City of Philadelphia

City Council
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Legislation Details (With Text)

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Title: Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode F (The Philadelphia Fire Code), by adding certain provisions related to fire safety and prevention and inventory of vacant buildings or structures; by adding certain provisions related to databases and website information of vacant properties; by adding certain provisions related to the creation, powers, and duties of a vacant property task force; by adding certain enforcement powers; and other related items; all under certain terms and conditions.

Sponsors: Councilmember O'Brien, Councilmember O'Brien

Indexes: FIRE CODE

Code sections: SUBCODE "F" - (THE PHILADELPHIA FIRE CODE), Title 4 - THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

Attachments: 1. CertifiedCopy14005501.pdf

Date	Ver.	Action By	Action	Result	Tally
11/12/2014	1	MAYOR	SIGNED		
10/30/2014	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
10/23/2014	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
10/23/2014	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
10/23/2014	1	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/22/2014	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
10/22/2014	0	Committee on Licenses and Inspections	HEARING HELD		
10/22/2014	0	Committee on Licenses and Inspections	AMENDED		
10/22/2014	1	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/1/2014	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
10/1/2014	0	Committee on Licenses and Inspections	Cancellation of Scheduled Public Hearing		
1/30/2014	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode F (The Philadelphia Fire Code), by adding certain provisions related to fire safety and prevention and inventory of vacant buildings or structures; by adding certain provisions related to databases and website information of vacant properties; by adding certain provisions related to the creation, powers, and duties of a vacant property task force; by adding certain enforcement powers; and other related

items; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

CHAPTER 1
ADMINISTRATION

* * *

SECTION F-108 BOARD OF SAFETY AND FIRE PREVENTION

F-108.1 Board of Safety and Fire Prevention authorized. Pursuant to Section [3-100(h)] *3-100(g)* and Section 3 -917 of the Philadelphia Home Rule Charter, the Mayor may, upon the recommendation of the Fire Commissioner or of his/her own volition, appoint a board to act in an advisory capacity to the Fire Department. This board shall be known as the Board of Safety and Fire Prevention and shall consist of a representative of the Fire Department, a representative of the Department of Licenses and Inspections, and five other members appointed by the Mayor. One of the five shall be a qualified fire protection engineer and another shall be a qualified fire protection specialist with a background in hazardous materials or in the petroleum industry. The remaining members shall be persons who are qualified by experience and training to deliberate matters pertaining to hazards of fire, explosion, hazardous conditions, fire protection systems and life safety.

F-108.2 Duties of the board. The Board of Safety and Fire Prevention shall act in an advisory capacity to the Fire Commissioner in matters of fire safety and fire prevention *and as required under this Section.* [that may include:

1. Considering appeals as set forth in the Administrative Code;
2. Advising in the interpretation of this code and the regulations issued under it;
3. Suggesting changes to this code and regulations issued under it;
4. Suggesting standards and procedures of good fire prevention practice to supplement the provisions of this code; and
5. Advising as to standards of fire safety practice in the manufacture, storage, sale, transportation and use of new materials which are combustible, flammable, explosive, toxic or which may constitute a fire hazard.]

F-108.3 Appeals and Advice. The Board of Safety and Fire Prevention shall handle appeals as set forth in the Administrative Code and offer advice on interpreting this code and the regulations issued under it, suggest changes to the regulations and Code, suggest standards and procedures for good fire prevention practices, and offer advice as to standards of fire safety practice in the manufacture, storage, sale, transportation and use of new materials which are combustible, flammable, explosive, toxic or which may constitute a fire hazard.

F-108.4 Vacant Property Task Force

1. Legislative Findings

(1.1) Large numbers of vacant commercial and residential properties in the City have been left unattended for many years.

(1.2) Many of these vacant properties are in such a state of disrepair, as to make them uninhabitable, and often in violation of building, fire, health and other City codes.

(1.3) Some owners of these vacant properties are delinquent in payment of real estate taxes, water, sewer and other such municipal charges and liens.

(1.4) These vacant properties create a public health, safety and welfare hazard and act as a blighting influence on surrounding properties.

(1.5) Prolonged periods of nonpayment of tax obligations and other municipal charges and liens by owners of these properties indicate an intent to abandon such properties.

(1.6) Certain of these properties cannot be accessed by City code officials for necessary public health, safety and welfare inspections due to the inability to locate owners, heirs or successors in title or other such defects or ambiguities in ownership.

