

Legislation Details (With Text)

File #: 160138-A **Version:** 1 **Name:**

Type: Bill **Status:** ENACTED

File created: 2/18/2016 **In control:** Committee on Rules

On agenda: **Final action:** 6/16/2016

Title: Amending various provisions of The Philadelphia Code, including in Title 4 ("The Philadelphia Building Construction and Occupancy Code"), Title 9 ("Regulation of Businesses, Trades and Professions") and Title 14 ("Zoning and Planning"), to preclude issuance of certain licenses and permits to any applicant who is delinquent in payments owed to the City, all under certain terms and conditions.

Sponsors: Councilmember Domb

Indexes: BUILDING CODE, LICENSES, ZONING AND PLANNING

Code sections: Title 14 - ZONING AND PLANNING, Title 4 - THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE, Title 9 - REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

Attachments: 1. CertifiedCopy160138-A01.pdf

Date	Ver.	Action By	Action	Result	Tally
6/28/2016	1	MAYOR	SIGNED		
6/16/2016	1	CITY COUNCIL	READ AND PASSED	Pass	14:3
6/9/2016	1	CITY COUNCIL	AMENDED		
6/9/2016	1	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
6/9/2016	0	CITY COUNCIL	READ		
4/28/2016	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
4/28/2016	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
4/28/2016	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
4/22/2016	0	Committee on Rules	HEARING NOTICES SENT		
4/22/2016	0	Committee on Rules	HEARING HELD		
4/22/2016	0	Committee on Rules	NO RECOMMENDATION, RULE SUSPENSION		
2/18/2016	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending various provisions of The Philadelphia Code, including in Title 4 ("The Philadelphia Building Construction and Occupancy Code"), Title 9 ("Regulation of Businesses, Trades and Professions") and Title 14 ("Zoning and Planning"), to preclude issuance of certain licenses and permits to any applicant who is delinquent in payments owed to the City, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

* * *

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

* * *

CHAPTER 2
ENFORCEMENT AUTHORITY

* * *

SECTION A-202 DUTIES AND POWERS OF THE CODE OFFICIAL

* * *

A-202.7 Issuance Requirement: No license or permit required by any provision of Title 4 shall be issued or renewed if the applicant is delinquent in the payment of any City or School District of Philadelphia taxes, charges, fees, rents or claims, or any penalties or fines related to the applicant's business for which the applicant is responsible, unless the applicant has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement. *Compliance is required by the person or business required to obtain the license or permit. Proof of compliance by submission of a Tax Clearance Certificate, as defined in Section 9-101, shall be required prior to issuance of any license or permit.*

A-202.7.1 The requirements of this subsection (A-202.7) may be waived upon [the]:

1. *The code official's written determination that the license or permit is required for work needed to correct a violation of The Philadelphia Code, and that immediate issuance of such license or permit is necessary to protect public safety. Waiver under this provision shall not be available for building permits relating to new construction or additions to existing structures, or for zoning and use registration permits.*

* * *

SECTION 2. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-100. GENERAL PROVISIONS.

* * *

§9-101. Definitions.

In this Title the following definitions apply:

* * *

(3) Tax Clearance Certificate. Certification from the Department of Revenue that the applicant either is not delinquent on any taxes under Title 19 or is in compliance with current payment agreements. Tax Clearance Certificates are available through the Department of Revenue’s website. A Tax Clearance Certificate shall be valid for purposes of satisfying Title 4, Section A-202.7 or for obtaining a zoning permit under Section 14-303 for 180 days from its date of issuance. For all other purposes, a Tax Clearance Certificate shall be valid for periods established at the discretion of the Department of Revenue, but in no case for less than thirty days. Certification shall be in form satisfactory to the Department, which may include, when available, electronic certification by direct electronic communication between the Department of Revenue and the Department.

§ 9-102. Licenses and Permits.

* * *

(9) No license or permit shall be issued or renewed if the applicant is delinquent in the payment of any City or School District of Philadelphia taxes, charges, fees, rents or claims, or any penalties or fines related to the applicant's business for which the applicant is responsible, unless the applicant has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement. Compliance is required by the person or business required to obtain the license or permit. Proof of compliance by submission of a Tax Clearance Certificate shall be required prior to issuance of any license or permit.

(a) The requirements of this subsection (9) may be waived upon:

1. The Department’s written determination that the license or permit is required for work needed to correct a violation of The Philadelphia Code, and that immediate issuance of such license or permit is necessary to protect public safety. Waiver under this provision shall not be available for licenses to engage in a trade or business or for rental licenses.

* * *

SECTION 3. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES.

* * *

§ 14-303. Common Procedures and Requirements.

* * *

(6) Zoning Permits.

* * *

(d) Criteria for Approval.

* * *

(.3) No zoning or use registration permit shall be issued if the applicant is delinquent in the payment of any City or School District of Philadelphia taxes, charges, fees, rents or claims, or any penalties or fines related to the applicant's business for which the applicant is responsible, unless the applicant has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement. Compliance is required by the person or business required to obtain the license or permit. Proof of compliance by submission of a Tax Clearance Certificate, as defined in Section 9-101, shall be required prior to issuance of any permit.

* * *

SECTION 4. Effective Date. This Ordinance shall take effect January 1, 2017.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.