



City of Philadelphia

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

RESOLUTION NO. 070113

Introduced February 22, 2007

**Councilmember Blackwell
for
Council President Verna**

**Referred to the
Committee on Law and Government**

RESOLUTION

Submitting to the electors of the City, on an election date to be designated by ordinance, an amendment to the Philadelphia Home Rule Charter relating to the location of licensed gaming facilities within the City, as proposed by a petition filed with the Council.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), amendments to the Philadelphia Home Rule Charter may be proposed by a petition presented to the Council signed by not less than twenty thousand registered electors; and

WHEREAS, Such a petition has been presented to the Council, and after review of the petition by the Clerk of Council, the petition has been accepted for filing with the Council; and

WHEREAS, The First Class City Home Rule Act requires the Council President, upon the filing of such a petition, to submit for the consideration of the Council, by resolution, the question as to whether the amendments proposed by the petition shall be submitted to the qualified electors of the City for their approval; now, therefore,

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

That the following amendment to the Philadelphia Home Rule Charter, as proposed by a petition filed with the Council, shall be submitted to the electors of the City on an election date designated by ordinance:

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ARTICLE II LEGISLATIVE BRANCH

The Council – Its Election, Organization, Powers and Duties

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CHAPTER 3 LEGISLATION

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Section 2-307 Legislation Affecting Zoning, Physical Development Plan, Land Subdivision, or Authorizing the Purchase or Sale of Real Estate.

(1) The Council shall not enact any bill which shall in any manner affect any zoning ordinance, the Physical Development Plan of the City, plans of streets and revisions of such plans, and land subdivision plans or any bill which would authorize the acquisition or sale of City real estate without first receiving the recommendations thereon through the Mayor of the City Planning Commission. The approval of the Commission shall be presumed unless its recommendations are received within forty-five days from the introduction of any bill affecting plans of streets and revisions of such plans, and land subdivision plans, and within thirty days from the introduction of any other bill subject to this section. It shall be the duty of the Chief Clerk of the Council to submit any such bill to the City Planning Commission immediately upon its introduction.

(2) *Because licensed gaming facilities cause a deleterious effect on the aesthetics and economics of the areas in which they are located and cause the areas in which they are located to become a focus of crime and anti-social behavior, in order to prevent the deterioration of communities and neighborhoods in the City of Philadelphia, and to provide for the orderly, planned future development of the City, the Council shall not enact any bill, approve the creation of any district, nor take any action permitting the use of Licensed Gaming as defined and authorized by Act 71 of 2004 and any other Amendments to Title 4 of the Pennsylvania Consolidated Statutes in any area or district of the City of Philadelphia:*

(a) *Within 1500 feet of any residentially zoned district (regardless of the actual uses contained therein), Institutional Development District or any of the following residentially related uses:*

(i) *Churches, monasteries, chapels, synagogues, convents, rectories, religious article stores, religious apparel stores, residential homes, legally occupied dwellings or apartment buildings, or Convention/Civic Center;*

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(ii) *Schools, up to and including the twelfth (12th) grade, and their adjunct play areas;*

(iii) *Public playgrounds, public swimming pools, public parks and public libraries.*

(3) *This amendment shall take effect upon approval by the voters and shall render null and void any previous enactment, approval or action taken by the City in conflict with this amendment.*

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ARTICLE V EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES

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CHAPTER 10 DEPARTMENT OF LICENSES AND INSPECTIONS AND ITS DEPARTMENTAL BOARDS

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Section 5-1000 Powers and Duties in General.

(1) Except as otherwise specifically provided in this charter, the Department of Licenses and Inspections shall exercise the powers and perform the duties relating to licensing and inspection formerly exercised and performed by all officers, departments, boards and commissions of the City and such other powers and duties as are imposed or conferred upon it by this charter or by ordinance.

(2) *The Department of Licenses and Inspections shall not issue any license or permit authorizing Licensed Gaming as defined and authorized by Act 71 of 2004 and any other Amendments to Title 4 of the Pennsylvania Consolidated Statute unless the applicant is located within an area or district authorized for Licensed Gaming under Article II, Section 2-307(2)(a) of this Charter.*

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Note:

Italics indicate matter added by this amendment.

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