

Legislation Text

File #: 160075, Version: 1

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode "A" (The Philadelphia Administrative Code), providing for the posting and public notice of the demolition of structures, and making related changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE.

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SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

* * *

CHAPTER 3 PERMITS

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SECTION A-303 DEMOLITION AND RELOCATION OF STRUCTURES

A-303.1 Service connections: Before a structure is demolished or removed, the [owner or agent] *Demolition Contractor licensed pursuant to § 9-1008 of The Philadelphia Code responsible for the demolition* shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. Service connections and appurtenant equipment, such as meters and regulators shall be removed or sealed and plugged in a safe manner.

A-303.2 Posting and Notice: [Prior to] *Upon submittal of an application for a building permit for the demolition of a structure [by the owner thereof], or demolition required by the Department of Licenses and Inspections, the department shall provide a notice to the Demolition Contractor to be posted prior to the demolition of the structure. The Demolition Contractor shall post [a] such notice on the structure to be demolished [and] . Upon issuance of the building permit for the demolition, and in addition to the notification requirements for contractors established in this Section and Section B-3307 of The Philadelphia Code, the department is authorized to distribute an informational bulletin indicating that the City or owner intends to demolish said structure. The department shall distribute the informational bulletin to the front doors of the following properties:*

1. The three nearest properties on each side of the subject property.
2. The seven nearest properties across the street from the subject property.
3. The seven nearest properties to the rear of the subject property.
4. Any structure or property located within the safety zone area, as defined in Section B-3303.8.1 of the Building Code, surrounding the subject property.

The requirement to distribute an informational bulletin shall not create any actionable right for any resident or owner of the subject

property or any neighboring property.

Exceptions:

1. In the event of an emergency which requires immediate action to protect the health or safety of the public, which shall include any time the Department has served notice of a requirement to demolish an imminently dangerous structure under Section PM-110.2 of this Title and demolition is carried out within 10 days of service by the Department of the notice requiring demolition; provided that the Department distributes the informational bulletin to any property abutting the property on which a structure is to be demolished.

2. When the structure has been posted as required by Section 14-[1005(3)] *303(13)* of The Philadelphia Code.

3. When the structure has been the subject of a variance granted by the Zoning Board of Adjustment.

A-303.2.1 Location and Time: The notice shall be posted by the [department] *Demolition Contractor* on each street frontage of the premises with which the notice is concerned[, and the informational bulletin distributed to neighboring properties] within ten days of the [issuance to the owner of] *submittal of the building permit application* to demolish or [service by the Department of a notice requiring demolition or] award of a demolition contract by the department. Posted notices shall remain until demolition of the structure, which shall not commence less than 21 days from the date of the [issuance of the permit] *submittal of the permit application*.

A-303.2.2 Content: Such posted notice shall be clearly visible to the public. All notices shall contain the date on which [actual] *the permit application for demolition* [is permitted to commence] *was submitted to the Department*.

A-303.2.3 Removal: No person shall remove such notice prior to the approved date on which demolition is permitted to commence, unless the owner notifies the department that the structure will not be demolished and the permit has been revoked by the department upon such request, in which case, the [department] *Demolition Contractor* shall remove the notice.

A-303.2.4 Penalties: Any [property owner] *Demolition Contractor* who violates the provisions of this Section shall be subject to penalties as prescribed in Chapter 6.

SECTION 2. The provisions of this Ordinance that are subject to review under the Pennsylvania Construction Code Act (Act 45 of 1999, P.L. 491, as amended) shall not become effective until the Secretary of the Pennsylvania Department of Labor and Industry certifies approval of this Ordinance or the City Solicitor certifies to the Chief Clerk of Council that the requirements of Section 503 of Act 45 of 1999, as amended (35 P.S. sec. 7210.503), have otherwise been satisfied so as to permit the Ordinance to go into law.

Explanation:

[brackets] indicate matter deleted

Italics indicate new matter added