

Legislation Text

File #: 130808, **Version:** 1

Amending Subcode “PM” (The Philadelphia Property Maintenance Code) of The Philadelphia Code, by revising provisions relating to graffiti removal, penalties and enforcement, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode “PM” (The Philadelphia Property Maintenance Code) is hereby amended to read as follows:

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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SECTION PM-311.0 GRAFFITI

PM-311.1 Required Graffiti Removal: The owner of any private property in the City shall remove any graffiti from such property [within five (5) days of the graffiti's appearance,] if such graffiti are visible from the public right-of-way.

PM-311.1.1 Property Included: For purposes of this Section, "private property" shall include, but not be limited to, structures encroaching on any public right-of-way, including, but not limited to, newsboxes, newsstands, dumpsters, trucks, vending carts, utility poles, public telephones, tree planters, and other items of street furniture.

PM-311.2 Penalties and Enforcement: The enforcement of Section PM-311.0 and penalties for violation thereof are as set forth in Sections PM-311.2.1 through 311.2.4.

PM-311.2.1 Notice: Upon discovery of graffiti on any private property in the City, any person authorized to enforce ordinances is authorized to issue a notice *of violation* to the owner of such property, or to a responsible agent of such owner, that the graffiti must be removed within [five (5)] *ten (10)* days *after the date of issuance of such notice*. [After five (5) days have elapsed from the issuance of such notice, any person authorized to enforce ordinances is authorized to issue a notice of violation to any person in violation of this Section, or to a responsible agent of such person, pursuant to the procedures set forth in Section 10-718 of The Philadelphia Code.]

PM-311.2.2 Penalty: The penalty for a violation of any provision of this Section shall

be a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300). In lieu of payment of such fine, a person who receives a notice of violation of this Section may, within ten (10) days of receipt of such notice, pay twenty-five dollars (\$25), pursuant to the procedures set forth in Section 10-718 of The Philadelphia Code.

PM-311.2.3 Abatement: If a property owner fails to remove graffiti within [five (5)] *ten (10)* days after a notice of violation has been issued pursuant to subsection PM-311.2.1, the Department is authorized to proceed to remove the graffiti, itself or by contract, and the property owner shall be responsible for the costs of removal, including all related administrative costs. Notice of that fact shall be provided to the property owner at the same time and in the same manner as the notice of violation is issued pursuant to subsection PM-311.2.1. A bill for such costs of removal shall be delivered to the property owner, proprietor or other responsible agent, and the Department is authorized to file a lien against the property in the amount of such costs. Liability for costs or removal under this subsection PM-311.2.3 shall be in addition to liability for any fine imposed under subsection PM-311.2.2.

PM-311.2.4 Multiple Offenses: A property owner who fails to remove graffiti from multiple structures or properties shall be considered to have committed separate offenses, and shall be subject to separate penalties, for each such structure or property.

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

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