(1.7) A systematic inspection of the interior and exterior of these vacant buildings will enhance public safety, health and welfare by:

(1.7.1) Determining the overall security of the property;
(1.7.2) Identifying hazards that require immediate corrective action;
(1.7.3) Providing a written evaluation of the fire growth potential of any structure;
(1.7.4) Providing a written evaluation of the potential for structural collapse; and
(1.7.5) Providing a list of conditions that could be hazardous to fire, police, emergency medical services, or other City personnel entering the building under emergency conditions.

(2) Definitions: In this Section, the following definitions shall apply:

Building. Any structure occupied or intended for supporting or sheltering any occupancy (as defined in PM-202.0 (General Definitions)).

Joint Inspection Team. Employees of the Department of Licenses and Inspections and employees of the Philadelphia Fire Department Code Enforcement Office who together (1) conduct systematic inspections of all buildings and structures in the City of Philadelphia that have been deemed vacant as defined in this Section; and (2) are authorized to enforce violations of the codes pursuant to the Administrative Code, Chapter 2 (Enforcement Authority); and (3) are Pro Board Certified to the Fire Inspector I level of qualifications in accordance with National Fire Protection Association (NFPA) 1031 Standard for Professional Qualification for Fire Inspector and Plan Examiner.

Prioritized list. A list of vacant properties, created cooperatively by the Department of Licenses and Inspections and the fire department, in descending order of priority that are selected for inspection or re-inspection based upon a combination of the following factors: whether the property is vulnerable to unlawful trespass or has been the subject of repeated unlawful trespasses; whether the property is unsafe; whether the property is imminently dangerous; or, whether the property is deemed by the fire department or the Department of Licenses and Inspections to pose some other unreasonable risk to public health or safety.

Property. Any real, residential, commercial or industrial property, or portion thereof, located within Philadelphia County including buildings or structures situated on the property.

Shall. Has the meaning ordinarily and customarily abscribed to it, provided that no provision of this chapter may be construed in a manner inconsistent with the Home Rule Charter.

Vacant Building. A building which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased, or which is substantially devoid of content; provided that a residential property shall not be deemed vacant if, a person or entity with an interest in the property proves by a preponderance of evidence that it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property; and, further provided that multi-family residential properties containing ten or more dwelling units shall be considered vacant when ninety percent or more of the dwelling units are unoccupied.

Vacant Property Database. A searchable computer database of information on vacant properties. The Database shall be accessible to relevant and approved City agencies. The Database shall be systematically updated based upon the inspections by the Joint Inspection team and any other relevant new data received. The Database shall include the following information, where deemed feasible and useful by the fire department and the Department of Licenses and Inspections:

1. *List of all properties by address and GPS coordinates*
2. *Property designation*
3. *Code violations*
4. *Pre-Fire Plan*
5. *Pre-Fire/Hazard Floor Plan*
6. *Placard designation*
7. *Information from the Vacant Property Inventory*
8. *Property owner's name and current address*
9. *One page summary of Vital Building Information Form*
10. *Such other information as the departments and the Task Force deem appropriate.*

Vacant Property Inventory. An in-depth, block by block inventory of all vacant properties in the City containing the following information:

1 Street address, including latitude and longitude GPS coordinates.
2 Type of property.
3 Action plan for inspection, evaluation and pre-fire planning.
4 Such other information as the Task Force deems appropriate.

F-108.5 Members and Duties of Vacant Property Task Force. Within 30 days of enactment of subsections F-108.4 through F-108.13, the Chair shall convene the first meeting of the Vacant Property Task Force, consisting of the following persons or their designees:

(a) Police Commissioner
(b) Commissioner of Revenue
(c) Commissioner of Streets
(d) President of City Council
(e) Chair, City Council Committee on Licenses and Inspections
(f) Chair, City Council Committee on Public Safety

(g) Health Commissioner
(h) Water Commissioner
(i) Chief Assessment Officer, Office of Property Assessment
(j) Land Bank Representative
(k) Commissioner of Public Property
(l) The District Attorney
(m) The City Solicitor
(n) A PECO representative
(o) A Philadelphia Gas Works representative
(p) Commissioner of Licenses and Inspections
(q) Commissioner of the Fire Department
(r) United States Environmental Protection Agency's Regional Administrator
(s) Chief Information Officer, Office of Innovation and Technology
(t) Such other persons as the Mayor may designate.

1. Chair. The Commissioner of License and Inspections and the Fire Commissioner shall select the chair of the Vacant Property Task Force and shall maintain a current list of members.

