7 Removal of imminently dangerous classification: When the owner chooses to bring an imminently dangerous structure into compliance by other than demolition, the code official is authorized to require that an analysis and plan of compliance prepared by a structural engineer registered in the Commonwealth of Pennsylvania be submitted for review and approval.

PM-311.7.1 Work schedules: As part of the application process to secure a building permit to abate an imminently dangerous condition, the applicant shall provide a schedule to the code official. The code official shall have the authority to accept or reject the work schedule. The work schedule shall contain:

1. The date work will commence to abate the condition.
2. The name, address and phone number of the contractor who will abate the dangerous condition.
3. Incremental phases which include work to be performed and time estimates for completion within each phase.
4. The date all work for bringing the property into code compliance is to be completed.

PM-311.7.1.1 Failure to maintain work schedule: If the work does not conform to the approved work schedule, the permit shall be revoked.

SECTION PM-312

TEMPORARY CONSTRUCTION

PM-312.10.1 Approval: Temporary construction of scaffolding, sidewalk sheds, and similar devices erected in conjunction with any repair, maintenance or abatement activity shall be approved in accordance with the building code.

PM-312.10.2 Duration: Temporary construction as provided in Section PM-312.1 shall be in place for only such time as is necessary for the activity to be completed with due diligence and shall be removed within 30 days after completion of the activity served by the temporary construction.

SECTION PM-313

PRIVATE PARKING LOTS

PM-313.11.1 General: All owners and operators of private parking lots shall comply with the requirements of this Section PM-313, the Zoning Code, and the Philadelphia Building Code.

PM-313.11.2 Barriers: A permanent substantial barrier shall be maintained around the private parking lot area. Such barrier shall be constructed of metal or masonry and shall be:

1. a wall which is not less than 2 feet in height;
2. metal or masonry posts 4 to 6 inches in diameter placed not more than 5 feet apart nor less than 30 inches in height and connected by metal pipes, rods, fencing or chains; or
3. concrete curbing, at least six inches high by four inches wide, permanently located so that any parked vehicle does not encroach on a footway, adjacent property, or into an area where parking is not permitted.

PM-313.11.3 Surfacing: All areas of the private parking lot shall be surfaced in accordance with regulations issued by the Department of Streets to prevent the spread of dust, dirt or mud. These regulations shall require the use of permanent paving materials:

1. on private parking lots which are used to store or park commercial vehicles;
and
2. on private parking lots with a parking area of 2,500 square feet or more.

PM-313.11.4 Use of Streets: The owner of a private parking lot shall not:

1. use or permit the use of any part of any street or sidewalk for the parking or storing of motor vehicles in connection with the operation of a motor vehicle repair or sales businesses.

2. cause or permit the shoveling, plowing or otherwise moving of snow from the private parking lot onto any street or sidewalk.

SECTION PM-314 PIERS AND OTHER WATERFRONT STRUCTURES

PM-314.0 General. In order to confirm and maintain the structural integrity of their structures, the owners of piers, bulkheads, wharves, docks, moored vessels, and other structures that have structural elements partly or totally below water along the shorelines of the Delaware River, Schuylkill River, or estuaries shall inspect and submit a structural assessment report to the code official on a triennial basis with the first report due no later than January 1, 2003. Subsequent reports will be due January 1, 2006 and every three years thereafter. The structural assessment report shall be subject to the provisions of Sections PM-307.9.1 through PM-307.9.6.

Exceptions:

1. The reporting requirement shall not apply to pipelines, bridges, dams, utility towers, tram towers, and water and wastewater discharge and intake structures.

2. The reporting requirement shall not apply to vacant piers and other waterfront structures provided:

2.1. A barrier to human occupancy is maintained at all points of access from the on-shore side of the pier or other waterfront structure.

2.2. The owner files an "Affidavit of Vacant Pier" with the code official.

2.3. The owner maintains a vacant property license.

2.4. The pier or other waterfront structure is posted on all sides, in a visible and conspicuous manner, with "Danger-No Trespassing" signs.

PM-314.1 Minimum qualification of inspection personnel: The personnel involved in the inspection of piers and other waterfront structures shall possess the following qualifications:

1. Project engineer: A professional engineer registered in the Commonwealth of Pennsylvania shall be designated as the project engineer and shall prepare the structural assessment report. The project engineer shall have at least five years experience in the field

of marine structure construction and design techniques with specific verifiable knowledge of relieving platforms, high water structures, and cellular structure.

2. Team leader: All underwater inspections shall be led by and under the direction of a team leader who shall be a professional engineer registered in the Commonwealth of Pennsylvania. The team leader shall have at least three years experience in the field of marine structure construction and design techniques. The team leader shall also be a qualified diver or shall use a video monitor to assess and record the divers' inspections.

3. Divers: Underwater inspections shall be performed by divers who are graduates of a commercial diving school. Divers shall have completed at least 80 hours of instruction specifically related to structural inspections or shall have at least six months verifiable wharf builder experience in the Delaware bay, river, or estuary.

PM-314.2 Inspections: The inspections required by this Section shall be classified as follows:

1. Routine inspections: Routine inspections shall be performed and a structural assessment report prepared at least once every three years as set forth in Section PM-304.9. The inspections shall include:

1.1 Topside inspections: Topside inspection of the above-water portions of the pier or other waterfront structure.

1.2 Underwater inspections: Underwater inspection by personnel qualified to perform such inspections, of those portions of the pier or other waterfront structure that cannot be inspected above water.

