

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by repealing Subcode PM, entitled “The Philadelphia Property Maintenance Code,” and adopting and incorporating, with certain additions, deletions and amendments, the 2009 International Property Maintenance Code as the Philadelphia Property Maintenance Code; further amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades, and Professions,” to recodify, consolidate, revise, modify, and set forth provisions regulating certain or all rental properties and tenants thereof and certain or all vacant properties, previously set forth by the Philadelphia Property Maintenance Code and other provisions; and further making technical and conforming amendments throughout The Philadelphia Code; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Subcode PM (“The Philadelphia Property Maintenance Code”) of Title 4 of The Philadelphia Code (“The Philadelphia Building Construction and Occupancy Code”) is hereby repealed in its entirety, and replaced with a new Subcode PM, to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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CHAPTER 4-200.0 TEXT OF SUBCODES

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SUBCODE “PM” (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

Article PM-1.0 Adoption of the 2009 Property Maintenance Code, with additions, deletions, and amendments.

§ PM-1.1 The "2009 International Property Maintenance Code" as published by the International Code Council is hereby adopted as the Property Maintenance Code of the City of Philadelphia, with such additions, deletions and amendments as set forth in § PM-1.2.

§ PM-1.2 The 2009 International Property Maintenance Code, copies of which are on file with the Department of Licenses and Inspections, is incorporated as if fully set forth herein, subject to the following additions, deletions and amendments, including errata issued by the International Code Council.

§ PM-1.2.1 [Brackets] indicate matter deleted. *Italics* indicate matter added.

§ PM-1.2.2 Throughout the code, references to "International" codes or "ICC" codes shall be deemed to refer to the "Philadelphia" codes of the same name.

§ PM-1.2.3 The numbers of all Sections and subsections shall be preceded with the prefix "PM-".

§ PM-1.2.4 THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE:

CHAPTER 1
ADMINISTRATION

(Delete entire Chapter.)

CHAPTER 2
DEFINITIONS

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SECTION PM-202 GENERAL DEFINITIONS

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BLIGHTING INFLUENCE: A 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.*

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CODE OFFICIAL. The Commissioner of Licenses and Inspection or his or her duly authorized

representative charged with administration or enforcement of this code.

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CHAPTER 3 GENERAL REQUIREMENTS

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PM-302A.0 UNSAFE AND UNFIT STRUCTURES AND EQUIPMENT

PM-302A.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-307.19.

PM-302A.1.1 Construction Excavations: 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-302A.2 Unsafe installations, systems and equipment: Equipment, appliances, mechanical systems, plumbing systems, fuel gas installations or electrical systems that are 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-302A.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-302A.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-302A.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-302A.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-302A.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-302A.4 Notice: If an unsafe or unfit condition is found, the code official shall serve on the owner 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 or removed 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-302A.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-302A.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-302A.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-302A.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-302A.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.

PM-302B.0 IMMINENTLY DANGEROUS STRUCTURES

PM-302B.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-302B.2 Notice: If an imminently dangerous condition is found, the code official shall serve on the owner 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-302B.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-302B.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-302B.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-302B.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-302B.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-302B.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-302B.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-302B.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.

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SECTION PM-304 EXTERIOR PROPERTY AREAS

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PM-304.10 TEMPORARY CONSTRUCTION

PM-304.10.1 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-304.10.2 Duration: Temporary construction as provided in Section PM-310.10.1 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.

PM-304.11 PRIVATE PARKING LOTS

PM-304.11.1 General: All owners and operators of private parking lots shall comply with the requirements of this subsection PM-304.11; the Zoning Code; and the Philadelphia Building Code.

PM-304.11.2 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-304.11.3 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-304.11.4 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; or*
- 2. cause or permit the shoveling, plowing or otherwise moving of snow from the private parking lot onto any street or sidewalk.*

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PM-307.19 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 this subsection PM-307.19.

