



# City of Philadelphia

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

## **BILL NO. 160686 (As Amended, 9/7/16)**

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**Introduced June 16, 2016**

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**Councilmember Squilla**

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**Referred to the  
Committee on Rules**

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### **AN ORDINANCE**

Establishing a neighborhood improvement district, to be known as the South 9th Street Area Business District, in an area that generally includes properties located on portions of South 8th Street, South 9th Street, South 10th Street, Christian Street, Montrose Street, Carpenter Street, Washington Avenue, Ellsworth Street, East Passyunk Avenue, and certain other streets within the area depicted on the preliminary plan, and including curb market stands located along certain of those streets; designating South 9th Street Area Business District, Inc., 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 South 9th Street Area Business District, Inc. relating to the District; and authorizing South 9th Street Area Business 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, 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 establish, by ordinance, neighborhood improvement districts and to designate certain entities to administer programs and services within such districts in order "to promote and enhance more attractive and safer commercial, industrial, residential and mixed-use neighborhoods; economic growth; increased employment opportunities; and improved commercial, industrial, business districts and business climates;" and

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WHEREAS, The purpose of this ordinance is to establish a neighborhood improvement district in the South 9th Street area, to be known as the South 9th Street Area Business District ("District"); 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 the last 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 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"), a neighborhood improvement district is hereby established in the South 9th Street area, within the boundaries set forth in Exhibit "1-A" attached hereto. The district shall be known as the South 9th Street Area Business District ("District").

SECTION 2. South 9th Street Area Business District, Inc., a Pennsylvania nonprofit corporation, is hereby designated 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 "1" attached hereto. South 9th Street Area Business 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. As defined in the Act, a property owner is "an owner of real property or the holder of a license to operate a curb market stand which property or stand is located in a neighborhood improvement district or a proposed neighborhood improvement district."

SECTION 4. In the case of an unpaid assessment or portion of an assessment, South 9th Street Area Business District, Inc. is authorized to collect accrued interest 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.

SECTION 5. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with South 9th Street Area Business District, Inc., in a form approved by the City Solicitor, which agreement shall include the following provisions:

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(a) A detailed description of the respective duties and responsibilities of the City and of South 9th Street Area Business 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 31, 2021 and may not be renewed unless the District is continued beyond that date in accordance with the sunset provisions of Section 6 of this Ordinance; and

(d) South 9th Street Area Business 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 6. The District shall terminate on December 31, 2021, 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 South 9th Street Area Business District, Inc. within the District.

SECTION 7. The Chief Clerk shall keep on file the documents referred to as Exhibit "1" and shall make them available for inspection by the public during regular office hours.

















































































the office of the S9SABD. If mailed, such notice shall be deemed delivered when deposited in the United States mail with postage thereon prepaid, addressed to the Member at their addresses as they appear on the Corporation's membership database.

In addition to the time and place of the meeting, the notice shall provide an agenda of other items expected to be brought before the membership, including:

- a. Election of the permanent Board and the selection of Board Officers as delineated by these bylaws.
- b. Adoption of a budget.
- c. Adoption of a date for the first meeting of the Board at which time the Board will adopt a schedule for the balance of the fiscal year in accordance with these bylaws.
- d. Time for Members to address the Board.
- e. Such other business as the new Board may find it necessary to act upon.

SECTION 14.03: OTHER RESPONSIBILITIES. During the period when the S9SABD is being governed by the incorporators, the incorporators shall:

- a. Organize the formation of the first Nominations Committee to gather applications and commence with the ballot of candidates to be elected to serve on the first S9SABD Board.
- b. Inform the municipal official who is to serve "by right" on the S9SABD board of incorporator organizational activities and notice of the first membership meeting.
- c. Prepare and send:
  - I. A "newsletter" to all Members informing them of the adoption of the BID ordinance, who the incorporators are and such other information as to inform Members of what is happening with the organization and to invite participation.
  - II. An Assessment notice and Assessment bill. The notice should reiterate how the amount of the bill was determined.
  - III. Notice of the membership meeting.
- d. Manage the finances of the organization as is necessary and convenient including opening bank accounts, obtaining an employer identification number, paying bills, reaching agreement with a lender or other organization for line of credit to pay organization bills prior to the receipt of FY 2017 BID assessments; contract for interim staff and office space, purchase supplies and equipment; and seek external grants and enter into contracts consistent with the S9SABD plan where such opportunities require action before the election of Trustees.

#### SOUTH 9TH STREET AREA BUSINESS DISTRICT, INC. ORGANIZATION ACTION OF THE INCORPORATORS

The undersigned, being Incorporators and the Interim Board of Trustees of the South 9th Street Area Business District, Inc., a Pennsylvania nonprofit corporation, hereby consent to the following action:

- a. The Bylaws presented to the undersigned are hereby adopted and ratified as the Bylaws of the South 9th Street Area Business District, Inc., and a copy of such Bylaws shall be filed with the Secretary of the Corporation and inserted in the minute book of the Corporation.