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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LICENSES AND INSPECTIONS

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6

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 20, 2004
1:20 p.m.

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BILL 040091 - An Ordinance amending Section
1-112 of The Philadelphia Code...

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BILL 040094 - An Ordinance amending the
Philadelphia Code relating to students

11

living in Educational Housing Districts...

12

BILL 040398 - An Ordinance amending Section
PM-311.0 of The Philadelphia Code, entitled
"Graffiti"...

13

BILL 040465 - An Ordinance electing to
adopt, enforce and administer the

14

Pennsylvania Uniform Construction Code in
Philadelphia

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PRESENT:

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COUNCILMAN RICHARD MARIANO, Chair

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COUNCILWOMAN JOAN KRAJEWSKI

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COUNCILMAN FRANK RIZZO

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COUNCILMAN JACK KELLY

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1 05/20/04 - L&I - BILL 040091

2 COUNCILMAN MARIANO: This is the
3 public hearing of the Committee on Licenses
4 and Inspections. We're here to consider Bills
5 040091, 040398, 040465. And Bill 040094 is
6 being withdrawn by the sponsor, Councilman
7 Clarke.

8 Introduction to Committee Members, I
9 have Councilwoman Rizzo to my immediate left,
10 Councilwoman Krajewski and Councilman Jack
11 Kelly.

12 Welcome back to City Council,
13 Councilman, it's a pleasure having you back
14 here.

15 The Clerk will read the title of
16 Bill 040091.

17 THE CLERK: An ordinance amending
18 Section 1-112 of The Philadelphia Code by
19 revising the amount generally required to be
20 remitted in response to a notice of violation
21 in order to waive appearance before a
22 Municipal Court judge.

23 COUNCILMAN MARIANO: Mr. Haigler
24 from the Department of L&I is here to testify
25 on this bill.

1 05/20/04 - L&I - BILL 040091

2 Mr. Haigler.

3 MR. HAIGLER: Good day, Councilman
4 Mariano and Members of the Committee. I am
5 Otis Haigler, Jr., Legislative and Regulatory
6 Affairs Manager for the Department of Licenses
7 and Inspections. Today, I'm here to provide
8 testimony on Bill 040091 which, if enacted,
9 will amend Section 1-112 of the Philadelphia
10 Code to raise proscribed fine amount to \$75
11 for code violation notices that are issued
12 pursuant to this section.

13 Section 1-112 related to code
14 violation notices or CVNs was even enacted to
15 law on June 25, 1999, pursuant to passage by
16 Council as a way to address code enforcement
17 issues immediately without the need for court
18 action. This section of the code allows the
19 violators to admit guilt, pay the proscribed
20 fine amount, and waive his or her right to
21 appear before a municipal court judge to
22 dispute the violation. The payment of the
23 fine does not relieve the person from
24 compliance of the violation and additional
25 CVNs or tickets can be issued for each day a

1 05/20/04 - L&I - BILL 040091

2 violation remains in effect.

3 Since the enactment of Bill 980711
4 in 1999, L&I has made use of CVNs as a way to
5 gain compliance for a variety of quality of
6 life violations. An increase in the CVN fines
7 may have a positive effect on the rate of
8 compliance of violations issued by the
9 Department which impacts on the quality of
10 life throughout the City of Philadelphia.

11 The Department of Licenses and
12 Inspections supports passage of Bill 040091 as
13 a part of its mission to address public safety
14 and health concerns.

15 Thank you for the opportunity to
16 provide the Department's testimony on Bill
17 040091. I'll be happy to answer questions at
18 this time.

19 COUNCILMAN MARIANO: Any questions
20 from the Committee for Mr. Haigler?

21 Councilman Kelly.

22 COUNCILMAN KELLY: Mr. Haigler,
23 could you give us a few examples of violations
24 that you're speaking about here in this bill?

25 MR. HAIGLER: Sure. B violations

1 05/20/04 - L&I - BILL 040091
2 are primarily property maintenance-type
3 violations, high weeds, high grass, issues
4 related to business regulatory under Title 9,
5 failure to submit certain documents to the
6 Department in a timely manner, failure to
7 notify the Department of when a permitted
8 activity commences.