2. The Vacant Property Task Force shall :

(a) Core team. Recommend criteria to the core team for determining whether or not properties are vacant as set forth under this Section;

(b) Vacant Property Inventory. Oversee the creation of the Vacant Property Inventory;

(c) Prioritized List. Insure a prioritized list of properties for inspection and re-inspection is created and updated, as needed;

(d) Vacant Property Database. Consider the most efficient and effective method for creating and maintaining a Vacant Property Database;

(e) Strategic Plan. Make recommendations concerning the development of an ongoing strategic plan for the inspection and enforcement of violations issued for vacant properties;

(f) Residential Properties. Issue a report to the Mayor and the President of City Council by January 30, 2016, outlining a process for implementing a citywide inspection and re-inspection program of all remaining vacant properties within the City not covered under this section, including, but not limited to: residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings , and a plan for maintaining and updating all vacant property information in the Vacant Property Database; and

(g) Any other such duties that are deemed necessary to help address vacant properties in the City of Philadelphia.

3. Meetings. After the initial meeting of all Task Force members, a Core Team consisting, at a minimum, of select members representing the fire department, Licenses and Inspections, the Police Department, City Solicitor's Office, the Office of Innovation and Technology, President of City Council, Chair of City Council's License and Inspection Committee, Chair of City Council's Public Safety Committee, the District Attorney's Office and any other member deemed necessary shall meet as often as necessary until the Vacant Property Inventory is complete and to accomplish the purposes of the Task Force. Once the Vacant Property Inventory is

completed, the Task Force shall meet according to such schedule as they establish.

4. Reports. The Chair shall provide a tri-annual report beginning no later than January 15th of the year following enactment of this section, to the Mayor and the President of City Council on the activities of the Vacant Property Task orce and a listing of all buildings and structures declared vacant under the provisions of this Section, the date they were declared vacant, the date of inspection, the date of the vacant building pre-fire plan and in the case of Large Vacant Commercial or Industrial Properties (LVCIP) the date and status of compliance with Section PM-306 (Vacant Premises). The report shall include any funding issues, budgetary needs and or projected operating budgetary deficits. The report may include recommendations for legislative or administrative actions.

5. Technology. The Vacant Property Inventory and Database shall be created through investments in new technology, such as LIDAR and a centralized City-wide computer, that can be accessed by all relevant and approved City personnel. All City departments shall participate fully and work cooperatively in gathering information for the Vacant Property Inventory and Database, while actively pursuing the creation of a City-wide computer system.

6. Members. Public office holders and their designees shall serve on the Task Force as long as they hold such office.

F-108.6. Inspection and Evaluation of Vacant Properties.

1. Joint Inspection Team: The Commissioner of Licenses and Inspections, after consultation with fire department officials, shall select and appoint members to participate in the Joint Inspection Team. The Department of Licenses and Inspections and the fire department shall provide the Task Force with a list of employees that can serve on the Joint Inspection Team. Each Department shall designate a number of employees, no less than two, necessary to complete the requirements of this Section under the outlined time frames.

2. Access for Inspection: The Joint Inspection Team shall have authority to enter vacant properties for inspection to the fullest extent permitted by federal, state and local law.

3. Duties of Joint Inspection Team: The Joint Inspection Team shall forthwith undertake systematic inspection of all LVCIP's, beginning with the prioritized list of LVCIP properties located within the Seventh Councilmanic District. Eighteen months after the effective date of subsections F-108.4 through F-108.13, all LVCIP's on the prioritized list within the City shall be inspected by the Joint Inspection Team.

3.1. Re-inspections. Vacant properties shall be systematically re-inspected in accordance with the prioritized list or such other form of inspection as is deemed appropriate. Subject to staffing levels and as deemed appropriate by the fire department and the Department of Licenses and Inspections, properties subject to re-inspection shall be inspected by the Joint Inspection team.

4. Scope of Inspection. The Joint inspection under subsection(3) shall include:

4.1. Security: A review of the building security including the means used to prevent unauthorized access and assure that all requirements under PM-306 (Vacant Premises), PM-307 (Unsafe and Unfit Structures and Equipment), PM-308 (Imminently Dangerous Structures) and F-311 (Vacant Premises) are met.

4.2 A comprehensive exterior inspection. The inspection should include a risk assessment to determine the stability of the structure and foundation and whether the building is safe for entry. Entry shall only be made into a vacant building which has been declared safe for entry.

