Legislation Details (With Text)

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On agenda:				**Final action:**	11/1/2018
Title:	Amending Title 9, Chapter 600 of The Philadelphia Code, entitled "Service and Other Businesses," to establish a license and related requirements for tire dealers, all under certain terms and conditions.				
Sponsors:	Councilmember Quiñones Sánchez, Councilmember Squilla, Council President Clarke, Councilmember Bass, Councilmember Reynolds Brown				
Indexes:					
Code sections:	9-600 - Service Businesses, Title 9 - REGULATION OF BUSINESSES, TRADES AND PROFESSIONS				
Attachments:	1. CertifiedCopy18064800.pdf				

Date	Ver.	Action By	Action	Result	Tally
11/14/2018	0	MAYOR	SIGNED		
11/1/2018	0	CITY COUNCIL	READ AND PASSED	Pass	15:1
10/25/2018	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
10/25/2018	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
10/25/2018	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/23/2018	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
10/23/2018	0	Committee on Licenses and Inspections	HEARING HELD		
10/23/2018	0	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
6/14/2018	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Title 9, Chapter 600 of The Philadelphia Code, entitled “Service and Other Businesses,” to establish a license and related requirements for tire dealers, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

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§9-621. [Reserved] *Tire Dealers.*

(1) Definitions.

(a) Tire dealer. Any business that purchases or sells tires, whether new or used.

(b) Registered waste tire hauler. An authorized waste tire hauler registered with the Commonwealth pursuant to the Waste Tire Recycling Act, Act of Dec. 19, 1996, P.L. 1478, No. 190, 35 P.S. § 6029.101 (the "Waste Tire Recycling Act").

(c) Waste tire. A tire that will no longer be used for the purpose for which it was originally intended. The term includes a tire that has been discarded by any owner or user even though the tire may have some remaining useful life. A tire becomes a waste tire when it is discarded by any owner or user.

(d) Waste tire hauler. A person that transports whole used or waste tires in the City of Philadelphia for business-related purposes. This term does not include persons who haul their own waste tires in the course of routine tire replacement.

(2) License Required.

(a) No person shall engage in the business of a tire dealer unless that person has first obtained a license from the Department. A separate license shall be required for each location at which a tire dealer purchases or sells tires.

(b) All applications for such license shall be submitted in a manner as determined by the Department and shall contain the following information:

(.1) The name and home address of the owner and, if the owner is a corporation or a partnership, the name and home address of a principal partner or corporate officer;

(.2) The business telephone number of the owner;

(.3) The location of the business where tires are sold, purchased, disposed of or stored;

(.4) Commercial activity license number;

(.5) Billing address;

(.6) The registered waste tire haulers with whom the tire dealer is contracted for the removal of waste tires.

(.7) A brief description of the circumstances in which the business purchases, sells, and disposes of tires, whether new or used.

(.8) A statement certifying compliance with all license requirements set forth in subsection 9-621(3).

(c) The applicant must also submit the following to the Department before the license will be

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issued:

(.1) Payment of an annual license fee of three hundred (300) dollars for each location. The Department may from time to time by regulation revise the annual license fee (including the structure of the fee) to reflect the City's costs of regulating tire dealer businesses and the special costs incurred by the City because of the operation of such businesses.

(.2) Proof of zoning approval for use of the location as a tire dealer.

(.3) A Certificate of Occupancy indicating Building and Fire Code approval of the location of the tire dealer.

(.4) Current certifications of all fire protection systems on the premises as required by the Fire Code.

(d) Licenses will be renewed annually upon payment of the license renewal fee equal to the annual license fee as established by subsection 9-621(2)(c)(.1).

(3) License Requirements. Every tire dealer licensed under this Section 9-621 must:

(a) Comply with all applicable provisions of the Waste Tire Recycling Act.

(b) Comply with all provisions of The Philadelphia Code applicble to such business.

(c) Maintain a tire manifest for each location that:

(.1) Provides a detailed accounting of each tire purchased, sold, or obtained in or disposed of in any other manner by a tire dealer.

(.2) Identifies (i) the manner by which each tire was obtained by the tire dealer, (ii) the manner by which each tire left the possession, custody or control of the tire dealer, and (iii) the number of tires implicated by each such transaction.

(.3) Reflects the signature of a registered waste hauler on every entry on such manifest that documents each tire disposed of by such registered waste hauler.

(d) Make the tire manifest and all supporting documentation available to the Department upon request.

(e) Exclusively use the registered waste tire haulers with whom the business is contracted for the disposal of tires.

(f) Maintain records documenting the sale of each tire sold by the tire dealer.

(g) Inform the Department of any change to the information supplied on the license application within ten (10) days of such change.

(h) Maintain compliance with the Philadelphia Fire Code in the storage of all tires.

(4) Inspections. Prior to the issuance of the initial license, the applicant must obtain a safety inspection by the Department of the proposed location for compliance with the Philadelphia Fire and Property Maintenance Codes. During the license period, the Department may conduct audits, investigations, inspections, and such other examinations as the Department determines is necessary or appropriate to verify compliance with this Section 9-621.

(5) Willful violation. In addition to any other penalties provided in The Philadelphia Code, the Department is authorized to suspend or revoke a tire dealer license for any willful violation of The Philadelphia Code applicable to the business.

SECTION 2. This Ordinance shall be effective two weeks after the Commissioner of Licenses and Inspections certifies to the Chief Clerk of Council, and provides notice on the City's website, that the technology to appropriately implement this license is in place.

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Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.