



City of Philadelphia

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

**BILL NO. 240157
(As Amended, 6/4/24)**

Introduced March 7, 2024

**Councilmember Driscoll
for
Council President Johnson**

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 14 (“Zoning and Planning”) and Title 18 (“Commerce”) of The Philadelphia Code to clarify responsibilities of the Department of Aviation, and eliminating provisions related to passenger charges, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-400. BASE ZONING DISTRICTS

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§ 14-408. SP-AIR, Airport (Special Purpose) District.

* * *

(6) Signs.

(a) Accessory and non-accessory signs must be in compliance with applicable regulations issued by the *Department of Aviation*, which regulations shall ensure that all

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signs are compatible with the safety of airport users and are compatible in terms of size, density, location, and aesthetics with the surrounding area.

* * *

(e) Animated illumination shall be prohibited, unless approved by the [Chief Executive Officer] *Director of Aviation* of Philadelphia International Airport for navigational purposes.

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CHAPTER 14-500. OVERLAY DISTRICTS

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§ 14-511. /AHC, Airport Hazard Control Overlay District.

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(5) Variances.

(a) No variance from the provisions of this § 14-511 shall be issued unless, in addition to satisfying the requirements of § 14-303(8) (Zoning Variances):

(.1) The applicant submits with the application for a variance:

* * *

(.e) Notice to the Philadelphia *Department* of Aviation at least fifteen days prior to the public hearing on the variance request, in a form satisfactory to the Philadelphia *Department* of Aviation. The Zoning Board shall give substantial weight to any concerns expressed by the Philadelphia *Department* of Aviation regarding interference with aviation safety.

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CHAPTER 14-600. USE REGULATIONS

§ 14-601. Use Categories.

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(4) Public, Civic, and Institutional Use Category.

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This category includes public, quasi-public, and private uses that provide unique services that are of benefit to the public as a whole. The public, civic, and institutional subcategories are:

(a) Airport-Related Facilities.

* * *

(.19) Other uses determined to be airport-related by the regulations of the Department of [Commerce] *Aviation*.

* * *

SECTION 2. Title 18 of The Philadelphia Code is hereby amended to read as follows:

TITLE 18. COMMERCE AND AVIATION

* * *

CHAPTER 18-200. AIRPORTS

§ 18-201. Leases of Airport Facilities.

(1) In fixing the rates and charges for and term of use of City airport facilities, including rates, fees and charges for the exercise of any privilege or right as hereinafter provided, the Department of [Commerce] *Aviation* shall, in so far as possible, follow such standards as shall:

* * *

(6) If, in the opinion of the Department of [Commerce] *Aviation* it is in the best interest of the City, the Department may permit any governmental agency of the United States of America or the Commonwealth of Pennsylvania to use the space and facilities in and about the grounds and buildings of the airports either for a nominal consideration or free of any charge.

* * *

(8) All lease and use agreements the City enters into with any air carrier operating at Philadelphia International Airport, including any amendments, extensions or renewals thereof, shall contain provisions which provide the following commitments to ensure uninterrupted services:

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* * *

(g) To lessen the administrative burden on the Department of *Aviation* or the City, a Ground Handling Service contractor, any tier of subcontractor, or labor organization representing, or seeking to represent, the employees of such Ground Handling Services contractor or subcontractor, shall have a private right of action in any court of competent jurisdiction to compel arbitration under the terms of this provision.

* * *

[§ 18-204. Passenger Charges.

(1) Passenger Charge.

(a) Any ticketed passenger who departs by commercial airline from any airport owned by the City of Philadelphia shall pay a passenger charge of three dollars (\$3.00).

(b) Exemptions and Reductions.

(.1) Any passenger who departs by commercial airline from any airport owned by the City of Philadelphia as part of a continuous or interrupted flight shall not pay any passenger charge.

(.2) This charge shall not be imposed on members of the United States Military on active duty.

(2) Collection of Charge. Any person who transports a passenger by commercial airline from any airport owned by the City of Philadelphia shall be responsible for the collection of passenger charges which shall be added to the price of the ticket at the time of ticketing and collected at the same time as payment is made for the ticket. On or before the twenty-fifth day of each calendar month, a return shall be completed and payment made to the Department of Collections of the amount of passenger charges that should have been collected for the preceding calendar month less two percent (2%) of the gross passenger charges collected which shall be retained by the person filing the return to defray administrative costs of collection.

(3) Returns. Returns shall be on forms furnished by the Department of Collections and shall be in such form as may be prescribed by regulations of the Department.

(4) Liability for Payment of Passenger Charges. The person responsible for the collection of passenger charges shall have the liability of a fiduciary with regard to the collection and payment of those charges.

(5) Penalties.

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(a) Any person who violates any of the provisions of this Section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300).

(b) The penalties provided in this Section shall not be exclusive remedies and the City of Philadelphia may exercise any other remedy provided by law or equity.

(6) Severability. If any provision of this ordinance or its application is held invalid, that illegality shall not affect the remaining provisions. It is intended this ordinance would have been adopted if that illegal provision had not been included and any illegal application had not been made.]

SECTION 3. This Ordinance shall become effective immediately.

Explanation:

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

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