

The City of Philadelphia



PROPERTY  
MAINTENANCE  
CODE  
2004

SECOND PRINTING

(SUBCODE "PM" OF TITLE 4,  
THE BUILDING CONSTRUCTION AND OCCUPANCY CODE  
OF THE CITY OF PHILADELPHIA)

CONFORMING TO THE PENNSYLVANIA  
UNIFORM CONSTRUCTION CODE (ACT 45 OF 1999)

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# HISTORY

This document contains the ordinance and regulations that together form the *Philadelphia Property Maintenance Code*. It is incorporated as Subcode "PM" of the *Philadelphia Building Construction and Occupancy Code* (BCOC), which comprises Title 4 of *The Philadelphia Code*. The code is printed here in its entirety.

The first edition of the *Philadelphia Property Maintenance Code* was developed as part of a major reformatting and update effort in 1997.

Beginning with the first edition, the Property Maintenance Code incorporates the former *Philadelphia Housing Code* provisions related to residential properties, provisions for the maintenance of non-residential properties, and provisions related to vacant, unsafe and dangerous properties that were formally found in several codes. The code should be regarded as a "property conservation" code, since it addresses the needs of an older metropolitan city that is experiencing relocation of residents and businesses and re-growth of neglected areas. The code promotes renewed confidence in the commercial and residential neighborhoods.

This second edition is the result of several efforts. Significant changes were included to reflect legislative activity in the several years since the first edition. While the *Philadelphia Property Maintenance Code* does not adopt a model code, it is designed to coordinate with the adoption of a number of the International Code Council's family of International codes. These codes were adopted, with State of Pennsylvania and City of Philadelphia modifications, as part of the ongoing effort to serve the citizens of Philadelphia with the latest technology and methodology for the safety, health and welfare of people in the built environment. Also, a number of International codes are adopted as a significant part of the City's actions to adopt the Pennsylvania Uniform Construction Code. Finally, some modifications resulted from lessons learned during several years of application of the first edition of the code. This second printing of the second edition includes amendments in ordinances and regulations made since the first printing.

The Property Maintenance subcode is founded on principles intended to establish provisions that: adequately protect public health, safety and welfare; do not unnecessarily increase construction costs; do not restrict the use of new materials, products or methods of construction; and do not give preferential treatment to particular types or classes of materials, products or methods of construction.

The safeguards are accomplished in large measure by specific provisions to maintain features that are required by one or more of the family of codes. In certain cases, the Property Maintenance code may require retrofit of basic features to provide a minimum level of safety, welfare and health in those structures built prior to the establishment of such provisions in the other codes.

Most administrative provisions are deferred to *the Philadelphia Administrative Code*, which is a single regulatory document that incorporates ordinances and regulations to administer the eleven technical subcodes in the BCOC. The Administrative subcode is a necessary companion to the Property Maintenance subcode in order to properly use and apply it.

**Effective January 1, 2004**

Printed in the United States of America

First edition: June, 1997

Second edition first printing: January, 2004

Second edition second printing: January, 2007

# NOTE TO READERS OF THE PHILADELPHIA PROPERTY MAINTENANCE CODE

The Property Maintenance Code does not adopt any copyrighted model code language and therefore is printed here in its entirety.

A number of features are incorporated into the *Philadelphia Property Maintenance Code* for the convenience of the user.

Definitions of terms are located alphabetically within Chapter 2.

An indenting feature is used in tandem with the code's decimal-based section numbering system to clearly indicate the hierarchy of each subsection. The numbering system enables the code user to know immediately the section to which a subsection is subordinate, since each subsection begins with the main section number, which is keyed to the chapter number.

Official regulations are printed within the section or subsection under which they were promulgated. This location style provides code users with a single source for all requirements pertaining to a topic. Regulations are printed with the designation "(R)" behind the section number to distinguish them from ordinance text.

Changes made in the *Philadelphia Property Maintenance Code* since the first printing of the 2004 edition are indicated by endnotes and the reason for the change is provided in the Endnote listing at the back of this publication.

Values that are stated in the U.S. customary units of measurement are to be regarded as the code requirements. The metric equivalents of U.S. customary units may be approximate. Nominal sizes included in the code indicate the common designation of materials by that industry and metric equivalents are not indicated.

In this document, all section numbers contain the prefix "PM-" before the designated numerical section number and all page numbers contain the prefix "PM-". Errata, updates, and additional information about this code may be found at: [WWW.PHILA.GOV](http://WWW.PHILA.GOV)

Readers of the *Philadelphia Administrative Code* are urged to notify the Philadelphia Department of Licenses and Inspections if they discover any errors in the printing of this Code. Contact: Code Administration Unit, Department of Licenses and Inspections, 11th Floor, Municipal Services Building, 1401 John F. Kennedy Blvd., Philadelphia, Pennsylvania 19102.

# PROPERTY MAINTENANCE CODE

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# CHAPTER 1 ADMINISTRATION

## SECTION PM-101.0 GENERAL

**PM-101.1 Title:** These provisions shall be known as the Philadelphia Property Maintenance Code, and shall be cited as such and will be referred to herein as "this code."

**PM-101.2 Scope:** This code is promulgated to protect the public health, safety and welfare in existing structures and on existing premises by establishing minimum requirements for:

1. Safe and sanitary maintenance of structures, premises and equipment;
2. Equipment and facilities for space, light, ventilation, heating, sanitation and protection from the elements;
3. Safety to life, safety from fire and other hazards.

The code establishes responsibilities of owners, operators, agents and occupants and provides for licensing of certain properties.

**PM-101.3 Intent:** This code shall be construed to secure its expressed intent, which is to insure public health, safety and welfare to the extent they are affected by the continued occupancy and maintenance of existing structures and premises. Existing structures and premises which are not in compliance with this code shall be altered or repaired to provide the minimum health, safety and welfare as required herein.

**PM-101.4 Administrative provisions:** This chapter contains those provisions which are unique to the administration of this code. All other administrative provisions applicable to this code are as set forth in the administrative code.

**PM-101.5 Other codes:** Where this code references the administrative, building, electrical, energy conservation, existing building, fire, fuel gas, mechanical, performance, plumbing, residential or zoning codes, it shall mean the City of Philadelphia Code of such title listed in Chapter 8 and currently in effect unless specifically stated otherwise. The provisions of this code shall not be construed to replace or supersede other codes adopted by the City. Repairs, additions, alterations and changes in occupancy shall be in compliance with the building, electrical, energy conservation, existing building, fire, fuel gas, mechanical, plumbing, residential and zoning codes as applicable.

## SECTION PM-102.0 LICENSING

**PM-102.1 Dwellings:** No person shall operate a multiple-family dwelling, rooming house, dormitory or hotel, or offer for rent a one-family dwelling, two-family dwelling or a rooming unit therein without first obtaining a housing inspection 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.

**PM-102.1.1 Special requirement in Educational Housing Districts:** In addition to the other conditions for obtaining a license under this section, no person shall be issued a housing inspection license for a property located in an Educational Housing District in which the total number of students living in the building exceeds 25, or in which the percentage of dwelling units in the building in which at least one student lives exceeds 25% of the dwelling units of such building, and no such license shall be renewed, unless such person obtains a certification from the Department stating that within the last ninety days the property has been inspected by the Department and is in substantial compliance with the requirements of the Building Construction and Occupancy Code. The fee for such an inspection shall be established by the Department by regulation. For purposes of this subsection, the terms "Educational Housing District" and "student" shall have the meanings as defined in Chapter 10-1800 of the Code.

**PM-102.2 Occupancy:** Every housing inspection license for a rooming house, dormitory or hotel shall specify the maximum number of occupants allowed to occupy the building.

**PM-102.3 Individual unit:** An individual housing inspection license need not be obtained if one has been issued for the building in which a dwelling or rooming unit is located.

**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 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.

**PM-102.4.1 Timeliness:** A license shall be obtained not later than 10 days following the vacating of a building or lot.

**PM-102.4.2 Contiguous lots:** Contiguous vacant lots shall be exempt from separate licensing when either of the following conditions exist:

1. Vacant lots are contiguous to and in common ownership with a vacant lot licensed in accordance with this section. This provision shall include building lots in common ownership with an approved subdivision provided that a license is obtained for the subdivision tract.
2. Vacant lots contiguous to or separated by a driveway from a building where there is common ownership of the lot and the building.

**PM-102.4.3 Exemptions:** A person who takes ownership of a property pursuant to an Abatement Agreement under the Emergency Nuisance Abatement Program, set forth in Section PM-309.0, shall be exempt from the foregoing license and bond requirements for a period of two years after taking ownership of the property.

**PM-102.5 License applications:** Every license application shall include the information listed in Sections PM-102.5.1 through PM-102.5.4 plus such other information deemed necessary by the Department.

**PM-102.5.1 Address:** An identification of the property by street number and names of all streets contiguous to the property, where such exist.

**PM-102.5.2 Owner:** An identification of the owner by name, residence and business address. If the owner is a corporation, the identification shall include the name and address of such corporation, together with the name, residence and business address of at least one principal. If the owner is under the age of eighteen years or has been judicially declared incompetent, a legal representative shall file the license application.

**PM-102.5.2.1 Multiple-family dwellings and rooming houses:** License applications filed pursuant to Sections PM-102.1 or PM-102.2 shall include the name and address of a managing agent designated pursuant to Section PM-102.6.5.

**PM-102.5.3 Signatures:** The signature of the owner, or if the owner is a corporation, of any officer. The managing agent, where one is required by Section PM-102.6.5, shall also sign the application to indicate consent to the designation except that such consent is not required if any owner or officer of a corporation serves as the managing agent.

**PM-102.6 Condition of license:** All licenses required by this code shall be subject to the conditions set forth in Sections PM-102.6.1 through PM-102.6.5.

**PM-102.6.1 Term:** Licenses shall be valid for a period of one year. The Department shall fix the license year on a basis it deems desirable for efficient administration. If a license year is changed, any person holding a license shall receive credit for the unexpired term.

**PM-102.6.2 Transfer:** No license required by this code shall be transferable. The new owner shall obtain a new license from the Department within ten days after the transfer in any manner of ownership or control of the interest in such property.

**PM-102.6.3 Changes:** An owner, who is required to be licensed under this Chapter, shall inform the Department in writing by first-class mail and shall amend the license application within five days if there is a change of

address of the owner, a change in the list of officers of the owner corporation, a change of address of any of such listed officers, or vacating of an excepted unit by an owner.

**PM-102.6.4 Rent collection:**<sup>1</sup> No person shall collect rent with respect to any property that is required to be licensed pursuant to this code unless a valid license has been issued for said property. At the inception of each tenancy, an owner shall provide to the tenant a Certificate of Rental Suitability issued by the Department no more than sixty (60) days prior to the inception of the tenancy along with a copy of the owner's attestation to the suitability of the dwelling unit as received by the department and a copy of the "City of Philadelphia Partners for Good Housing Handbook" issued by the Department and any succeeding documents.

**PM-102.6.4.1. Certificate of Rental Suitability.**<sup>2</sup>

- (a) The department shall issue a Certificate of Rental Suitability only upon a determination that:
  - (.1) The owner of the property has obtained all required licenses with respect to the property, including a Housing Inspection License.
  - (.2) There are no outstanding violation notices under this Title with respect to the property.
  - (.3) The owner of the premises to be leased has attested to all the following: all fire protection and smoke detection equipment for the premises is present and in proper operating order in accordance with all applicable requirements of The Philadelphia Code and regulations and standards adopted thereunder; the operating systems and the property are free from defects which affect the health and safety of the occupants or the habitability of the property, and including but not limited to those set forth in department regulation and forms; and the owner will continue to maintain the operating systems and the property free from defects which affect the health and safety of the occupants and the habitability of the property throughout the tenancy.
    - (.a) Failure by the owner to correct code violations covered by subsection 102.6.4.1(a)(.3) within thirty (30) days of receiving a notice of violation, or sooner as indicated by the department, shall be considered to be noncompliant with this section of the code.
  - (.4) The owner of the property has paid such fee as the department shall provide for, by regulation, for the Certificate and any required inspections.
- (b) The Certificate shall set forth the applicable Housing Inspection License number for the property, the date of the last inspection conducted by the department (where applicable) and the applicable zoning designation, and shall set out the process by which a tenant may request a further inspection of the property by the Department.

**PM-102.6.5 Agent:** The owner of a multiple-family dwelling, rooming house, dormitory or hotel shall designate a managing agent to receive service of notices, orders, or summonses issued by the Department. To qualify for such designations, an agent shall be a natural person over the age of eighteen years and shall reside within the City or customarily and regularly attend a business office maintained within the City. An owner or corporate principal who meets such qualifications shall be authorized to serve as the managing agent. If anyone located in Philadelphia other than the owner collects rent on the owner's behalf, that person shall qualify as and be designated as the managing agent.

