

Legislation Details (With Text)

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| On agenda: | | Final action: | | | |
| Title: | Amending Subcode "PM" of The Philadelphia Code ("The Philadelphia Property Maintenance Code"), by revising certain requirements and penalties with respect to maintenance and upkeep of vacant structures and land; and by providing for separate special requirements for Foreclosed Vacant Residential Properties and Large Vacant Commercial and Industrial Properties; all under certain terms and conditions. | | | | |
| Sponsors: | Councilmember Henon, Councilmember Greenlee | | | | |
| Indexes: | PROPERTY MAINTENANCE CODE | | | | |
| Code sections: | PM-301.0 - GENERAL, PM-302.0 - Exterior Property Areas, PM-901.0 - SPECIAL REQUIREMENTS FOR FORECLOSED VACANT RESIDENTIAL PROPERTIES, PM-902.0 - SPECIAL REQUIREMENTS FOR LARGE VACANT COMMERCIAL OR INDUSTRIAL PROPERTIES | | | | |
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| 6/16/2016 | 0 | CITY COUNCIL | Introduced and Referred | Pass | |

Amending Subcode "PM" of The Philadelphia Code ("The Philadelphia Property Maintenance Code"), by revising certain requirements and penalties with respect to maintenance and upkeep of vacant structures and land; and by providing for separate special requirements for Foreclosed Vacant Residential Properties and Large Vacant Commercial and Industrial Properties; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode PM of 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 PM ("THE PROPERTY MAINTENANCE CODE")

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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.

PM-301.3.1 Protection against unauthorized entry.

The owner of a vacant structure shall ensure that all doors, windows, and openings that are readily accessible to trespassers are securely locked, fastened, or otherwise secured in order to prevent unauthorized entry to the premises. A vacant building which is not secured against entry shall be deemed unsafe within the meaning of this Code.

PM-301.3.2 Notice

When the code official determines that any structure is in violation of this §301.3.1, 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.

PM-301.3.3 Penalties

If the owner fails to comply with the order or fails to correct the conditions specified in the code official's notice within the required period of time specified in the notice, the owner shall be subject to penalties as set forth in the Philadelphia Administrative Code.

PM-301.3.4 Abatement

If the owner fails to comply with the order of the code official to correct the conditions, the code official is authorized to correct the conditions or demolish the building with its own employees 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-301.4 Vacant land

All vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein, so as not to adversely affect the public health or safety.

PM-301.4.1 Abatement

If the owner fails to comply with an order of the code official to correct the conditions, the code official is authorized to correct the conditions with its own employees 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.

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SECTION 304

EXTERIOR STRUCTURE

* * *

PM-304.19 Additional requirements for doors, windows and other openings.

The owner of a structure, including a vacant structure and a partially vacant structure, shall keep all doors, windows, and openings in good repair, and shall ensure that such doors, windows, and openings are securely locked, fastened, or otherwise secured against unauthorized entry. Sealing such a property with boards or masonry or other materials that are not operable 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 the property 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-304.19.2 Notice

Where the code official determines that any structure is in violation of this Section PM- 304.19, 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 openings to the building that the owner has failed to secure in violation of this Section PM-304.19.

PM-304.19.3 Penalties

If the owner fails to comply with the order or fails to correct the violations specified in the code official's notice within the required period of time specified in the notice, the owner shall be subject to penalties as 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-304.19. As provided in A-601.4 of the Philadelphia Administrative Code, 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-304.19.4 Blighting Problem

A building that lacks one or more operable windows with frames and glazing and entry doors in violation of this Section PM-304.19 may be declared a blighting problem as defined in Section PM-202 of this Code.

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SECTION 2. Sections PM-901 and PM-902 of Subcode PM of Title 4 of The Philadelphia Code are hereby repealed and replaced with the following:

CHAPTER 9 ADDITIONAL SPECIAL REQUIREMENTS

SECTION 901.

SPECIAL REQUIREMENTS FOR FORECLOSED VACANT RESIDENTIAL PROPERTIES

PM-901.1 Owner

The owner of a Foreclosed Vacant Residential Property (FVRP) is defined in Subsection PM- 202.

PM-901.2 Inspections

The owner of a FVRP shall cause an inspection of such property to be performed within fifteen (15) days of acquiring the property, and shall check its status at least once every two weeks thereafter, to determine whether the property is in compliance with the requirements of this Code. At any time that an FVRP is found not to comply with the requirements of this Code, its owner shall promptly cause appropriate remediation to be undertaken.

PM-901.2.1 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.

PM-901.3 Designation of Property Manager.

Any owner of a FVRP who resides outside the City and does not maintain, and customarily and regularly attend, a business office in the City, shall designate a property manager able to perform the inspections and any remediation required under subsection PM-901.2. An owner who resides in the City or maintains and customarily and regularly attends a business office in the City, may also elect to designate a property manager, or to serve as the owner's own property manager for the FVRP.

PM-901.4 Registration.

