City of Philadelphia

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

Legislation Text

File #: 100185, **Version:** 0

Amending Section 10-602 of The Philadelphia Code, known as the "Clean Indoor Air Worker Protection Law," by providing a limited period of time, expiring June 30, 2010, during which a Private Club, as defined, 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.

*   *   *

(2)   Definitions. The following definitions apply to this Section:

*   *   *

(e) "Private Club." Any reputable group of individuals associated together as an organization for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience which regularly and exclusively occupies, as owner or lessee, a clubhouse or quarters for the use of its members; and, which holds regular meetings, conducts its business through officers regularly elected, admits members by written application, investigation and ballot, and charges and collects dues from elected members. The club shall either be incorporated or, if unincorporated, provide proof of its continuous existence for the past ten years in a manner deemed sufficient by the Department of Health.

*   *   *

(3)   Smoking Prohibited.

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

*   *   *

(.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 business privilege license [on the effective date of the Ordinance that added this subsection to The Philadelphia

Code] *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(|1013|)(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) the Private Club applies for a waiver from the Health Department [within ninety (90) days of the effective date of the Ordinance that added this subsection to The Philadelphia Code] *no later than June 30, 2010*;

(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 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.

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Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.