**PM-102.6.5.1 Termination by owner:** To terminate a managing agent, the owner shall file with the Department a statement designating a qualified successor. A qualified successor shall be designated by the owner within ten days after terminating an agent and the Department shall be notified by first-class mail of that change within three days after selection of the qualified successor.

**PM-102.6.5.2 Termination by agent:** To terminate agency, the managing agent shall serve a written notice on the owner and the Department. The notice to the Department shall set forth the license number and address of the property and the name and address of the owner together with an affidavit of proof of service upon the owner. Service upon the owner shall be made by delivery of a copy personally to the owner or any principal if the owner is a corporation, by registered mail to the address of any owner or principal as set forth in the license application, or by delivery to any person of suitable age and discretion at the address of the owner or any principal as set forth in the license application. Upon termination of the agency, the owner shall file with the Department a statement designating a qualified successor within ten days.

**PM-102.6.5.3 Other termination:** If the designation of a managing agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent, or disqualification because of relocation from Philadelphia, the owner shall file a statement with the Department within ten days thereafter designating a qualified successor.

**PM-102.6.5.4 Alternate agent:** Any owner who is required to file a license application under this code and who fails to comply with the provisions of this section as required shall be deemed to have appointed the Managing Director of the City of Philadelphia as agent to accept service of process in connection with any action by the City or any other party arising out of the condition of the property or any other matter relating to the property.

**PM-102.7 Penalties:** In addition to penalties set forth in the administrative code, the additional specific penalties set forth in Sections PM-102.7.1 through PM-102.7.3 shall apply.

**PM-102.7.1 Non-compliance:**<sup>3</sup> Any owner who is required to file a license application under this code or who fails to comply with the provisions of Section PM-102.0 as required, or whose license has been suspended or revoked under subsection PM-102.7.2, shall be denied the right to recover possession of the premises or to collect rent during or for the period of noncompliance or during or for the period of license suspension or revocation. In any action to recover possession of real property or to make any claim against a tenant, the owner shall attach a copy of the license together with any amendments thereto.

**PM-102.7.2 Suspension and Revocation:** Any license issued pursuant to the provisions of this code shall be subject to suspension by the Department for failure to comply with the requirements of this code after a reinspection has been made to determine compliance pursuant to Section A-503.1 of the administrative code, or for failure to pay any fine and/or cost imposed under this code or the administrative code, and such suspension shall continue until there has been compliance and until any unpaid fines and costs have been paid. If a person has had a license suspended under this provision on three occasions, within a period of three years, then each subsequent failure to comply with the requirements of this code or failure to pay any fine and/or cost imposed under this code or the administrative code shall result in revocation of the license, and the person shall not be permitted to apply for any new licenses under this Section for one year after such revocation. The Department shall provide written notice and an opportunity for a hearing prior to any suspension or revocation of a license under this Section.

**PM-102.7.3 Code Violation Notice:** In accordance with the provisions of Section 1-112(5) of The Philadelphia Code, the code official shall issue a code violation notice in the amount of \$75.00 to persons licensed under this Section who fail to comply with the provisions of PM-102.6.3 regarding notification to the Department of changes pursuant to the issuance of said license. Each day that a violation exists or a person refuses to submit such information as required shall constitute a separate offense.

**PM-102.7.4 Private right of action.**<sup>4</sup> Any tenant of any property subject to the provisions of this Code shall have the right to bring an action against the owner of such property to compel compliance with this Code.

**PM-102.8 Business Privilege License:** No person shall offer for rent any dwelling or dwelling unit without first obtaining a business privilege license pursuant to §19-2602 of The Philadelphia Code.

## CHAPTER 2 DEFINITIONS

### SECTION PM-201.0 GENERAL

**PM-201.1 Scope:** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**PM-201.2 Interchangeability:** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

**PM-201.3 Terms defined in other codes:** Where terms are not defined in this code and are defined in the building, electrical, plumbing or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.

**PM-201.4 Terms not defined:** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**PM-201.5 Parts:** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "story," or "structure" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

### SECTION PM-202.0 GENERAL DEFINITIONS

**Approved:** Approved by the code official or other authority having jurisdiction.

**Basement:** That portion of a structure which is partly or completely below grade.

**Bathroom:** A room containing plumbing fixtures including a bathtub or shower.

**Building:** Any structure occupied or intended for supporting or sheltering any occupancy.

**Blighting Influence:** A vacant building that lacks windows with frames and glazing and/or lacks one or more doors in entryways of the building if:

1. the building is located on a block face where 80% or more buildings on the block face are occupied; or
2. the Department has provided 20 days notice to the owner of the property that the Commissioner of Licenses and Inspections has determined, in consultation with other City officials as appropriate, that the lack of windows and/or entry doors has a significant adverse influence on the community based on the following factors:
  - a. deterioration and/or safety of the property;
  - b. safety of the surrounding community;
  - c. the value of intact, occupied properties in the surrounding vicinity of the property;
  - d. marketability of the property; and
  - e. community morale.

**Code official:** The Commissioner of the Department, or his or her duly authorized representative charged with the administration and enforcement of this code.

**Condominiums:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, as defined in the Uniform Condominium Act; 68 Pa. C.S.A. §§3101 et seq., or real property as defined by the Unit Property Act, Act of July 3, 1963, P.L. 196, 68 P.S. 700.101 et seq., whichever is applicable.

**Condominium Council:** A "unit owners association" as defined by the Uniform Condominium Act, 68 Pa. C.S.A. §§3101 et seq. or a board of natural individuals as required and defined by the Unit Property Act, Act of July 3, 1963, P.L. 196, 68 P.S. §700.101 et seq., whichever is applicable.

**Department:** The Department of Licenses and Inspections or a duly authorized representative.

**Dwellings:**

**Dormitory:** A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

**Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, including such units contained within residential condominiums.

**Hotel:** Any building containing six or more guestrooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

**Multiple-family dwelling:** A building containing more than two dwelling units.

**One-family dwelling:** A building containing one dwelling unit with not more than five lodgers or boarders in addition to the primary family.

**Rooming house:** A building containing rooming units arranged or occupied for lodging, with or without meals, and not occupied as a one-family dwelling or a two-family dwelling.

**Rooming unit:** Any room or group of rooms which together form a single habitable unit occupied or intended to be occupied by an individual or family for sleeping or living, but not for cooking purposes.

**Two-family dwelling:** A building containing two dwelling units with not more than five lodgers or boarders in addition to each primary family.

**Exterior property:** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Extermination:** The control and elimination of insects, rats, vermin, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**Family:** An individual or two or more persons related by blood, marriage or adoption; or a group of three or less unrelated persons, living together as a single housekeeping unit.

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Habitable space:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, vestibules, foyers, stairways, laundries, basement recreation rooms, storage or utility spaces, and similar areas are not considered habitable spaces.

**PM-202.0 (R) Separate space:** A space shall be considered separately enclosed for purposes of this code where more than 50 percent of the area of the separating plane consists of partitions; or where the depth of an alcove exceeds twice its width.

**Infestation:** The presence of insects, rodents, vermin or other pests, within or contiguous to, a structure or premises.

**Occupancy:** The purpose for which a building or portion thereof is used or occupied.

**Openable area:** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**Operator:** Any person who has charge, care, management, or control of a structure or premises which is offered for occupancy. No person who owns a dwelling unit in a condominium shall by virtue of that ownership, and/or by virtue of rights and obligations or the exercise thereof in regard to the Condominium Council, be considered an operator of that condominium within the meaning of this code. However, in the case of a condominium, the Condominium Council shall be considered the owner / operator of the condominium and the common elements thereof. The developer or instrument established prior to the establishment of the Condominium Council shall be considered the owner / operator of the condominium until such time as the Condominium Council shall take possession.

**Owner:** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the Commonwealth of Pennsylvania or City and County of Philadelphia as

holding title to the property; or otherwise having control of the property; including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. No person who owns a dwelling unit in a condominium shall by virtue of that ownership and/or by virtue of his rights and obligations, or the exercise thereof, in the Condominium Council shall be considered an owner of the Condominium within the meaning of this section. However, in the case of a condominium, the Condominium Council shall be considered the owner / operator of the condominium and the common elements thereof. The developer or instrument established prior to the establishment of the Condominium Council shall be considered the owner / operator of the condominium until such time as the Condominium Council shall take possession.

**Person:** An individual, corporation, firm, partnership, association, organization, or any other group acting as a unit.

**Plumbing:** The materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, vents, drains and appurtenances together with all connections to water and sewer lines within the scope of the plumbing code.

**Plumbing fixture:** A receptacle or device which is connected to the water distribution system of the premises; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or both.

**Premises:** A lot, plot or parcel of land including any structures thereon.

**Private Parking Lot:**<sup>5</sup> Any outdoor area or space where more than six (6) motor vehicles may be parked, housed or kept without any charge.

**Rubbish:** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and similar materials.

**Structure:** That which is built or constructed.

**Toilet room:** A room containing one or more water closets or urinals but not a bathtub or shower.

**Structure:** That which is built or constructed.

**Toilet room:** A room containing one or more water closets or urinals but not a bathtub or shower.

**Unsafe:** Includes the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements and excavations; or
3. Any premises that has unsanitary sewerage or plumbing facilities; or
4. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsecure so as to endanger life, limb or property; or
5. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
6. Any premises that is unsanitary, or that is littered with rubbish, garbage; raw sewage or contains infestation due to the presence of insects, rodents, vermin or other pests; or
7. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; vacant or abandoned and open to public trespass; damaged by fire to the extent so as not to provide shelter; or otherwise hazardous to anyone on or near the premises; or
8. Any premises certified by the Police Department or the District Attorney's Office as the location of drug sales or use.

**Ventilation:** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**Workmanlike:** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

**Yard:** All open space on the same lot with a structure.

## CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

### SECTION PM-301.0 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. All premises, whether occupied or vacant, shall be maintained in such repair and in such safe and sanitary condition that no physical damage shall be caused to any adjoining premises. Every occupant of a dwelling unit or rooming unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

**PM-301.2.1 Historic structures:** The owner of every historic structure shall maintain such structure in accordance with Section 14-2007(8)(c) of the Philadelphia Code and regulations pursuant thereto.

### SECTION PM-302.0 EXTERIOR PROPERTY AREAS

**PM-302.1 General:** All exterior property and premises shall be subject to the provisions of Sections PM-302.2 through PM-302.7.

**PM-302.2 Sanitation:** All exterior property and premises, including porches, patios and decks, shall be maintained in a clean, safe and sanitary condition and free from any accumulation of:

1. rubbish or garbage;
2. building materials or equipment that are not currently being used for work at the property, or are being used in connection with work at the property which requires a building permit, if no such permit has been obtained; or
3. an unreasonable quantity of other personal property, not including currently functional items such as patio furniture, play equipment, lawn and garden equipment or other similar outdoor items.

Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**PM-302.3 Weeds:** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees, shrubs, cultivated flowers and gardens.

**PM-302.4 Grading and drainage:**<sup>6</sup> All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure, including any swimming pool or decorative pond, located thereon.

**Exception:** Approved water retention areas and reservoirs.

**PM-302.4.1 Storm drainage:** Drainage of roofs, paved areas, yards, courts, and other open areas on the premises shall not be discharged in a manner that creates a health or safety hazard.

**PM-302.4.2 Drainage:** Activity on a premises including, but not limited to regrading, terracing, fencing and construction activity shall not result in the concentration of surface water drainage to adjoining property.

**Exception:** Where terrain slopes toward a natural water course such as a creek, stream or river.

**PM-302.4.2 (R)** A concentration of surface water, as used in this section, shall mean an identifiable channel of water directed at an adjoining property.

**PM-302.5 Site hazard:** All walkways, stairs, driveways, parking spaces and similar areas shall be maintained free from hazardous conditions. Stairs shall also comply with the requirements of Sections PM-304.7 and PM-602.3.

**PM-302.6 Accessory structures:**<sup>7</sup> All accessory structures, including detached garages, tool sheds, decks, fences, swimming pools and walls, shall be maintained structurally sound and in good repair. In addition, every person

owning or occupying land on which a swimming pool with a depth of 24 inches or greater is placed, located, constructed or erected, shall comply with the following provisions:

1. Erect and maintain an enclosure which can be locked, not less than four (4) feet in height around the pool, in order to make it inaccessible to children when the pool is not in use; or
2. Comply with the Philadelphia Building Code requirements for a pool cover, enclosure or other protective device as approved by the code official.