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-307.19.1 Minimum qualification of inspection personnel: The personnel involved in the inspection of piers and other waterfront structures shall possess the following qualifications:

PM-307.19.1.1 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-307.19.1.2 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-307.19.1.3 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-307.19.2 Inspections: The inspections required by this Section shall be classified as follows:

PM-307.19.2.1 Routine inspections: Routine inspections shall be performed and a structural assessment report prepared at least once every three years as set forth in PM-307.19. The inspections shall include:

PM-307.19.2.1.1 Topside inspections: Topside inspection of the above-water portions of the pier or other waterfront structure.

PM-307.19.2.1.2 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-307.19.2.2 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-307.19.3 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-307.19.3.1 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-307.19.3.2 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-307.19.3.3 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-307.19.3.4 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-307.19.3.5 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-307.19.3.6 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-307.19.4 Structural assessment report: Structural assessment reports shall be sealed by the project engineer. Each report shall consist of the following Sections.

PM-307.19.4.1 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-307.19.4.2 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-307.19.4.3 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-307.19.4.4 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-307.19.5 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-307.19.5.1 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-307.19.5.2 Post Maximum Permitted Live Load Certification (Poor Rating) – Live load certification signs, approved by the Department of Licenses & Inspections, shall be conspicuously posted.

PM-307.19.5.3 Barriers (Serious Rating) – Install barriers and post approved signage to prevent access to specific areas identified by the Project Engineer.

PM-307.19.5.4 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-307.19.5.5 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-307.19.6 Submission Schedule: Notification of poor, serious or critical conditions and submission of reports shall be in accordance with the following schedule:

PM-307.19.6.1 Should a condition warrant a poor, 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-307.19.6.2 Structural assessment reports shall be submitted to the Commissioner of the Department of Licenses and Inspections within sixty days of physical inspection.

PM-307.20 Periodic Inspection of Exterior Walls and Appurtenances of Buildings.

PM-307.20.1 Definitions. The following definitions shall apply to this subsection PM-307.20:

Affected Buildings. All buildings six or more stories in height; all buildings with any appurtenance in excess of 60 feet in height; and any building located in the following areas, other than one- or two-family dwellings, greater than two stories:

Professional. A Commonwealth of Pennsylvania licensed Professional Engineer experienced in the practice of structural engineering or a licensed Registered Architect knowledgeable in the design, construction, and inspection of building facades.

Safe. A condition of a building wall or any appurtenance thereto that is neither an Unsafe condition nor Safe with a Repair and Maintenance Program.

Safe with a Repair and Maintenance Program. A condition of a building's exterior wall or any appurtenance thereto or any part thereof that the Professional does not consider Unsafe at the time of inspection, but requires repairs or maintenance within a time period designated by the Professional in order to prevent its deterioration into an Unsafe condition.

Unsafe condition. A condition of a building's exterior wall or any appurtenance

thereto or part thereof that is dangerous to persons or property and requires prompt remedial action.

PM-307.20.2 Inspections Required.

PM-307.10.2.1 The owner of each Affected Building shall be responsible for retaining a Professional to conduct periodic inspections of exterior walls and any appurtenances thereto, except for those parts of any exterior wall which are less than twelve inches from the exterior wall of an adjacent building, and to prepare and file a report on such inspection as required by this Section.

PM-307.20.2.2 For Affected Buildings, the first inspection required by this Section shall be conducted as shown in the following schedule: If the date of construction cannot be determined by the owner, the first inspection must be performed by June 30, 2011. For all other buildings, the first inspection shall be conducted, and required report shall be filed, within ten years after the certificate of occupancy was issued.

<i>Construction Date</i>	<i>Report to be completed no later than:</i>
<i>Prior to and including 1950</i>	<i>June 30, 2011</i>
<i>1951 - 1970</i>	<i>June 30, 2012</i>
<i>1971 - 1980</i>	<i>June 30, 2013</i>
<i>1981 -1990</i>	<i>June 30, 2014</i>
<i>1991 - 2005</i>	<i>June 30, 2015</i>

PM-307.20.2.3 Following the Initial Inspection, an Affected Building shall be re-inspected, and the required report shall be filed, on a five-year cycle based on the original schedule.