2. Post-event inspection: A post-event inspection shall be performed, and a structural assessment report submitted, following a damage-causing event such as impact by vessel, major flood, ice flow, or similar event.

PM-314.3 Structural assessment rating system: A rating system conforming to the following criteria shall be used in the structural assessment report to describe the overall condition of the pier or other waterfront structure:

1. Very Good – No visible defects or deterioration observed. All structural elements are sound and performing their function. No repairs are required to accommodate the structure's current use and loading conditions.

2. Good – Localized minor defects or deterioration observed. All structural elements are sound and performing their function. No repairs are required to accommodate the structure's current use and loading conditions.

3. Fair – Moderate defects or deterioration observed. Primary structural elements are sound, however, repairs must be completed in order to accommodate the structure's current use and loading conditions.

4. Poor – Advanced defects or deterioration observed. Overstressing of structural elements observed. The structure or a portion thereof, must be posted with maximum permitted live load certificate(s) and the use restricted until repairs are completed.

5. Serious – Advanced defects or deterioration observed. Overstressing or breakage of structural elements that significantly affects the load bearing capacity of primary structural elements. Localized failure is possible and portions of the structure must be barricaded from occupancy and posted until repairs are completed.

6. Critical – Very advanced defects or deterioration observed. Overstressing or breakage of structural elements has resulted in failure(s) of primary structural components. Widespread failure is possible. All occupancy must cease immediately and the structure barricaded and posted. The pier or other waterfront structure must remain closed until repairs are completed.

PM-314.4 Structural assessment report: Structural assessment reports shall be sealed by the project engineer. Each report shall consist of the following Sections:

1. Introduction – The introduction to the report shall include:

1.1 Description of the facility including use (function) and loading conditions.

1.2 Scope of work including any limitations affecting inspections dictated by the owner or site conditions.

1.3 Description of the inspection including equipment, test methods date, time, weather, stage of tide, and the names and qualifications of the survey party.

2. Existing conditions – The existing conditions section of the report shall include the following. Data and results shall be documented by drawings/sketches and pictures and shall be reported in a factual manner without comment or analysis.

2.1 Results of topside and underwater inspections.

2.2 Special testing accomplished in the field.

2.3 Results of laboratory testing.

3. Evaluation – Evaluate the structure based upon the existing conditions, current use (function), and loading conditions. The overall structural assessment rating shall be included in this Section.

4. Recommendations – The report shall contain:

4.1 Recommendations for repairs or replacement including timeframe for completion.

4.2 Restrictions of use, and required posting(s) of live load certificate(s).

PM-314.5 Posting, repairs and restricted occupancy: Based upon the recommendations of the Project Engineer, as detailed in the structural assessment report, the following shall occur:

1. Required Repairs (Fair Rating) – Repairs identified by the Project Engineer as necessary to accommodate the structure's current use shall be completed within nine months of the report date.

2. Post Maximum Permitted Live Load Certification (Poor Rating) – Live load certification signs, approved by the code official, shall be conspicuously posted.

3. Barriers (Serious Rating) – Install barriers and post approved signage to prevent access to specific areas identified by the Project Engineer.

4. Restrict Occupancy (Critical Rating) – Immediately cease operation of any pier or other waterfront structure determined by the Project Engineer to be in critical condition. Post "Danger – No Trespassing" signs on all sides including the on-shore and out-shore sides. Install a barrier to prevent access to the pier or other waterfront structure from all points of access from the on-shore side.

5. Rating Upgrade – Once repairs have been completed to a pier or other waterfront structure, the Project Engineer may submit an addendum to the structural assessment report to upgrade the load limitations, use, and structural assessment rating.

PM-314.6 Submission Schedule: Notification of poor, serious or critical conditions and submission of reports shall be in accordance with the following schedule:

1. Should a condition warrant a poor, serious or critical designation, the Project Engineer shall notify the owner, current occupant, and the code official immediately. The immediate notice may be oral, but shall in all cases be submitted in writing via certified letter within 24 hours of discovery to the owner, current occupant and the code official.

2. Structural assessment reports shall be submitted to the code official within sixty days of physical inspection.

SECTION PM-315
PERIODIC INSPECTION OF EXTERIOR WALLS AND APPURTENANCES OF
BUILDINGS

PM-315.1 Definitions. The following definitions shall apply to this Section PM-315:

1. Affected Buildings. All buildings six or more stories in height; all buildings with any appurtenance in excess of 60 feet in height; and any building located in the following areas, other than one- or two-family dwellings, greater than two stories.

2. Professional. A Commonwealth of Pennsylvania licensed Professional Engineer experienced in the practice of structural engineering or a licensed Registered Architect knowledgeable in the design, construction, and inspection of building facades.

3. Safe. A condition of a building wall or any appurtenance thereto that is neither an Unsafe condition nor Safe with a Repair and Maintenance Program.

4. Safe with a Repair and Maintenance Program. A condition of a building's exterior wall or any appurtenance thereto or any part thereof that the Professional does not consider Unsafe at the time of inspection, but requires repairs or maintenance within a time period designated by the Professional in order to prevent its deterioration into an Unsafe condition.

5. Unsafe condition. A condition of a building's exterior wall or any appurtenance thereto or part thereof that is dangerous to persons or property and requires prompt remedial action.