**PM-302.6.1 Temporary Fences:**<sup>8</sup> No person shall place or maintain a fence in the 10th Councilmanic District that is free-standing (meaning not permanently affixed to the property) and that is of a type customarily used for building projects and construction sites, such as a modular chain-link fence, unless such free-standing fence is placed and maintained in connection with a building permit issued pursuant to Subcode "A" (The Philadelphia Administrative Code), or unless such fence is placed and maintained to protect against either a potential safety hazard from an ongoing work process for which a building permit is not required or any imminent safety hazard. Any temporary fence so placed shall be removed upon completion of the work authorized by such building permit or the elimination of the present or potential safety hazard.

**PM-302.7 Motor vehicles:** Except as provided for by Use Registration Permit, not more than one currently unregistered motor vehicle shall be parked, kept or stored and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled on any exterior property.

### SECTION PM-303.0 INTERIOR AREAS

**PM-303.1 General:** All interior areas shall be subject to the provisions of Sections PM-303.2 through PM-303.5.

**PM-303.2 Sanitation:** The interior of every structure shall be free from any accumulation of rubbish or garbage.

**PM-303.3 Disposal of waste matter:** Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such material in approved containers, both within the occupant's area of control and as provided in common for multiple tenants.

**PM-303.3 (R)** Where containers are intended to receive or store ashes or other products of combustion, they shall consist of noncombustible materials.

**PM-303.3.1 Residential occupancies:** The owner of every residential premises shall supply approved containers for rubbish and shall be responsible for removal and/or collection of same. The owner shall also provide for removal of garbage by providing one of the following: a food waste grinder in each dwelling unit, an approved covered, leakproof outside garbage container, or an approved incinerator unit available to the occupants of all dwelling units.

**Exception:** Where facilities are provided in Group R-3 occupancies, the occupants are responsible for the removal and collection of waste matter.

**PM-303.3.2 Non-residential occupancies:** The owner of every occupied premises shall be responsible for the removal of rubbish where not eligible for City collection. The operator of every establishment which produces garbage shall provide, and at all times cause to be utilized, approved covered, leakproof containers for the storage of such materials until removed from the premises for disposal.

**PM-303.4 Infestation:** All structures shall be maintained free of infestation by insects, rodents, vermin or other pests.

**PM-303.5 Extermination:** Where infestation is found, the structure shall be promptly exterminated by processes that will not be injurious to human health. After extermination, proper measures shall be taken to prevent reinfestation.

**PM-303.5.1 Single occupancy:** The occupant of a structure containing a single dwelling unit or of a single nonresidential structure shall be responsible for extermination on the premises.

**PM-303.5.2 Multiple occupancy:** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

## SECTION PM-304.0 EXTERIOR STRUCTURE

**PM-304.1 General:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**PM-304.2 Foundations:** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

**PM-304.3 Walls:** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated or pointed where required to prevent deterioration.

**PM-304.4 Roofs:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a health or safety hazard.

**PM-304.5 Appurtenances and architectural features:** All cornices, belt courses, corbels, terra cotta trim, wall facings canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar elements shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PM-304.6 Chimneys and towers:** All chimneys, cooling towers, smoke stacks, and similar construction shall be maintained structurally safe and sound, and in good repair so that it will function safely and effectively. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PM-304.7 Handrails and guards:** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**PM-304.8 Windows and doors:** Every window, door and frame shall be kept in sound condition, good repair, weather tight and free of broken glazing.

**PM-304.8.1 Doors:** All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. All building entrance doors and other exterior exit doors on all dwellings, except those dwellings that are exclusively owner-occupied and those building entrance doors guarded by 24-hour security personnel, shall be self-closing and equipped with heavy duty lock sets with auxiliary latch bolts to prevent the latter from being manipulated by means other than a key; provided that exit doors shall be readily openable at all times from the side from which egress is to be made and shall not require a key to operate from that side; further provided that if a latch set has a stop, it will be controlled by a master key only and that outside cylinders of main entrance door locks shall be operated by the tenant's key, which shall not be designed to also open the tenant's dwelling unit entrance door.

**PM-304.8.1.1 Single occupancy:** Exterior doors which serve only one tenant need only be equipped with a heavy duty dead bolt operable by a key from the outside.

**PM-304.8.1.2 Alternate:** The required lockset shall be permitted on a vestibule door provided there is no other door to dwelling units from within the vestibule.

**PM-304.8.2 Windows:** All operable windows to residential buildings or dwellings which are accessible from the street, fire escape or other walking surface, shall be equipped with sash locks designed to be operable from the inside only.

**Exception:** Windows in dwellings which are exclusively owner-occupied and windows which are guarded by 24-hour security personnel.

**PM-304.8.3 Basement openings:** Every basement hatchway, door and window shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Where basement hatchways are part of a walking surface, they shall be maintained in a structurally sound condition to support the imposed load.

**PM-304.9 Piers and other waterfront structures:** In order to confirm and maintain the structural integrity of their structures, the owners of piers, bulkheads, wharves, docks, moored vessels, and other structures that have structural elements partly or totally below water along the shorelines of the Delaware River, Schuylkill River, or estuaries

shall inspect and submit a structural assessment report to the Department of Licenses and Inspections on a triennial basis with the first report due no later than January 1, 2003. Subsequent reports will be due January 1, 2006 and every three years thereafter. The structural assessment report shall be subject to the provisions of PM-304.9.1 through PM-304.9.6.

**Exceptions:**

1. The reporting requirement shall not apply to pipelines, bridges, dams, utility towers, tram towers, and water and wastewater discharge and intake structures.
2. The reporting requirement shall not apply to vacant piers and other waterfront structures provided:
  - (a) A barrier to human occupancy is maintained at all points of access from the on-shore side of the pier or other waterfront structure.
  - (b) The owner files an "Affidavit of Vacant Pier" with the Department of Licenses & Inspections.
  - (c) The owner maintains a vacant property license.
  - (d) The pier or other waterfront structure is posted on all sides, in a visible and conspicuous manner, with "Danger-No Trespassing" signs.

**PM-304.9.1 Minimum qualification of inspection personnel:** The personnel involved in the inspection of piers and other waterfront structures shall possess the following qualifications:

**PM-304.9.1.1 Project engineer:** A professional engineer registered in the Commonwealth of Pennsylvania shall be designated as the project engineer and shall prepare the structural assessment report. The project engineer shall have at least five years experience in the field of marine structure construction and design techniques with specific verifiable knowledge of relieving platforms, high water structures, and cellular structures.

**PM- 304.9.1.2 Team leader:** All underwater inspections shall be led by and under the direction of a team leader who shall be a professional engineer registered in the Commonwealth of Pennsylvania. The team leader shall have at least three years experience in the field of marine structure construction and design techniques. The team leader shall also be a qualified diver or shall use a video monitor to assess and record the divers' inspections.

**PM-304.9.1.3 Divers:** Underwater inspections shall be performed by divers who are graduates of a commercial diving school. Divers shall have completed at least 80 hours of instruction specifically related to structural inspections or shall have at least six months verifiable wharf builder experience in the Delaware bay, river, or estuary.

**PM-304.9.2 Inspections:** The inspections required by this Section shall be classified as follows:

**PM-304.9.2.1 Routine inspections:** Routine inspections shall be performed and a structural assessment report prepared at least once every three years as set forth in PM-304.9. The inspections shall include:

**PM-304.9.2.1.1 Topside inspections:** Topside inspection of the above-water portions of the pier or other waterfront structure.

**PM-304.9.2.1.2 Underwater inspections:** Underwater inspection by personnel qualified to perform such inspections, of those portions of the pier or other waterfront structure that cannot be inspected above water.

**PM-304.9.2.2 Post-event inspection:** A post-event inspection shall be performed, and a structural assessment report submitted, following a damage-causing event such as impact by vessel, major flood, ice flow, or similar event.

**PM-304.9.3 Structural assessment rating system:** A rating system conforming to the following criteria shall be used in the structural assessment report to describe the overall condition of the pier or other waterfront structure.

**PM-304.9.3.1 Very Good -** No visible defects or deterioration observed. All structural elements are sound and performing their function. No repairs are required to accommodate the structure's current use and loading conditions.

**PM-304.9.3.2 Good** - Localized minor defects or deterioration observed. All structural elements are sound and performing their function. No repairs are required to accommodate the structure's current use and loading conditions.

**PM-304.9.3.3 Fair** - Moderate defects or deterioration observed. Primary structural elements are sound, however, repairs must be completed in order to accommodate the structure's current use and loading conditions.

**PM-304.9.3.4 Poor** - Advanced defects or deterioration observed. Overstressing of structural elements observed. The structure or a portion thereof, must be posted with maximum permitted live load certificate(s) and the use restricted until repairs are completed.

**PM-304.9.3.5 Serious** - Advanced defects or deterioration observed. Overstressing or breakage of structural elements that significantly affects the load bearing capacity of primary structural elements. Localized failure is possible and portions of the structure must be barricaded from occupancy and posted until repairs are completed.

**PM-304.9.3.6 Critical** - Very advanced defects or deterioration observed. Overstressing or breakage of structural elements has resulted in failure(s) of primary structural components. Widespread failure is possible. All occupancy must cease immediately and the structure barricaded and posted. The pier or other waterfront structure must remain closed until repairs are completed.

**PM-304.9.4 Structural assessment report:** Structural assessment reports shall be sealed by the project engineer. Each report shall consist of the following sections.

**PM-304.9.4.1 Introduction** - The introduction to the report shall include:

- (1.) Description of the facility including use (function) and loading conditions.
- (2.) Scope of work including any limitations affecting inspections dictated by the owner or site conditions.
- (3.) Description of the inspection including equipment, test methods, date, time, weather, stage of tide, and the names and qualifications of the survey party.

**PM-304.9.4.2 Existing conditions** - The existing conditions section of the report shall include the following. Data and results shall be documented by drawings/sketches and pictures and shall be reported in a factual manner without comment or analysis.

- (1.) Results of topside and underwater inspections.
- (2.) Special testing accomplished in the field.
- (3.) Results of laboratory testing.

**PM-304.9.4.3 Evaluation** - Evaluate the structure based upon the existing conditions, current use (function), and loading conditions. The overall structural assessment rating shall be included in this section.

**PM-304.9.4.4 Recommendations** - The report shall contain:

- (1.) Recommendations for repairs or replacement including timeframe for completion.
- (2.) Restrictions of use, and required posting(s) of live load certificate(s).

**PM-304.9.5 Posting, repairs and restricted occupancy:** Based upon the recommendations of the Project Engineer, as detailed in the structural assessment report, the following shall occur:

**PM-304.9.5.1 Required Repairs (Fair Rating)** - Repairs identified by the Project Engineer as necessary to accommodate the structure's current use shall be completed within nine months of the report date.

**PM-304.9.5.2 Post Maximum Permitted Live Load Certification (Poor Rating)** - Live load certification signs, approved by the Department of Licenses & Inspections, shall be conspicuously posted.

**PM-304.9.5.3 Barriers (Serious Rating)** - Install barriers and post approved signage to prevent access to specific areas identified by the Project Engineer.

**PM-304.9.5.4 Restrict Occupancy (Critical Rating)** - Immediately cease operation of any pier or other waterfront structure determined by the Project Engineer to be in critical condition. Post “Danger - No Trespassing” signs on all sides including the on-shore and out-shore sides. Install a barrier to prevent access to the pier or other waterfront structure from all points of access from the on-shore side.

**PM-304.9.5.5 Rating Upgrade** - Once repairs have been completed to a pier or other waterfront structure, the Project Engineer may submit an addendum to the structural assessment report to upgrade the load limitations, use, and structural assessment rating.

**PM-304.9.6 Submission schedule:** Notification of serious or critical conditions and submission of reports shall be in accordance with the following schedule:

**PM-304.9.6.1** Should a condition warrant a serious or critical designation, the Project Engineer shall notify the owner, current occupant, and the Commissioner of the Department of Licenses and Inspections immediately. The immediate notice may be oral, but shall in all cases be submitted in writing via certified letter within 24 hours of discovery to the owner, current occupant and the Commissioner of the Department of Licenses and Inspections.

**PM-304.9.6.2** Structural assessment reports shall be submitted to the Commissioner of the Department of Licenses and Inspections within sixty days of physical inspection.

### SECTION PM-305.0 INTERIOR STRUCTURE

**PM-305.1 General:** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing more than one tenant shall maintain, in a clean and sanitary condition, the shared or public areas of the structure.

**PM-305.2 Building elements:** The walls, floors, ceilings, stairs, handrails, guards and supporting structural members of every structure shall be maintained structurally sound, and be capable of supporting the imposed loads.

