

Legislation Text

File #: 120229-AA, **Version:** 3

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.

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SUBCODE “PM” (THE PHILADELPHIA
PROPERTY MAINTENANCE CODE)

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**CHAPTER 1
ADMINISTRATION**

SECTION PM-102.0 LICENSING

PM-102.4 Vacant structures or lots: The owner of every vacant lot, vacant building or vacant wharf, pier or dock shall obtain a license from the Department. Every person applying for a license shall supply such information as the Department requires and shall pay an annual fee as set forth in the administrative code. The owner of any vacant commercial [structure] *structure, or of any Large Vacant Commercial or Industrial Property as defined by PM-202.0*, shall post a bond or other security in form approved by the Law Department and in an amount determined by the Department to be necessary to secure the City's potential cost of correcting Code violations or abating unsafe or imminently dangerous conditions as authorized by PM-306.6, PM-307.6, PM-308.4, or any other provision of this code. If the City does incur such costs, the City may recover such costs from the posted bond or other security, in addition to pursuing any other remedy authorized by law. The bond or other security shall provide that it will not expire and the City need not release it upon transfer of the property unless and until a subsequent owner posts a comparable bond or other security. Failure to post the required security or to maintain such security may result in the suspension or denial of any license issued to the owner under this code, which license suspension(s) or denial(s) shall continue until the owner has posted the required security. No license shall be suspended under this provision until the owner has been provided written notice and an opportunity for a hearing.

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CHAPTER 2 DEFINITIONS

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SECTION PM-202.0 GENERAL DEFINITIONS

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Large Vacant Commercial or Industrial Property ("LVCIP"): An LVCIP is 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.

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CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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SECTION PM-306.0 VACANT PREMISES

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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, *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 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. *Except as otherwise provided in this section, 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 Department 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.*

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PM-306.2.1 *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 Chapter. Where an *LVCIP or FVRP* does not comply with the requirements of this Chapter, its owner shall promptly cause appropriate remediation to be undertaken.

PM-306.2.1.1 *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 PM-306.2.1. 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-306.2.1.2 The owner of an *LVCIP or FVRP* shall *immediately* register such property with the Department on a form provided by the Department. *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 PM-306.2.1 and such other information the Department deems appropriate. The owner of an *LVCIP or FVRP* shall, in the manner and time set forth in PM-102.6.3, inform the Department of any change in the foregoing required information. *Registration of an LVCIP pursuant to this section 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.*

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PM-306.2.1.4 *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 PM-306.2.1, and the twenty-four (24) hour contact telephone number of the property manager. The [poster] *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-306.2.1.5 *Violations*: With respect to an *LVCIP or FVRP*, any of the following shall constitute a violation of PM-306.2.1, and shall be in addition to any other violation of this Code:

1. Failure to correct any violation of this Chapter 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 PM-306.2.1.

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SECTION PM-307.0 UNSAFE AND UNFIT STRUCTURES AND EQUIPMENT

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PM-307.1 Unsafe Structures

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PM-307.1.2 A vacant structure deemed unsafe pursuant to this Section 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 Department 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 PM-306.2.1;*
2. *A separate violation has been issued with respect to the structure for failure to secure it against entry;*
3. *The Department 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 Department. The Department may convene or utilize a task force to review relevant evidence and make recommendations to the Department. A notice, order, or other action made pursuant to this Section 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.*

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SECTION PM-308.0 IMMINENTLY DANGEROUS STRUCTURES

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PM-308.1.1 A structure that qualifies as an LVCIP subject to the requirements of PM-306.2.1 that is a significant fire hazard shall be deemed imminently dangerous. The Department shall promulgate such regulations, policies, or procedures as it may deem necessary to aid in the administration and enforcement of this section.

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SECTION 2. This Ordinance shall become effective thirty (30) days after it becomes law.

Explanation:

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