PM-307.20.2.4 If all facades of an Affected Building have been substantially restored during the five years immediately preceding the date of any required inspection, the owner may apply to the Department for a waiver of the required inspection. The owner shall submit with such application such information as the Department determines is necessary to enable it to evaluate the request. The Department shall grant the waiver if it determines that the recent facade restoration obviates the need for an inspection until the next inspection cycle.

PM-307.20.3 Inspection Procedures.

PM-307.20.3.1 Before inspecting an Affected Building, the retained Professional shall review previous reports, inspections, and evidence of repairs made in the past 5 year period, including confirmation that all areas previously determined to require remediation in less than 5 years (as noted in any previous report) have been addressed.

PM-307.20.3.2 The inspection shall be conducted by or under the supervision of the Professional, and performed to the best of his/her knowledge and belief. The Professional shall determine the extent of the inspection required, based upon the known history of the building, the nature of the materials used, and the conditions observed. The Professional shall

determine methods employed in the inspection, but need not be physically present at the location where the inspection is made.

PM-307.20.3.3 The methods used to inspect a building shall permit a physical, hands-on inspection of the building. The Professional may use other methods of inspection as deemed appropriate, except that a physical inspection from a scaffold or other observation platform is required for a representative sample of the exterior wall. The Professional shall determine what constitutes a representative sample.

PM-307.20.3.4 The Professional shall employ the appropriate professional standard of care to detect distressed conditions such as delaminating, separating, splitting or fracturing of material or components as well as movement or displacement indicative of unsound facade materials or loss of structural support. If a distressed condition is identified, the Professional shall order any other inspections and/or tests that may be required to determine the significance and probable cause of the observed distress.

PM-307.20.3.5 During the course of the inspection, photographs shall be taken and/or sketches made to properly document the location of all conditions observed that are either Unsafe or Safe with a Repair and Maintenance Program.

PM-307.20.3.6 Upon discovery of any Unsafe condition the Professional shall immediately notify the owner of the building by electronic mail or by fax; and shall, within 12 hours of discovery, notify the Department in writing and in an electronic format determined by the Department.

PM-307.20.4 Report Requirements.

PM-307.20.4.1 The Professional shall submit to the owner of the building a written report as to the result of each inspection, certifying that the inspection was performed and completed in accordance with this Code, and detailing all conditions not classified as Safe. The Professional shall also submit a summary of the written report to the Department in a form determined by the Department. The Department may by regulation impose a processing fee, not to exceed one hundred dollars (\$100), that must be paid upon submission of the summary of the written report. If the report identifies an Unsafe condition, then the Professional, within 24 hours of completion of the report, shall file the full report with the Department in writing and in an electronic format determined by the Department. The owner or its agent shall retain all written reports submitted pursuant to this Section and keep them readily available for inspection by the Department.

PM-307.20.4.2 The report shall include, on the front page, the name and license number of the Professional and shall be signed, sealed and dated by the Professional in accordance with the professional registration laws of the Commonwealth of Pennsylvania, and shall include:

- 1. The address and the location from the nearest intersection.*
- 2. The name, mailing address, and telephone number of the owner of*

the building and of the owner's agent or person in charge, possession or control of the building, if any.

3. *A description of the building, including number of stories, height, plan dimensions, usage, age and type of exterior wall construction, and system of water management.*

4. *A brief history of any settlements, repairs, revisions to exterior enclosures, if available.*

5. *The date of the start and completion of the inspection, a detailed description of the procedures used in making the inspection, and the extent and location of all physical inspections performed.*

6. *A report of all conditions including but not limited to significant deterioration and movement observed as well as a statement concerning the apparent water-tightness of the exterior surfaces, and the deleterious effect of exterior appurtenances, including exterior fixtures, flagpoles, signs, parapets, copings, guard rails, window frames (including hardware and lights), window guards, window air conditioners, flower boxes, and similar items. The report shall classify each such condition as Safe, Unsafe, or Safe with a Repair and Maintenance Program.*