**PM-305.3 Interior surfaces:** Walls, floors and ceilings shall be maintained substantially rodentproof. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

**PM-305.4 Supplied facilities:** All interior doors, cabinets or shelves for the storage of eating, drinking and cooking equipment and food and other supplied facilities which are permanently affixed to the structure shall be kept in sound condition and good repair.

**PM-305.5 Doors:** All doors to dwelling units, except those dwelling units that are exclusively owner-occupied, shall be equipped with a heavy duty dead bolt operable by a key from the outside.

**PM-305.6 Lead paint:** Lead paint, as defined in Section 6-403(1)(a) of the Philadelphia Health Code shall not be permitted to remain on interior surfaces of any dwelling, rooming house, dwelling unit, rooming unit or structure in Group E occupancy regulated under Section A-703 occupied by children when the Department of Public Health determines that its presence creates a health hazard. Failure by the owner to remove the hazard shall authorize the department to declare the premises “Unfit” or “Unsafe” pursuant to Section PM-307.

### SECTION PM-306.0 VACANT PREMISES

**PM-306.1 General:** All vacant premises shall be maintained in a clean, safe, secure and sanitary condition as provided in this chapter generally and in this section specifically, so as not to become unsafe or otherwise adversely affect the public health or safety.

**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. 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.

**PM-306.3 Notice:** Where the Department determines that any vacant building is in violation of this section, 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 entrances or openings to the building that the owner has failed to secure or seal in violation of PM-306.2. Such notice shall be in addition to a notice, if any, designating a property as a blighting influence.

**PM-306.3.1 Service:** Notices required by this section shall be served on the owner in accordance with the administrative code.

**PM-306.4 Compliance:** The owner of any vacant building which is in violation of this section shall, upon written notice, either eliminate the violation(s) or demolish the building. Where immediate compliance is not feasible, the owner shall notify the Department in writing within 10 days of the notice served by the Department of the steps taken to correct the conditions, together with an estimate of the time required to fully comply with the provisions of the code.

**PM-306.5 Penalties:** If the owner does not comply with the notice or fails to correct the conditions specified in the Department's notice within the required period of time, the owner shall be subject to penalties set forth in the 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 PM-306.3. As provided in A-601.2, 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-306.6 Abatement:** If the owner does not comply with the order of the Department to correct the conditions prohibited by this section, the Department is authorized to correct the conditions or demolish the building with its own forces 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.

**SECTION PM-307.0 UNSAFE AND UNFIT STRUCTURES AND EQUIPMENT**

**PM-307.1 Unsafe Structures:** All structures that are or hereafter shall become unsafe, unsanitary or deficient because of inadequate means of egress facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe. All unsafe structures shall be taken down and removed or made safe and secure as the code official deems necessary and as provided for in this section. A vacant building that is not secured against entry shall be deemed unsafe. Likewise, a pier or other waterfront structure shall be deemed "unsafe" pursuant to this section where the owner has not complied with the most recent deadline for performing an inspection and submitting a structural assessment report to the Department pursuant to section PM-304.9.

**PM-307.1(R) Unsafe classification:**

1. **Unsafe structural elements:** Unsafe structural elements are those which are badly damaged, deteriorated or missing, with additional structural deterioration expected unless remedial action is taken. The conditions do not indicate that collapse is imminent.  
 The code official shall base a classification of unsafe structural elements upon, but not limited to, any or all of the following conditions:
  - a. Whenever any element or member or appurtenance thereof is beginning to fail, or to become detached or dislodged.
  - b. Whenever the exterior walls or other vertical structural members list, lean or buckle.
  - c. Whenever a structure, exclusive of the foundation, shows damage or deterioration of its supporting members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
2. **Unsafe conditions:** Unsafe conditions other than those related to equipment and structure listed in item 1 and regulation PM-307.2(R) include, but are not limited to:

- a. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor to vagrants, criminal or immoral activity; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- b. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- c. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure.
- d. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- e. Any premises having the conditions set forth in the definition of "Unsafe" in Section PM-202.0.

**3 Parking garages:** Where the roof of a building is occupied for the parking or storage of motor vehicles, and the parapet walls are constructed of unreinforced masonry, such condition shall be deemed to be structurally unsafe unless one of the following measures of protection are provided:

- 3.1 A minimum 24 (610 mm) inch high barrier shall be constructed to protect the parapet. The barrier shall be designed and constructed to resist a single load of 6,000 pounds (26.70 kN) applied horizontally in any direction to the barrier system. The barrier shall be independent of the parapet and have anchorages or attachments capable of transferring this load to the building structure. For purposes of analysis, the load shall be assumed to act at a minimum height of 18 inches (460 mm) above the floor or ramp surface on an area not to exceed 1 foot (305 mm) square; or
- 3.2 A letter, signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania, is submitted and approved. The letter shall certify that the existing parapet is capable of resisting the load specified above. In addition, a minimum 6 inch (152 mm) high wheel guard shall be located and anchored to prevent any vehicle from striking the parapet.

**PM-307.1.1 Construction Excavations.**<sup>9</sup> A construction excavation where no work has been done within the past six months shall be deemed unsafe and shall be subject to the same requirements, penalties and procedures as applicable to unsafe structures under this Section, unless the developer or property owner:

1. Submits a report to the Department from a professional engineer registered in the Commonwealth of Pennsylvania certifying that the excavation is safe;
2. Provides a suitable barrier to prevent trespass;
3. Maintains the site in a sanitary condition free from any trash or refuse; and
4. Provides a plan that explains, to the satisfaction of the Department, how the excavation site will be kept safe and secure.

**PM-307.2 Unsafe installations, systems and equipment:** Equipment, appliances, mechanical systems, plumbing systems, fuel gas installations or electrical systems that unsafe, constitute a fire or health hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed unsafe by the code official and shall constitute a violation of this code. Use of equipment, appliances, systems, or installations regulated by the Philadelphia Building Construction and Occupancy Code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use and shall constitute a violation of this code. Such unsafe equipment, appliance, system or installation is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

**PM-307.2(R) Unsafe classification:** Unsafe equipment includes any mechanical equipment, electrical wiring or device, flammable liquid containers or other equipment on the premises or within a structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**PM-307.2.1 Authority to seal equipment:** In the case of an emergency, the code official shall have the authority to seal out of service immediately any unsafe device or equipment regulated by the Philadelphia Code.

**PM-307.2.2 Unlawful to remove seal:** Any device or equipment sealed out of service by the code official shall be plainly marked with a sign or tag indicating the reason for such sealing. The sign or tag shall not be tampered with, defaced or removed except by the code official.

**PM-307.3 Unfit dwellings:** A dwelling shall be designated by the code official as "Unfit for Human Habitation" where the dwelling is unsanitary, vermin-infested, lacking in the facilities or equipment required by this code or is otherwise in such a state of disrepair as to be a hazard to the health or safety of the occupants.

**PM-307.3.1 Continued occupancy:** Where a dwelling is designated as unfit for human habitation but does not present an immediate hazard to safety, evacuation will not be required; however, the owner shall be denied the right to collect rent for the duration of such unfit designation.

**PM-307.3.2 New tenancy:** Where a dwelling is designated as unfit for human habitation, the owner shall be prohibited from admitting any new tenants to any tenant space within such dwelling for the duration of such unfit designation.

**PM-307.4 Notice:** If an unsafe or unfit condition is found, the code official shall serve on the owner, agent or person in control of the structure a written notice describing the condition deemed unsafe or unfit. The notice shall specify the required repair or improvements to be made to render the structure, equipment, appliance, mechanical system, plumbing system, fuel gas installation, or electrical system safe and secure, or require the unsafe structure, equipment, appliance, mechanical system, plumbing system, fuel gas installation, or electrical system or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of an order to demolish.

**PM-307.5 Posting unsafe or unfit notice:** If the person addressed with an unsafe notice does not receive service by one or more of the methods specified in the administrative code, a copy of the unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

**PM-307.6 Disregard of notice:** Where the order to eliminate an unsafe condition is not obeyed, the Department, in addition to invoking any other sanction or procedure, is authorized to eliminate the unsafe condition or contract with other persons for repair or demolition and, with the approval of the Law Department, collect the costs including departmental monitoring costs, from the owner by lien or otherwise. When the Department proceeds to demolish any structure whether by contract or by its own employees, the contract or the Department may provide for the installation of a fence or other protective devices and the application of environmentally-safe treatments to control vegetative overgrowth by the demolition contractor or by Department employees in order to secure the perimeter of the vacant lot, protect the health, safety and welfare of the community, prevent overgrowth and deter the illegal dumping of trash and debris. In addition, the Department shall work cooperatively with other city and city-related agencies on any plans for the acquisition, disposition and re-use of vacant lots including, but not limited to: community development, housing, neighborhood gardening, landscaping, play areas, side yards, or any other legal uses. The Commissioner shall have the discretion to determine whether a fence or other protective device is necessary based on a planned re-use of the vacant lot by an abutting or nearby property owner, community development corporation, community-based or block organization; other unique circumstances; or upon the written request of a City department, agency or official.

**PM-307.7 Restoration:** A structure determined to be unsafe or unfit by the code official is permitted to be restored to a safe and habitable condition. Any repairs, alterations, additions or change of occupancy which occurs during restoration of the structure shall comply with the requirements of the applicable codes.

**PM-307.8 Authority to disconnect service utilities.** The code official shall have the authority to authorize disconnection of utility services or energy sources to a building, structure or system regulated by the Philadelphia Building Construction and Occupancy Code where it is necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, wherever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

**PM-307.8.1 Connection after order to disconnect.** A person shall not make utility service or energy source connections to systems regulated by the Philadelphia Building Construction and Occupancy Code, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems.

**SECTION PM-308.0 IMMINENTLY DANGEROUS STRUCTURES**

**PM-308.1 Conditions:** When, in the opinion of the code official, there is imminent danger of failure or collapse of a structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, the code official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith in accordance with the cease operations provisions set forth in the administrative code. The code official shall cause to be posted at each entrance to such structure a notice stating the imminent danger and prohibiting occupancy. It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or demolishing the structure.

**PM-308.1(R) Classification:** Imminently dangerous structural elements are those which are in such a state of damage, deterioration or removal that collapse is expected at any time.

The code official shall base a classification of "imminently dangerous" upon, but not limited to, any or all of the following conditions as visually observed by inspection.

1. Whenever any structure or portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe.
2. Whenever any element or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
3. Whenever any portion of a structure, or any member, appurtenance or ornamentation on the exterior thereof is of obviously reduced strength or stability, or is not so anchored, attached or fastened in place so as to be obviously reduced in capability of resisting a wind pressure.
4. Whenever any structure or portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural elements show substantially reduced load resisting capability.
5. Whenever the structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such structure; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
6. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

**PM-308.2 Notice:** If an imminently dangerous condition is found, the code official shall serve on the owner, agent or person in control of the structure a written notice describing the imminent danger and specifying the required repair to render the structure safe, or requiring the imminently dangerous structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of an order to demolish.

**PM-308.2.1 Immediate hazard:** Where the code official determines that a condition exists which creates a hazard to life or property requiring immediate action, an immediate oral order shall have the full effect of the subsequent written order.

**PM-308.3 Posting notice:** Regardless of whether the person addressed with a notice of imminent danger receives service by one or more of the methods specified in the administrative code, a copy of the notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

**PM-308.4 Disregard of notice:** Where the order to eliminate an imminent danger is rejected or not obeyed, or when, in the opinion of the code official, immediate action is required to protect the public safety, the code official shall cause the necessary work to be done to demolish the structure or to render the structure temporarily safe. Nothing in this code shall be deemed to limit in any way the right, under any existing law or ordinance, of any department of the City to correct or remove any condition deemed to be an immediate hazard to the health or safety of the public. When the Department proceeds to demolish any structure whether by contract or by its own employees, the contract or the Department may provide for the installation of a fence or other protective device and the application of environmentally-safe treatments to control vegetative overgrowth by the demolition contractor or by Department employees in order to secure the perimeter of the vacant lot, protect the health, safety and welfare of the community, prevent vegetative overgrowth and deter the illegal dumping of trash and debris. In addition, the Department shall work cooperatively with other city and city-related agencies on any plans for the acquisition,

disposition and re-use of vacant lots including, but not limited to: community development, housing, neighborhood gardening, landscaping, play areas, side yards, or any other legal uses. The Commissioner shall have the discretion to determine whether a fence is necessary based on a planned re-use of the vacant lot by an abutting or nearby property owner, community development corporation, community-based or block organization; other unique circumstances; or upon the written request of a City department, agency or official.

**PM-308.5 Closing streets:** When necessary for the public safety, the code official shall order the temporary closing of structures, sidewalks, streets, public ways and places adjacent to dangerous structures, and prohibit the same from being used.

