



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 080547

Introduced June 5, 2008

Councilmember Reynolds Brown

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter providing for the licensing of day care centers and other child care programs, and providing for licensing fees and penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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*CHAPTER 9-3200. DAYCARE CENTERS, PRESCHOOLS
AND AFTER-SCHOOL CHILD CARE PROGRAMS.*

§ 9-3201. Definitions. In this Chapter, the following definitions shall apply:

(1) After-School Child Care Program. Any program where care or education, or both, are provided to more than twelve (12) individuals under the age of eighteen (18) during after school hours, but not including any such program operated by a school.

(2) Before-School Child Care Program. Any program where care or education, or both, are provided to more than twelve (12) individuals under the age of eighteen (18) before school hours, but not including any such program operated by a school.

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(3) *Day Care Center.* A facility where care or education, or both, are provided to more than twelve (12) individuals under the age of eighteen (18) for periods less than twenty-four (24) consecutive hours, but not including schools.

(4) *Premises.* A lot including all buildings and structures erected thereon.

(5) *School.* For purposes of this Chapter, a school shall include the following:

(a) Any public school, including charter schools as defined in 24 P.S. § 17-1703-A;

(b) Any private non-religious school that either is licensed by the Pennsylvania Department of Education or accredited by a private agency approved by the Pennsylvania Department of Education;

(c) Any religious school operated by a bona fide religious organization and registered with the Pennsylvania Department of State as a school; or

(d) Any preschool for children from the ages of two (2) years seven (7) months to five (5) years inclusive that is licensed by the Pennsylvania Department of Education and operates for no more than three (3) hours per day.

§ 9-3202. *License Required.*

(1) No person shall operate a day care center, before-school child care program or after-school child care program on any premises unless that person has obtained a license from the Department to operate such a facility on the premises. No license shall be issued under this Section unless the facility has passed an initial inspection conducted by the Department and the applicant has obtained a Business Privilege License to the extent required by Title 19 of this Code.

§ 9-3203. *Term of License; Renewal.* A license issued under Section 9-3202 shall be valid for one year and is renewable for additional one year terms provided the facility has passed the annual inspection conducted by the Department and the applicant has paid the annual license renewal fee.

§ 9-3204. *License Fees.* The fee for the initial license under this Chapter shall be one hundred (100) dollars which shall include the initial inspection conducted by the Department. The annual fee for the renewal of such license shall be one hundred (100) dollars and shall include the cost of the annual inspection conducted by the Department.

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§ 9-3205. Regulations. The Department is authorized to promulgate such regulations as are necessary or appropriate to implement the provisions of this Chapter.

§ 9-3206. Penalties. Any person who violates the provisions of this Chapter or any regulation adopted pursuant to this Chapter shall have committed a Class II offense and shall be subject to the fines set forth in subsection 1-109(2) of this Code.

SECTION 2. This Ordinance shall become effective 180 days after it is enacted.

Explanation:

Italics indicate new matter added.

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