7. *The probable causes of the reported conditions.*

8. *The status of the exterior maintenance.*

9. *For any conditions listed in the previously filed report (if any), whether such conditions have been repaired and/or maintained as recommended in that report.*

10. *Recommendations for repairs or maintenance, if appropriate, including the recommended time frame for the repairs or maintenance to be performed;*

11. *The classification of the building according to the following scheme:*

(a) *"Unsafe", if there is at least one unsafe condition.*

(b) *"Safe with a Repair and Maintenance Program", if there is a condition that is "Safe with Repair and Maintenance Program" and there are no Unsafe conditions.*

(c) *"Safe," in all cases other than (a) or (b).*

12. *Photographs and/or sketches documenting the locations of any conditions that are either Unsafe or Safe with a Repair and Maintenance*

Program.

13. *A statement by the Professional indicating which repairs and/or maintenance require the obtaining of work permits prior to their commencement.*

14. *statement signed by the owner or agent of the building, acknowledging receipt of a copy of the report and acknowledging all required repairs and/or maintenance (if any) and the recommended time frame for performing such repairs and/or maintenance.*

15. *The Professional's certification that the physical inspection was performed in accordance with applicable rules and regulations and within the appropriate professional standard of care.*

16. *The Professional's seal and signature.*

17. *Such other matters as the Department may by regulation require.*

PM-307.20.4.3 The Professional may submit an amended report within thirty (30) days of the initial submission. The amended report shall clearly indicate any change from the initial report and all reasons for such changes.

PM-307.20.5 Unsafe Conditions.

PM-307.20.5.1 Within twenty-four (24) hours of being notified of an Unsafe condition by a Professional, the owner of a building shall take any actions necessary to protect public safety, such as erecting sidewalk sheds, fences, and/or safety netting. Such actions shall be considered as an effort to remedy an emergency situation and appropriate permit applications shall be submitted within the next three (3) days to the Department.

PM-307.20.5.2 Within ten (10) days of the receipt or filing of a report identifying an Unsafe condition, the owner of a building shall commence work to correct the condition and work shall continue without interruption until the Unsafe condition has been corrected, unless there has been an unforeseen delay (e.g. weather, labor strike). Within two weeks after the Unsafe condition has been corrected, the Professional shall reinspect the building and file with the Department a detailed amended report stating the condition of the building.

PM-307.20.6 Conditions That Are Safe with a Repair and Maintenance Program.

PM-307.20.6.1 The owner of the building is responsible for ensuring that the conditions described in the report as "Safe with a Repair and Maintenance Program" are repaired and the actions identified by the Professional are completed within the time frame designated by the Professional or by such time necessary to prevent a condition from becoming an Unsafe condition, whichever is sooner.

PM-307.20.7 Extensions.

PM-307.20.7.1 The Department may grant an extension of time of up to ninety (90) days to begin the repairs required to remove an Unsafe condition or to repair a Safe with Repair and Maintenance Program condition, after receipt and review of an initial extension application submitted by the Professional which includes:

- 1. Proof that the premises have been made safe by means of a shed, fence, or other appropriate measures.*
- 2. A copy of the contract indicating the scope of work necessary to remedy the Unsafe condition(s).*
- 3. The Professional's estimate of the length of time required for repairs, and a notarized affidavit by the owner of the building or its agent that work will be completed within such time.*

PM-307.20.7.2 A further extension of time will be considered by the Department only upon receipt and review of a further extension application which details that one of the following is met:

- 1. The work has been substantially completed, but there has been an unforeseen delay (e.g. weather, labor strike).*
- 2. Unforeseen circumstances (e.g., fire, building collapse).*
- 3. The nature of hazard requires more than 90 days to remove (e.g., new wall to be built).*

PM-307.20.8 Appeals.