**PM-308.6 Costs of emergency repairs:** Where the Department incurs costs of emergency repairs whether by itself or by contract, such costs shall be charged to the owner. The Department shall, with the approval of the Law Department, collect such costs from the owner by lien or otherwise.

**PM-308.7 Removal of imminently dangerous classification:** When the owner chooses to bring an imminently dangerous structure into compliance by other than demolition, the code official is authorized to require that an analysis and plan of compliance prepared by a structural engineer registered in the Commonwealth of Pennsylvania be submitted for review and approval.

**PM-308.7.1 Work schedules.** As part of the application process to secure a building permit to abate an imminently dangerous condition, the applicant shall provide a schedule to the code official. The code official shall have the authority to accept or reject the work schedule. The work schedule shall contain:

1. The date work will commence to abate the condition.
2. The name, address and phone number of the contractor who will abate the dangerous condition.
3. Incremental phases which include work to be performed and time estimates for completion within each phase.
4. The date all work for bringing the property into code compliance is to be completed.

**PM-308.7.1.1 Failure to maintain work schedule.** In the event that the work does not conform to the approved work schedule, the permit shall be revoked.

#### SECTION PM-309.0 EMERGENCY NUISANCE ABATEMENT PROGRAM

**PM-309.1 Definitions:** In this Section, the following definitions shall apply.

**Emergency Nuisance Abatement Area:** Any ward or part of a ward of the City determined by City Council to contain such a great number of abandoned properties constituting unsafe structures or unfit dwellings as defined in Section PM-307.0 or unsafe lots as defined in Section PM-309.4, that traditional abatement methods have been unsuccessful and that resulting neighborhood blight and deterioration are so widespread and unchecked that an emergency exists.

**Abandoned Property:** A dwelling or vacant lot which has been determined by the Department of Licenses and Inspections to have been unoccupied for one year or more, and against which there are outstanding municipal liens, or the owner of which is delinquent in the payment of Real Estate Taxes, Water and Sewer Rents, or other municipal claims. For purposes of this definition, a lot shall be considered vacant and unoccupied if no structure is built thereon and no lawful, productive activity has been conducted on the lot with the owner's authorization within the past twelve (12) months.

**Gift Property Program:** The program operated by the Vacant Property Review Committee under Chapter 16-400 of The Philadelphia Code.

**PM-309.2 Emergency Nuisance Abatement Areas Enumerated:** The following areas have been determined by City Council to constitute the Emergency Nuisance Abatement Areas to which Section PM-309.0 applies.

1. Third Ward.
2. Sixth Ward.
3. Eleventh Ward.
4. Twelfth Ward.
5. Thirteenth Ward.
6. Fourteenth Ward.

7. Sixteenth Ward.
8. Eighteenth Ward.
9. Nineteenth Ward
10. Twentieth Ward
11. Twenty-second Ward
12. Twenty fourth Ward
13. Twenty-seventh Ward.
14. Twenty-eighth Ward.
15. Twenty-ninth Ward.
16. Thirty-second Ward.
17. That part of the Thirty-sixth Ward bounded by Washington Avenue, Tasker Street, Broad Street and Twenty-fifth Street.
18. Thirty-seventh Ward.
19. Forty-third Ward
20. Forty-fourth Ward
21. Forty-sixth Ward
22. Forty-seventh Ward
23. Forty-ninth Ward
24. Fifty-first Ward
25. Fifty-ninth Ward
26. Sixtieth Ward
27. First Ward
28. Second Ward
29. Thirty-ninth A Ward
30. Thirty-ninth B Ward
31. Fifth Ward
32. Twenty-fifth Ward
33. Thirty-first Ward
34. Forty-fifth Ward

**PM-309.3 Abatement agreement:** The Department of Licenses and Inspections, after consultation with the Vacant Property Review Committee, is authorized to enter into Abatement Agreements with bona fide residents of the City in accordance with Sections PM-309.3.1 through PM-309.3.7.

**PM-309.3.1 Correct conditions:** The Agreement shall be a contract to correct the conditions resulting in an unsafe or unfit designation, any costs of which shall be charged, as the work is completed, to the owner of the abandoned property and collected by lien, in accordance with PM-309.3.3.

**PM-309.3.2 Occupancy:** The contracting individual and members of his or her household shall enter and occupy an abandoned property dwelling meeting the requirements of Section PM-309.4 or, in the case of a vacant lot, the contracting individual or entity and his or her agents shall take such steps as may be necessary, all for the purpose of abating the unsafe or unfit conditions resulting from the vacancy of and the condition of the premises in accordance with the terms of an abatement plan entered into by the City and the contracting individual pursuant to Section PM-309.5. The terms of the abatement plan shall be incorporated into the Abatement Agreement.

**PM-309.3.3 Consideration:** Consideration for the services of the contracting individual in abating the unsafe or unfit conditions shall be solely limited to the City's promise to bring the property to Sheriff's Sale at the earliest practicable date; to bid at the Sheriff's Sale at the amount of all outstanding municipal liens and claims, including any liens resulting from the costs attributable to completed portions of the abatement plan; and to either:

1. Authorize the Commissioner of Public Property to make the property available for disposition through the Gift Property Program, for the purposes of which disposition the contracting individual shall be considered the first applicant; or
2. Compensate the contracting individual in the amount of any liens satisfied at Sheriff's Sale which are attributable to the Abatement Agreement if the City is an unsuccessful bidder, or if the owner of the abandoned property exercises his or her right to redeem it within statutory time limits.

**PM-309.3.4 Breach:** Any willful, material breach of an abatement plan and/or Abatement Agreement by a contracting individual shall render the Abatement Agreement void without further action on the part of the City.

**PM-309.3.5 Procedure:** Nothing in this Section shall be construed to relieve the Department of Licenses and Inspections from any bidding procedures required by law.

**PM-309.3.6 Indemnity:** The contracting individual shall agree to indemnify and hold the City harmless from any damages, costs or other liabilities for any injuries to his or her person or property or to the person or property of any member of his or her household, or of their licensees or invitees, arising from any defective condition or work performed on the premises, or arising from any other causes whatsoever related to the occupancy or performance under the Abatement Agreement.

**PM-309.3.7 Limited authority:** The Abatement Agreement shall confer no power on the contracting individual, his or her heirs or assigns, to obligate the City to any third parties in any manner whatsoever.

**PM-309.4 Criteria:** In order for a property to be included in the Emergency Nuisance Abatement Program the following criteria shall be met:

1. The Property shall be located in an Emergency Nuisance Abatement Area;
2. The Department of Licenses and Inspections has determined pursuant to Section PM-307, that the property constituted an unsafe structure or unfit dwelling; or, in the case of a vacant lot, the Department has determined that a vacant lot is unsafe. For purposes of this Chapter, a lot is unsafe if it presents a hazard to the community because of existing violations of this Title 4.
3. The owner of the property has failed to comply, after proper notice, with any abatement order issued by the Department of Licenses and Inspections pursuant to Sections PM-306.0 and PM-307.0; or, with respect to a vacant lot, the Department has issued a notice to the owner of the lot stating that the Department has determined the lot to be unsafe, order the owner to abate the unsafe condition, and notifying the owner that the property is subject to the provisions of this Section, and the owner has failed to comply with such order.
4. The property is an abandoned property; and
5. The property shall be determined by the Gift Property Program, or its successor, to be structurally sound (in the case of a dwelling) and susceptible to rehabilitation.

**PM-309.5 Abatement plan:** Before entering into any Abatement Agreement with an applicant, the Gift Property Program, or its successor, shall agree with the applicant of an abatement plan to include: the nature and extent of repairs necessary to abate each condition on the subject premises causing the unsafe or unfit designation; the reasonable monetary value of the labor of the applicant and his or her agents and of the materials and services which will be required to cure each such condition; and a reasonable timetable for completing the abatement plan.

**PM-309.6 Regulations:** The Department of Public Property, the Office of Housing and Community Development or its successor, and the Department of Licenses and Inspections are authorized to promulgate regulations to govern their respective responsibilities pursuant to this Section.

#### SECTION PM-310.0 TEMPORARY CONSTRUCTION

**PM-310.1 Approval:** Temporary construction of scaffolding, sidewalk sheds, and similar devices erected in conjunction with any repair, maintenance or abatement activity shall be approved in accordance with the building code.

**PM-310.2 Duration:** Temporary construction as provided in Section PM-310.1 shall be in place for only such time as is necessary for the activity to be completed with due diligence and shall be removed within 30 days after completion of the activity served by the temporary construction.

#### SECTION PM-311.0 GRAFFITI

**PM-311.1 Required Graffiti Removal:**<sup>10</sup> 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:**<sup>11</sup> Upon discovery of graffiti on any private property in the City, any person authorized to enforce ordinances is authorized to issue a notice to the owner of such property, or to a responsible agent of such owner, that the graffiti must be removed within five (5) days. 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 (\$25), pursuant to the procedures set forth in Section 10-718 of The Philadelphia Code.

**PM-311.2.3 Abatement:**<sup>12</sup> If a property owner fails to remove graffiti within five (5) 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 PM-312.0 OVERHANGING OR ENCROACHING TREES

### PM-312.1 Definitions:

**Enforcement Officer:** Any person authorized to enforce ordinances, including, but not limited to Code official as defined in Section PM-202.0.

**Overhanging or Encroaching Tree:** Any tree, any portion of which either:

1. overhangs or rests upon the property of someone other than the owner of the tree in a manner that harms or is likely to harm the other’s property; or
2. is dead, weakened or decayed such that a significant portion of the tree could reasonably be expected to fall or come to rest upon the property of someone other than the owner.

**PM-312.2 Trees:** No person shall allow any tree on his or her property to become an Overhanging or Encroaching Tree.

**PM-312.3 Duty to Inspect Trees:** Owners of private property in the City shall inspect any trees on the owner’s property to discover a defect that could potentially cause harm to adjacent or nearby people or property. Owners shall make the trees on their premises reasonably safe by repair or removal.

**PM-312.4 Penalties and Enforcement:** The enforcement of Section PM-312.0 and penalties for violation thereof are set forth in Sections PM-312.4.1 through PM-312.4.4.

**PM-312.4.1 Notice:** An Enforcement Officer is authorized to issue a notice to the owner of property on which any Overhanging or Encroaching Tree is located of a violation of this section and requiring that the owner remedy the violation. Such notice shall advise the owner that fines may be sought and abatement action taken if the violation has not been remedied within thirty (30) days of the date of the warning, except in cases where the tree presents an immediate danger to the health or safety of the public, in which case such notice shall require that the owner remedy the violation immediately and state that, if not remedied immediately, the Department may take

immediate action to do so. Such notice shall advise the owner that he or she will be held responsible for the City's costs of remedying the violation or removal of the tree, if necessary.

**PM-312.4.2 Penalty:** The penalty for a violation of any provisions of this Section shall be a fine of not less than one hundred fifty dollars (\$150) nor more than three hundred dollars (\$300).

**PM-312.4.3 Code Violation Notice:** If a violation of this section has not been remedied within thirty (30) days of issuance of the notice described in Section PM-312.4.1, or immediately after such notice in cases of immediate danger to the health or safety of the public, an Enforcement Officer is authorized to issue a Code Violation Notice to the property owner pursuant to the procedures set forth in Section 1-112 of The Philadelphia Code. [The amount required to be remitted in response to a Code Violation Notice issued pursuant to Section 1-112 of The Philadelphia Code to enforce this section is fifty (\$50) dollars.] Payment in response to a Code Violation Notice shall not excuse the owner's responsibility to remedy the violation.

**PM-312.4.3 Code Violation Notice:**<sup>13</sup> If a violation of this section has not been remedied within thirty (30) days of issuance of the notice described in section 312.4.1, or immediately after such notice in cases of immediate danger to the health or safety of the public, an Enforcement Officer is authorized to issue a Code Violation Notice to the property owner pursuant to the procedures set forth in section 1-112 of the Code. The amount required to be remitted in response to a Code Violation Notice issued pursuant to section 1-112 of the Code to enforce this section is the amount indicated in section 1-112. Payment in response to a Code Violation Notice shall not excuse the owner's responsibility to remedy the violation.

**PM-312.4.4 Abatement:** If a property owner fails to remove an Overhanging or Encroaching Tree within thirty (30) days after a notice of violation has been issued, pursuant to Section PM-312.4.1, the Department is authorized to proceed to prune or remove the Overhanging or Encroaching Tree to the extent necessary to cure the violation, except in cases where the tree presents an immediate danger to the health or safety of the public, in which case the Department may take immediate action to remedy the violation if the owner does not do so. The property owner shall be responsible for the costs of pruning or removal, including all related administrative costs. A bill for such costs of removal shall be delivered to the property owner, and the Department is authorized to file a lien against the property in the amount of such costs. Liability for the cost of remediation under this Section shall be in addition to liability for any fine imposed under this section. The owner of a tree in violation of this section shall be responsible and liable for any damage or injury to any person or property caused by the City or its agent in connection with abatement work pursuant to this section.

