

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND
INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 4, 2012
2:15 p.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILLS 120647, 120719, 120775, and 120776

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COUNCILWOMAN SANCHEZ: Thank you. I'm going to call the Committee on Licenses and Inspections, open up the hearing, having established a quorum with Councilman Henon, Councilman Greenlee, and Councilwoman Bass.

Will the Clerk read the title of the bills that are going to be held first and then the one that we're going to hear testimony on.

THE CLERK: The following three bills will be held and recessed to the call of the Chair. Those bills are:

120647, an ordinance amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by repealing Subcode PM, entitled "The Philadelphia Property Maintenance Code," and adopting and incorporating, with certain additions, deletions and amendments, the 2009 International Property Maintenance Code as the Philadelphia Property Maintenance Code;

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2 further amending Title 9 of The
3 Philadelphia Code, entitled "Regulation
4 of Businesses, Trades, and Professions,"
5 to recodify, consolidate, revise, modify,
6 and set forth provisions regulating
7 certain or all rental properties and
8 tenants thereof and certain or all vacant
9 properties, previously set forth by the
10 Philadelphia Property Maintenance Code
11 and other provisions; and further making
12 technical and conforming amendments
13 throughout The Philadelphia Code; all
14 under certain terms and conditions.

15 Also, Bill 120775, an ordinance
16 amending Title 19 of The Philadelphia
17 Code, entitled "Finance, Taxes and
18 Collections," to provide for a private
19 right of action to enforce certain tax
20 laws, including penalties for
21 non-payment, all under certain terms and
22 conditions.

23 And Bill No. 120776, an
24 ordinance amending Title 9 of The
25 Philadelphia Code, entitled "Regulation

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2 of Businesses, Trades and Professions,"
3 by amending Section 9-1004, entitled
4 "Contractors," to add further additional
5 requirements for obtaining and displaying
6 contractor licenses, and to further
7 provide for regulations, penalties and
8 enforcement, all under certain terms and
9 conditions. Those three bills are being
10 held to the call of the Chair.

11 COUNCILWOMAN SANCHEZ: Thank
12 you. Will you now read the title of the
13 bill that we are going to have testimony
14 on today.

15 THE CLERK: Bill 120719, an
16 ordinance amending Section 9-605 of The
17 Philadelphia Code, entitled "Towing," by
18 eliminating the requirement that an
19 illegally parked vehicle be ticketed
20 prior to its towing from a private lot,
21 private property, or driveway; and by
22 requiring that the towing company
23 photograph the violation for which such
24 vehicle is being towed; all under certain
25 terms and conditions.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 I am going to recognize the
5 lead sponsor of the bill, Councilman Jim
6 Kenney.

7 COUNCILMAN KENNEY: Thank you,
8 Madam Chairwoman. I appreciate the
9 opportunity to speak prior to your
10 consideration of the bill. This is a
11 number of iterations of the same theme.
12 We've been trying to get it right for a
13 while.

14 I want to thank the Police
15 Department and the towing industry for
16 their cooperation in getting the bill to
17 this point in time. As I've said, we've
18 tried a few things. Some have worked,
19 some haven't, and we're trying to just
20 continue to fine-tune it.

21 This bill will make some
22 improvements to the current system of
23 towing illegally parked vehicles on
24 private property. Currently, the Police
25 Department must dispatch an officer to

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2 the private property where a car is
3 illegally parked. The officer must then
4 write a ticket before the towing company
5 can tow away the vehicle. In practice,
6 however, the police are not always able
7 to arrive on location in a manner that's
8 timely for a property owner and tow truck
9 driver, both of whom must wait for an
10 officer to arrive.

11 Our offices regularly receive
12 complaints from both groups that officers
13 are not able to show up quickly, and I
14 don't blame them. They've got a big job
15 to do in the City, and ticketing
16 illegally parked cars is not and should
17 not be at the top of their to-do list.
18 But we need to rectify this issue, so if
19 we're going to take the police off
20 ticketing duty, then we must have other
21 safeguards in place to protect drivers.
22 So this bill proposes three new things.

23 Before a car gets towed, towers
24 must take at least clear photographs --
25 must take at least one clear photograph

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2 of the vehicle's license plate, the
3 violation, and the sign that shows the
4 car in that spot will get towed. Also,
5 before the car gets towed, towers must
6 get the signature of the property owner
7 or agent certifying their knowledge of
8 the violation, the location, the license
9 plate number, and the date and time. The
10 tower must keep the signature on file for
11 60 days. This is something that the
12 Philadelphia Parking Authority does
13 today.

14 The tower then needs to provide
15 the owner of the vehicle a copy of the
16 photos before payment is rendered. The
17 tower must then keep those photos on file
18 for 60 days, and the penalties and fines
19 have been increased.

20 There will be an amendment
21 offered by hopefully someone on the
22 Committee to make the things that I've
23 just read clear within the body of the
24 bill, and I appreciate your consideration
25 and support of the legislation and,

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2 again, want to thank both the Police
3 Department and the towing industry, who
4 has also agreed, by the way, to set up a
5 task force or some type of group, trade
6 group, that we can have ongoing dialogue
7 as to problems facing the industry and to
8 vehicle owners and operators in the City,
9 and they've been helpful with that too,
10 so we hopefully can come to a good
11 conclusion on that.