PM-315.2 Inspections Required.

1. The owner of each Affected Building shall be responsible for retaining a Professional to conduct periodic inspections of exterior walls and any appurtenances thereto, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building, and to prepare and file a report on such inspection as required by this Section.

2. For Affected Buildings, the first inspection required by this Section shall be conducted as shown in the following schedule:

<u>Construction Date</u>	<u>Report to be completed no later than:</u>
<u>Prior to and including 1950</u>	<u>June 30, 2011</u>
<u>1951 - 1970</u>	<u>June 30, 2012</u>
<u>1971 - 1980</u>	<u>June 30, 2013</u>
<u>1981 -1990</u>	<u>June 30, 2014</u>
<u>1991 - 2005</u>	<u>June 30, 2015</u>

If the date of construction cannot be determined by the owner, the first inspection must be performed by June 30, 2011. For all other buildings, the first inspection shall be conducted, and required report shall be filed, within ten years after the certificate of occupancy was issued.

3. Following the Initial Inspection, an Affected Building shall be re-inspected, and the required report shall be filed, on a five-year cycle based on the original schedule.

4. If all facades of an Affected Building have been substantially restored during the five years immediately preceding the date of any required inspection, the owner may apply to the code official for a waiver of the required inspection. The owner shall submit with such application such information as the code official determines is necessary to enable it to evaluate the request. The code official shall grant the waiver if it determines that the recent facade restoration obviates the need for an inspection until the next inspection cycle.

PM-315.3 Inspection Procedures.

1. Before inspecting an Affected Building, the retained Professional shall review previous reports, inspections, and evidence of repairs made in the past 5 year period, including confirmation that all areas previously determined to require remediation in less than 5 years (as noted in any previous report) have been addressed.

2. The inspection shall be conducted by or under the supervision of the Professional, and performed to the best of his/her knowledge and belief. The Professional shall determine the extent of the inspection required, based upon the known history of the building, the nature of the materials used, and the conditions observed. The Professional shall determine methods employed in the inspection, but need not be physically present at the location where the inspection is made.

3. The methods used to inspect a building shall permit a physical, hands-on inspection of the building. The Professional may use other methods of inspection as deemed appropriate, except that a physical inspection from a scaffold or other observation platform is required for a representative sample of the exterior wall. The Professional shall determine what constitutes a representative sample.

4. The Professional shall employ the appropriate professional standard of care to detect distressed conditions such as delaminating, separating, splitting or fracturing of material or components as well as movement or displacement indicative of unsound facade materials or loss of structural support. If a distressed condition is identified, the Professional shall order any other inspections and/or tests that may be required to determine the significance and probable cause of the observed distress.

5. During the course of the inspection, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either Unsafe or Safe with a Repair and Maintenance Program.

6. Upon discovery of any Unsafe condition the Professional shall immediately notify the owner of the building by electronic mail or by fax; and shall, within 12 hours of discovery, notify the code official in writing and in an electronic format determined by the code official.

PM-315.4 Report Requirements.

1. The Professional shall submit to the owner of the building a written report as to the result of each inspection, certifying that the inspection was performed and completed in accordance with this Code, and detailing all conditions not classified as Safe. The Professional shall also submit a summary of the written report to the code official in a form determined by the code official. The code official may by regulation impose a processing fee, not to exceed one hundred dollars (\$100), that must be paid upon submission of the summary of the written report. If the report identifies an Unsafe condition, then the Professional, within 24 hours of completion of the report, shall file the full report with the code official in writing and in an electronic format determined by the code official. The owner or its agent shall retain all written reports submitted pursuant to this Section and keep them readily available for inspection by the code official.

2. The report shall include, on the front page, the name and license number of the Professional and shall be signed, sealed and dated by the Professional in accordance with the professional registration laws of the Commonwealth of Pennsylvania, and shall include:

2.1 The address and the location from the nearest intersection.

2.2 The name, mailing address, and telephone number of the owner of the building and of the owner's agent or person in charge, possession or control of the building, if any.

2.3 A description of the building, including number of stories, height, plan dimensions, usage, age and type of exterior wall construction, and system of water management.

2.4 A brief history of any settlements, repairs, revisions to exterior enclosures, if available.

2.5 The date of the start and completion of the inspection, a detailed description of the procedures used in making the inspection, and the extent and location of all physical inspections performed.

2.6 A report of all conditions including but not limited to significant deterioration and movement observed as well as a statement concerning the apparent water-tightness of the exterior surfaces, and the deleterious effect of exterior appurtenances, including exterior fixtures, flagpoles, signs, parapets, copings, guard rails,

window frames (including hardware and lights), window guards, window air conditioners, flower boxes, and similar items. The report shall classify each such condition as Safe, Unsafe, or Safe with a Repair and Maintenance Program.

2.7 The probable causes of the reported conditions.

2.8 The status of the exterior maintenance.

2.9 For any conditions listed in the previously filed report (if any), whether such conditions have been repaired and/or maintained as recommended in that report.

2.10 Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for the repairs or maintenance to be performed.

2.11 The classification of the building according to the following scheme:

a. "Unsafe," if there is at least one unsafe condition.

b. "Safe with a Repair and Maintenance Program," if there is a condition that is "Safe with Repair and Maintenance Program" and there are no Unsafe conditions.

c. "Safe", in all cases other than a or b.

2.12 Photographs and/or sketches documenting the locations of any conditions that are either Unsafe or Safe with a Repair and Maintenance Program.

