

City of Philadelphia



(Bill No. 040421)

AN ORDINANCE

Amending Titles 3 and 6 of The Philadelphia Code, the “Air Management Code” and “Health Code,” respectively, by increasing the fees or establishing new fees for various health-related licenses, permits, certificates, approvals and variances issued by the City and for various inspections, examinations, reviews and other services provided by the Department of Public Health, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 3 of The Philadelphia Code is hereby amended to read as follows:

TITLE 3. AIR MANAGEMENT CODE

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CHAPTER 3-300. ADMINISTRATIVE PROVISIONS

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§3-307 Fees.

(1) Installation Permits. The fee shall be as follows:

(a) Boilers, Warm Air Furnaces, and Hot Water Heaters:

(.1) Where the rated capacity is
20,000,000 BTU per hour or less [~~\$50.00~~] *\$65.00*

(.2) Where the rated capacity is
over 20,000,000 BTU per hour [~~\$100.00~~] *\$125.00*

* * *

(b) Incinerators and Crematories [~~\$100.00~~] *\$125.00*

(c) Smoke Ovens, tar and asphalt
kettles, road material treating plants,
and varnish and paint heating kettles [~~\$100.00~~] *\$125.00*

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(d) Paint spraying equipment and
dryers, per unit [~~\$75.00~~] *\$95.00*

(e) Chemical processing equipment;
crushing, grinding or milling equipment;
rendering kettles; air cleaning devices,
per unit [~~\$100.00~~] *\$125.00*

(f) Others [~~\$100.00~~] *\$125.00*

(2) Operating Licenses. An operating license shall be obtained for each boiler, furnace, or other combustion unit, process unit, or air cleaning device and their related appurtenances. In general, the classification established for the installation permit shall apply to operating licenses. A fee of [~~\$10.00~~] *\$15.00* shall be charged for the issuance of an indefinite operating license. An annual fee for renewable operating licenses shall be charged according to the following schedule:

(a) Boilers and furnaces of a capacity of
20,000,000 BTU per hour, or less [~~\$75.00~~] *\$95.00*

(b) Boilers and furnaces of a capacity of
more than 20,000,000 BTU per hour [~~\$150.00~~] *\$190.00*

(c) Incinerators and Crematories [~~\$150.00~~] *\$190.00*

(d) Smoke ovens, tar and asphalt kettles,
road material treating plants, and varnish
and paint heating kettles [~~\$150.00~~] *\$190.00*

(e) Paint spraying equipment and dryers [~~\$100.00~~] *\$125.00*

(f) Chemical processing equipment,
crushing, grinding or milling equipment, rendering
kettles, and air cleaning devices [~~\$150.00~~] *\$190.00*

(g) Others [~~\$150.00~~] *\$190.00*

(3) Filing Fees. In addition to any applicable fee set forth in (1) and (2) above, each application for a permit or license required by this Title shall also be assessed a non-refundable filing fee of [~~\$25.00~~] *\$30.00*, payable at the time the application is submitted.

SECTION 2. Title 6 of the Philadelphia Code is hereby amended to read as follows:

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TITLE 6. HEALTH CODE

* * *

CHAPTER 6-300. FOOD

§ 6-301. Food Establishments.

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(4) Except as provided in §6-301(5) the license fee for food establishments selling food is:

(a) Food establishments where food is prepared or served for consumption on or off the premises, including but not limited to, eating and drinking establishments and caterers[, one hundred seventy-five (175) dollars for food establishments with up to fifty (50) seats; two hundred fifty (250) dollars for food establishments with fifty-one (51) seats and over; and two hundred fifty (250) dollars for caterers.]:

(.1) *with up to 50 seats \$220.00;*

(.2) *with 51 or more seats \$315.00;*

(.3) *caterers \$315.00.*

(b) Retail food establishments with permanent location, including, but not limited to candy stores and drug stores without soda fountains, grocery, meat markets, and other food stores, but including any such food establishment licensed under § 6-301(4)(a) or (d) [one hundred (100) dollars having less than five thousand square feet of floor area; three hundred fifty (350) dollars having five thousand square feet or more.]:

(.1) *having less than 5000
square feet of floor area \$125.00;*

(.2) *having 5000 square feet
or more of floor area \$440.00.*

(c) Retail food establishments, without permanent location, including, but not limited to mobile vending units such as motor vehicles, movable stands and carts, newsstands, temporary special event establishments, [one hundred ten (110)] *one hundred twenty five (125)* dollars per unit.

