Legislation Text

File #: 130688-AA, **Version:** 3

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding new rules and obligations pertaining to construction licenses and renewals of those licenses; creating demolition licenses and increasing fines for expediters that falsify information, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-1000 of Title 9 is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES,TRADES AND PROFESSIONS

* * *

CHAPTER 9-1000. TRADES

* * *

§9-1004. Contractors.

* * *

(3) License Required.

(a) No person or business entity of any type shall act as a Contractor unless the person or entity possesses a current and valid license issued under this Section.

* * *

(4) Application Requirements. Applications *and renewals* for a Contractor's license shall be made on forms to be supplied by the Department. No license *or renewal* shall be issued until the applicant:

(a) provides the Department with a copy of the applicant's commercial activity license and tax identification number;

(b) provides the Department with proof that the applicant has obtained the insurance required by this Section;

(c) pays an initial non-refundable application fee of $100;

(c.1) in the case of entities not licensed under sections 9-1003, 9-1005 or 9-1006, provides the Department with evidence of the following:

(.1) completion within the past five years by one or more supervisory employees of an extended course of training certified by the Department to provide significant public safety benefit, appropriate to the position, which course may include OSHA 30 training (The 30-hour program designed by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction for additional training of supervisors and workers with some safety responsibilities);

(d) complies with any additional requirements imposed by the Department by regulation; and

(e) certifies the following statements:

(.1) that all City tax obligations are satisfied;

(.2) that the applicant is financially solvent;

(.3) that the applicant is not debarred by any public body or governmental agency; and

(.4) that the applicant is in compliance with all applicable laws of the Commonwealth relatig to the operation of its business.

SECTION 2. Section 9-1008 is added to Title 9 of the Code as follows:

§ 9-1008. Demolition Contractor License.

(1) Definitions.

(a) Competent Person. An individual who is capable of identifying existing and predictable hazards at the job site; is knowledgeable of policies and practices that affect working conditions which are unsanitary, hazardous or dangerous to employees or the public; and who has authority to take prompt corrective measures to eliminate such hazards and conditions.

(b) Demolition Contractor. A person or business entity that performs or offers to perform the removal of structural elements for purposes of removal of a structure.

(c) Demolition Supervisor. A competent person employed by the Demolition Contractor and designated to develop site safety plans. The demolition supervisor may not be concurrently employed by another licensed Demolition Contractor.

(d) OSHA 30. The 30-hour program designed by the United States Occupational, Safety and Health Administration ("OSHA") under its Outreach Training Program for Construction Industry for additional training of supervisors and workers with some safety responsibilities.

powered by Legistar™

(e) Site Safety Manager. A competent person employed by a licensed Demolition Contractor with training in the past five years in a course of training certified by the Department to provide significant public safety benefit, appropriate to the position, which may include OSHA 30 training, whose primary responsibility is to ensure safe practices on demolition sites and compliance with the site safety plan. The site safety manager may not be concurrently employed by another licensed Demolition Contractor.

(f) Site Safety Plan - A site safety demolition plan, or complete "engineering survey" as required by the Occupational Safety and Health Administration (OSHA) regulations, developed by a competent person which details the means and methods the contractor will undertake to protect the public and adjoining properties.

(2) License Required.

(a) No person or business entity shall act as a Demolition Contractor unless that entity possesses a current and valid license issued under this Section.

(b) A license issued under this Section shall be valid for one year. The annual fee for the license shall be two hundred dollars ($200).

(3) Requirements for License.

(a) Application Requirements. Applications for a Demolition Contractor's license shall be made on forms to be supplied by the Department. No license or renewal shall be issued until the applicant:

(.1) provides the Department with a copy of the applicant's commercial activity license and tax identification number;

(.2) provides the Department with proof that the applicant has obtained the insurance and bonding required by this Section;

(.3) certifies that all City tax obligations are satisfied and that the Demolition Contractor is in compliance with all applicable laws of the Commonwealth relating to the operation of its business.

(.4) identifies at least one site safety manager employed by the company who will supervise demolition projects for the Demolition Contractor;

(.5) identifies of at least one demolition supervisor employed by the company with evidence of successful completion of an examination related to demolition as determined by the Department.

(.6) the site safety manager and demolition supervisor may be the same person.

(4) Insurance and Bonding Requirements. All Demolition Contractors licensed under this Section shall at all

powered by Legistar™

times maintain, at a minimum, the following types and amounts of insurance and bonding:

(a) Insurance requirements.

(.1) workers' compensation where applicable at statutory limits;

(.2) comprehensive general liability, including products and completed operations, of a minimum limit of liability of $2,000,000 per occurrence. The City of Philadelphia must be named Certificate Holder and Additional Insured. It is not acceptable for the additional insured requirement to be conditional upon there being a written contract; and

(.3) motor vehicle liability insurance, in an amount determined by the Risk Manager.

(b) Bonding requirements.

(.1) A license or permit bond in an amount to be determined by the Risk manager shall be maintained by the Demolition Contractor to ensure compliance with local ordinances. The bond shall be issued by a surety company holding a certificate of authority to transact business in Pennsylvania, having a minimum surety underwriting limitation of $1,000,000.

(5) License Suspension and Revocation; Other Remedies.

(a) The Department may suspend or revoke any license granted under this Section for any of the following reasons:

(.1) fraud or deceit in obtaining or renewing a license or permit;

(.2) repeated failure to comply with the provisions of The Philadelphia Code;

(.3) failure to obtain or maintain the insurance and bonding required by this Section;

(.4) failure to pay any fine imposed for a violation of any provision of this Section or of Title 4 of The Philadelphia Code within ten days of imposition by a final order from which all appeals have been exhausted;

(.5) failure to pay a tax or charge imposed in connection with the activity licensed under this Section;

(.6) failure to secure required permits;

(.7) repeated failure to comply with violation notices issued by the Department;

(.8) Violation of a stop work order;

(.9) conviction of a crime of fraud or dishonesty in connection with the licensed activity;

powered by Legistar™

SECTION 3. Chapter 9-2200 of Title 9 is amended to read as follows:

CHAPTER 9-2200. EXPEDITERS

* * *

§ 9-2208. Penalties.

(1) The penalty for violating any provision of this Chapter*, other than falsification of information,* shall be a fine of not less than one hundred dollars ($100) nor more than three hundred dollars ($300). *The penalty for falsifying any information required under this Title shall be $2000 for each instance of falsification and/or revocation of the expediter's license.*

SECTION 4. The provisions of this Ordinance shall take effect as follows:

1. Section 1 and 2 shall take effect within 18 months of enactment.

2. The remainder of this Ordinance shall become effective immediately.

Explanation:

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

powered by Legistar™