



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 041079

Introduced December 16, 2004

Councilmembers Krajewski and Mariano

**Referred to the
Committee on Finance**

AN ORDINANCE

Amending various provisions of The Philadelphia Code, including: Section 1-109, entitled "Fines and Penalties"; Section A-504, entitled "Stop Work Order"; Section A-505, entitled "Cease Operations Order"; Chapter 6 of The Philadelphia Administrative Code, entitled "Penalties"; Title 6, entitled "Health Code," including Section 6-103, entitled "Penalties and Cease Operations Orders"; and Title 9, entitled "Regulation of Businesses Trades and Professions," including Section 9-601, entitled "Garages, Parking Lots, Sales Lots and Sales Showrooms," Section 9-605, entitled "Towing," Section 9-616, entitled "Retail Sale of Motor Fuels," and Section 9-1004, entitled "Contractors"; by increasing the maximum penalties for violations of various provisions of The Philadelphia Code; and making related technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 1 of The Philadelphia Code is amended to read as follows:

TITLE 1. GENERAL PROVISIONS.

CHAPTER 1-100. DEFINITIONS, [AND] CONSTRUCTION, *PENALTIES AND ENFORCEMENT.*

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§1-109. Fines and Penalties.

(1) Unless otherwise provided, the penalty for violation of any provision of the Code or any regulation adopted under it is a fine not exceeding three hundred (300) dollars for each offense. Each day the violation continues is a separate offense.

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(2) For violations that are designated elsewhere in this Code as “Class II” offenses, the maximum fine shall be as follows:

(a) for any violation committed between January 1, 2005 and December 31, 2005, seven hundred (700) dollars for each violation; and

(b) for any violation committed on January 1, 2006 or thereafter, one thousand (1,000) dollars for each violation.

(3) For violations that are designated in this Code as “Class III” offenses, the maximum fine shall be as follows:

(a) for any violation committed between January 1, 2005 and December 31, 2005, seven hundred (700) dollars for each violation;

(b) for any violation committed between January 1, 2006 and December 31, 2006, one thousand one hundred (1,100) dollars for each violation;

(c) for any violation committed between January 1, 2007 and December 31, 2007, one thousand five hundred (1,500) dollars for each violation;

(d) for any violation committed between January 1, 2008 and December 31, 2008, one thousand nine hundred (1,900) dollars for each violation; and

(e) for any violation committed on January 1, 2009 or thereafter, two thousand (2,000) dollars for each violation.

(4) Where the Code provides alternative penalties or remedies, they shall be cumulative and the imposition of any one such penalty or remedy shall not prevent the appropriate City agency from invoking any other penalty or remedy provided for.

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SECTION 2. Title 4 of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE.

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CHAPTER 4-200.0. TEXT OF SUBCODES.

SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

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SECTION A-504 STOP WORK ORDER.

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A-504.8 Penalties: Notwithstanding the provisions of Chapter 6 of this code, a violation of this section shall be punishable as follows:

1. Any violation of this section shall constitute a summary offense and any person upon conviction shall *have committed a Class III offense and* be subject to [a fine of \$300.00] *the fines set forth in subsection 1-109(3) of The Philadelphia Code* for each offense.

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SECTION A-505 CEASE OPERATIONS ORDER.

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A-505.9 Penalties: Notwithstanding the provisions of Chapter 6 of this code, a violation of this section shall be punishable as follows:

Any violation of this section shall constitute a summary offense and any person upon conviction shall *have committed a Class III offense and* be subject to [a fine of \$300.00] *the fines set forth in subsection 1-109(3) of The Philadelphia Code* for each offense.

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CHAPTER 6 PENALTIES.

SECTION A-601 FINES.

A-601.1 [Violation] *Basic Fines*: Any person who shall violate any provision of this code or the technical codes or regulations adopted thereunder; or who shall fail to comply with any order issued pursuant to any section thereof, or who shall erect, construct, install, remove, alter or repair a structure, mechanical equipment or system in violation of the approved construction documents or directive of the code official or of a permit or

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certificate issued under the provisions of this code or the technical codes, shall be subject to a fine of not less than \$150.00 and not more than \$300.00 for each offense.

A-601.2 Fines for Class II offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class II offense and be subject to the fines set forth in subsection 1-109(2) of The Philadelphia Code:

- 1. F-106.4 (Rendering equipment inoperable);*
- 2. F-106.4.1 (Fire Department notification);*
- 3. F-104.2.2 (Obstructing operations);*
- 4. F-106.7 (Obstructions);*
- 5. F-307 (Open Burning and Recreational Fires);*
- 6. F-308.5 (Open-flame devices);*
- 7. F-901.4.6 (Changes to fire protection equipment);*
- 8. F-901.7 (Systems out of service);*
- 9. F-914 (Periodic Testing Of Fire Protection Systems);*
- 10. F-1027 (Maintenance of the Means of Egress);*
- 11. PM-602.0 (Means of Egress);*
- 12. PM-603.0 (Accumulations and Storage);*
- 13. PM-604.0 (Fire Resistance Ratings);*
- 14. PM-605.0 (Fire Protection Systems); and*
- 15. PM-704.2 (Historic Area Standards).*

