

Legislation Text

File #: 140856, **Version:** 1

Amending various provisions of Subcode PM of Title 4 of The Philadelphia Code, entitled “The Philadelphia Property Maintenance Code,” as it will take effect January 1, 2015 pursuant to Bill No. 120647 (approved January 20, 2014); and further amending The Philadelphia Code by updating cross-references to Subcode PM that now appear in other Subcodes of Title 4 and in other titles of The Philadelphia Code; all under certain terms and conditions.

WHEREAS, Bill No. 120647 (approved January 20, 2014) repealed Subcode PM of Title 4 of The Philadelphia Code and replaced it with a new Subcode PM adopting the 2009 International Property Maintenance Code, with certain changes, as the Philadelphia Property Maintenance Code, effective January 1, 2015; and

WHEREAS, The purpose of this Bill is to make certain technical and other amendments to the new Subcode PM, and to make conforming amendments to other Subcodes of Title 4 and other Titles of The Philadelphia Code before Bill No. 120647 takes effect; and

WHEREAS, Exhibit “C” attached hereto details how the Philadelphia Property Maintenance Code as amended by this Ordinance differs from the Philadelphia Property Maintenance Code as adopted by Bill No. 120647; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode PM of Title 4 of The Philadelphia Code, as it takes effect January 1, 2015 pursuant to Bill No. 120647 (approved January 20, 2014), is hereby amended to read as follows:

SUBCODE “PM” (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

§PM-1. The International Property Maintenance Code, with certain deletions and additions, [all as shown] *as set forth* in §PM-4, is hereby adopted as [The] *the* Philadelphia Property Maintenance Code. [Section PM-4 shows language adopted without change from the International Property Maintenance Code in regular text; deletions from that Code are indicated by strikethrough text (for example: ~~strikethrough text~~); and additions to that Code are indicated by bold, underlined text (for example: **bold underlined text**).] *The text of §PM-4 does not indicate what deletions and additions have been made to the International Property Maintenance Code (“IPMC”) as it has been adopted in this Code. The Department shall keep on file an unofficial version of the Philadelphia Property Maintenance Code that clearly shows how it differs from the IPMC, using strikethrough text for deletions from the IPMC and bold, underlined text for additions to the IPMC. Such unofficial version shall be updated whenever this Subcode PM is amended, and the Department shall keep an updated copy available for viewing and download on the City’s official website.*

§PM-2. All material in §PM-4 that is reprinted from the International Property Maintenance Code is proprietary to and copyrighted by, or licensed to, International Code Council, Inc., ALL RIGHTS RESERVED. For information on permission to copy International Code Council, Inc. material contained herein, please contact:

Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478. Phone 1-888-ICC-SAFE (422-7233).

* * *

SECTION 2. Subcode PM of Title 4 of The Philadelphia Code, as it takes effect January 1, 2015, is further amended by deleting §PM-4 in its entirety, and by adding a new §PM-4, to read as set forth in Exhibit “A” attached hereto. Attached hereto as Exhibit “B” is a document showing how the provisions of §PM-4 as added by this Ordinance differ from the provisions of the International Property Maintenance Code (Exhibit “B” is in the form of the unofficial version of the Philadelphia Property Maintenance Code that the Department of Licenses and Inspections is directed to maintain under the provisions of §PM-1 of Subcode PM, as amended by this Ordinance).

SECTION 3. Subcode A of Title 4 of The Philadelphia Code is hereby amended to read as follows:

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 3
PERMITS

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SECTION A-302 PERMITS

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A-302.1.1 Time limit. The code official shall grant or deny a permit application in whole or in part or request further information, within 30 business days of the filing date for commercial construction and 15 business days for residential construction. If the permit application is for an imminently dangerous structure as determined under [the Property Maintenance Code Section PM-308.0] *PM-311*, then the code official shall preliminarily review such application for completeness at the time submitted, and shall grant or deny a complete permit application within 7 days of receipt. Reasons for a denial shall be in writing and sent to the applicant. When agreed to by the code official and the permit applicant in writing, the deadline for action shall be extended by the number of days specified in the agreement.