PM-307.20.8.1 The owner of the building may appeal the findings set forth in the Professional's initial report or amended report to the Board of Building Standards. Such appeal must be filed within thirty (30) days of the receipt or filing of the report, and must include a second Professional's report. The filing and pendency of such an appeal shall stay the requirement for making repairs as set forth in PM-307.20.5.2, but not the requirement for taking actions necessary to protect public safety as set forth in PM-307.20.5.1.

PM-307.20.8.1.1 Upon consideration of any such appeal, the Board shall issue a recommendation to the Commissioner either to grant the appeal; deny the appeal; or grant the appeal with such proposed modifications to the Professional's findings as the Board deems consistent with the intent of this Section. The Commissioner thereafter shall make the final determination on the appeal.

PM-307.20.8.1.2 The owner of the building may appeal the determination of the Commissioner to the Board of License and Inspection Review, pursuant to the procedures set

forth in Section A-803.2 of The Administrative Code.

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*CHAPTER 7A
SPECIAL CONTROLS IN DESIGNATED AREAS*

PM-7A01.0 LEGISLATIVE PURPOSE

PM-7A01.1 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-7A01.2 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-7A01.3 It is further the purpose of this Chapter to promote the public welfare in other specified neighborhood commercial areas by ensuring the continued visibility 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.

PM-7A02.0 DEFINITIONS

PM-7A02.1 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.

PM-7A03.0 DESIGNATED AREAS

PM-7A03.1 Area descriptions: The designated areas shall consist of those areas described in Sections PM-7A03.1.1 and PM-7A03.1.3.

PM-7A03.1.1 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-7A03.1.2 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 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-7A03.1.3 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-7A04.3.2.

PM-7A04.0 BUILDING STANDARDS APPLICABLE TO DESIGNATED AREAS

PM-7A04.1 Front faces: Within designated areas, the front faces of buildings or structures used for commercial purposes shall conform with the following requirements:

PM-7A04.1.1 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-7A04.1.2 Other elements: All other unused and exposed elements, including wires, brackets and conduits, shall be removed.

PM-7A04.1.3 Glazing: Except as provided in subsection PM-7A04.1.5, broken window glass shall be replaced.

PM-7A04.1.4 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-7A04.1.4.1 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-7A04.1.4.2 Advertising: Advertising shall be prohibited from being placed on shutters.

PM-7A04.1.5 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-7A04.2 Historic area standards: Standards within the designated historic area shall be as set forth in Sections PM-7A04.2.1 through PM-7A04.2.7 in addition to the requirements of Sections PM-7A04.1 through PM-7A04.1.4.2.

PM-7A04.2.1 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-7A04.2.2 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-7A04.2.3 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-7A04.2.4 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-7A04.2.5 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-7A04.2.6 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-7A04.2.7 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-7A04.3 Neighborhood commercial areas: Standards within the specified neighborhood commercial areas shall be as set forth in Sections PM-7A04.3.1 through PM-7A04.3.1.3.

PM-7A04.3.1 Security devices: In the neighborhood commercial areas specified in Section PM-7A04.3.2, the following requirements for security devices shall apply:

PM-7A04.3.1.1 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-7A04.3.1.2 Prohibited design. Solid shutters, solid roll-down security grates or similar devices shall not be permitted.

PM-7A04.3.1.3 Compliance. Any security device lawfully in existence on the effective date of this Section 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. For purposes of this subsection, "the effective date of this Section" shall mean the effective date of any ordinance adding a specified neighborhood commercial area to this Section.

PM-7A04.3.2 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).*
- 4. All commercial corridors and neighborhood commercial properties throughout the First Councilmanic District not already covered by Section PM-7A04.3.2(3), relating to the East Passyunk Avenue Business Improvement District.*

* * *

SECTION 2. Title 9 of The Philadelphia Code is hereby amended to add a new Chapter to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-3900. PROPERTY LICENSES AND OWNER ACCOUNTABILITY.

* * *

§ 9-3901. *General Provisions.*

(1) Administration. Subcode A (The Philadelphia Administrative Code) of Title 4 shall apply with respect to the provisions of this Chapter, and govern their administration.