A-601.3 Fines for Class III offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class III offense and shall be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code :

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1. *A-301.1.5 (Zoning and Use Registration Permits)*
2. *A-701 (Certificate of Occupancy);*
3. *B-3301.1 (Safeguards During Construction);*
4. *F-103 (Unsafe Conditions);*
5. *F-105.8.1 (Transportation of Explosives);*
6. *F-106.6 (Overcrowding);*
7. *F-105.6.15 (Explosives);*
8. *F-2703.3 (Release of Hazardous Materials);*
9. *F-3301.1.3 (Fireworks);*
10. *PM-302.5 (Site Hazard);*
11. *PM-304.9 (Piers and other waterfront structures);*
12. *PM-305.6 (Lead paint);*
13. *PM-307.0 (Unsafe and Unfit Structures and Equipment);*
14. *PM-308.0 (Imminently Dangerous Structures); and*
15. *PM-406.3 (Cooling facilities).*

[A-601.2] *A-601.4* Separate offense: Each day that a violation continues after issuance of a notice or order shall be deemed a separate offense.

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SECTION 3. Title 6 of The Philadelphia Code is amended to read as follows:

TITLE 6. HEALTH CODE.

CHAPTER 6-100. GENERAL PROVISIONS.

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§6-103. Penalties and Cease Operations Orders.

(1) In addition to any other sanction or remedial procedure provided, any person who shall violate any provision of this Title, any Regulation adopted under it, any order of the Department issued thereunder, or any condition of any license required thereunder and any person who knowingly participates in any such violation by any other person or who has reason to know that his participation will materially contribute to any such violation by another person, shall be subject to a fine of not less than one hundred fifty (150) dollars and not more than three hundred (300) dollars.

(2) *Notwithstanding the preceding paragraph, The Board of Health may by regulation establish in connection with any regulation adopted under the Health Code fines of greater amounts, subject to maximums no greater than the limitations for Class III offenses set forth in subsection 1-109(3) of The Philadelphia Code.*

(3) In addition, any person licensed under this Title who has not paid [said] a fine and cost *imposed pursuant to this Title* within ten (10) days shall have said license suspended and shall cease operation until all fines and costs are paid. Continuous violation of the same provision shall be a separate violation for each day. In order to enforce this provision, the Department of Licenses and Inspections may, without further notice, issue a Cease Operations Order setting forth the unpaid fines and/or Court costs and cause the premises to be vacated of all employees, patrons and occupants until all such charges are paid.

[(2)] (4) ***

[(3)] (5) ***

[(4)] (6) ***

[(5)] (7) ***

[(6)] (8) ***

[(7)] (9) ***

[(8)] (10) ***

SECTION 4. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-100. GENERAL PROVISIONS.

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§9-105. Penalties.

(1) Except as otherwise provided in Chapters 9-600, 9-702, 9-800, 9-900, 9-1000, 9-1100, 9-1200 and 9-1600, and Sections 9-604, 9-622 6 and 9-623 of this Title, any person who violates any provision of this Title or any regulation adopted hereunder shall, in addition to any other penalty indicated in this Title, pay a fine of no less than one hundred fifty (150) dollars nor more than three hundred (300) dollars.

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CHAPTER 9-600. SERVICE BUSINESSES.

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§9-601. Garages, Parking Lots, Sales Lots and Sales Showrooms.

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(2) Public Garages.

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(o) Any person who violates subsection 9-601(2)(d) shall have committed a Class II offense and be subject to the fines set forth in subsection 1-109(2) of The Philadelphia Code.

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§9-605. Towing.

* * *

(14) Penalties.

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(c) *Any person who violates this Section shall have committed a Class III offense and be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code.*

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§9-616. Retail Sale of Motor Fuels.

(6) Enforcement: The provisions of this section shall be enforced by the Department of Licenses and Inspections, Bureau of Weights and Measures. *Any person who violates subsection 9-616(3), relating to prohibitions applicable to signs where retail motor fuel is sold, shall have committed a Class III offense and be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code.*

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CHAPTER 9-1000. TRADES.

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§9-1004. Contractors.

* * *

(8) Penalties.

(a) Notwithstanding any other provision of this Title (including, but not limited to, Section 9-105), any person who violates any provision of this Section or any regulation adopted pursuant to this Section shall *have committed a Class II offense and* be subject to [a fine not exceeding three hundred dollars (\$300)] *the fines set forth in subsection 1-109(2) of The Philadelphia Code* or to imprisonment not exceeding ninety (90) days or to both. The penalties set forth in this subsection (8) shall be in addition to the remedies set forth in subsection (7).

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Explanation:

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