Exception: The deadline for action on permits for structures that have been designated as historic or are located in an historic district is extended by the amount of time the application is under review by the Historical Commission.

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A-302.2.3 Permits related to imminently dangerous and unsafe structures or conditions.

1. For permits issued in connection with imminently dangerous structures or conditions (see [PM-308.1] *PM-311.1*), the permit shall become invalid if the work does not commence within 48 hours after issuance or does not progress continuously until the structure or condition is made safe, unless the permit is otherwise extended by the Department.

2. For permits issued in connection with an unsafe structure or condition (see [PM-307.1]

PM-108, PM-310), the permit shall become invalid if the work does not commence within 10 days after permit issuance or does not progress continuously until the structure or condition is made safe, unless the permit is otherwise extended by the Department.

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SECTION A-303 DEMOLITION AND RELOCATION OF STRUCTURES

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A-303.2 Posting and Notice:

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Exceptions:

1. In the event of an emergency which requires immediate action to protect the health or safety of the public, which shall include any time the Department has served notice of a requirement to demolish an imminently dangerous structure under Section [PM-308.2] *PM-311.2*.

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CHAPTER 5 VIOLATIONS

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SECTION A-506 CODE VIOLATION NOTICES (CVN)

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A-506.2 Remittance amount.

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5. Section [PM-102.6.3] *9-3902(6)(c)* (notification of license changes). . . .Seventy-five dollars (\$75.00)
6. Section [PM-102.6.5] *9-3902(6)(e)* (managing agents and property managers). . . .One hundred fifty dollars (\$150.00)
7. Section [PM-306.2.1] *PM-902* (Foreclosed Vacant Residential Properties). . . .Three hundred dollars (\$300.00)

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CHAPTER 6 PENALTIES

SECTION A-601 FINES

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A-601.2 Fines for Class II offenses:

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- 11. [PM-602.0] *PM-702* (Means of Egress);
- 12. [PM-603.0 (Accumulations and Storage)] *Reserved*;
- 13. [PM-306.2.1] *PM-902* (Foreclosed Vacant Residential Properties);
- 14. [PM-604.0] *PM-703* (Fire Resistance Ratings);
- 15. [PM-605.0] *PM-704* (Fire Protection Systems); and
- 16. [PM-704.2] *PM-804.2* (Historic Area Standards).

A-601.3 Fines for Class III offenses:

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- 10. [PM-302.5 (Site Hazard)] *PM-302.3 (Sidewalks and Driveways)*;
- 11. [PM-304.9] *PM-314* (Piers and Other Waterfront Structures);
- 12. [PM-305.6 (Lead Paint)] *Reserved*;
- 13. [PM-307.0] *PM-310* ([Unsafe and] Unfit Structures [and Equipment]); *PM-108 (Unsafe Structures and Equipment)*;
- 14. [PM-308.0] *PM-311* (Imminently Dangerous Structures);
- 15. [PM-406.3 (Cooling Facilities)] *Reserved*; [and]
- 16. [PM-304.10] *PM-304.15* (Periodic Inspection of Exterior Walls and Appurtenances of Buildings).
- 17. §14-906 (Market Street East Sign Regulations).
- 18. [PM-304.20.3; PM 304.21; PM-304.21.1 through 304.21.5] *PM-902.1; PM-902.3 through 902.8.*

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CHAPTER 8
APPEALS AND VARIANCES

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CHAPTER 9
FEES

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SECTION A-906 PROPERTY MAINTENANCE CODE FEES

A-906.1 General: Fees for licenses related to activity regulated by [the Property Maintenance Code] *Chapter 9-3900 ("Property Licenses and Owner Accountability")* shall be as set forth in this Section.

