



City of Philadelphia

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

**BILL NO. 110826
(As Amended, 12/6/11)**

Introduced November 17, 2011

Councilmember Kenney

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by amending Section 9-1004, entitled "Contractors," by requiring that certain information be reported to the Department of Licenses and Inspections for certain construction projects and providing for the posting of certain information at the construction site, providing for penalties for violations, and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-1004 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-1000. TRADES

* * *

§ 9-1004. Contractors.

* * *

(7) Contractor and Subcontractor Information.

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The contractor and subcontractor shall comply with the requirements of subsection (7)(a) of this Section with respect to the following construction projects: (i) the construction of or alteration to any commercial building; (ii) any project involving the new construction of more than two dwelling units or (iii) any project involving the complete rehabilitation or reconstruction of a building containing more than two dwelling units.

(a) The contractor and subcontractor shall submit the following information separately and on their own behalf, in writing, either electronically or otherwise as required, to the Department within three (3) business days after the commencement of any work at the construction site and shall notify the Department promptly of any changes to the information submitted.

(.1) the address of the construction site;

(.2) The contractor or subcontractor's respective business name, business address, email address and telephone number;

(.3) Documentation that the contractor or subcontractor possesses all licenses required by The Philadelphia Code and that such licenses are current and valid;

(.4) The name of the Property Owner; and

(.5) Such other information as the Department requires.

(b) The Department shall provide confirmation of receipt to the contractor or subcontractor of the information submitted under subsection (7)(a). Upon review of such information, the Department shall notify the contractor or subcontractor of noncompliance and also notify the Property Owner.

(c) The Department shall publish the information required by subsection (7)(a) above on the City's official website.

(d) The Department is authorized to promulgate such regulations as are necessary and appropriate to implement the provisions of subsection (7).

[(7)] (8) License Suspension and Revocation; Other Remedies.

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(a) The Department may suspend or revoke any license granted under this Section for any of the following reasons, after an administrative hearing conducted after notice of the proposed suspension or revocation has been sent to the licensee:

* * *

(.9) Where there has been a final determination that a contractor or subcontractor has violated the provisions of subsection (7)(a) of this Section on at least two (2) occasions within one (1) year, the license issued to the contractor or subcontractor under this Section shall be revoked for a period of one (1) year, and the contractor or subcontractor shall be prohibited from obtaining any building permits during that one (1) year period. For purposes of this subsection (8)(a)(.9), a final determination refers to payment of the fine for a violation, a default or a final adjudication on the merits from which no timely direct appeal is available.

(b) The Department may refuse to issue permits to any Contractor who has failed to correct any outstanding code violations resulting from work performed under previously issued permits.

(c) License revocation *for violations of subsection (8)(a)(.8)* above shall be a period of five (5) years.

[~~(8)~~] (9) 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, *except for subsection (7)*, shall have committed a Class II offense and be subject to 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)~~] *subsections (9)(a) through (9)(d)* shall be in addition to the remedies set forth in subsection [~~(7)~~] (8).

(b) Failure of a contractor or subcontractor to comply with the provisions of subsection (2) of this Section shall result in the issuance by the Department of a stop work order only to such contractor or subcontractor that is not in compliance which shall remain in effect for at least forty-eight (48) hours, or until there is complete compliance with all applicable provisions, whichever is longer.

(c) Any person who violates any provision of subsection (7) or any regulation adopted pursuant to this subsection shall have committed a Class III offense and shall be subject to the fines set forth in subsection 1-109(3) of The Philadelphia

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Code. Each day that a contractor or subcontractor remains out of compliance with subsection (7) shall constitute a separate violation.

(d) Any contractor or subcontractor who hires independent contractors that have not paid any fees or taxes required to be paid to the City with respect to work performed at a respective construction site shall be liable for the payment of such fees and taxes. For purposes of this subsection (9)(d), an independent contractor is a person who is not an employee of either a contractor or subcontractor at such construction site.

SECTION 2. This Ordinance shall become effective ninety (90) days after it becomes law or if the Department does not have the necessary technology to implement the provisions of this Ordinance at such time, this Ordinance shall become effective no later than May 1, 2012.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.