2.13 A statement by the Professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.

2.14 A statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging all required repairs and/or maintenance (if any) and the recommended time frame for performing such repairs and/or maintenance.

2.15 The Professional's certification that the physical inspection was performed in accordance with applicable rules and regulations and within the appropriate professional standard of care.

2.16 The Professional's seal and signature.

2.17 Such other matters as the code official may by regulation require.

3. The Professional may submit an amended report within thirty (30) days of the initial submission. The amended report shall clearly indicate any change from the initial report and all reasons for such changes.

PM-315.5 Unsafe Conditions.

1. Within twenty-four (24) hours of being notified of an Unsafe condition by a Professional, the owner of a building shall take any actions necessary to protect public safety, such as erecting sidewalk sheds, fences, and/or safety netting. Such actions shall be considered as an effort to remedy an emergency situation and appropriate permit applications shall be submitted within the next three (3) days to the code official.

2. Within ten (10) days of the receipt or filing of a report identifying an Unsafe condition, the owner of a building shall commence work to correct the condition and work shall continue without interruption until the Unsafe condition has been corrected, unless there has been an unforeseen delay (e.g. weather, labor strike). Within two weeks after the Unsafe condition has been corrected, the Professional shall reinspect the building and file with the code official a detailed amended report stating the condition of the building.

PM-315.6 Conditions That Are Safe with a Repair and Maintenance Program.

1. The owner of the building is responsible for ensuring that the conditions described in the report as "Safe with a Repair and Maintenance Program" are repaired and the actions identified by the Professional are completed within the time frame designated by the Professional or by such time necessary to prevent a condition from becoming an Unsafe condition, whichever is sooner

PM-315.7. Extensions.

1. The code official may grant an extension of time of up to ninety (90) days to begin the repairs required to remove an Unsafe condition or to repair a Safe with Repair and Maintenance Program condition, after receipt and review of an initial extension application submitted by the Professional which includes:

1.1. Proof that the premises have been made safe by means of a shed, fence, or other appropriate measures.

1.2. A copy of the contract indicating the scope of work necessary to remedy the Unsafe condition(s).

1.3. The Professional's estimate of the length of time required for repairs, and a notarized affidavit by the owner of the building or its agent that work will be completed within such time.

2. A further extension of time will be considered by the code official only upon receipt and review of a further extension application which details that one of the following is met:

2.1. The work has been substantially completed, but there has been an unforeseen delay (e.g. weather, labor strike).

2.2. Unforeseen circumstances (e.g., fire, building collapse).

2.3. The nature of hazard requires more than 90 days to remove (e.g., new wall to be built).

PM-315.8 Appeals. The owner of the building may appeal the findings set forth in the Professional's initial report or amended report to the Board of Building Standards. Such appeal must be filed within thirty (30) days of the receipt or filing of the report, and must include a second Professional's report. The filing and pendency of such an appeal shall stay the requirement for making repairs as set forth in Section PM-315.5.2, but not the requirement for taking actions necessary to protect public safety as set forth in Section PM-305.5.1.

1. Upon consideration of any such appeal, the Board shall issue a recommendation to the code official either to grant the appeal; deny the appeal; or grant the appeal with such proposed modifications to the Professional's findings as the Board deems consistent with the intent of this Section. The code official thereafter shall make the final determination on the appeal.

2. The owner of the building may appeal the determination of the code official to the Board of License and Inspection Review, pursuant to the procedures set forth in Section A-803.2 of The Administrative Code.

Chapter 4
Light, Ventilation And Occupancy Limitations

SECTION **PM-401**
GENERAL

PM-401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

PM-401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner -occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

PM-401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

SECTION **PM-402** LIGHT

PM-402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

PM-402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

PM-402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION **PM-403** VENTILATION

PM-403.1 Habitable spaces. Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section **PM-402.1**.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

PM-403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section **PM-403.1**, except that a

window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

PM-403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

PM-403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

PM-403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION **PM**-404 OCCUPANCY LIMITATIONS

PM-404.1 Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

PM-404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

PM-404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

PM-404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Sections **PM-404.4.1** through **PM-404.4.5**.

PM-404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

PM-404.4.1 Minimum dimensions: A habitable room, other than a kitchen, shall not be less than seven feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and walls

PM-404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

PM-404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

PM-404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

PM-404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

PM-404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

PM-404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

PM-404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Chapter 5 Plumbing Facilities and Fixture Requirements

SECTION **PM-501** GENERAL

PM-501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

PM-501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

[P] SECTION **PM-502** REQUIRED FACILITIES

PM-502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

PM-502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

PM-502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

PM-502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

PM-502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

PM-502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the International Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

[P] SECTION **PM-503**
TOILET ROOMS

PM-503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

PM-503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway

PM-503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

PM-503.4 Floor surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION **PM-504**

PLUMBING SYSTEMS AND FIXTURES

PM-504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

PM-504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

PM-504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION **PM-505** WATER SYSTEM

PM-505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

[P] **PM-505.2** Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

PM-505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

PM-505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION **PM-506** SANITARY DRAINAGE SYSTEM

PM-506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

PM-506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.