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SECTION 4. Subcode B of Title 4 of The Philadelphia Code is hereby amended to read as follows:

SUBCODE "B" (THE PHILADELPHIA BUILDING CODE)

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§ B-1.2.4 THE 2009 INTERNATIONAL BUILDING CODE:

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CHAPTER 12
INTERIOR ENVIRONMENT

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SECTION B-1205 LIGHTING

B-1205.1.1 Habitable spaces. Habitable spaces in Group R occupancies shall also comply with the natural light requirements of Section[s] PM-402.1 [through PM-402.1.4 of the Philadelphia Property Maintenance Code].

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SECTION B-1208 INTERIOR SPACE DIMENSIONS

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B-1208.3 Room area. Every dwelling unit shall have at least one room that shall have not less than 120 square feet (13.9 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²). Dwelling units, rooming units, dormitory units and hotel units shall also comply with the space and use requirements of [Sections PM-404.1 through PM-404.2.1] *Section PM-404* of the Philadelphia Property Maintenance Code.

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SECTION 5. Subcode F of Title 4 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 1 ADMINISTRATION

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SECTION F-108 BOARD OF SAFETY AND FIRE PREVENTION

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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:

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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 Force 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)] *PM-902 (Special Requirements For FVRP/LVCIPs)*. 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.

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F-108.6. Inspection and Evaluation of Vacant Properties.

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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-902 (Special Requirements For FVRP/LVCIPs)*, [PM-307] *PM-310 (Unsafe [and Unfit] Structures [and Equipment])*, *PM-108 (Unsafe Structures and Equipment)*; [PM-308] *PM-311 (Imminently Dangerous Structures)* and F-311 (Vacant Premises) are met.

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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:

* * *

5. Any violation of [PM-306 (Vacant Premises)] *PM-902 (Special Requirements For FVRP/LVCIPs)* 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] *PM-902*. In all relevant respects, the procedure for enforcement of this Chapter shall be identical to that contained in Section [PM-306] *PM-902*.

F-108.10 Notification: Where the Joint Inspection Team determines that a vacant building is in violation of [PM-306] *PM-902* 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.

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SECTION 6. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

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§ 9-632. Television Access Providers and Installers.

(1) Findings: The Findings set forth in Section [PM-304.3.1(a)] *PM-304.6.1* of this Code are incorporated herein by reference.

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(7) No television access provider or installer shall place or install a satellite dish or antenna between the facade of a

building and the street, where such dish or antenna does not meet one of the criteria set forth in [§PM-304.3.1(e)] §PM-304.6.2.4, and unless the installer has painted the dish to match the color of the building facade as closely as possible.

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CHAPTER 9-2800. UNIVERSITIES, PROPERTY OWNERS OR MANAGERS AND STUDENTS.

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§ 9-2805. Zoning Compliance.

(1) No student may live in an Educational Housing District in any dwelling which is in violation of the Zoning Code or lacks any license or certificate required by [PM-102.0] §9-3902(1) (relating to licensing), including any dwelling in which more than three unrelated persons are living as a single household unit. Nothing in this Section shall relieve a property owner from any liability or duty to comply with any applicable provision of the Zoning Code or [PM-102.0] §9-3902(1), and whenever a student is served with a notice of violation pursuant to this subsection, the property owner shall also be served with a notice of violation.

(2) Notwithstanding any other provision of this Code, if a property owner is finally determined to have violated the provisions of this Section with respect to a property two or more times within any three year period, any (a) subsequent violation of this Section with respect to such property; (b) failure to pay any fine or cost imposed for a prior violation of this Section with respect such property; or (c) failure to comply with a remedial order under this Section with respect to such property; shall result in the immediate revocation of all licenses and certificates issued for such property pursuant to [PM-102.0] §9-3902(1). For purposes of this subsection (2), a final determination refers to payment of the fine for a violation, a default or a final adjudication on the merits from which no timely direct appeal is available. No license or certificate under [PM-102.0] §9-3902(1) shall be issued with respect to such property for three years after revocation under this subsection (2), except to a subsequent owner of the property who presents proof of payment of City and state realty transfer tax on the transaction in which such subsequent owner obtained the property. Review of the revocation of a license or certificate pursuant to this subsection (2) shall be pursuant to Section A-801 of the Administrative Code.