9 COUNCILMAN KELLY: And you'll be
10 working very closely CLIP programs, I presume?

11 MR. HAIGLER: The CLIP contractor
12 would be able to use this mechanism to cite
13 certain violations of the Code that are
14 property maintenance in nature.

15 COUNCILMAN KELLY: Thank you, Mr.
16 Haigler.

17 COUNCILMAN MARIANO: Any other
18 questions for the witness from the Committee?

19 (No response.)

20 COUNCILMAN MARIANO: Seeing none, do
21 you we have any other witnesses to testify on
22 this bill?

23 (No response.)

24 COUNCILMAN MARIANO: All right, Mr.
25 Haigler, that was an easy one.

1 05/20/04 - L&I - BILL 040398

2 The Clerk will read the title of
3 Bill 040398.

4 THE CLERK: An ordinance amending
5 Section PM-3110 of The Philadelphia Code,
6 entitled "Graffiti," by changing the required
7 time period for the removal of graffiti from
8 private property, under certain terms and
9 conditions.

10 COUNCILMAN MARIANO: Mr. Conway.

11 MR. CONWAY: Good morning,
12 Councilman Mariano and Members Committee on
13 Licenses and Inspections, I am Thomas Conway,
14 Deputy Managing Director, and I am here to
15 testimony in support of Bill 040398.

16 The Managing Director's Office has
17 taken an active role to address the City-wide
18 problem of graffiti which affects the quality
19 of life for all City residents.

20 It has been our experience in
21 dealing with issue for a better part of nine
22 years that the prompt removal of graffiti
23 serves as the biggest deterrent for future
24 graffiti vandalism.

25 Bill No. 040398 makes some technical

1 05/20/04 - L&I - BILL 040398

2 adjustments to the graffiti laws already on
3 the books. The original plan back when these
4 laws were passed in 1997 were to put the
5 burden on graffiti removal on a business owner
6 and give them up to 20 days to have them
7 removed. Since the anti-graffiti network will
8 remove graffiti from a business or private
9 residence free of charge, this portion of the
10 ordinance has become obsolete and only hampers
11 our removal efforts.

12 Passage of this bill will only serve
13 to enhance our efforts to quickly eradicate
14 graffiti vandalism as we continue to improve
15 the quality of life for the citizens of
16 Philadelphia.

17 At this time, I'll be happy to
18 answer any questions you may have.

19 COUNCILMAN MARIANO: Any questions
20 from Members of the Committee for Mr. Conway.

21 COUNCILWOMAN KRAJEWSKI: No. I
22 would like to add that Mr. Conway does an
23 excellent job and the constituents throughout
24 the areas that CLIP is involved are very, very
25 happy with him. And, believe me, we're

1 05/20/04 - L&I - BILL 040398

2 getting good reports. You do a good job.

3 MR. CONWAY: Thank you.

4 COUNCILMAN RIZZO: Could I add?

5 COUNCILMAN MARIANO: Councilman
6 Rizzo.

7 COUNCILMAN RIZZO: I'd like to also
8 chime in because be a Member At-large, I'm in
9 all different areas of the City. And it's
10 interesting, I'll call Tom and tell him about
11 some graffiti that might be on Kelly Drive.
12 It's a shame what they just did, a brand-new
13 street light poles, they put these beautiful
14 new street lights and somebody spray painted
15 them. The next day it was cleaned up. So,
16 again, thanks for your quick response. You're
17 like calling 911. Thanks.

18 COUNCILMAN MARIANO: I just thought
19 of a quick question. It's really Police
20 Department related, but it's germane to this.
21 Do they take pictures? Do your people take
22 pictures anymore of these taggers and at least
23 hand them over to the Police Department?

24 MR. CONWAY: Yes, we work closely
25 with the Neighborhood Services Unit. And what

1 05/20/04 - L&I - BILL 040398

2 we basically would do is go after specific
3 vandals, ones that are constantly tagging the
4 same area. We have a better chance of
5 apprehension going after specific individuals
6 than trying to take pictures of everything and
7 just handing them over, so we target specific
8 taggers.