4.3. Fire Hazards: A joint review of all fire risks and potential hazards, completed to an acceptable standard of practice, including a review of all of the following that are applicable:

4.3.1. Structural building materials (type and age),
4.3.2. Renovations that may be encountered during a fire,
4.3.3. Unprotected hazardous materials and fuel packages, open shafts, pits and holes due to removal of equipment,
4.3.4. Structural degradation due to weather and vandalism,
4.3.5. Exposed structural members,
4.3.6. Penetrations in barriers such as walls, floors, and ceilings that allow normal fire travel, combustible contents, maze-like configurations, blocked or damaged stairs,
4.3.7. Out of plumb windows and doorframes
4.3.8. Gaps between structural elements
4.3.9. Unsupported walls, significant cracks in exterior wall
4.3.10. Partial collapse
4.3.11. Weakened or missing mortar joints
4.3.12. Whether fire alarm and suppression systems are present and working
4.3.13. Building is appropriately marked and identified as required in F-311.5.4. (Placard Symbols)
4.3.14. All the requirements of F-311 (Vacant Premises).
4.3.15 Any other information deemed important

5. Vital Building Information Report: The Report shall identify the potential hazards commonly found in vacant and abandoned properties. The report shall include such matters as the fire department deems necessary, including items such as:

5.1 Building Marking
5.2 Building Security
5.3 Utilities
5.4 Building Use
5.5 Building Construction
5.6 Fire Protection System
5.7 Fire Potential
5.8 Exposures
5.9 Suppression Operations
5.10 Analysis of the building for the potential for: fire extension to other buildings; rapid interior fire spread; structural collapse early in the fire development; fire fighters to become lost or trapped during operations.

6. Pre-Fire/Hazard Floor Plan for Vacant/Abandoned Building: Pursuant to such criteria as the fire department determines in consultation with the Department of Licenses and Inspections and other stakeholders, and after such buildings have been declared safe for entry as required under section 108.6 (4), a Pre-

fire/Hazard Floor Plan shall be developed for buildings that pose a safety risk to firefighters. A Pre-fire/Hazard Floor Plan shall include:

6.1 Building Marking
6.2 Measurement of building
6.3 Access, points of entry
6.4 Holes
6.5 Weakened floors
6.6 Exposed structural members
6.7 Sprinkler system
6.8 Active utilities
6.9 Location of utilities
6.10 Hazardous materials on site
6.11 Photographs of structural holes, weakened floors, exposed structural members, and any other structural component or areas deemed important
6.12 Any other information which may be deemed important.

F-108.7 Information: Once inspections, evaluations and any pre-fire/hazard planning are completed all information obtained from inspections and other sources shall be entered into the Vacant Property Database.

F-108.8 Enforcement: A vacant building shall be deemed in violation of this Chapter whenever such structure is designated as imminently dangerous, or is otherwise determined by the Department of Licenses and Inspections to constitute a hazard to the health, safety or welfare of the citizens of Philadelphia as a result of:

1. *The attraction of insects or rodents*
2. *Conditions creating a fire hazard*
3. *Dangerous conditions constituting a threat to children*
4. *Frequent use by vagrants as living quarters in the absence of sanitary conditions*
5. *Any violation of PM-306 (Vacant Premises) or F-311 (Vacant Premises).*

F-108.9 Procedure for Enforcement: Whenever a Code official determines, upon inspection, that any vacant building is in violation of the Code, a team member with enforcement authority, by service of a written notice of violation shall initiate the same procedure for enforcement as is contained in PM-306. In all relevant respects, the procedure for enforcement of this Chapter shall be identical to that contained in Section PM-306.

F-108.10 Notification: Where the Joint Inspection Team determines that a vacant building is in violation of PM -306 or F-311, a Code official shall issue a written notice of that determination 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.

*F-108.11 Service**:** Notices required by this Section shall be served on the owner in accordance with the procedures in the Administrative Code.*

F-108.12 Penalty: If the owner does not comply with the notice or fails, neglects or refuses to repair, correct, alter or improve the violation, or to vacate, close and remove or demolish per 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 Administrative Code, provided that each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense, for which a separate fine may be imposed. As provided in A-601.2 (Fines for Class II Offenses), 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.

F-108.13 Abatement: If the owner does not comply with an order to correct the conditions prohibited by this Code, the City 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.

SECTION 2. This Ordinance shall take effect immediately.

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Explanation:
Italics indicate new matter.
[Brackets] indicate matter deleted.

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