12 Thank you, Madam Chair.

13 COUNCILWOMAN SANCHEZ: Thank
14 you. I particularly want to thank you
15 for allowing me to work with you and have
16 input in that. We were on opposing sides
17 of this bill before, and I'm glad that we
18 were able to work through some of this.

19 COUNCILMAN KENNEY: There's
20 always ways to get along. Appreciate it.
21 Thank you.

22 COUNCILWOMAN SANCHEZ: Thank
23 you. Lesson learned. Some folks need to
24 take note of that.

25 With that, Captain Francis

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2 Healy.

3 (Witness approached witness
4 table.)

5 COUNCILWOMAN SANCHEZ: I'm
6 sorry. It says captain on here. You're
7 an inspector now?

8 MR. HEALY: No, no. If you
9 feel so inclined. Thank you, though.
10 It's okay. At a community meeting the
11 other day I was referred to as a chief
12 inspector. One day.

13 COUNCILWOMAN SANCHEZ: That's
14 because he thinks very highly of you.

15 MR. HEALY: Good afternoon.
16 Please let me begin. Councilwoman
17 Sanchez and members of the Committee of
18 Licenses and Inspections and Councilman
19 Kenney, my name is Francis Healy. I'm
20 Special Advisor to Police Commissioner
21 Ramsey. I'm here to testify on his
22 behalf regarding Bill No. 120719, which
23 is introduced by Councilman Kenney.

24 First and foremost, the
25 Commissioner would like to extend his

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2 gratitude for allowing the Police
3 Department to voice its opinion on this
4 legislation. With that said, let me
5 state at the outset that the Police
6 Department supports the amendments in
7 Bill 120719 as it relates to the
8 elimination of parking tickets as a
9 precursor for the removal of illegally
10 parked cars on private property.

11 If you recall in 2010, the
12 Police Department supported Councilman
13 Kenney's amendment that implemented the
14 actual parking ticket requirements. At
15 that time, the Department was adamant
16 that certain abuses in the towing
17 industry were victimizing unsuspecting
18 vehicle owners. The purpose behind
19 issuing a parking ticket was to remove
20 this objective control that towers had
21 over illegally parked cars on private
22 property.

23 Nonetheless, it was clear -- it
24 was unclear whether this requirement
25 could be feasibly implemented in a city

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2 the size of Philadelphia. However, to
3 remove the victimization that was
4 occurring, something actually had to be
5 done, and Philadelphia Police Department
6 applauds the effort of City Council and
7 Councilman Kenney in this regard.

8 In 2010, the Police Department;
9 namely, myself when I testified, was very
10 clear that if the amendments didn't work
11 in practice, that we would theoretically
12 go back to the drawing board and start
13 again. Our support for the bill today is
14 a clear indication of that fact.

15 Remember, the goal of the
16 Philadelphia Police Department in this
17 process is to protect consumers
18 throughout the City while also balancing
19 the interest of the property owners to be
20 free of illegally parked cars. This was
21 and continues to be our primary concern.
22 To that end, the legislation presented
23 today appears to provide the checks and
24 balances necessary to protect the
25 interest of all parties and allows the

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2 police to oversee the process with strict
3 enforcement provisions for other
4 violators.

5 For these reasons as mentioned
6 above, the Police Department fully
7 supports the bill proposed here today.

8 I'm happy to answer any
9 questions.

10 COUNCILWOMAN SANCHEZ: Thank
11 you. I don't know if Mike Resnick, do
12 you have anything to add?

13 MR. RESNICK: No prepared
14 statement, Councilwoman.

15 COUNCILWOMAN SANCHEZ: I want
16 to acknowledge for the record that
17 Councilman Squilla and Councilman David
18 Oh, both members of this Committee, are
19 also present.

20 Any questions for the witness?

21 (No response.)

22 COUNCILWOMAN SANCHEZ: Seeing
23 none, we'll ask you to stay. We only
24 have a couple of more folks to testify
25 and hopefully we'll wrap this up pretty

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2 quickly.

3 Lew Blum, President of Lew Blum
4 Towing Company; Jose Giral, President of
5 the Board of Directors of the
6 Philadelphia Independent Towers and
7 Salvors Association; and Christine
8 Young-Gertz.

9 I want to note for the record
10 there is a letter from the Reverend
11 Richard Fernandez of 3400 Baring Street
12 in support of this bill. That will be
13 added to the record.

14 (Witnesses approached witness
15 table.)

16 COUNCILWOMAN SANCHEZ: Please
17 proceed. All of you can come up, because
18 we have enough space. Thank you.

19 You may proceed. Identify
20 yourself for the record and proceed. We
21 do have your packet here. For the sake
22 of time, if you could summarize this very
23 thorough report that you testified in the
24 Committee.

25 MR. BLUM: Yes, I will,

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2 Chairwoman Sanchez. First, I'd like to
3 say good afternoon, Committee, and good
4 afternoon, Chairwoman Sanchez. I have
5 prepared a written statement that will
6 take me no more than five minutes to
7 read. With your permission, may I do so?