[P] SECTION **PM-507** STORM DRAINAGE

PM-507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Chapter 6 Mechanical And Electrical Requirements

SECTION **PM-601** GENERAL

PM-601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

PM-601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION **PM-602** HEATING FACILITIES

PM-602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

PM-602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms ~~based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code.~~ Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

~~Exception: In areas where the average monthly temperature is above 30°F (1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

PM-602.3 Heat supply. ~~Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.~~ **Heat shall be supplied continuously at the temperature and in the rooms specified in Section PM-602.2 from October 1 to April 30 inclusive, and in addition thereto during the months of May or September when the outside temperature falls below 60 degrees F (15 degrees C) by every owner or operator of every two-family dwelling, multiple-family dwelling and rooming house except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.**

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) .

~~602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.~~

~~Exceptions:~~

~~1. Processing, storage and operation areas that require cooling or special temperature conditions.~~

~~2. Areas in which persons are primarily engaged in vigorous physical activities.~~

PM-602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION **PM**-603 MECHANICAL EQUIPMENT

PM-603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

PM-603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

PM-603.3 Clearances. All required clearances to combustible materials shall be maintained.

PM-603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

PM-603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION **PM-604** ELECTRICAL FACILITIES

PM-604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section **PM-605**.

PM-604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

PM-604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

PM-604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

PM-604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

PM-604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

PM-604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION **PM-605** ELECTRICAL EQUIPMENT

PM-605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

PM-605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

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.

SECTION **PM-606** ~~ELEVATORS, ESCALATORS AND DUMBWAITERS~~

PM-606.1 **[Reserved]** ~~General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.~~

PM-606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION **PM-607** DUCT SYSTEMS

PM-607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Chapter 7
Fire Safety Requirements

SECTION **PM**-701
GENERAL

PM-701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

PM-701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner -occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

[F] SECTION **PM**-702
MEANS OF EGRESS

PM-702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

PM-702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

PM-702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

PM-702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION **PM**-703
FIRE-RESISTANCE RATINGS

PM-703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

PM-703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION **PM-704**
FIRE PROTECTION SYSTEMS

PM-704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

PM-704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25 **and the Philadelphia Fire Code.**

PM-704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

PM-704.3 Power source **for Smoke Alarms.** ~~In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.~~

~~Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.~~

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery powered with 10-year non-removable (sealed) batteries in existing one- and two-family dwellings built prior to January 1, 1988, where no construction is taking place.

2. Smoke alarms are permitted to be solely battery powered with 10-year non-removable (sealed) batteries in one- and two-family dwellings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery powered with 10-year non-removal (sealed) batteries in existing one- and two-family dwellings built prior to January 1, 1988, undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

PM-704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.

2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

Section PM-705
CARBON MONOXIDE ALARMS

PM-705.1. Where the use is classified as a Group R-3 or R-4 occupancy, carbon monoxide alarms shall be installed and maintained in accordance with the Philadelphia Fire Code.

Chapter 8
Special Controls In Designated Areas

SECTION PM-801
LEGISLATIVE PURPOSE

PM-801.1 Revitalization areas: The purpose of this Chapter is to promote the public welfare by encouraging the revitalization of deteriorating neighborhood commercial revitalization areas and to provide that a reasonable degree of control may be exercised over the design, construction, alteration and repair of the front faces of commercial buildings in designated neighborhood commercial revitalization areas in order to prevent further deterioration and blight in such areas and to protect surrounding neighborhoods from the adverse effects of deterioration and blight.

PM-801.2 Center City: It is further the purpose of this Chapter to promote the public welfare in the Center City Extended Commercial Area by ensuring the continued suitability of the area as the City's primary business district, by encouraging the growth of the hotel and tourism industry therein, and by prohibiting the type of building disrepair that leads to property value depreciation, through the use of the reasonable controls specified herein. Additionally, this Chapter is intended to promote health and safety in the area by eliminating dangerous conditions on properties, including structural weaknesses on appurtenances, exposed electrical elements, broken glass, and solid security shutters which act to block visibility of police and fire personnel.

PM-801.3 It is further the purpose of this Chapter to promote the public welfare in other specified neighborhood commercial areas by ensuring the continued visibility of businesses in these areas and to provide that a reasonable degree of control may be exercised over the design, construction, alteration and repair of the front faces of commercial buildings in these designated neighborhoods in order to prevent deterioration and blight. Additionally, this Chapter is intended to promote health and safety in these specified neighborhood commercial areas by eliminating dangerous conditions on properties including, but not limited to, solid security shutters which act to block the visibility of police and fire personnel and which attract graffiti and vandalism.

SECTION PM-802
DEFINITIONS

PM-802.1 Applicability: In this Chapter, the following definitions shall apply:

FRONT FACE: The side of any building abutting on a street which has been designated a neighborhood commercial revitalization area.

RIGID: Free of any warping or distortion. Rigid materials shall not include tin.

SECTION PM-803
DESIGNATED AREAS

PM-803.1 Area descriptions: The designated areas shall consist of those areas described in Sections PM-803.1.1 through PM-803.1.3.

PM-803.1.1 Center City: The Center City Extended Commercial Area shall consist of the area bounded by Front street, Vine street, the west side of Eighteenth street, and the south side of Pine street.

