

Legislation Text

File #: 150228, **Version:** 0

Proposing an amendment to The Philadelphia Home Rule Charter to extend the functions of the Department of Streets by amending “Section 5-500” of “ARTICLE V - EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES Managing Director and Departments, Boards and Commissions under his Supervision” “CHAPTER 5 - DEPARTMENT OF STREETS AND ITS DEPARTMENTAL BOARD,” to impose an obligation on the Department of Streets for streets not owned, controlled, or operated by the City to cause the owner to remediate streets that pose peril to persons or property or to itself remediate the peril to persons or property and to recover the costs of doing so from the owners; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Deteriorating bridges and other structures not owned by the City of Philadelphia are increasingly posing peril to persons or property; and

WHEREAS, Non-City owners of deteriorating bridges and other structures are not accepting responsibility for remediating the resulting peril posed to persons and property; and

WHEREAS, As a matter of public safety, it behooves the City to take action to have the owner remediate the peril posed to persons and property by deteriorating bridges and other structures not owned by the City of Philadelphia or to do the remediation itself and recover the costs thereof; and

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of The City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE V
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
Managing Director and Departments, Boards and Commissions under his Supervision

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CHAPTER 5
DEPARTMENT OF STREETS AND ITS DEPARTMENTAL BOARD

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§ 5-500. Functions.

The Department of Streets shall have the power and its duty shall be to perform the following functions:

- (a) City Streets. It shall itself, or by contract, design construct, repair and maintain:
- (1) City streets, which shall include highways, roads, streets, alleys, footways, bridges, tunnels, overpasses and underpasses, including approaches and viaducts, owned, controlled or operated by the City or designated in accordance with law as streets of the City;
 - (2) *Streets that pose peril to persons or property, which shall include highways, roads, streets, alleys, footways, bridges, tunnels, overpasses and underpasses, including approaches and viaducts, not owned, controlled or operated by the City; and the Department shall seek to compel the owner by fines or other legal action to perform the necessary work to remediate the peril to persons or property, or to perform the work itself to remediate the peril to persons or property and recover the costs incurred from the owner by lien or otherwise;*
 - (3) [(2)] The roads and drives in Fairmount Park.

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Explanation:

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