

February 3, 2006

IN RE: **ANTHONY KEEL**  
DOCKET NO: **26CSMERZZ9642**

STATEMENT OF RECORD:

1. Anthony Keel (hereafter "Petitioner") filed a petition for review on September 15, 2004 of a bill issued by the Department of Licenses and Inspections for the property located at 2513 West Thompson St. Philadelphia, Pa.
2. A public hearing before a Tax Review Board Master was held April 13, 2005. The decision of the Master, as ratified by the Tax Review Board was to reduce the principal to \$1000.00, abate the administrative charge, interest and lien charge.
3. Petitioner appealed the Master's decision to the full Tax Review Board.
4. A public hearing before the Tax Review Board was held August 18, 2005. The decision of the Board, announced at the close of the hearing, was to reduce the principal due to \$800, and to abate the administrative charge, the interest and lien charge.
5. Petitioner has appealed to the Philadelphia Court of Common Pleas.

FINDINGS OF FACT:

1. On or about March 12, 2004, the property was inspected by a representative from the City of Philadelphia Department of Licenses and Inspections (hereafter "Department").
2. As a result of this inspection a violation notice was mailed to Petitioner citing sections of The Philadelphia Code that require a vacant property to be cleaned, maintained, secured and kept free of debris.
3. Petitioner admitted receiving this notice. He testified that upon receiving the violation notice he verbally requested a reinspection. He did not follow up to determine the results of any reinspection.
4. The next communication Petitioner received from the Department was a bill for work performed in the yard, that included cutting and removing high weeds, rubbish removal and cleaning the yard.
5. Petitioner testified that he was unaware that the violation notice referred to the condition of the yard as well as the house itself on the property.
6. The property was reinspected July 17, 2004. The city nuisance abatement workers were at the property July 26, 2004 to clean the property.
7. Petitioner acknowledged that the city did clean up work in the yard, including removal of certain hedges and bushes that he did not want removed.
8. The work sheet and bill submitted by the city showed that two trucks, two drivers, and seven workers were required for four hours to clean the yard and remove 112 bags of tree limbs, dirt and trash.
9. The city representative and Petitioner agreed that the yard was approximately 10 feet by 30 feet.

## CONCLUSIONS OF LAW:

The Philadelphia Property Maintenance Code Section PM-306.1 requires that “all vacant premises shall be maintained in a clean, safe, secure and sanitary condition as provided in this chapter ...so as not to become unsafe or otherwise adversely affect the public health or safety.”

“The owner of any vacant building which is unsafe shall, upon written notice, either eliminate the unsafe condition(s) or demolish the building.” The Philadelphia Property Maintenance Code Section PM-306.4. “If the owner does not comply with the order of the Department to correct the unsafe conditions, 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. The Philadelphia Property Maintenance Code Section PM-306.6.

In this case, Petitioner admitted receiving a violation notice from the Department citing the property as being unsafe in accordance with the above quoted Code sections and stating that corrective action was to be taken by the owner and that failure to comply could result in work being performed by the City of Philadelphia and billed to the owner. While he testified that he called the inspector for a reinspection, he did not follow up to determine the results of any such reinspection. He did not state that he did any work to the building or yard as a result of the violation notice.

Petitioner’s position was that the violation notice was not specific to the yard and therefore he was unaware of what corrective actions the city was requiring.

The computer printout of the violation notice provided by the City did not contain any specific citations to the yard but was a reprint of the general ordinance sections cited above. And while it was not specific to the condition of the shrubbery and yard, it did state the general requirements to keep a vacant property clean. Petitioner did not deny that there was dirt and trash in the yard but only stated that he would have wanted the bushes trimmed rather than removed.

In addition, Petitioner did not deny that work was done by city workers to clean the yard and deal with overgrown bushes. He acknowledged that there was work done.

Therefore in reviewing this claim, it was the decision of the Board that the bill should be reduced because the petitioner would not have been completely aware of what the city was referring to in its violation notice but was put on notice that the property needed to be cleaned and maintained. In addition, the city did perform significant work in cleaning the yard to the property.

The bill presented by the City was for the principal amount of \$1328.59, with an administrative cost of \$279.00, interest of \$96.39 and a lien charge of \$86.87, for a total due of \$1790.82.

The Philadelphia Code Chapter 19-1702(1) provides to the Board jurisdiction to review “any decision or determination relating to the liability of any person for any unpaid money or claim collectible by the Department of Revenue, for or on behalf of the City or School District of Philadelphia, including, but not limited to, any tax, water or sewer rent, license fee or other charge, and interest and penalties thereon...”.

The decision of the Tax Review Board was to reduce the principal due to \$800, and to abate the administrative charge, the interest and lien charge.

Concurred:  
Derrick Johnson, Chair  
Joseph Ferla  
Una Vee Bruce  
Wade Stevens