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

Legislation Text

File #: 190614, **Version:** 0

Establishing a neighborhood improvement district, to be known as the Fishtown Area Business Improvement District (“District”), in an area that generally includes both sides of Frankford Avenue from the west side of Delaware Avenue to the southwest side of Lehigh Avenue, both sides of North Front Street from the north side of Poplar Street to the south side of Montgomery Street, both sides of East Girard Avenue from Frankford Avenue continuing to the west side of East Fletcher Street, the north side of West Girard Avenue from Frankford Avenue to Front Street, and the south side of West Girard Avenue from Frankford Avenue to Howard Street, and certain blocks of streets that intersect portions of these streets; designating the Fishtown Area Business Improvement District, Inc., which has organized itself as a Pennsylvania non-profit corporation, as the Neighborhood Improvement District Management Association for the District; approving a plan for and report concerning the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with the Fishtown Area Business Improvement District, Inc. relating to the District; and authorizing the Fishtown Area Business Improvement District, Inc. to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan; all in accordance with the provisions of the Community and Economic Improvement Act, and under certain terms and conditions.

WHEREAS, Council is authorized by the Community and Economic Improvement Act, Act of December 21, 1998, P.L. 1307, No. 174 *as amended* (53 P.S. §18101 et. seq.) ("Act") to establish, by ordinance, neighborhood improvement districts and to designate certain entities to administer programs and services within such districts in order "to promote and enhance more attractive and safer commercial, industrial, residential and mixed-use neighborhoods; economic growth; increased employment opportunities; and improved commercial, industrial, business districts and business climates;" and

WHEREAS, The purpose of this Ordinance is to establish a neighborhood improvement district in the Fishtown area, to be known as the Fishtown Area Business Improvement District ("District"); and

WHEREAS, All procedures required by the Act for establishment of the District have been followed; in particular, more than forty-five (45) days have elapsed from a public hearing required by the Act, and the Clerk of Council has not received objections filed by affected property owners representing the ownership of at least one-third (1/3) of the properties owned by affected property owners within the proposed District or from affected property owners, within the proposed District, the value of whose properties, as assessed for taxable purposes, amounts to at least one-third (1/3) of the total property valuation of property owned by affected property owners within the proposed boundaries of the District; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. In accordance with the provisions of the Community and Economic Improvement Act, Act of December 21, 1998, P.L. 1307, No. 174 ("Act") (53 P.S. §18101 et. seq.) ("Act"), a neighborhood improvement district is hereby established in the Fishtown area, within the boundaries set forth in Exhibit "A-1" and Exhibit “A-2” attached hereto. The district shall be known as the Fishtown Area Business Improvement District ("District").

SECTION 2. Fishtown Area Business Improvement District, Inc., which is organized as a Pennsylvania nonprofit corporation, is hereby designated as the Neighborhood Improvement District Management Association for the District.

SECTION 3. Council hereby approves as the plan for the District the plan set forth in Exhibit "A" attached hereto. Fishtown Area Business Improvement District, Inc. is hereby authorized to assess property owners within the District a special property assessment fee, in accordance with the provisions of the final plan and the provisions of the Act. In addition, in the case of an unpaid assessment or portion of an assessment, Fishtown Area Business Improvement District, Inc. is authorized to collect accrued interest and penalties on any unpaid assessment or portion thereof and to recover any costs incurred as a result of the filing of any lien, all in accordance with the final plan.

SECTION 4. The Director of Commerce, on behalf of the City, is hereby authorized to enter into an agreement with Fishtown Area Business Improvement District, Inc. in a form approved by the City Solicitor, which agreement shall include the following provisions:

(a) A detailed description of the respective duties and responsibilities of the City and of Fishtown Area Business Improvement District, Inc. with respect to the District as set forth in the final plan approved under Section 3;

(b) A requirement that the City will maintain within the District the same level of municipal programs and services that were provided within the District before its establishment;

(c) A "sunset provision" under which the agreement will terminate on December 31, 2024, and may not be renewed unless the District is continued beyond that date in accordance with the sunset provisions of Section 5 of this Ordinance;

(d) Fishtown Area Business Improvement District, Inc.'s agreement to be responsible for the collection of all property assessment fees levied within the District and the City's agreement to file any necessary liens for nonpayment of property assessment fees as set forth in the Act at 53 P.S. §18107 (a)(l0).

SECTION 5. The District shall terminate on December 31, 2024, in accordance with the provisions of the final plan, approved under Section 3. The District may be continued beyond that date only if Council reenacts this Ordinance, following a review of the District and the programs and services, provided by the Fishtown Area Business Improvement District, Inc. within the District.

SECTION 6. The Chief Clerk shall keep on file, the document referred to as Exhibit "A" in Section 3 of this Ordinance, and all accompanying documents referenced in Exhibit "A" and shall make them available for inspection by the public during regular office hours.