



City of Philadelphia

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

BILL NO. 070704

Introduced September 20, 2007

Councilmember Clarke

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

AN ORDINANCE

Amending Title 19 of The Philadelphia Code, entitled "Finance, Taxes and Collections," by amending Section 19-2602, entitled "Licenses," by adding new conditions to the receipt or retention of the license, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 19-2602 of The Philadelphia Code, entitled "Licenses," is hereby amended to read as follows:

§ 19-2602. Licenses.

* * *

(4) Every person required to procure a license under this Section shall as a condition to the receipt or retention of the license:

* * *

(d) refrain from causing or permitting an owner or occupier to cause a public or private nuisance, either directly or indirectly, or by permitting third persons or conditions to do so when such nuisances may be minimized or prevented by reasonable measures.

(.1) The Department of Licenses and Inspections shall refrain from issuing, or shall revoke, the business privilege license of any person, who, under color of such license intends to operate, or is operating, in violation of the provisions of subsections 19-2602(4)(b), 4(c), 4(d), 4(e), [or] 4(f) *or* 4(h), and shall take all steps

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necessary to terminate the business operations of any business establishment that has violated any of such subsections, including, but not limited to the following:

* * *

(.2) Any person who operates a business notwithstanding the denial or revocation of a license to operate such business under this subsection shall be subject to a fine *up to and including the maximum for Class III offenses as set forth in § 1-109(3) of the Code* [three hundred dollars (\$300)] and up to ninety (90) days imprisonment for each day such business continues to operate without possessing a valid license.

* * *

(h) *operate his business in compliance with the terms of any Responsible Business Practices Agreement (“RBPA”) negotiated between the business privilege licensee and the surrounding community.*

(.1) *The following parties have standing to enter into a Responsible Business Practices Agreement at any time with a business privilege licensee concerning a particular business premises operated by that licensee:*

(aa) *Any combination of ten (10) individuals or businesses who reside or which are located within 500 feet of the premises;*

(bb) *A house of worship, school, daycare center, senior citizen center, charitable institution or other non-profit organization, located within 500 feet of the premises;*

(cc) *An elected official of any level of government (including a member of Council) who represents a district that includes the premises. An at-large member of Council shall be considered to represent all districts of the City for purposes of this subsection;*

(dd) *A community or neighborhood group or other organization that includes any combination of ten (10) individuals or businesses who reside or which are located within 500 feet of the premises;*

(ee) *A community development corporation or nonprofit civic association whose mission is to promote the general welfare of a defined geographical area, which includes the premises.*

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(.2) *All Responsible Business Practices Agreements shall be deemed to bind any and all successors in interest, assignees, alter egos and bona fide purchasers of the business entity and/or premises to all of the agreements terms and conditions.*

(.3) *To become enforceable under the provisions of this Section, a Responsible Business Practices Agreement must be filed and recorded with the Department of Licenses and Inspections. The Department shall forthwith issue a Responsible Business Practices placard to the business privilege licensee for posting in a conspicuous manner on the outside of the premises abutting the street in a manner which can be readily observed by passersby. The Placard shall indicate that the business has entered into a Responsible Business Practices Agreement with the surrounding community and shall detail the terms of such agreement.*

(.4) *Upon receipt of a RBPA, the Department shall publish the content of such agreement prominently on a website maintained by the City. Such publication shall serve as actual and constructive notice to any successors in interest, assignees, alter egos and bona fide purchasers of the business entity and/or premises.*

(.5) *The parties to the original RBPA, or their successors in interest, assignees, alter egos and bona fide purchasers of the business entity and/or premises, may renegotiate the terms of a RBPA at any time. The terms and conditions of an amended RBPA shall take effect upon its filing with the Department of Licenses and Inspections.*

[(h)](i) The Department of Licenses and Inspections is authorized to deny or revoke a business privilege license for failure to comply with the requirements of this subsection. Any person who has been denied a license or whose license has been revoked shall have the right to appeal to the Board of License and Inspection Review within ten (10) days after receipt of the notice of denial or revocation.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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