

## Legislation Text

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**File #:** 210227, **Version:** 0

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Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” to revise the rules and requirements pertaining to tobacco retailers and tobacco retailer permits to allow transfers of retailer permits to new locations, under certain terms and conditions.

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

SECTION 1. Chapter 9-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

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§ 9-631. Tobacco Retailer Permit.

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(2) Tobacco Retailer Permit Required.

(a) No person shall act as a Tobacco Retailer without a current Tobacco Retailer Permit for each location where the person engages in Tobacco Retailing. Acting as a Tobacco Retailer without a permit is hereby declared a nuisance as a matter of law.

\* \* \*

(d) A Tobacco Retailer Permit is valid for one person at one location and may not be transferred from one person to another or from one location to another, *except as provided for in Section 9-631(4)*. A new Tobacco Retailer Permit is required whenever a Tobacco Retailer changes location or transfers ownership, *except as provided for in Section 9-631(4)*.

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*(4) Limited Transfer of Tobacco Retailer Permit. A Tobacco Retailer may initiate a one-time unrestricted transfer of its Tobacco Retailer Permit to any location in the City of Philadelphia if the following requirements are met:*

*(a) The Tobacco Retailer must control, own, and operate the business the Tobacco Retailer Permit is being transferred to;*

*(b) The property the Tobacco Retailer Permit is being transferred to must meet all zoning requirements;*

*(c) The Tobacco Retailer must cease all retail operations at the original permitted location within ninety (90) days of the completed transfer;*

*(d) The Tobacco Retailer must have had maintained a Tobacco Retailer Permit at the original permitted location for no less than 5 years; and*

*(e) The Tobacco Retailer must not have any unpaid taxes or fees due to the Department of Revenue or any other City department prior to the authorization of the transfer.*

[(4)](5) Fees. The application fee shall be fifty dollars (\$50), and the renewal fee shall be fifty dollars (\$50), *and the limited transfer fee shall be fifty dollars (\$50)*, except that the Board of Health may alter these fee amounts by regulation, based on the total cost of the administration and enforcement of this Section. The application fee shall be paid at the time the application is submitted. The renewal fee shall be paid at the time the renewal application is submitted.

[(5)](6) Enforcement. A violation of this Section shall be a Class III offense. Each day a violation continues shall constitute a separate offense.

[(6)](7) Severability. If a court of competent jurisdiction declares any part of this Section to be invalid, such judgment shall not affect the validity of this Section as a whole or any remaining part thereof. It is the intention of City Council that the remaining provisions of this Section would have been adopted as if such part found to be invalid had not been enacted.

SECTION 2. This Ordinance shall take effect immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.