9 COUNCILMAN MARIANO: If we catch any
10 of these tags, I think the penalty would be
11 they should have to work for Councilman Rizzo
12 for a month, then they never do anything wrong
13 again. Thank you.

14 Any other questions for Mr. Conway?

15 COUNCILMAN KELLY: I have one.

16 COUNCILMAN MARIANO: Councilman
17 Kelly.

18 COUNCILMAN KELLY: What's the
19 response time now between calling your office
20 and having this graffiti removed?

21 MR. CONWAY: Basically, we try and
22 get in with about 48 hours, the removal time.
23 So once we get in -- as long as the property
24 owner is willing to work with us. And that's
25 kind of why we want to shorten the time

1 05/20/04 - L&I - BILL 040398

2 period. In rare instances, someone will not
3 want us to remove it from their property, so
4 now we only give them five days. If not, then
5 we'll remove it and we'll bill the property
6 owner for the cost of clean-up.

7 COUNCILMAN KELLY: I've noticed
8 myself that some of that graffiti is removed
9 within 24 hours, some of it. So I think
10 you're doing an excellent job. I just want to
11 commend you on that.

12 MR. CONWAY: Thank you.

13 COUNCILMAN RIZZO: Tom, does that
14 make it easier when you get it before -- does
15 that make it easier when it's a couple days
16 after it's applied.

17 MR. CONWAY: Yes. Actually, the
18 longer it sits on the surface, the longer it
19 permeates the surface of the graffiti,
20 especially like on marble, stuff like that.
21 The quicker the removal, the better it is and
22 easier.

23 COUNCILMAN MARIANO: Do we consider
24 that window etching graffiti? I know they
25 can't do a lot about that, but do you get

1 05/20/04 - L&I - BILL 040398

2 calls on that?

3 MR. CONWAY: Yes, we do. That's
4 acid etching. We're trying to work --
5 there's a couple of different businesses that
6 actually -- I think there's two in the City
7 right now that remove it -- to work on a
8 program with them to try and help the property
9 owners. It's very expensive. It's 200, \$300
10 a square foot.

11 COUNCILMAN MARIANO: It might be
12 worth changing the windows in some cases.

13 MR. CONWAY: Yes, especially those
14 large ones down in Center City.

15 COUNCILMAN MARIANO: Thank you.

16 Any other questions.

17 (No response.)

18 COUNCILMAN MARIANO: Seeing none,
19 any other witnesses on this bill?

20 (No response.)

21 COUNCILMAN MARIANO: The Clerk can
22 read the next one.

23 THE CLERK: An ordinance electing to
24 adopt, enforce and administer the Pennsylvania
25 Uniform Construction Code in Philadelphia

1 05/20/04 - L&I - BILL 040465

2 pursuant to Act 45 of 1999, under certain
3 terms and conditions

4 COUNCILMAN MARIANO: This is bill
5 040465, and we have the ever faithful Mr.
6 Haigler still here.

7 Good job, Mr. Haigler.

8 MR. HAIGLER: Good day, Councilman
9 Mariano and Members of the Committee. I am
10 Otis Haigler, Jr., Legislative and Regulatory
11 Affairs for the Department of Licenses and
12 Inspections. Today, I'm here to provide
13 testimony on Bill 040465, which is a technical
14 ordinance in a compliance with the provisions
15 of Act 45 of 1999 to officially adopt, enforce
16 and administer the Pennsylvania Uniform
17 Construction Code in Philadelphia.

18 As required by Act 45, each
19 municipality in the Commonwealth has to within
20 90 days after enforcement in administrative
21 regulations of the Pennsylvania Department of
22 Labor and Industry have been adopted, enact an
23 ordinance which specifically indicates that
24 the municipality adopts the Pennsylvania
25 Uniform Construction Code and companion

1 05/20/04 - L&I - BILL 040465

2 regulations.

3 The reason for this is that the
4 effective date of the Pennsylvania Uniform
5 Construction Code coincides with the official
6 adoption of Labor and Industry regulations.
7 The regulations of Labor and Industry were
8 officially adopted on April 9, 2004, at which
9 time the Pennsylvania Uniform Construction
10 Code became effective. All municipalities
11 must enact enabling legislation after the
12 effective date of the Pennsylvania Uniform
13 Construction Code and notify Labor and
14 Industry of this enactment in order to
15 maintain a local construction code enforcement
16 program.

