



## Legislation Text

**File #: 160523, Version: 1**

Providing for an exemption from charges relating to storm water management and disposal for community gardens operated for community benefit and producing food or non-food crops; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 19 of The Philadelphia Code, relating to Finances, Taxes, and Collections, is hereby amended to read as follows:

### CHAPTER 19-1600. WATER AND SEWER RENTS.

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§19-1603. [Reserved.] *Community Gardens.*

*(1) For purposes of this Section, "Community Garden" shall mean any parcel of land used for growing crops, whether food or non-food, for personal consumption, donation, or sale, provided that the following criteria are met:*

*(a) The parcel's principal use is devoted to regularly-planted crop bed and such other related uses as are reasonable and necessary to growing such crops and maintaining the garden (for example, but not by way of limitation, common areas for hand tool storage sheds or compost bins);*

*(b) At least 80% of the gross area of the parcel is effectively pervious;*

*(c) A community or non-profit organization, or a group of individuals ascertainable to the Water Department and associated for purposes of operating the garden for public benefit, operates the parcel and possesses written evidence of the right to use the parcel as a Community Garden; such evidence may include a deed in the name of the organization, a lease, license or other agreement, or such other written authorization as may be reasonably satisfactory to the Water Department;*

*(d) Gardening activities are conducted primarily by members of the organization or group of individuals defined in §19-1603(1)(c); and*

*(e) The parcel is appropriately maintained so as not to cause blight or nuisance.*

*(2) Upon the Water Department's approval of an application as set forth in this subsection (2), a parcel shall be classified as a "Community Garden" and shall be eligible to receive discounted storm water rates and charges from the Philadelphia Water, Sewer and Storm Water Rate Board (the "Board"), pursuant to § 13-101 (4) of this Code. The following shall apply:*

*(a) Applications for Community Garden status and special rates shall be submitted in such form and within such times as the Water Department shall specify.*

*(b) At minimum, applications shall provide such information as is necessary, and that the Water Department may require, to establish that all criteria of § 19-1603(1) are met.*

*(c) Applications shall be signed by or on behalf of the organization or group of individuals operating the Community Garden under subsection 19-1603(1)(c).*

*(d) The Water Department may cause any parcel to be inspected upon receipt of an application for Community Garden status for such parcel under this Section. Such parcel shall be subject to inspection by the City at any time in order to ascertain whether it meets the criteria set forth in § 19-1603(1).*

*(e) Compliance with this Section and all regulations issued pursuant thereto shall be a continuing condition of eligibility for Community Garden status under this Section.*

*(3) Pursuant to § 13-101(4) of this Code, the Board shall establish a special discounted storm water charge for approved Community Gardens, in an amount up to and including a 100% discount.*

*(4) Community Garden status and eligibility for rate discounts provided under this Section shall expire after such period, and may be renewed pursuant to such procedure, as the Water Department shall specify. No exemption from water or sanitary sewer charges is authorized under this Section.*

*(5) The Water Department is authorized to promulgate such regulations as are necessary to effectuate this Section.*

SECTION 2. This Ordinance shall be effective January 1, 2017. The discounted charge allowed by Section 1 of this Ordinance shall be without prejudice to any prior arrangement for relief of storm water management and disposal fees between the Water Department and a Community Garden or similar entity, provided that (1) such relief was granted on or after July 1, 2010; and (2) no such relief may be presumed to continue beyond the effective date of this Ordinance except pursuant to the terms of Section 1 or when extended in writing by the Water Department.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.