

## Legislation Details (With Text)

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**File created:** 10/17/2002      **In control:** Committee on Licenses and Inspections

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**Title:** Amending Title 4 of The Philadelphia Code (The Philadelphia Building Construction and Occupancy Code), Subcode PM (The Philadelphia Property Maintenance Code), by amending requirements applicable to vacant premises, all under certain terms and conditions.

**Sponsors:** Councilmember Clarke

**Indexes:**

**Code sections:** 4-200 - Text of Subcodes, PM-202.0 - GENERAL DEFINITIONS, PM-306.0 - VACANT PREMISES, PM-306.1 - General, PM-306.2 - Responsibility, PM-306.3 - Notice, PM-306.3.1 - Service, PM-306.4 - Compliance, PM-306.5 - Penalties, PM-306.6 - Abatement, Title 4 - THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

**Attachments:** 1. CertifiedCopy02063400.pdf

Date	Ver.	Action By	Action	Result	Tally
3/3/2003	0	MAYOR	SIGNED		
2/20/2003	0	CITY COUNCIL	READ		
2/20/2003	0	CITY COUNCIL	PASSED	Pass	16:0
1/28/2003	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/19/2002	0	CITY COUNCIL	ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR		
12/17/2002	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
12/17/2002	0	Committee on Licenses and Inspections	REPORTED FAVORABLY		
12/17/2002	0	Committee on Licenses and Inspections	HEARING HELD		
11/19/2002	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
11/19/2002	0	Committee on Licenses and Inspections	HEARING HELD		
11/19/2002	0	Committee on Licenses and Inspections	RECESSED		
10/17/2002	0	CITY COUNCIL	Referred		
10/17/2002	0	CITY COUNCIL	Introduced	Pass	

Amending Title 4 of The Philadelphia Code (The Philadelphia Building Construction and Occupancy Code), Subcode PM (The Philadelphia Property Maintenance Code), by amending requirements applicable to vacant premises, 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.

\* \* \*

CHAPTER 4-200.0 TEXT OF SUBCODES.

\* \* \*

SUBCODE “PM” (THE PHILADELPHIA  
PROPERTY MAINTENANCE CODE)

\* \* \*

SECTION PM-202.0 GENERAL DEFINITIONS

\* \* \*

*Blighting Influence:*

*A vacant 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 Department has provided 20 days notice to the owner of the property that the Commissioner of Licenses and Inspections 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.*

\* \* \*

SECTION PM-306.0 VACANT PREMISES

PM-306.1 General: All vacant premises shall be maintained in a clean, safe, secure and sanitary condition as provided in this chapter generally and in this section specifically, so as not to become unsafe or otherwise adversely affect the public health or safety.

PM-306.2 Responsibility: *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. 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 Department to prevent unauthorized entry to the premises by closing all openings with materials approved by the Department. A vacant building, which is not secured against entry shall be deemed unsafe within the meaning of Section PM-307.0. *The owner of a vacant building that is a blighting influence, as defined in this subcode, 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-306.3 Notice: Where the Department determines that any vacant building is [unsafe] *in violation of this section*, 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 PM-306.2. *Such notice shall be in addition to a notice, if any, designating a property as a blighting influence.*

PM-306.3.1 Service: Notices required by this section shall be served on the owner in accordance with the administrative code.

PM-306.4 Compliance: The owner of any vacant building which is [unsafe] *in violation of this section* shall, upon written notice, either eliminate the [unsafe condition(s)] *violation(s)* or demolish the building. Where immediate compliance is not feasible, the owner shall notify the Department in writing within 10 days of the notice served by the Department 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-306.5 Penalties: If the owner does not comply with the notice or fails to correct the conditions specified in the Department's notice within the required period of time, the owner shall be subject to penalties set forth in the 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 PM-306.3. As provided in A-601.2, 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-306.6 Abatement: If the owner does not comply with the order of the Department to correct the [unsafe] conditions *prohibited by this section*, the Department 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.