

# City of Philadelphia



(Bill No. 030774)

## AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "PM" (The Property Maintenance Code), to incorporate certain International Code Council model code provisions related to unsafe structures and equipment; revise the definition of rooming house; amend requirements regarding permits for the abatement of imminently dangerous buildings; amend requirements for electrical receptacles in bathrooms; and make technical changes; all under certain terms and conditions.

WHEREAS, as required by Pennsylvania Act 45 of November 10, 1999 (35 P.S. §7210.501(a)), the City must adopt standards consistent with those set forth in the Pennsylvania Uniform Construction Code; and

WHEREAS, the purpose of this Bill is to amend portions of the Property Maintenance Code to incorporate certain International Code Council model code provisions to achieve consistency with Act 45, as well as to make certain other technical and related changes; and

WHEREAS, separate bills are being introduced to add and amend other Subcodes included within Title 4; NOW THEREFORE,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code" is hereby amended to read as follows:

### TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

#### CHAPTER 4-100.0 LISTING OF SUBCODES

**§4-101.0** Listing of Subcodes. This title shall consist of the following subcodes:

\* \* \*

[(g)] ( ) Subcode "PM" (The Philadelphia Property Maintenance Code)

\* \* \*

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Chapter 4-200.0 Text of Subcodes

\* \* \*

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

## 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* [hereinafter] referred to *herein* as "this code."

\* \* \*

**PM-101.5 Other codes:** Where this code references the administrative, building, electrical, *energy conservation, existing building, fire [prevention], 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 [prevention], fuel gas, mechanical, plumbing, residential* and zoning codes *as applicable*.

\* \* \*

### SECTION PM-102.0 LICENSING

**PM-102.1 [Multiple-family d]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-102.2 [Rooming houses:** No person shall operate a rooming house, dormitory or hotel 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.

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**PM-102.2.1] Occupancy:** Every *housing inspection* license for a *rooming house, dormitory or hotel* shall specify the maximum number of occupants allowed to occupy the *building*[rooming house].

**PM-102.3 [Residential rental properties:] Individual unit:** [No person shall offer for rent a one-family dwelling, two-family dwelling or rooming unit therein without first obtaining a housing inspection license from the Department, provided that a]An individual housing inspection license need not be obtained if one has been issued for the building in which [the] *a* dwelling or rooming unit is located. [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.]

\* \* \*

## CHAPTER 2 DEFINITIONS

\* \* \*

### SECTION PM-202.0 GENERAL DEFINITIONS

\* \* \*

#### **Dwellings:**

\* \* \*

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

\* \* \*

## CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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### SECTION PM-303.0 INTERIOR AREAS

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**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

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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 [Use Groups] occupancies*, the occupants are responsible for the removal and collection of waste matter.

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## SECTION PM-305.0 INTERIOR STRUCTURE

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**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 [Use] 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.

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

\* \* \*

**PM-307.2 Unsafe *installations, systems and equipment.*** Equipment, *appliances, mechanical systems, plumbing systems, fuel gas installations or electrical systems that are unsafe*, [which] constitute[s] a fire or health hazard, or [is] 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 [not be operated after the date stated in the notice unless the required repairs or changes have been made and the equipment has been approved, or unless an extension of time has been secured from the code official in writing]. *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.*

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**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 [and]. *The notice shall specify[ing] 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[ing] 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-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-308.7.1 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.*

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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.*

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## CHAPTER 4 RESIDENTIAL OCCUPANCIES

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### SECTION PM-402.0 LIGHT

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**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 [Use] 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.

\* \* \*

### SECTION PM-406.0 MECHANICAL FACILITIES AND EQUIPMENT

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**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 [Use] 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).

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## SECTION PM-407.0 ELECTRICAL FACILITIES AND EQUIPMENT

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***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.*

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## CHAPTER 5 NON-RESIDENTIAL OCCUPANCIES

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## SECTION PM-505.0 MECHANICAL FACILITIES AND EQUIPMENT

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**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 [Use] 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).

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## CHAPTER 6 FIRE AND LIFE SAFETY REQUIREMENTS

### SECTION PM-601.0 GENERAL

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**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 [f]Fire [prevention] [c]Code.

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**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 [f]Fire [prevention] [c]Code.

\* \* \*

## CHAPTER 8 REFERENCED CODES

\* \* \*

[Standard] Code Reference Number	Title	Referenced in code Section number
PAC	Philadelphia Administrative Code .....	PM-101.4 <i>PM-101.5</i> , PM-102.1, PM-102.2, PM-102.3, PM-102.4, PM-102.7, <i>PM-102.7.2</i> PM-306.3.1, PM-306.5, PM-307.5, <i>PM-308.1</i> , <i>PM-308.3</i>
PBC	Philadelphia Building Code .....	PM-101.5 PM-201.3, <i>PM-310.1</i> , PM-603.2, PM-704.1.5
	* * *	
PECC	<i>Philadelphia Energy Conservation Code</i> .....	<i>PM-101.5</i>
PEBC	<i>Philadelphia Existing Building Code</i> .....	<i>PM-101.5</i>
[PFPC] PFC	Philadelphia Fire [Prevention] Code * * *	
PFGC	<i>Philadelphia Fuel Gas Code</i> .....	<i>PM-101.5</i>
PMC	Philadelphia Mechanical Code .....	PM-101.5 PM-201.3, PM-403.1, <i>PM-503.1.2</i>
PPCC	<i>Philadelphia Performance Code</i> .....	<i>PM-101.5</i>
	* * *	
PRC	<i>Philadelphia Residential Code</i> .....	<i>PM-101.5</i>
	* * *	

**SECTION 2.** The provisions of Title 4 of The Philadelphia Code added by Section 1 of this Ordinance, so far as they are the same as existing provisions of The Philadelphia Code, shall be construed as a continuation of such provisions and not as new enactments.

**SECTION 3.** This Ordinance shall take effect as follows:

(a) From the time of adoption of this Ordinance until January 1, 2004, an applicant for a permit under one or more of the subcodes of Title 4 of The Philadelphia



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Code shall have the option of proceeding under the provisions of Title 4 as amended by this Ordinance, or under the provisions of Title 4 as they existed immediately prior to adoption of this Ordinance.

(b) Effective January 1, 2004, the provisions of this Ordinance shall apply.

(c) *Notwithstanding any provision of this Ordinance to the contrary, at the option of the permit applicant, this Ordinance shall not apply to:*

*(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the City prior to the effective date of this Ordinance; or*

*(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of this Ordinance.*

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Explanation:

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 18, 2003. The Bill was Signed by the Mayor on December 31, 2003.



Patricia Rafferty  
Chief Clerk of the City Council