City of Philadelphia

Philadelphia, March 5, 2015

CERTIFICATION: This is to certify that Bill No. 140517 was presented to the Mayor on the nineteenth day of February, 2015, and was not returned to the Council with his signature at a meeting held March 5, 2015 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 140517)

AN ORDINANCE

Amending Section 10-602 of The Philadelphia Code, known as the "Clean Indoor Air Worker Protection Law," by providing for a limited period of time during which certain Private Clubs may apply for and obtain a waiver of the provisions of the Section prohibiting smoking in certain places, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-602 of The Philadelphia Code is hereby amended to read as follows:

§10-602. Smoking.

* * *

    (3) Smoking Prohibited.

* * *

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       (b) Exceptions. The provisions of subsection 10-602(3)(a) shall not apply:

<div align="center">* * *</div>

       (.4)   In a Private Club provided that all of the following conditions are satisfied:

       (i)   the Private Club is in legal operation and has a valid certificate of occupancy and commercial activity license at the time it applies for a waiver;

       (ii)   the Private Club adopts a resolution, by a minimum two-thirds vote of its board or membership (in accordance with its by-laws), approving the filing of a waiver to the Health Department to qualify for an exception from the provisions of subsection 10-602(3)(a), and a copy of such resolution is submitted as part of the waiver request; and, all employees of the Private Club are notified in writing at least one week in advance of such vote and the club secretary certifies in writing as part of the waiver request that such notice was provided to all employees; and the Private Club submits with its waiver request a document signed by at least two-thirds of the employees of the Private Club indicating their approval of the waiver request;

       (iii)   *(.a)* the Private Club applies for a waiver from the Health Department no later than June 30, 2010;

       (.b) the Private Club located at 1428 Girard Avenue, shall be allowed to apply for a waiver from the Health Department no later than 30 days after the effective date of the Ordinance adding this subsection (.b), and qualifies for, and maintains, an exception under the state Clean Indoor Air Act, Act of June 13, 2008, P.L. 182, No. 27 (35 P.S. § 637.1 et seq.);

       (iv)   prior to receipt of a waiver, the Private Club is not delinquent on the payment of any City or School District taxes, charges, fees, rents or claims, unless such Club has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement; and prior to receipt of a waiver, the Private Club has no Philadelphia Code violations, and has all required zoning approvals, licenses and permits;

       (v)   the Private Club agrees to notify the Health Department in writing immediately of any changes in the operation of the Private Club that would result in revocation of the waiver;

       (vi)   any such waiver is automatically revoked and cannot be renewed if the Private Club's charter is terminated, if there is a change in the

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operation of the facility such that it no longer qualifies as a Private Club, or if any liquor license owned by the Private Club is transferred to a new location; and

     (vii) if a Private Club, or a portion of a Private Club, which has received a waiver is rented, leased or otherwise utilized for an event to which the general public or non-members are invited, no person shall smoke in the Private Club, or in the portion of the Private Club, for the duration of such event.

SECTION 2. This Ordinance shall be effective immediately.

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Explanation:

Italics indicate new matter added.

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