17 The time period for enactment of
18 this legislation is between April 9 and July
19 8, 2004, as required by the Act. It should be
20 noted that the enactment of this legislation
21 fulfills the technical requirements of Act 45
22 and will have no effect on bills recently
23 passed by Council and enacted on December 31,
24 2003, which addressed amendments to Title 4 of
25 the Building Construction and Occupancy Code.

1 05/20/04 - L&I - BILL 040465

2 Thank you for the opportunity to
3 present the Department's testimony. I'll be
4 happy to answer any questions at this time.

5 COUNCILMAN MARIANO: Any questions
6 from the Committee for Mr. Haigler?

7 (No response.)

8 COUNCILMAN MARIANO: Seeing none,
9 anyone else want to testify on this?

10 (No response.)

11 COUNCILMAN MARIANO: Seeing none,
12 that concludes the public hearing of the
13 Committee of Licenses and Inspections.

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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

COMMITTEE ON LICENSES AND INSPECTIONS

- - - -

Thursday, May 20, 2004

- - - -

Public meeting conducted by the
Committee on Licenses and Inspections, held in
Room 400, City Hall, Philadelphia,
Pennsylvania, on the above date, to consider
action on the following:

BILLS 040091, 040094, 040398,
040465.

PRESENT:

COUNCILMAN RICHARD MARIANO, Chair
COUNCILWOMAN JOAN KRAJEWSKI
COUNCILMAN FRANK RIZZO
COUNCILMAN JACK KELLY

1 05/20/04 - L & I - PUBLIC MEETING

2 COUNCILMAN MARIANO: We will now
3 enter a public meeting.

4 The Chair recognizes Councilwoman
5 Krajewski on bill 040091.

6 COUNCILWOMAN KRAJEWSKI: Mr.
7 Chairman, I move that Bill 040091 be reported
8 out of this Committee with a suspension of
9 Rules so as to permit first reading at the
10 next Session of Council.

11 (Duly seconded.)

12 COUNCILMAN MARIANO: It's been moved
13 and seconded.

14 All those in favor?

15 (Aye.)

16 COUNCILMAN MARIANO: Opposed?

17 (No response.)

18 COUNCILMAN MARIANO: Seeing none, it
19 passes with a suspension of Rules.

20 The Chair recognizes Councilwoman
21 Krajewski for a motion on Bill 040398.

22 COUNCILWOMAN KRAJEWSKI: Mr.
23 Chairman, I move that Bill 040398 be reported
24 out of this Committee with a favorable
25 recommendation with a suspension of Rules so

1 05/20/04 - L & I - PUBLIC MEETING

2 as to permit first reading at the next Session
3 of Council.

4 (Duly seconded.)

5 COUNCILMAN MARIANO: A motion has
6 been made and duly seconded.

7 All those in favor?

8 (Aye.)

9 COUNCILMAN MARIANO: Opposed?

10 (No response.)

11 COUNCILMAN MARIANO: The ayes have
12 it. It passes with a suspension of Rules.

13 The Chair recognizes Councilwoman
14 Krajewski for a motion on Bill 040465.

15 COUNCILWOMAN KRAJEWSKI: Mr.
16 Chairman, I move that Bill 040465 be reported
17 out of this Committee with a favorable
18 recommendation with a suspension of Rules so
19 as to permit first reading at the next Session
20 of Council.

21 (Duly seconded.)

22 COUNCILMAN MARIANO: The motion has
23 been made and duly seconded.

24 All those in favor say aye.

25 (Aye.)

1 05/20/04 - L & I - PUBLIC MEETING

2 COUNCILMAN MARIANO: Opposed?

3 (No response.)

4 COUNCILMAN MARIANO: Seeing none, it
5 passes with a suspension of Rules.

6 This concludes the public meeting of
7 the Committee on Licenses and Inspections.

8 Thank you very much.

9 (Council adjourned at 1:30 p.m.)

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RE: COMMITTEE ON LICENSES AND INSPECTIONS

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Lisa C. Bradley, RPR

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