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(d) Food establishments manufacturing, processing, or wholesaling food, excluding food establishments for the manufacture of frozen desserts, milk plants and wholesale food establishments which deal in prepackaged food, [two hundred fifty (250)] *three hundred fifteen (315)* dollars.

(e) Food establishments where frozen dessert mix is procured from others and frozen on the premises, [two hundred (200)] *two hundred fifty (250)* dollars.

(f) Food establishments serving food through automatic food vending machines off the premises where the food is packaged or prepared, [sixty (60)] *seventy five (75)* dollars for the first machine and [eight (8)] *ten (10)* dollars for each additional machine.

(g) Food establishments for the killing of animals (including poultry) for sale as food, [two hundred (200)] *two hundred fifty (250)* dollars.

* * *

(i) For wholesale food establishments dealing only in pre-packaged food, and all other food establishments requiring license, [one hundred seventy-five (175)] *two-hundred twenty (220)* dollars.

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CHAPTER 6-500. ADMINISTRATIVE PROVISIONS

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Section 6-505. Fees.

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(2) General review: Fees for review of new construction, extensive addition, alteration, new tenancy or procedures requiring prior approval shall be based upon the following categories:

(a) Food Establishments: Fees for plan review shall be based upon the square footage of the affected establishment area according to the following schedule:

Establishment Size	Fee
1000 square feet or less	[\$300.00] <i>\$375.00</i>

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from 1001-5000 sq. ft.	[\$700.00] \$875.00
from 5001-10,000 sq. ft.	[\$1,200.00] \$1,500.00
from 10,001-14,000 sq. ft.	[\$1,700.00] \$2,125.00
above 14,000 sq. ft.	[\$1,700.00] \$2,125.00 plus [\$10.00] \$15.00 for each additional 100 sq. ft. or portion thereof.

(.1) Fees for food establishment inspections conducted to determine compliance of site facilities with required plan submission shall be as follows:

(.i) A fee of [one hundred fifty (150) dollars] *one hundred ninety dollars (\$190.00)* in addition to the applicable plan review fee shall be required for establishments when plans have been submitted.

(.ii) A fee of [three hundred fifty (350) dollars] *four hundred forty dollars (\$440.00)* in addition to the applicable plan review fee shall be required for establishments that have not submitted plans.

(b) Mobile Vending Unit: Initial plan review fee for a mobile vending unit shall be [one hundred (100) dollars] *one hundred twenty-five dollars (\$125.00)*.

(c) Temporary Special Event Establishments: Fees for the review of temporary special event establishments shall be based upon the square footage of the occupied space according to the following schedule:

Establishment Size	Fee
200 sq. ft. or less	[\$30.00] \$40.00
from [102-] 201-350 sq. ft.	[\$60.00] \$75.00
from 351-500 sq. ft.	[\$100.00] \$125.00
above 500 sq. ft.	[\$100.00] \$125.00 plus [\$28.00] \$35.00 for each additional 200 sq. ft. or portion thereof.

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(h) Plan or Permit Amendments: Fee for plan or permit amendments shall be [fifty (50) dollars] *sixty-five dollars (\$65.00)*.

(i) Plan or Permit Resubmissions: Resubmissions of plans or permit application materials requiring facility plan or permit approval shall be [two hundred fifty (250) dollars] *three hundred fifteen dollars (\$315.00)*.

(j) Preliminary reviews: Fee for the examination of each set of preliminary drawings, specifications and/or computations shall be [two hundred fifty (250) dollars] *three hundred fifteen dollars (\$315.00)*.

(3) Regulatory Services: Fees for required inspection and reinspection services shall be based upon the following categories.

* * *

(e) Commercial Establishment: Fees associated with conducting reinspection of commercial regulated facilities shall be based upon the following schedule:

(.1) Fee for each additional inspection required to determine the compliance status of any condition previously identified by inspection to be in violation of the requirements of the Health Code shall be [one hundred fifty (150) dollars] *one hundred ninety dollars (\$190.00)*.