Chapter 9-100 shall not apply to this Chapter. Terms shall be defined as set forth in Section PM-202, unless otherwise defined herein.

(2) General Requirements of Applications: Every application for a registration or license under this Chapter shall include all information required by the Department, including, but not limited to:

(a) 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.

(b) The name, address, and 24-hour contact information of an emergency contact where one is required pursuant to § 9-3902(5)(a).

(c) The signature of the owner, or if the owner is a corporation, of any officer.

(3) General Conditions of Registrations and Licenses: All registrations and licenses issued under this Chapter shall be subject to the following conditions:

(a) Registrations and licenses shall be valid for a period of one year and shall be renewed annually, as long as required. The Department shall fix the registration or license year on a basis it deems desirable for efficient administration. If a registration or license year is changed, any person holding a registration or license shall receive credit for the unexpired term.

(b) No registration or license required by this Chapter shall be transferable. The new owner shall obtain a new registration or license from the Department within ten days after the transfer in any manner of ownership or control of the interest in such property.

(c) An owner, who is required to be registered or licensed under this Chapter, shall inform the Department in writing by first-class mail and shall amend the 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.

§ 9-3902. Rental Registration.

(1) Dwellings: No person shall operate a multiple-family dwelling, rooming house, dormitory or hotel, or offer for rent or lodging purposes a one-family dwelling, two-family dwelling or a rooming unit therein without first obtaining a rental registration from the Department. An individual rental registration need not be obtained if one has been issued for the building in which a dwelling or rooming unit is located. Failure to obtain and maintain a current registration shall result in enforcement and penalties in accordance with the administrative code, in addition to any other penalty provided by The Philadelphia Code.

(a) *Fees:*

(i) *The annual fee for a rental registration shall be \$75.00 for each dwelling or rooming unit with a maximum annual fee of \$25,000 per dwelling. The Department may, by regulation, increase or reduce the annual registration fee and the maximum annual fee.*

(ii) *For one and two-family dwellings, the registration fee is waived for a dwelling unit occupied by an owner listed on the title deed to the property, provided that the license for the proper number of units shall be obtained and the related fee paid not later than ten days following the vacating by an owner of a unit exempted by this subsection (ii).*

(iii) *The maximum annual aggregate fee paid by an agency or authority in the business of providing low cost or public housing shall be \$250,000.00.*

(b) *Every rental registration for a rooming house, dormitory or hotel shall specify the maximum number of occupants allowed to occupy the building.*

(c) *No rental registration shall be issued unless the applicant possesses a valid commercial activity license pursuant to Section 19-2602 of The Philadelphia Code.*

(2) *As a condition of receipt of a rental registration, and upon its annual renewal, every person shall comply with the following certification requirements:*

(a) *Certification of Rental Suitability. The owner of the premises for which a registration is sought shall certify all of the following:*

(i) *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.*

(ii) *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 established by the department by regulation or on any form of certification.*

(iii) *The owner will 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.*

(b) *Certification of Compliance with Lead Safety Certification Requirements. The owner of the premises for which a license is sought shall certify all of the following:*

(i) *Identify each unit in Targeted Housing (as defined in § 6-802(12)) in connection with which a new lease was entered into in the 12 months preceding the date of application.*

(ii) *That the requirements of Code Section 6-803 regarding the provision of a lead safe or lead free certification to all new lessees in Targeted Housing, and the requirements of Section 6-803(c) regarding provision of written notification to all new lessees and correction of any defects after receipt of notice of same, have been complied with in connection with each such lease.*

(c) *A rental registration may be revoked based on the provision of a false certification pursuant to this subsection 9-3902(2).*

(3) *No rental registration shall be issued or renewed for any property that has any outstanding violation notices or unpaid fines or costs imposed under this Section or Title 4 that have been of record for more than 30 days. Notwithstanding any such violation, unpaid fines or costs, a license shall be issued where the owner has filed an appeal of the violation, and has notified the Department of such appeal in a manner prescribed by the Department.*