**PM-312.4.5 Vacant Lots:** Within ninety (90) days after a notice of violation has been issued, the Department shall abate any nuisance found on vacant lots as this term is defined in Section 19-205(5)<sup>14</sup> of The Philadelphia Code.

**PM-312.5 Applicability:** This section shall not apply to any Street Tree consistent with the provisions of Section 15-203 of The Philadelphia Code.

### SECTION PM-313.0 PRIVATE PARKING LOTS<sup>15</sup>

**PM-313.1 General:** All owners and operators of private parking lots shall comply with the requirements of subsections PM-313.2 through PM-313.4; the Zoning Code; and the Philadelphia Building Code.

**PM-313.2 Barriers:** A permanent substantial barrier shall be maintained around the private parking lot area. Such barrier shall be constructed of metal or masonry and shall be:

1. A wall which is not less than 2 feet in height;
2. Metal or masonry posts 4 to 6 inches in diameter placed not more than 5 feet apart nor less than 30 inches in height and connected by metal pipes, rods, fencing or chains; or
3. Concrete curbing, at least six inches high by four inches wide, permanently located so that any parked vehicle does not encroach on a footway, adjacent property, or into an area where parking is not permitted.

**PM-313.3 Surfacing:** All areas of the private parking lot shall be surfaced in accordance with regulations issued by the Department of Streets to prevent the spread of dust, dirt or mud. These regulations shall require the use of permanent paving materials:

1. On private parking lots which are used to store or park commercial vehicles; and

2. On private parking lots with a parking area of 2,500 square feet or more.

**PM-313.4** Use of Streets: The owner of a private parking lot shall not:

1. Use or permit the use of any part of any street or sidewalk for the parking or storing of motor vehicles in connection with the operation of a motor vehicle repair or sales businesses.
2. Cause or permit the shoveling, plowing or otherwise moving of snow from the private parking lot onto any street or sidewalk.

## CHAPTER 4 RESIDENTIAL OCCUPANCIES

### SECTION PM-401.0 GENERAL

**PM-401.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation, space, plumbing facilities and fixtures, mechanical facilities and equipment, and electrical facilities and equipment in residential occupancies.

**PM-401.2 Responsibility:** The owner of the structure shall provide and maintain light, ventilation, space, plumbing facilities and fixtures, mechanical facilities and equipment, and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

### SECTION PM-402.0 LIGHT

**PM-402.1 Habitable spaces:** Every habitable space except kitchens shall have at least one window or skylight of approved size facing directly to the outdoors.

**PM-402.1.1 Obstructions:** Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area for the room.

**PM-402.1.2 Basement habitable spaces:** The required window area serving habitable spaces in basements shall have a minimum outside horizontal clear space measured perpendicular to the window, equal to one and one-half times the depth of the window sill below average adjoining grade.

**PM-402.1.3 Window area:** The minimum total window area of every sleeping room with 100 square feet (9.29 m<sup>2</sup>) or less of floor area shall be 8 percent of the floor area. The minimum total window of every sleeping room with more than 100 square feet (9.29 m<sup>2</sup>) of floor area shall be 8 square feet plus 5 percent of each square foot of floor area over 100 square feet (9.29 m<sup>2</sup>). The minimum total window area of every other habitable room for which windows are required shall be 7 percent of the floor area.

**PM-402.1.4 Adjoining spaces:** Where natural light for rooms or spaces without exterior window areas is provided through an adjoining room or enclosed porch, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior window area shall be based on the total floor area being served.

**PM-402.2 Common halls and stairways:** Every common hall, interior stairway and exterior stairway serving residential occupancies shall be provided with artificial light capable of providing a minimum of 1 footcandle (11 lux) at floors, landings and treads. Continuous operation of the lighting system is required except during those hours when there is sufficient natural light to comply with these requirements.

**Exception:** Continuous operation is not required for common hall and stairway lighting serving occupancies in Group R-3 which are equipped with light switches located within 3 feet (914 mm) of the access and entrance doors to such common spaces.

**PM-402.3 Other spaces:** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### SECTION PM-403.0 VENTILATION

**PM-403.1 Habitable spaces:** Every habitable space except kitchens shall have at least one operable window or skylight. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section PM-402.1.3 and 402.1.4. A window which is disqualified by Section PM-402.1.1 or PM-402.1.2 shall also be disqualified as operable area.

**Exception:** Mechanical ventilation which complies with the mechanical code or which provides 6 air changes per hour to the space and exhausts to the outside shall be accepted in lieu of operable windows.

**PM-403.2 Bathrooms and toilet rooms:** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section PM-403.1, except that a window or skylight shall not be required in spaces equipped with a mechanical ventilation system which exhausts air from a toilet room or bathroom within a dwelling or rooming unit to the exterior without recirculation to any space, including the space from which such air is withdrawn.

**PM-403.3 Laundry rooms:** Every laundry room shall have a minimum openable area of two square feet (0.19 m<sup>2</sup>).

**Exception:** Mechanical ventilation which provides 6 air changes per hour to the room and exhausts to the outside shall be accepted in lieu of the openable area.

**PM-403.4 Clothes dryers:** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

**SECTION PM-404.0 SPACE AND USE**

**PM-404.1 Arrangement:** Dwelling units, rooming units, dormitory units and hotel units shall be arranged to provide privacy and be separate from other adjoining spaces. Units which are constructed, altered or otherwise newly established shall comply with the requirements of Sections PM-404.1.1 and PM-404.1.2.

**PM-404.1.1 Sleeping rooms:** Sleeping rooms shall be arranged so that a person is not required to pass through one sleeping room to reach another.

**PM-404.1.2 Toilet facilities:** Sleeping rooms shall be arranged so that each sleeping room has access to a water closet and lavatory without being required to pass through another sleeping room.

**PM-404.2 Floor area:** Every dwelling unit, rooming unit, dormitory unit and hotel unit shall comply with the minimum floor area requirements of Table PM-404.2. Floor area shall be calculated on the basis of habitable room area, however, closets and halls within the dwelling unit shall be permitted to comprise a maximum of 10 percent of the required minimum habitable floor area.

**TABLE PM-404.2  
OCCUPANCY AREA REQUIREMENTS**

Minimum Area Requirements in Square Feet <sup>a, b</sup>					
No. of Occupants	Total for Dwelling Unit	Living Room	Dining Room	Kitchen	Sleeping Room <sup>c</sup>
1	150	N/R	N/R	50	70
2	250	N/R	N/R	50	100
3	350	120	80	50	150
4	450	120	80	50	200
5	525	120	80	50	250
6	600	150	100	60	300
More than 6	600 plus 75 for each add'l person	150	100	60	300 plus 50 for each add'l person

Note a. 1 square foot = 0.093 m<sup>2</sup>.

Note b. For combined living/dining room spaces see Section PM-404.2.1.

Note c. For prohibited sleeping spaces see Section PM-404.3.

**PM-404.2.1 Combined spaces:** Combined spaces shall be deemed to comply with the requirements of Table PM-404.2 if the total area of the combined spaces is equal to that required for separate rooms.

**PM-404.3 Sleeping prohibited:** Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

**Exception:** This provision, as it pertains to kitchens, shall not apply to single space efficiency apartment units which otherwise comply with this code.

**PM-404.4 Minimum dimensions:** A habitable room, other than a kitchen, shall not be less than 7 feet (2133 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**PM-404.5 Minimum ceiling heights:** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and kitchens shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exceptions:**

1. Beams or girders spaced not less than 4 feet (1219 mm) on center and projecting below the ceiling, provided that the minimum clear height is not less than 6 feet 8 inches (2033 mm).
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less than 6 feet 8 inches (2033 mm) in height.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.
4. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

**PM-404.6 Basements:** No basement shall be used for habitable space, except kitchens, unless the floors and walls are substantially watertight and the space complies with this code in all other respects.

**SECTION PM-405.0 PLUMBING FACILITIES AND FIXTURES**

**PM-405.1 Bathrooms and toilet rooms:** Bathrooms and toilet rooms shall provide privacy to the occupant of the room and shall not be part of the only access to another space or means of egress.

**PM-405.1.1 Dwelling units:** Each dwelling unit shall contain a room equipped with a water closet, lavatory and a bathtub or shower. The required bathtub or shower shall be permitted in a separate room from the water closet. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which the water closet is located.

**PM-405.1.2 Rooming houses, dormitories and hotels:** Where private water closets, lavatories and bathtubs or showers are not provided in rooming houses, dormitories and hotels, a minimum of one water closet, lavatory and bathtub or shower shall be provided with access from a common hallway for each six occupants or fraction thereof. Such facilities shall not be more than one story removed from the occupants intended to share them.

**PM-405.1.2(R)** In rooming houses and dormitories in which rooms are occupied only by males, flush urinals shall be permitted to substitute for not more than one-half of the required number of water closets.

**PM-405.1.3 Floor surfaces:** Every bathroom and toilet room floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

**PM-405.1.3(R)** Floors in bathrooms and toilet rooms shall be asphalt tile, ceramic tile, linoleum tile or sheet, rubber tile, terrazzo, vinyl-asbestos tile, vinyl plastic tile or sheet, or other durable, waterproof non-absorptive material.

**PM-405.2 Kitchens:** Every dwelling shall contain a kitchen sink.

**PM-405.3 Plumbing fixtures:** All plumbing fixtures shall be properly installed with adequate clearances for usage and cleaning and be maintained in a safe, sanitary and functional condition, free from obstructions, leaks and defects.

**PM-405.3.1 Water supply:** Every sink, lavatory, water closet, bathtub, shower or other plumbing fixture required by this code shall be properly connected to a public or approved private water supply in accordance with the plumbing code.

**PM-405.3.2 Hot water:** Hot water equipment shall be provided which is capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at each required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees F (43 degrees C) without reliance on the space heating facilities required by this code. Water heating equipment shall be set so that the temperature of water drawn from plumbing fixtures shall not exceed 125 degrees F (52 degrees C).

**PM-405.3.2(R)** An adequate amount of water shall mean a minimum of one gallon per minute (.00006 m<sup>3</sup>/s).

**PM-405.3.2.1 Relief valve:** Water heaters shall be equipped with a combination temperature and pressure relief valve and relief valve discharge pipe which is properly installed and maintained.

**PM-405.3.3 Sanitary drainage:** All plumbing fixtures shall be properly connected to a public or approved private sewage disposal system in accordance with the plumbing code.

## SECTION PM-406.0 MECHANICAL FACILITIES AND EQUIPMENT

**PM-406.1 Maintenance:** All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**PM-406.1.1 Cooking and heating equipment:** All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

**PM-406.1.2 Chimney:** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**PM-406.1.3 Clearances:** All required clearances to combustible materials shall be maintained.

**PM-406.1.4 Safety controls:** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**PM-406.1.5 Combustion air:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

**PM-406.1.6 Energy conservation devices:** Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and installed in accordance with the manufacturer's instructions.

**PM-406.2 Heating facilities:** Every dwelling shall be provided with permanent heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on an outside design temperature of 10 degrees F (-12 degrees C).

**PM-406.2.1 Heat supply:** Heat shall be supplied continuously at the temperature and in the rooms specified in Section PM-406.2 from October 1 to April 30 inclusive, and in addition thereto during the months of May or September when the outside temperature falls below 60 degrees F (15 degrees C) by every owner or operator of every two-family dwelling, multiple-family dwelling and rooming house except where there are separate heating facilities for each dwelling unit, whose facilities are under the sole control of the occupant of such dwelling unit.

**PM-406.2.2 Room temperature measurement:** The required room temperatures shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. In the case of a room without exterior walls, the measurement shall be taken in the approximate center of the room.

**PM-406.2.3 Room temperature exception:** When the outdoor temperature is below 10 degrees F (-12 degrees C) the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

**PM-406.3 Cooling facilities:** At such time as the Department of Public Health declares a heat emergency, the owner or operator of personal care boarding home occupancies in Group I-1 (Supervised Living Facilities) shall, whenever the indoor ambient air temperature exceeds 81 degrees Fahrenheit (27 degrees C), supply mechanical air cooling to every habitable room to maintain a temperature not exceeding 81 degrees Fahrenheit (27 degrees C).

**Exception:** Where there are separate mechanical air cooling facilities for each dwelling or rooming unit, and such facilities are under the sole control of the occupant of the dwelling or rooming unit.