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§ 9-2808. Reporting Requirement.

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(5) A listing of all buildings for which application has been made in the 12 month period between October 1 of the preceding year and September 30 of the current year for certification of inspection by the Department of Licenses and Inspection under [Section PM-102.1.1] §9-3902(1)(a) in order to obtain or renew a multi-family dwelling license. Such listing shall identify the buildings inspected by the Department and the buildings for which certification has been provided. In connection with buildings that have been inspected, but for which certification has not been issued, the listing shall include a description of the violations of Building Construction and Occupancy Code requirements that prevented certification and a description of the actions that must be taken by the owner of the structure to obtain certification;

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SECTION 7. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

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CHAPTER 10-700. REFUSE AND LITTERING.

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§10-722. Use of Dumpsters.

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(6) Joint Duties of Licensees and Providers. A licensee and a provider shall each be responsible for the following:

(a) All dumpsters shall:

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(vi) be kept free of graffiti[, provided that the enforcement provisions of Section PM-311 of Title 4 shall apply].

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SECTION 8. Title 11 of The Philadelphia Code is hereby amended to read as follows:

TITLE 11. STREETS.

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CHAPTER 11-600. CONSTRUCTION, ENCROACHMENTS AND PROJECTIONS OVER, ON AND UNDER STREETS.

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§11-610. Construction Equipment.

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(6) Additional Duties of Construction Dumpster Owners and Users. In addition to any other duties set forth in this Code or by regulation, owners of construction dumpsters and users of construction dumpsters shall have the following duties:

(a) Duties of Licensee. A licensee shall:

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(.3) maintain the construction dumpster free of graffiti[, provided that the enforcement provisions of Section PM-311 of Title 4 shall apply]; and

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SECTION 9. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

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CHAPTER 14-500. OVERLAY ZONING DISTRICTS.

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§ 14-503. /NCA, Neighborhood Commercial Area Overlay.

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(4) Main Street/Manayunk and Venice Island.

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(f) Additional Regulations.

[Section PM-704.2] Section PM-804.2 of the Property Maintenance Code sets forth historic area standards for substantial portions of the Main Street/Manayunk and Venice Island /NCA district, as delineated by [Section PM-703.1.2] Section PM-803.1.2 of the Property Maintenance Code.

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SECTION 10. Title 19 of The Philadelphia Code is hereby amended to read as follows:

TITLE 19. FINANCE, TAXES AND COLLECTIONS.

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CHAPTER 19-2500. REAL ESTATE NON-UTILIZATION TAX.

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§ 19-2502. Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(1) Abandoned Property. Any property that is not a vacant lot, as defined in this Section; and which has:

(a) either:

(i) remained continuously unoccupied during the privilege year and for the prior four calendar years; or

(ii) has been licensed as vacant for the entire privilege year in accordance with the provisions of [Section PM-102.4 of Title 4 of The Philadelphia Code] §9-3902(4); and either

(b) (i) (in the case of property containing one or more buildings used in whole or in part for one or more dwelling units immediately prior to the time such property became vacant) has been under continuous designation as a public nuisance pursuant to [Section PM-307.0 of Title 4 of The Code] *Section PM-310 or Section PM-108* during the privilege year and for the year immediately preceding the privilege year; or

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(iii) (in the case of land not containing any building) has been continuously under citation for violating [Section PM-102.4 or PM-302.0 of Title 4 of The Philadelphia Code] §9-3902(4) or *PM-302.0* during the privilege year.

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SECTION 11. This Ordinance shall take effect upon the effective date of Bill No. 120647 (approved January 20, 2014). This Ordinance shall supersede §PM-4 of the Philadelphia Property Maintenance Code as adopted by Bill No. 120647 (approved January 20, 2014), and shall supersede any other ordinance that amended §PM-4 of the Philadelphia Property Maintenance Code as adopted by Bill No. 120647.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]