PM-803.1.2 Historic area: The Main Street Manayunk National Historic District shall consist of the following area: Beginning at a point on the northerly side of Main street, approximately three hundred seventy feet east of Shurs lane, at the eastern boundary of Littlewoods Dyers & Bleachers (4025 Main street); thence extending northwardly approximately one hundred eighty feet along said boundary to a point of the southerly boundary of the Reading Railroad right-of-way, south of Cresson street; thence extending westwardly approximately one thousand eight hundred feet along the southerly boundary of the Reading Railroad right-of-way, to the easterly side of Roxborough avenue; thence extending westwardly approximately eight hundred fifty feet along the southerly side of Cresson street to the easterly side of Levering; thence extending north to the northerly side of Cresson street (sixty feet wide); thence extending westwardly approximately two hundred sixty feet along the northerly side of Cresson street to the easterly boundary of the waiting room and public facilities building of the Manayunk passenger station of the Reading Railroad; thence extending northwardly along the eastern boundary of said facility approximately thirty feet; thence extending westwardly along the northerly boundary of said facility approximately one hundred feet, to a point of the easterly side of Carson street; thence extending southwardly one hundred feet along the easterly side of Carson street, to a point on the southerly side of Cresson street; thence extending westwardly four hundred feet along the southerly side of Cresson street to the westerly side of Green lane; thence continuing westwardly along the southerly boundary of the Reading Railroad right-of-way one hundred fifty feet to a point; thence extending southwardly crossing the Pennsylvania Railroad right-of-way, following the easterly boundary of the Manayunk substation property, one hundred fifty feet to a point on the northerly side of Main street; thence extending westwardly along the northerly side of Main street one thousand one hundred feet to the westerly side of Leverington avenue; thence continuing westwardly along the southern boundary of the Reading Railroad right-of-way approximately five thousand seven hundred feet to a point adjacent to Flat Rock Dam; thence extending southwardly, crossing the canal channel and continuing along the westerly side of the dam structure to the southern bank of the Schuylkill River; thence returning along the easterly side of the dam structure to the westerly tip of Venice Island; thence extending eastwardly along the southern shore of Venice Island nine thousand eight hundred fifty feet to the easterly tip of Venice Island at the lower lock; thence crossing the lower lock channel and continuing eastwardly approximately seven hundred feet along the north bank of the Schuylkill River to the easterly property line of 4026 Main street, thence extending northwardly along said property line approximately one hundred feet to the southerly side of Main street; thence crossing Main street (sixty feet wide), to a point on the northerly side of Main street; at the eastern boundary of Littlewoods Dyers & Bleachers, the first mentioned point and place of beginning.

PM-803.1.3 Specified neighborhood commercial areas: Those areas designated in Section PM-804.3.2.

SECTION PM-804
BUILDING STANDARDS APPLICABLE TO DESIGNATED AREAS

PM-804.1 Front faces: Within designated areas, the front faces of buildings or structures used for commercial purposes shall conform with the following requirements.

PM-804.1.1 Architectural elements: All exposed architectural elements or appurtenances thereto, including facades and business signs, shall be maintained in good structural and decorative repair. All such elements or appurtenances exhibiting substantial conditions of deterioration including rusted finishes, peeling paint, accumulated grime, graffiti, bent, broken or distorted surfaces shall be considered in violation of the provisions of this subsection. For the purpose of this subsection "substantial conditions" shall be considered 20% or more of the surface area; except that within the Center City Extended Commercial Area, any publicly visible graffiti shall be considered "substantial conditions" of deterioration.

PM-804.1.2 Other elements: All other unused and exposed elements, including wires, brackets and conduits, shall be removed.

PM-804.1.3 Glazing: Except as provided in subsection PM804.1.5, broken window glass shall be replaced.

PM-804.1.4 Security devices: All security devices designed to limit or block access to the front face of the buildings or structures used for commercial purposes shall allow for substantial visibility of the front face at all times. Solid shutters shall not be permitted. However, notwithstanding the above, any security device lawfully in existence prior to January 20, 1982 or, in regard to the Center City Extended Commercial Area, lawfully in existence on January 1, 1993, and not in conformance with the provisions of this subsection, shall not be repaired or altered in any substantial manner except to comply with the design specifications of this subsection.

PM-804.1.4.1 Finish: Within the Center City Extended Commercial Area, such non-conforming security devices shall be painted in a single solid color and maintained graffiti free at all times.

PM-804.1.4.2 Advertising: Advertising shall be prohibited from being placed on shutters.

PM-804.1.5 Window openings: Blocking of window openings located on any story above the ground floor shall be permitted. Blocking of window openings shall conform to all requirements of the building code. The blocking of any such openings shall be performed in a neat and workmanlike manner, and only rigid permanent materials shall be permitted.

PM-804.2 Historic area standards: Standards within the designated historic area shall be as set forth in Sections PM-804.2.1 through PM-804.2.7 in addition to the requirements of Sections PM-804.1 through PM-804.1.4.2.

PM-804.2.1 Permit: No building or portion of the exterior thereof within the historic district shall hereafter be constructed, altered, repaired, demolished, or partially demolished unless a permit has first been obtained from the code official.

PM-804.2.2 Approval: All applications for such permits shall be forwarded by the code official to the Historical Commission for review and approval, before issuance of the permit. No permit shall be issued unless the proposed work has been approved by the Historical Commission staff as preserving the historical character of the district.

PM-804.2.3 Repair: Original architectural features such as cornices and bays shall not be removed. Deteriorated features shall be repaired where possible. Replacement material where necessary shall duplicate the original as closely as possible.