**PM-406.3.1 Equipment:** The cooling equipment in the facility shall be capable of maintaining an indoor ambient air temperature which does not exceed 81 degrees Fahrenheit (27 degrees C) based on an outside design temperature of 100 degrees Fahrenheit (38 degrees C).

**PM-406.3.2 Room temperature measurement:** The required room temperature shall be measured three feet (914 mm) above the floor approximately at the center of the room.

**PM-406.4 Cooking equipment:** Every dwelling unit shall contain a gas range or electric range for cooking. Such equipment shall be installed and maintained so that it will function safely and properly.

**PM-406.4.1 Cooking prohibited:** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

**Exception:** Where specifically approved in writing by the code official.

### SECTION PM-407.0 ELECTRICAL FACILITIES AND EQUIPMENT

**PM-407.1 Electrical service:** Every occupied dwelling shall be provided with an electrical system in compliance with the requirements of this section. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires, 120/240 or 120/208 volts, single phase.

**PM-407.2 Safe installation:** All electrical equipment, wiring and appliances shall be properly installed and maintained by a qualified licensed electrical contractor in accordance with Subcode E. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

**PM-407.2(R) Hazards:** Safety from hazards shall include but not be limited to the following:

1. All electrical circuits shall be properly fused and no electrical circuit shall be overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size.
2. Every exposed electrical wire shall have insulation which is in good condition.
3. Every switch plate and outlet plate shall be properly fastened in position.
4. No short circuit or break shall exist in any electric line.
5. Every fixture and outlet shall function properly and shall be properly fastened in place.
6. No obvious shock hazard shall exist.
7. No temporary wiring shall be used, except extension cords which run directly from portable electrical equipment to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms, or similar apertures through structural elements.

**PM-407.3 Receptacles:** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets spaced a minimum of 12 feet (3658 mm) apart measured along the perimeter of the room or a minimum of one such receptacle plus a ceiling light fixture. Every laundry area shall contain at least one grounded type receptacle.

**PM-407.3.1 Kitchen receptacles:** At least one 20 ampere circuit shall be provided to serve the receptacle outlets in the kitchen and dining area.

**PM-407.3.2 Special appliances:** Individual branch circuits shall be provided as required to comply with the electrical code for any fixed appliances or equipment; rated at more than 1400 watts or the space specifically provided for such items. One additional 20 ampere circuit shall be provided to serve an automatic washing machine, if present on the premises.

**PM-407.3.3 Bathroom receptacles.** Every bathroom shall contain at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**PM-407.4 Lighting fixtures:** Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

**PM-407.4.1 Outdoor lighting fixture:** Every owner or operator of every multiple-family dwelling shall provide an outside light over each entrance from the street and in a prominent place in each side yard and rear yard sufficient to illuminate and maintain in service 16 square feet (1.49 m<sup>2</sup>) of ground area to the intensity of 3 foot candles (33 lux). The light shall be turned on automatically at sunset and shall remain on until sunrise the following morning.

#### **SECTION PM-408.0 UTILITIES**

**PM-408.1 Continuance of utilities:** No owner, operator or occupant shall cause any service equipment or utility which is required by this code to be removed, shut off or discontinued for any occupied dwelling, except for temporary interruption necessary while actual repairs or alterations are in process, or during temporary emergencies.

## CHAPTER 5 NON-RESIDENTIAL OCCUPANCIES

### PM-501.0 GENERAL

**PM-501.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation, plumbing facilities and fixtures, mechanical facilities and equipment and electrical facilities and equipment in non-residential occupancies.

**PM-501.2 Responsibility:** The owner of the structure shall provide and maintain light, ventilation, plumbing facilities and fixtures, mechanical facilities and equipment and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

### SECTION PM-502.0 LIGHT

**PM-502.1 Common corridors and stairways:** Every common corridor, interior stairway and exterior stairway shall be provided with artificial light capable of providing a minimum of 1 footcandle (11 lux) at floors, landings and treads. Continuous operation of the lighting system is required during all hours of occupancy except during those hours when there is sufficient natural light to comply with these requirements.

**PM-502.2 Other spaces:** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

### SECTION PM-503.0 VENTILATION

**PM-503.1 Bathrooms and toilet rooms:** Every bathroom and toilet room shall be equipped with natural or mechanical ventilation in accordance with Sections PM-503.1.1 or PM-503.1.2.

**PM-503.1.1 Natural ventilation:** Natural ventilation shall be provided by openable area equal to or greater than 4 percent of the bathroom or toilet room served.

**PM-503.1.2 Mechanical ventilation:** Air exhausted by a mechanical ventilation system from all bathrooms or toilet rooms shall comply with the mechanical code or shall provide a minimum of 6 air changes per hour to the space and shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.

**PM-503.2 Process Ventilation:** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior in accordance with The Philadelphia Code and not be recirculated to any space.

### SECTION PM-504.0 PLUMBING FACILITIES AND FIXTURES

**PM-504.1 Employee's facilities:** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**PM-504.1.1 Drinking facilities:** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

**PM-504.2 Toilet rooms:** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

**PM-504.3 Plumbing fixtures:** All plumbing fixtures shall be properly installed with adequate clearances for usage and cleaning and be maintained in a safe, sanitary and functional condition, free from obstructions, leaks and defects.

**PM-504.3.1 Water supply:** Every required sink, lavatory, water closet, bathtub, shower or other plumbing fixture shall be properly connected to a public or approved private water supply in accordance with the plumbing code.

**PM-504.3.2 Hot water:** Hot water equipment shall be provided which is capable of heating water to such a temperature as to permit water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at

a temperature of not less than 110 degrees F (43 degrees C) without reliance on the space heating facilities. Water heating equipment shall be set so that the temperature of water drawn from non-process plumbing fixtures shall not exceed 125 degrees F (52 degrees C).

**PM-504.3.2.1 Relief valve:** Water heaters shall be equipped with a combination temperature and pressure relief valve and relief valve discharge pipe which is properly installed and maintained.

**PM-504.3.3 Sanitary drainage:** All plumbing fixtures shall be properly connected to a public or approved private sewage disposal system in accordance with the plumbing code.

### SECTION PM-505.0 MECHANICAL FACILITIES AND EQUIPMENT

**PM-505.1 Maintenance:** All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**PM-505.1.1 Cooking and heating equipment:** All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

**PM-505.1.2 Chimney:** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**PM-505.1.3 Clearances:** All required clearances to combustible materials shall be maintained.

**PM-505.1.4 Safety controls:** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**PM-505.1.5 Combustion air:** A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipment.

**PM-505.1.6 Energy conservation devices:** Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and installed in accordance with the manufacturer's instructions.

**PM-505.2 Cooling facilities:** At such time as the Department of Public Health declares a heat emergency, the owner or operator of nursing home and senior citizen occupancies in Group I-2 (Dependent Care Facilities) shall, whenever the indoor ambient air temperature exceeds 81 degrees Fahrenheit (27 degrees C), supply mechanical air cooling to every habitable room to maintain a temperature not exceeding 81 degrees Fahrenheit (27 degrees C).

**Exception:** Where there are separate mechanical air cooling facilities for each dwelling or rooming unit, and such facilities are under the sole control of the occupant of the dwelling or rooming unit.

**PM-505.2.1 Equipment:** The cooling equipment in the facility shall be capable of maintaining an indoor ambient air temperature which does not exceed 81 degrees Fahrenheit (27 degrees C) based on an outside design temperature of 100 degrees Fahrenheit (38 degrees C).

**PM-505.2.2 Room temperature measurements:** The required room temperature shall be measured three feet (914 mm) above the floor approximately at the center of the room.

### SECTION PM-506.0 ELECTRICAL FACILITIES AND EQUIPMENT

**PM-506.1 Electrical service:** Every occupied building which is provided with an electrical system shall be in compliance with the requirements of this section. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code.

**PM-506.2 Safe installation:** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

## CHAPTER 6 FIRE AND LIFE SAFETY REQUIREMENTS

### SECTION PM-601.0 GENERAL

**PM-601.1 Scope:** The provisions of this chapter shall govern the minimum conditions and standards for fire and life safety relating to structures and exterior premises, including facilities and equipment to be provided.

**PM-601.2 Responsibility:** The owner of the premises shall provide and maintain fire and life safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter and the applicable provisions of the Fire Code.

### SECTION PM-602.0 MEANS OF EGRESS

**PM-602.1 General:** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

**PM-602.2 Arrangement:** Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

**PM-602.3 Stairways, handrails and guards:** Every exterior and interior flight of stairs having more than three risers shall have handrails, and every open portion of a stair, landing, balcony, deck, porch or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the walking surface.

**PM-602.4 Walking surfaces:** Walking surfaces of aisles, passageways, corridors, stairways and other elements of means of egress shall be maintained free of warping, loose or torn surfaces and any other condition which does not provide safe means of egress.

**PM-602.5 Maintenance of exterior stairs and fire escapes:** All exterior stairways and fire escapes shall be kept free of snow and ice. Exterior stairways and fire escapes constructed of materials requiring the application of weather protecting products, shall have these products applied in an approved manner and shall be applied as often as necessary to maintain the stairways and fire escapes in safe condition.

### SECTION PM-603.0 ACCUMULATIONS AND STORAGE

**PM-603.1 Accumulations:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, aisles, doors, windows, fire escapes or other means of egress.

**PM-603.2 Hazardous material:** Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the Fire Code.

### SECTION PM-604.0 FIRERESISTANCE RATINGS

**PM-604.1 General:** The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

**PM-604.2 Maintenance:** All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges or other unapproved hold-open devices.

### SECTION PM-605.0 FIRE PROTECTION SYSTEMS

**PM-605.1 General:** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

**PM-605.2 Fire suppression system:** Fire suppression systems shall be in proper operating condition at all times.

**PM-605.2.1 Valves:** Control valves shall be in the fully open position.

**PM-605.2.2 Sprinklers:** Sprinklers shall be clean and free of corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

**PM-605.2.3 Piping:** Piping shall be properly supported and shall not support any other loads.

**PM-605.3 Standpipe systems:** Standpipe systems shall be in proper operating condition at all times.

**PM-605.3.1 Valves:** Water supply control valves shall be in the fully open position.

**PM-605.3.2 Hose connections:** Hose connections shall be identified and have ready access thereto.

**PM-605.3.3 Hose:** Where provided, the hose shall be properly packed, dry and free from deterioration.

**PM-605.4 Fire alarm systems:** Fire alarm systems shall be in proper operating condition at all times.

**PM-605.4.1 Control panel:** The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

**PM-605.4.2 Manual fire alarm boxes:** All manual fire alarm boxes shall be operational and unobstructed.

**PM-605.4.3 Automatic fire detectors:** All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

#### SECTION PM-606.0 ELEVATORS

**PM-606.1 Availability:** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

## CHAPTER 7 SPECIAL CONTROLS

### SECTION PM-701.0 LEGISLATIVE PURPOSE

**PM-701.1 Revitalization areas:** The purpose of this chapter is to promote the public welfare by encouraging the revitalization of deteriorating neighborhood commercial revitalization areas and to provide that a reasonable degree of control may be exercised over the design, construction, alteration and repair of the front faces of commercial buildings in designated neighborhood commercial revitalization areas in order to prevent further deterioration and blight in such areas and to protect surrounding neighborhoods from the adverse effects of deterioration and blight.

**PM-701.2 Center city:** It is further the purpose of this chapter to promote the public welfare in the Center City Extended Commercial Area by ensuring the continued suitability of the area as the City's primary business district, by encouraging the growth of the hotel and tourism industry therein, and by prohibiting the type of building disrepair that leads to property value depreciation, through the use of the reasonable controls specified herein. Additionally, this chapter is intended to promote health and safety in the area by eliminating dangerous conditions on properties, including structural weaknesses on appurtenances, exposed electrical elements, broken glass, and solid security shutters which act to block visibility of police and fire personnel.

**PM-701.3 Neighborhood commercial areas:** It is further the purpose of this chapter to promote the public welfare in other specified neighborhood commercial areas by ensuring the continued viability of businesses in these areas and to provide that a reasonable degree of control may be exercised over the design, construction, alteration and repair of the front faces of commercial buildings in these designated neighborhoods in order to prevent deterioration and blight. Additionally, this chapter is intended to promote health and safety in these specified neighborhood commercial areas by eliminating dangerous conditions on properties including, but not limited to, solid security shutters which act to block the visibility of police and fire personnel and which attract graffiti and vandalism.

### SECTION PM-702.0 DEFINITIONS

**PM-702.1 Applicability:** In this chapter, the following definitions shall apply:

**Front face:** The side of any building abutting on a street which has been designated a neighborhood commercial revitalization area.