The owner of a FVRP shall register such property with the code official on a form provided by the code official no later than five days following the filing of a lis pendens, the filing of a foreclosure action, or the transfer to the lender under a deed in lieu of foreclosure, regardless of any subsequent conveyance of title or interest in the property. The registration shall include the address of the 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 Section PM-901.2, and such other information as the code official deems appropriate. The owner of a FVRP shall, in the manner and time set forth in § 9-3902(6)(c) of The Philadelphia Code, inform the code official of any change in the foregoing required information, including a sale or other transfer of ownership of the FVRP. Registration of a FVRP pursuant to this subsection shall be accompanied by certification that the property's fire protection systems are operating properly pursuant to § F-915.1 of this Code, or by documentation of exemption pursuant to § F-311. The registration fee shall be \$100 or an amount that the Department may specify by regulation.

PM-901.4.1 Publication of Registry.

The department shall make available or cause to be made available on its website a public version of all such registrations, and shall update the registry as new information is received.

PM-901.5 Posting.

The owner of a FVRP shall post the property with the owner's name and address, the name and address of the property manager, if applicable, responsible for inspecting the property and performing remediation under § PM-901.2, and the twenty-four (24) hour contact telephone number of the property manager. The posting shall be on 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-901.6 Violations.

With respect to a FVRP, in addition to any other applicable violation of this Code, any of the following shall

constitute a violation of this Section:

- 1. Failure to correct any violation of this Code cited in a notice of violation under A-502.1 of the Philadelphia Administrative Code within the time limitation set forth in such notice for performing such correction.*
- 2. Failure to perform any inspection or status check required by § PM-901.2.*

PM-901.7 Notice.

Where the code official determines that a building is in violation of this Section PM-901, 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.

PM-901.8 Penalties.

If the owner does not comply with the order or fails to correct the violations 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. In addition to violations under this Section PM- 901, the code official may issue separate notices and impose penalties on the same premises for violations of other provisions of this Code.

SECTION 902. SPECIAL REQUIREMENTS FOR LARGE VACANT COMMERCIAL OR INDUSTRIAL PROPERTIES

PM-902.1 Requirements for windows, doors and other openings.

Except as otherwise provided in this subsection, the building owner of a Large Vacant Commercial or Industrial Property (LVCIP) 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 storm water 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. If securely fastened windows and doors fail or are inadequate to prevent entry to 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-902.2 Inspections.

The owner of a LVCIP shall cause an inspection of such property to be performed within fifteen (15) days of acquiring the property, and shall check its status at least once every two weeks thereafter, to determine whether the property is in compliance with the requirements of this Code. At any time a LVCIP is found not to comply with the requirements of this Code, its owner shall promptly cause appropriate remediation to be undertaken.

PM-902.2.1 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.

PM-902.3 Designation of Property Manager.

An owner of a LVCIP who resides outside the City and does not maintain, and customarily and regularly attend, a business office in the City shall designate a property manager able to perform the inspections and any remediation required under subsection PM-902.2. An owner who resides in the City or maintains, and customarily and regularly attends, a business office in the City, may also elect to designate a property manager,

or to serve as the owner's own property manager for the LVCIP.

PM-902.4 Registration.

The owner of a LVCIP shall register such property with the code official on a form provided by the code official no later than five days following the transfer of title. The registration shall include the address of the LVCIP, 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 Section PM- 902.2, and such other information as the code official deems appropriate. The owner of a LVCIP shall, in the manner and time set forth in §9-3902(6)(c) of this Code, inform the code official of any change in the foregoing required information. Registration of a 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 of this Code, or by documentation of exemption pursuant to § F-311.

PM-902.5 Posting.

The owner of a LVCIP shall post the property with the owner's name and address, the name and address of the property manager, if applicable, responsible for inspecting the property and performing remediation under subsection PM-902.2, and the twenty-four (24) hour contact telephone number of the property manager. The posting shall be on 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-902.6 Violations.

With respect to a LVCIP, in addition to any other applicable violation of this Code, any of the following shall constitute a violation of this Section:

- 1. Failure to correct any violation of this Code cited in a notice of violation under A-502.1 of the Philadelphia Administrative Code within the time limitation set forth in such notice for performing such correction.*
- 2. Failure to perform any inspection or status check required by § PM-902.2.*

PM-902.7 Notice.

Where the code official determines that a building is in violation of this Section PM-902, 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.

PM-902.8 Penalties.

If the owner fails to comply with the order or fails to correct the violations 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. In addition to violations under this Section PM- 902, the code official may issue separate notices and impose penalties on the same premises for violations of other provisions of this Code.

PM-902.9 Hazardous conditions.

A structure that qualifies as a LVCIP and is a significant fire hazard, is subject to unauthorized entry, is identified by the corresponding police district as connected to a high rate of crime, or presents any other hazard identified by a code official, may 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.

PM-902.9.1. Abatement.

If the owner fails to correct an imminently dangerous condition in or on the LVCIP, the code official is authorized to correct the conditions or to demolish the building with its own employees or by contract, and to charge the costs thereof to the owner, and with the approval of the Law Department, to collect the costs, including administrative costs, by lien or otherwise.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate matter added.