PM-804.2.4 Facings: Refacing of facades, bays, cornices with inappropriate materials such as aluminum siding, or brick veneer shall be prohibited. Existing inappropriate facade facings shall be removed at the termination of the useful life of the facing. Any inappropriate facing material lawfully in existence shall not be repaired or altered in any substantial manner.

PM-804.2.5 Elements: Original window and door openings, sills, lintels, and sashes shall be retained and repaired whenever possible. Replacement elements shall match the original appearance in proportion, form, and materials as closely as possible.

PM-804.2.6 Storefronts: Original existing storefronts contributing to the character of the district shall be retained and repaired. New storefronts shall be compatible with the proportion, form and materials of the original building.

PM-804.2.7 Design: Additions, alterations, and new construction shall be designed so as to be compatible in scale, building materials, and texture, with contributing buildings in the historic district.

PM-804.3 Neighborhood commercial areas: Standards within the specified neighborhood commercial areas shall be as set forth in Sections PM-804.3.1 through PM-804.3.1.3.

PM-804.3.1 Security devices: In the neighborhood commercial areas specified in Section PM-804.3.2, the following requirements for security devices shall apply.

PM-804.3.1.1 Permitted design: All security devices designed to limit or block access to the front face of the buildings or structures used for commercial purposes shall be of open link design and shall allow for substantial visibility of the front face at all times.

PM-804.3.1.2 Prohibited design. Solid shutters, solid roll-down security grates or similar devices shall not be permitted.

PM-804.3.1.3 Compliance. Any security device lawfully in existence on the effective date of this Section and not in conformance with the provisions of this Section shall not be altered or repaired in any substantial manner unless the alterations or repairs comply with the design specifications of this Section. Such previously existing security devices which are solid shutters shall be painted in a single solid color, shall be maintained graffiti free at all times, and shall not be used for advertising. For purposes of this subsection, "the effective date of this Section" shall mean the effective date of any ordinance adding a specified neighborhood commercial area to this Section.

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

1. Both sides of Haverford avenue between City avenue and Brookhaven road.
2. All commercial corridors and neighborhood commercial properties throughout the Ninth Councilmanic District.
3. The East Passyunk Avenue Business Improvement District as delineated in Bill No. 020431 (approved December 17, 2002).
4. All commercial corridors and neighborhood commercial properties throughout the First Councilmanic District not already covered by Section PM-804.3.2(3), relating to the East Passyunk Avenue Business Improvement District.

Chapter 9 Additional Special Requirements

SECTION PM-901 EMERGENCY NUISANCE ABATEMENT AREAS ENUMERATED

PM-901.1 The following areas have been determined by City Council to constitute the Emergency Nuisance Abatement Areas to which this Chapter applies:

1. Third Ward.
2. Sixth Ward.
3. Eleventh Ward.
4. Twelfth Ward.
5. Thirteenth Ward.
6. Fourteenth Ward.
7. Sixteenth Ward.
8. Eighteenth Ward.
9. Nineteenth Ward.
10. Twentieth Ward.
11. Twenty-second Ward.

12. Twenty-fourth Ward.
13. Twenty-seventh Ward.
14. Twenty-eighth Ward.
15. Twenty-ninth Ward.
16. Thirty-second Ward.
17. Thirty-sixth Ward. 304
18. Thirty-seventh Ward.
19. Forty-third Ward.
20. Forty fourth Ward.
21. Forty-sixth Ward.
22. Forty-seventh Ward.
23. Forty-ninth Ward.
24. Fifty-first Ward.
25. Fifty-ninth Ward.
26. Sixtieth Ward.
27. First Ward.
28. Second Ward
29. Thirty-ninth A Ward.
30. Thirty-ninth B Ward.
31. Fifth Ward.
32. Twenty-fifth Ward.
33. Thirty-first Ward.
34. Forty-fifth Ward.

901.2 Additional Emergency Nuisance Abatement Areas. In addition to the foregoing wards, with respect to vacant lots only, the following areas shall also constitute Emergency Nuisance Abatement Areas:

1. Ninth Ward.
2. Seventeenth Ward.
3. The Seventeenth, Eighteenth, Twentieth and Twenty-fourth Divisions of the Thirty-third Ward.
4. Seventh Ward.
5. Third, Eighth, Ninth and Thirteenth through Seventeenth Divisions of the Eighteenth Ward.
6. Twenty-third Ward.
7. First through Seventeenth, Nineteenth, and Twenty-first through Twenty-third Divisions of the Thirty-third Ward.
8. Fourteenth through Seventeenth, Twenty-second through Twenty-fourth and the Twenty-sixth Divisions of the Thirty-fifth Ward.
9. Second through Fourth, Sixth and the Seventh Divisions of the Forty-second Ward.
10. Thirtieth Ward.
11. Fortieth A Ward.
12. Fortieth B Ward.
13. Forty-eighth Ward.

- 14. Fourth Ward.
- 15. Twenty-first Ward.
- 16. Thirty-fourth Ward.
- 17. Thirty-eighth Ward.
- 18. Fifty-second Ward.
- 19. Forty-first Ward.
- 20. Fifty-fourth Ward.
- 21. Fifty-fifth Ward.
- 22. Sixty-second Ward.
- 23. Sixty-fourth Ward.
- 24. Fourth through Ninth, Twentieth, Twenty-third and Twenty-sixth Divisions of Fifty-seventh Ward.
- 25. First through Ninth, and Eleventh through Twenty-third Divisions of the Sixty-fifth Ward

SECTION PM-902 ABATEMENT AGREEMENT

PM-902.1. The code official, after consultation with the Vacant Property Review Committee, is authorized to enter into Abatement Agreements with bona fide residents of the City in accordance with this Chapter.