**Rigid:** Free of any warping or distortion. Rigid materials shall not include tin.

### SECTION PM-703.0 DESIGNATED AREAS

**PM-703.1 Area descriptions:** The designated areas shall consist of those areas described in Sections PM-703.1.1 and PM-703.1.3.

**PM-703.1.1 Center city:** The Center City Extended Commercial Area shall consist of the area bounded by Front Street, Vine Street, the west side of Eighteenth Street, and the south side of Pine Street.

**PM-703.1.2 Historic area:** The Main Street Manayunk National Historic District shall consist of the following area: Beginning at a point on the northerly side of Main Street, approximately three hundred seventy feet east of Shurs Lane, at the eastern boundary of Littlewoods Dyers & Bleachers (4025 Main Street); thence extending northwardly approximately one hundred eighty feet along said boundary to a point of the southerly boundary of the Reading Railroad right-of-way, south of Cresson Street; thence extending westwardly approximately one thousand eight hundred feet along the southerly boundary of the Reading Railroad right-of-way, to the easterly side of Roxborough Avenue; thence extending westwardly approximately eight hundred fifty feet along the southerly side of Cresson Street to the easterly side of Levering; thence extending north to the northerly side of Cresson Street (sixty feet wide); thence extending westwardly approximately two hundred sixty feet along the northerly side of Cresson Street to the easterly boundary of the waiting room and public facilities building of the Manayunk passenger station of the Reading Railroad; thence extending northwardly along the eastern boundary of said facility approximately thirty feet; thence extending westwardly along the northerly boundary of said facility approximately one hundred feet, to a point of [on] the easterly side of Carson Street; thence extending southwardly one hundred feet along the easterly side of Carson Street, to a point on the southerly side of Cresson Street; thence extending westwardly four hundred feet along the southerly side of Cresson Street to the westerly side of Green Lane; thence continuing westwardly along the southerly boundary of the Reading Railroad right-of-

way one hundred fifty feet to a point; thence extending southwardly crossing the Pennsylvania Railroad right-of-way, following the easterly boundary of the Manayunk substation property, one hundred fifty feet to a point on the northerly side of Main Street; thence extending westwardly along the northerly side of Main Street one thousand one hundred feet to the westerly side of Leverington Avenue; thence continuing westwardly along the southern boundary of the Reading Railroad right-of-way approximately five thousand seven hundred feet to a point adjacent to Flat Rock Dam; thence extending southwardly, crossing the canal channel and continuing along the westerly side of the dam structure to the southern bank of the Schuylkill River; thence returning along the easterly side of the dam structure to the westerly tip of Venice Island; thence extending eastwardly along the southern shore of Venice Island nine thousand eight hundred fifty feet to the easterly tip of Venice Island at the lower lock; thence crossing the lower lock channel and continuing eastwardly approximately seven hundred feet along the north bank of the Schuylkill River to the easterly property line of 4026 Main Street, thence extending northwardly along said property line approximately one hundred feet to the southerly side of Main Street; thence crossing Main Street (sixty feet wide), to a point on the northerly side of Main Street; at the eastern boundary of Littlewoods Dyers & Bleachers, the first mentioned point and place of beginning.

**PM-703.1.3 Specified neighborhood commercial areas:** Specified neighborhood commercial areas shall consist of any neighborhood commercial area, other than a neighborhood commercial revitalization area designated pursuant to Section 14-2009 of The Philadelphia Code, designated by Council pursuant to Section PM-704.3.2.

#### SECTION PM-704.0 BUILDING STANDARDS APPLICABLE TO DESIGNATED AREAS

**PM-704.1 Front faces:** Within designated areas, the front faces of buildings or structures used for commercial purposes shall conform with the following requirements:

**PM-704.1.1 Architectural elements:** All exposed architectural elements or appurtenances thereto, including facades and business signs, shall be maintained in good structural and decorative repair. All such elements or appurtenances exhibiting substantial conditions of deterioration including rusted finishes, peeling paint, accumulated grime, graffiti, bent, broken or distorted surfaces shall be considered in violation of the provisions of this subsection. For the purpose of this subsection "substantial conditions" shall be considered 20% or more of the surface area; except that within the Center City Extended Commercial Area, any publicly visible graffiti shall be considered "substantial conditions" of deterioration.

**PM-704.1.2 Other elements:** All other unused and exposed elements, including wires, brackets and conduits, shall be removed.

**PM-704.1.3 Glazing:** Except as provided in subsection PM-704.1.5, broken window glass shall be replaced.

**PM-704.1.4 Security devices:** All security devices designed to limit or block access to the front face of the buildings or structures used for commercial purposes shall allow for substantial visibility of the front face at all times. Solid shutters shall not be permitted. However, notwithstanding the above, any security device lawfully in existence prior to January 20, 1982 or, in regard to the Center City Extended Commercial Area, lawfully in existence on January 1, 1993, and not in conformance with the provisions of this subsection, shall not be repaired or altered in any substantial manner unless it be to comply with the design specifications of this subsection.

**PM-704.1.4(R) Substantial visibility:** For purposes of this section, substantial visibility shall mean that the surface area of the security device is 75% open.

**PM-704.1.4.1 Finish:** Within the Center City Extended Commercial Area, such non-conforming security devices shall be painted in a single solid color and maintained graffiti free at all times.

**PM-704.1.4.2 Advertising:** Advertising shall be prohibited from being placed on shutters.

**PM-704.1.5 Window openings:** Blocking of window openings located on any story above the ground floor shall be permitted. Blocking of window openings shall conform to all requirements of the building code. The blocking of any such openings shall be performed in a neat and workmanlike manner, and only rigid permanent materials shall be permitted.

**PM-704.2 Historic area standards:** Standards within the designated historic area shall be as set forth in Sections PM-704.2.1 through PM-704.2.7 in addition to the requirements of Sections PM-704.1 through PM-704.1.4.2.

**PM-704.2.1 Permit:** No building or portion of the exterior thereof within the historic district shall hereafter be constructed, altered, repaired, demolished, or partially demolished unless a permit has first been obtained from the Department.

**PM-704.2.2 Approval:** All applications for such permits shall be forwarded by the Department to the Historical Commission for review and approval, before issuance of the permit. No permit shall be issued unless the proposed work has been approved by the Historical Commission staff as preserving the historical character of the district.

**PM-704.2.3 Repair:** Original architectural features such as cornices and bays shall not be removed. Deteriorated features shall be repaired where possible. Replacement material where necessary shall duplicate the original as closely as possible.

**PM-704.2.4 Facings:** Refacing of facades, bays, cornices with inappropriate materials such as aluminum siding, or brick veneer shall be prohibited. Existing inappropriate facade facings shall be removed at the termination of the useful life of the facing. Any inappropriate facing material lawfully in existence shall not be repaired or altered in any substantial manner.

**PM-704.2.5 Elements:** Original window and door openings, sills, lintels, and sashes shall be retained and repaired whenever possible. Replacement elements shall match the original appearance in proportion, form, and materials as closely as possible.

**PM-704.2.6 Storefronts:** Original existing storefronts contributing to the character of the district shall be retained and repaired. New storefronts shall be compatible with the proportion, form and materials of the original building.

**PM-704.2.7 Design:** Additions, alterations, and new construction shall be designed so as to be compatible in scale, building materials, and texture, with contributing buildings in the historic district.

**PM-704.3 Neighborhood commercial areas:** Standards within the specified neighborhood commercial areas shall be as set forth in Sections PM-704.3.1 through PM-704.3.1.3.

**PM-704.3.1 Security devices:** In the neighborhood commercial areas specified in Section PM-704.3.2, the following requirements for security devices shall apply:

**PM-704.3.1.1 Permitted design:** All security devices designed to limit or block access to the front face of the buildings or structures used for commercial purposes shall be of open link design and shall allow for substantial visibility of the front face at all times.

**PM-704.3.1.1(R) Substantial visibility:** For purposes of this section, substantial visibility shall mean that the surface area of the security device is 75% open.

**PM-704.3.1.2. Prohibited design:** Solid shutters, solid rolldown security grates or similar devices shall not be permitted.

**PM-704.3.1.3 Compliance:** Any security device lawfully in existence on the effective date of this section (December 28, 1995) and not in conformance with the provisions of this section shall not be altered or repaired in any substantial manner unless the alterations or repairs comply with the design specifications of this section. Such previously existing security devices which are solid shutters shall be painted in a single solid color, shall be maintained graffiti free at all times, and shall not be used for advertising.

**PM-704.3.2 Specified areas:** Neighborhood commercial areas shall consist of the following:

1. Both sides of Haverford Avenue between City Avenue and Brookhaven Road. (December 28, 1995)
2. All commercial corridors and neighborhood commercial properties throughout the Ninth Councilmanic District. (July 6, 1996)
3. The East Passyunk Avenue Business Improvement District as delineated in Bill No. 020431 (Approved December 17, 2002).<sup>16</sup>

**SECTION PM-705.0 (RESERVED)****SECTION PM-706.0 ZERO GRAFFITI TOLERANCE ZONES**

**PM-706.1 Designation of zero graffiti tolerance zones:** The designation of zones and the provision for future zones shall be in accordance with Sections PM-706.1.1 and PM-706.1.2.

The following areas are designated as Zero Graffiti Tolerance Zones:

1. The area consisting of all properties which front on any portion of Broad Street.
2. The area of the City comprising the Philadelphia Empowerment Zone as designated by the federal government on December 21, 1994, which consists of Census Tracts 105, 111, 140, 141, 144, 147, 148, 156, 157, 162, 163, and 165.
3. The area consisting of all properties which front on any portion of Germantown Avenue, from the 2300 block to the 9500 block.

## CHAPTER 8 REFERENCED CODES

Code Reference Number	Title	Referenced in code Section number
PAC	Philadelphia Administrative Code .....	PM-101.4 PM-101.5, PM-102.1, PM-102.2, PM-102.3, PM-102.4, PM-102.7, PM-102.7.2 PM-306.3.1, PM-306.5, PM-307.5, PM-308.1, PM-308.3
PBC	Philadelphia Building Code .....	PM-101.5 PM-201.3, PM-310.1, PM-603.2, PM-704.1.5
PEC	Philadelphia Electrical Code.....	PM-101.5, PM-201.3, PM-407.1, PM-407.3.2, PM-506.1
PECC	Philadelphia Energy Conservation Code .....	PM-101.5
PEBC	Philadelphia Existing Building Code.....	PM-101.5
PFC	Philadelphia Fire Code .....	PM-101.5, PM-601.2, PM-603.2
PFGC	Philadelphia Fuel Gas Code.....	PM-101.5
PMC	Philadelphia Mechanical Code .....	PM-101.5 PM-201.3, PM-403.1, PM-503.1.2
PPC	Philadelphia Plumbing Code .....	PM-101.5, PM-201.3, PM-202.0, PM-405.3.1 PM-405.3.3, PM-504.3.1, PM-504.3.3
PPCC	Philadelphia Performance Code.....	PM-101.5
PRC	Philadelphia Residential Code .....	PM-101.5
PZC	Philadelphia Zoning Code .....	PM-101.5

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## Endnotes

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- <sup>1</sup> Amended, Bill No. 060010-A (approved March 9, 2006)
- <sup>2</sup> Added, Bill No. 060010-A (approved March 9, 2006)
- <sup>3</sup> Amended, Bill No. 060010-A (approved March 9, 2006)
- <sup>4</sup> Added, Bill No. 060010-A (approved March 9, 2006)
- <sup>5</sup> Added, Bill No. 040869 (approved January 25, 2005)
- <sup>6</sup> Amended, Bill No. 040870 (approved January 25, 2005)
- <sup>7</sup> Amended, Bill No. 040870 (approved January 25, 2005)
- <sup>8</sup> Added, Bill No. 060161 (became law September 14, 2006).
- <sup>9</sup> Added, Bill No. 060340 (approved September 14, 2006)
- <sup>10</sup> Amended, Bill No. 040398 (approved June 21, 2004)
- <sup>11</sup> Amended, Bill No. 040398 (approved June 21, 2004)
- <sup>12</sup> Amended, Bill No. 040398 (approved June 21, 2004)
- <sup>13</sup> Amended, Bill No. 040998 (approved January 25, 2005)
- <sup>14</sup> Enrolled Bill No. 000771-A reads 19-205(5). There is no such section of the Philadelphia Code. A definition of “Vacant Lot” is provided in Section 19-2502(5) of the Code.
- <sup>15</sup> Section added, Bill No. 040869 (approved January 25, 2005)
- <sup>16</sup> Added, Bill No. 040134 (approved January 25, 2005)