



City of Philadelphia

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

BILL NO. 240368

Introduced May 2, 2024

Councilmember Squilla

**Referred to the
Committee on Rules**

AN ORDINANCE

Continuing a neighborhood improvement District, known as the East Passyunk Avenue Business Improvement District ("District"), in an area that generally includes both sides of East Passyunk Avenue from the south side of Federal Street to the east side of South Broad Street, certain blocks of streets that intersect that portion of East Passyunk Avenue, both sides of South Broad Street from the north side of McKean Street to the north side of Snyder Avenue, and the west side of South Broad Street from the south side of Mifflin Street to the north side of McKean Street; designating the East Passyunk Avenue Business Improvement District, Inc., which has organized itself as a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; approving a plan for the District, including a list of proposed improvements and their estimated cost, and providing for assessment fees to be levied on property owners within the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with the East Passyunk Avenue Business Improvement District, Inc., relating to the District; and authorizing the East Passyunk Avenue Business Improvement District, Inc. to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

WHEREAS, Bill No. 020431 (approved December 17th, 2002) established a neighborhood improvement District in the Passyunk Square area, known as the East Passyunk Avenue Business Improvement District (District); designated the East Passyunk Avenue Business Improvement District, Inc., a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; and approved a final plan for improvements within the District; and

WHEREAS, Bill No. 090128 (approved September 23th, 2009) continued the term of the District until September 23, 2019; and

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WHEREAS, Bill No. 190233 (approved September 12, 2019) continued the term of the District until September 30th, 2024; and

WHEREAS, On September 30th, 2024, the term of the District will automatically terminate; and

WHEREAS, Council is authorized by the Community and Economic Improvement Act, Act of December 21, 1998, P.L. 1307, No. 174 as amended (53 P.S. §18101 et. seq.) ("Act") to continue, by ordinance, neighborhood improvement Districts beyond the date of their termination by reenacting the municipal enabling ordinance creating the original neighborhood improvement District, following a review of the neighborhood improvement District and the neighborhood improvement District management association program and services within the District; and

WHEREAS, The purpose of this Ordinance is to continue the District beyond its termination date; and

WHEREAS, All procedures required by the Act for establishment of the District have been followed; in particular, more than forty-five (45) days have elapsed from a public hearing required by the Act, and the Clerk of Council has not received objections filed by affected property owners representing the ownership of at least one-third (1/3) of the properties owned by affected property owners within the proposed District or from affected property owners, within the proposed District, the value of whose properties, as assessed for taxable purposes, amounts to at least one-third (1/3) of the total property valuation of property owned by affected property owners within the proposed boundaries of the District; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. In accordance with the provisions of the Community and Economic Improvement Act, Act of December 21, 1998, P.L. 1307, No. 174, as amended (53 P.S. §18101 et. seq.) ("Act"), the East Passyunk Avenue Business Improvement District is hereby continued until December 31st, 2029, within the boundaries set forth in Exhibit "A-1" attached hereto.

SECTION 2. East Passyunk Avenue Business Improvement District, Inc., a Pennsylvania nonprofit corporation, is hereby continued until December 31st, 2029, as the Neighborhood Improvement District Management Association for the District.

SECTION 3. Council hereby approves as the final plan for the District the plan set forth in Exhibit "A" attached hereto. East Passyunk Avenue Business Improvement District, Inc. is hereby authorized to assess property owners within the District a special property assessment fee, in accordance with the provisions of the final plan and the provisions of the Act. In addition, in the case of an unpaid assessment or portion of an assessment, East Passyunk Avenue Business Improvement District, Inc. is authorized to collect accrued interest and penalties on any unpaid assessment or portion thereof and to recover any costs incurred as a result of the filing of any lien, all in accordance with the final plan.

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SECTION 4. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with East Passyunk Avenue Business Improvement District, Inc. in a form approved by the City Solicitor, which agreement shall include the following provisions:

- a) A detailed description of the respective duties and responsibilities of the City and of East Passyunk Avenue Business Improvement District, Inc. with respect to the District as set forth in the final plan approved under Section 3;
- b) A requirement that the City will maintain within the District the same level of municipal programs and services that were provided within the District before its establishment;
- c) A "sunset provision" under which the agreement will terminate on December 31st, 2029, and may not be renewed unless the District is continued beyond that date in accordance with the sunset provisions of Section 5 of this Ordinance;
- d) East Passyunk Avenue Business Improvement District, Inc.'s agreement to be responsible for the collection of all property assessment fees levied within the District and the City's agreement to file any necessary liens for nonpayment of property assessment fees as set forth in the Act at 53 P.S. §18107(a)(10).

SECTION 5. The District shall terminate on December 31st, 2029, in accordance with the provisions of the final plan, approved under Section 3. The District may be continued beyond that date only if Council reenacts this Ordinance, following a review of the District and the programs and services, provided by the East Passyunk Avenue Business Improvement District, Inc. within the District.

SECTION 6. The Chief Clerk shall keep on file, the document referred to as Exhibit A in Section 3 of this Ordinance, and all accompanying documents referenced in Exhibit A, and shall make them available for inspection by the public during regular office hours.

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