(.2) Fee for each reinspection required to be conducted to determine compliance with the Health Code as a result an enforcement action shall be [two hundred fifty (250) dollars] *three hundred fifteen dollars (\$315.00)*.

(.3) Fee for each additional establishment inspection necessitated as a result of an appeal to the Board of Licenses and Inspections Review shall be [two hundred fifty (250) dollars] *three hundred fifteen dollars (\$315.00)*.

(4) Miscellaneous Fees: The following miscellaneous fees are hereby established:

(a) Filing Fee: No application for permit, certificate, approval or variance shall be accepted until a non-refundable filing fee of [fifty (50) dollars] *sixty-five dollars (\$65.00)* is paid.

(b) Expert Witness Fee: Fees for a representative of the Philadelphia Department of Public Health to provide expert witness testimony in litigation not involving an action in which the City is a party shall be as follows:

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Classification	Appearance Fee Per Day
Environmental Health Inspector	[\$200.00] <i>\$250.00</i>
[Sanitarian I] <i>Sanitarian</i>	[\$300.00] <i>\$375.00</i>
<i>Sanitarian Specialist</i>	<i>\$440.00</i>
[Sanitarian II] <i>Sanitarian Supervisor</i>	[\$400.00] <i>\$500.00</i>
[Sanitarian III] <i>Program Manager</i>	[\$500.00] <i>\$625.00</i>
<i>Program Director</i>	[\$600.00] <i>\$750.00</i>

* * *

(c) Copying Fees: Fees for providing copies of records shall be as follows:

(.1) Medical records: The fee for providing copies of medical records shall be [five (5) dollars] *six dollars and twenty-five cents (\$6.25)* for the first page and [two dollars and fifty cents (2.50)] *three dollars (\$3.00)* for each additional page.

(.2) Inspection record: Copies of inspection records shall be provided for a fee of [twenty-five (25) dollars] *thirty dollars (\$30.00)* subject to an additional charge of [twenty-five (25) cents] *thirty cents (\$0.30)* per page of documents provided.

(.3) Record Search: Fee for conducting a record search in conjunction with a request for record copies shall be [one hundred (100) dollars] *one hundred twenty-five dollars (\$125.00)* in addition to the fee for record copies.

(.4) Lists: Fee for providing requested lists of data-based information or involving multiple record searches for the purpose of compiling a list of requested information, provided such information is available, shall be [six hundred (600) dollars] *seven hundred fifty dollars (\$750.00)*.

CHAPTER 6-600. ASBESTOS PROJECTS

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§6-602. Licenses.

* * *

(4) Licenses shall be valid for one (1) year. The annual license fee shall be [three hundred (\$300.00) dollars] *three hundred seventy-five dollars (\$375.00)*, plus an annual non-refundable application fee of [twenty-five dollars (\$25.00)] *thirty dollars (\$30.00)*.

* * *

§6-603. Permits and Notification.

* * *

(3) Project permit fees shall be based on the estimated cost of the asbestos abatement portion of the project but shall be no less than [two (2%) percent] *two and one half percent (2.5%)* of the first fifty thousand (\$50,000) dollars and an additional [one (1%) percent] *one and one quarter percent (1.25%)* of any amount over fifty thousand (\$50,000) dollars. The minimum fee shall be [one hundred (\$100) dollars] *one hundred twenty-five dollars (\$125.00)*.

* * *

§6-604. Certification.

* * *

(2) Asbestos Project Inspectors.

* * *

(c) Certification shall be valid for one (1) year. The annual fee shall be [one hundred (\$100.00) dollars] *one hundred twenty-five dollars (\$125.00)*.

(3) Analytical Testing Laboratories.

* * *

(c) Certification shall be valid for one (1) year. The annual fee shall be [three hundred (\$300.00) dollars] *three hundred seventy-five dollars (\$375.00)*.

* * *

(4) Asbestos Investigators.

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(c) Certification shall be valid for one (1) year. The annual fee shall be [one hundred (\$100.00) dollars] *one hundred twenty-five (\$125.00) dollars*.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 31, 2004. The Bill was Signed by the Mayor on June 3, 2004.

A handwritten signature in black ink, reading "Patricia Rafferty". The signature is written in a cursive style with a large, stylized "P" and "R".

Patricia Rafferty
Chief Clerk of the City Council