(4) *At the inception of each tenancy, an owner shall provide to the tenant a copy of the “City of Philadelphia Partners for Good Housing Handbook” issued by the Department and any succeeding documents.*

(5) *Notice of information regarding responsibility for property maintenance.*

(a) *The owner of every occupied premises subject to this Section shall furnish written notice to each tenant thereof containing the name, address, telephone number, and any other contact information of a person or persons who shall respond as follows:*

(i) *A person or persons responsible for routine maintenance and repair of the premises, who shall perform routine maintenance and repair as required, and respond to requests for routine maintenance and repair in a reasonable time.*

(ii) *A person or persons responsible for responding to emergencies with respect to the premises that may affect the health and safety of the occupants or the habitability of the premises; at all times, a person shall be available to respond to such emergencies. Such a person must further be available at all times to respond to contacts by the department in the event of an emergency.*

(b) *In properties with three or more dwelling units, the information required by this subsection (5) shall additionally be clearly and visibly posted in all common areas.*

(c) *Whenever any information required by this subsection changes, the owner shall immediately furnish updated information to each tenant, and update any posting required by subsection (5)(b).*

§ 9-3903. *Vacant Structure and Lot Licenses.*

(1) *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.*

(a) *Fees: The annual license fee to own a vacant lot, vacant building or vacant wharf, pier or dock shall be \$150.00.*

(b) *Timeliness: A license shall be obtained not later than 30 days following the vacating of a building or lot.*

(c) *Contiguous lots: Contiguous vacant lots shall be exempt from separate licensing when either of the following conditions exist:*

(i) *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.*

(ii) *Vacant lots contiguous to or separated by a driveway from a building where there is common ownership of the lot and the building. This exemption includes a contiguous lot owned and maintained by the abutting property owner as a side yard.*

(d) *Exemptions:*

(i) *A lot that is continuously maintained as a garden shall be exempt from the foregoing license requirements.*

§ 9-3904. Penalties and Enforcement.

(1) *Suspension and Revocation*

(a) *Any license issued pursuant to the provisions of this Chapter shall be subject to suspension by the Department for failure to comply with the requirements of any of the following: (i) this Chapter; (ii) Title 4, Subcode PM (the Property Maintenance Code), after reinspection pursuant to Section A-503.1 of the Administrative Code of Title 4; (iii) failure to pay any fine or cost imposed under this Chapter, Title 4, Subcode PM (Property Maintenance Code), or Title 4, Subcode A (Administrative Code).*

(b) *Any suspension imposed pursuant to subsection (1)(a) shall continue until there has been compliance and until any unpaid fines and costs have been paid. The Department shall provide written notice and an opportunity for a hearing prior to any suspension or revocation of a license under this Chapter.*

(2) *Violations of this Chapter shall be punishable by a fine of \$300, except as otherwise expressly provided. Each day that a violation exists or a person refuses to submit such information as required shall constitute a separate offense.*

(a) *Failure to obtain a rental registration when required by § 9-3902(1) shall be a Class II offense.*

(b) *Failure to comply with § 9-3902(5)(a)(ii) shall be a Class III offense where no person designated as an emergency contact pursuant to that provision is available to the department in an emergency.*

(3) *Private Enforcement.*

(a) *No owner shall have the right to recover possession of the premises or collect rent during or for any period of non-compliance with respect to any of the following:*

(i) *Failure to obtain or maintain a registration or license under this Chapter whenever one is required.*

(ii) *Renting out any premises with respect to which a rental registration has been suspended or revoked under § 9-3904(2).*

(iii) *Violation of any rental registration condition imposed pursuant to § 9-3904(2).*

(b) *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 rental registration together with any amendments thereto.*

(4) *Private right of action. Any tenant of any property subject to the provisions of this Chapter shall have the right to bring an action against the owner of such property to compel compliance with this Chapter, and with Title 4, Subcode PM (Property Maintenance Code).*

SECTION 3. This Ordinance shall be effective immediately.