PM-902.2. Correct Conditions. An Abatement Agreement shall be a contract to correct the conditions resulting in an unsafe or unfit designation, any costs of which shall be charged, as the work is completed, to the owner of the abandoned property and collected by lien, in accordance with subsection PM-902.4.

PM-902.3. Occupancy. The contracting individual and members of his or her household shall enter and occupy an abandoned property dwelling meeting the requirements of Section 903, or, in the case of a vacant lot, the contracting individual or entity and his or her agents shall take such steps as may be necessary, all for the purpose of abating the unsafe or unfit conditions resulting from the vacancy of and the condition of the premises in accordance with the terms of an abatement plan entered into by the City and the contracting individual pursuant to Section PM-904. The terms of the abatement plan shall be incorporated into the Abatement Agreement.

PM-902.4. Consideration: Consideration for the services of the contracting individual in abating the unsafe or unfit conditions shall be solely limited to the City's promise to bring the property to Sheriff's Sale at the earliest practicable date; to bid at the Sheriff's Sale at the amount of all outstanding municipal liens and claims, including any liens resulting from the costs attributable to completed portions of the abatement plan; and to either:

1. Authorize the Commissioner of Public Property to make the property available for disposition through the Gift Property Program, for the purposes of which disposition the contracting individual shall be considered the first applicant; or

2. Compensate the contracting individual in the amount of any liens satisfied at Sheriff's Sale which are attributable to the Abatement Agreement if the City is an unsuccessful bidder, or if the owner of the abandoned property exercises his or her right to redeem it within statutory time limits.

PM-902.5. Breach. Any wilful, material breach of an abatement plan and/or Abatement Agreement by a contracting individual shall render the Abatement Agreement void without further action on the part of the City.

PM-902.6. Procedure. Nothing in this Chapter shall be construed to relieve the code official from any bidding procedures required by law.

PM-902.7. Indemnity. The contracting individual shall agree to indemnify and hold the City harmless from any damages, costs or other liabilities for any injuries to his or her person or property or to the person or property of any member of his or her household, or of their licensees or invitees, arising from any defective condition or work performed on the premises, or arising from any other causes whatsoever related to the occupancy or performance under the Abatement Agreement.

PM-902.8. Limited authority: The Abatement Agreement shall confer no power on the contracting individual, his or her heirs or assigns, to obligate the City to any third parties in any manner whatsoever.

SECTION PM-903 CRITERIA

PM-903.1 Criteria. In order for a property to be included in the Emergent Nuisance Abatement Program, the following criteria shall be met:

1. The Property must be located in an Emergency Nuisance Abatement Area;

2. The code official has determined pursuant to Section PM-310, that the property constituted an unsafe structure or unfit dwelling; or, in the case of a vacant lot, the code official has determined that a vacant lot is unsafe. For purposes of this Chapter, a lot is unsafe if it presents a hazard to the community because of existing violations of this code.

3. The owner of the property has failed to comply, after proper notice, with any abatement order issued by the code official pursuant to Section PM-310 or subsections PM-304.20 or PM-304.21; or, with respect to a vacant lot, the code official has issued a notice to the owner of the lot stating that the code official has determined the lot to be unsafe, order the owner to abate the unsafe condition, and notifying the owner that the property is subject to the provisions of this Chapter, and the owner has failed to comply with such order.

4. The property is an abandoned property; and

5. The property shall be determined by the Gift Property Program, or its successor, to be structurally sound (in the case of a dwelling) and susceptible to rehabilitation.

SECTION PM-904
ABATEMENT PLAN

PM-904.1. Abatement plan. before entering into any Abatement Agreement with an applicant, the Gift Property Program, or its successor, shall agree with the applicant of an abatement plan to include: the nature and extent of repairs necessary to abate each condition on the subject premises causing the unsafe or unfit designation; the reasonable monetary value of the labor of the applicant and his or her agents and of the materials and services which will be required to cure each such condition; and a reasonable timetable for completing the abatement plan.

SECTION PM-905
REGULATIONS

PM-905.1. Regulation. The Department of Public Property, the Office of Housing and Community Development or its successor, and the code official are authorized to promulgate regulations to govern their respective responsibilities pursuant to this Chapter.

CHAPTER 8 10
REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section **PM-102.7**.

ASME	American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990	
Standard reference number	Title	Referenced in code section number <u>PM-</u>
A17.1/CSA B44-2007	Safety Code for Elevators and Escalators	606.1

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
Standard reference number	Title	Referenced in code section number <u>PM-</u>

F1346-91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2
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ICC	International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001	
Standard reference number	Title	Referenced in code section number <u>PM-</u>
IBC-09	International Building Code®	102.3, 201.3, 401.3, 702.3
IFC-09	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IEBC-09	International Existing Building Code®	305.1.1, 306.1.1
IFGC-09	International Fuel Gas Code®	102.3
IMC-09	International Mechanical Code®	102.3, 201.3
IPC-09	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IZC-09	International Zoning Code®	102.3, 201.3

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269	
Standard reference number	Title	Referenced in code section number <u>PM-</u>
25-08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70-08	National Electrical Code	102.4, 201.3, 604.2