8 COUNCILWOMAN SANCHEZ: You're
9 going to read verbatim? Because this
10 is --

11 MR. BLUM: No, no. I've cut it
12 down to three pages, five minutes.

13 COUNCILWOMAN SANCHEZ: Very
14 quickly.

15 MR. BLUM: Yes, ma'am.

16 I'm very honored and happy to
17 be given the opportunity to speak here
18 today. I would also like to take a
19 moment to thank all of you for granting
20 me this.

21 Many towing companies would
22 like to see this legislation pass in
23 order to improve their business gross
24 income. This is not the primary reason I
25 have been fighting for this bill, along

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2 with its practices, to be passed. For
3 me, this is just not a business. Rather,
4 the towing industry is as important to me
5 as a child is to its parents.

6 Before we go further, allow me
7 the privilege to provide you with a brief
8 personal background. My family has been
9 in the towing profession for generations.
10 I was raised by my grandfather, who was
11 founder of Lew Smith Towing established
12 in the 1930s. As a boy, riding in my
13 grandfather's tow trucks and seeing what
14 towing a vehicle entails raised my
15 interest and curiosity about the
16 industry.

17 After my grandfather died, Lew
18 Smith Towing was passed on to my Uncle
19 George, which expanded George Smith
20 Towing. Currently, George Smith Towing
21 is under new ownership. After 20 years
22 of exposure in the towing industry, its
23 methods, practices, and management, I
24 opened Lew Blum Towing in 1978. I still
25 have the passion for this industry today

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2 as I had then.

3 My company tows vehicles from
4 private properties, private driveways,
5 and from private parking lots. Ninety
6 percent of my work is based on standby,
7 meaning our customers, whom I have
8 contracts with, will call my company to
9 have vehicles towed that are parked
10 illegally or on their property blocking
11 their driveways. The other 10 percent of
12 my business consists of patrolling our
13 customers' lots, where vehicles which do
14 not possess the proper hang tags or
15 proper stickers are then towed.

16 I have been at every hearing
17 and every meeting that was open to me as
18 Bill 100213 regulations were being
19 created and made effective. To clarify,
20 Bill 100213 is ticketing illegally parked
21 vehicles before they can be towed. Since
22 May 2010, I have been opposing this
23 practice because it is not good for the
24 towing industry nor the City of
25 Philadelphia. Police are used to ticket

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2 these illegally parked vehicles before a
3 tower can remove the vehicle. This
4 valuable resource is being tied up with
5 this program while they could be used for
6 more productive activities.

7 According to the FBI's 2011
8 Uniform Crime Reporting Program, violent
9 crime has gone down for the nation by
10 almost 4 percent in 2012. If we can free
11 resources such as a police car to do what
12 they are meant to do, I am sure the
13 police can make an even bigger impact on
14 our local statistics.

15 Being a part of the pilot
16 program and having the esteemed panel
17 approving and allowing me to implement my
18 ideas on policies and procedures on the
19 appropriate methodology of towing
20 vehicles without a ticket humbles me with
21 appreciation.

22 Hearing change is coming to the
23 towing industry is welcoming news. The
24 pilot program that Lew Blum Towing was
25 chosen for was a success. In order to

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2 expand the pilot program with continuous
3 success, the program needs to also
4 instill penalties in which all towing
5 companies need to abide by. In other
6 words, the program needs to set up a bill
7 of rights.

8 Being in the towing industry
9 for over 30 years, there are companies
10 who violate the principles of towing,
11 such as overcharging for services. As a
12 result, this is where we are at today.

13 We have an opportunity to
14 create a bill that will have an impact on
15 the towing industry at large. This
16 groundbreaking concept will become a
17 model in which other cities admire and
18 want to emulate. We need these revisions
19 in the towing industry. This will help
20 eliminate violators of the towing
21 principles and maintain the integrity of
22 the towing industry.

23 Thank you.

24 COUNCILWOMAN SANCHEZ: Thank
25 you very much.

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2 Any questions? Well, we'll let
3 the rest of the panel.

4 Christine.

5 MS. YOUNG-GERTZ: Thank you so
6 much.

7 COUNCILWOMAN SANCHEZ: And we
8 have your written testimony. That's also
9 been circulated to the Committee. It
10 will be made part of the file.

11 MS. YOUNG-GERTZ: Excellent.
12 I'll take two minutes of your time.
13 Thanks so much for giving me that time
14 today.

15 For the record, I am Christine
16 Young-Gertz. I'm with the Apartment
17 Association of Greater Philadelphia. Our
18 members are owners of apartment
19 communities throughout the City.

20 I am so happy to be here today.
21 Thank you for the chance, and thank you,
22 Councilman Kenney, for your efforts to
23 keep at it until, as you say, fine-tune
24 it and get it right. This is a giant
25 step forward for the apartment

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2 communities in the City of Philadelphia
3 and for their residents.

4 We realized throughout this
5 entire process since 2010 that the
6 problems with the towing industry, the
7 few bad apples, had to be reined in and
8 things had to be taken care of, but in
9 the process, a number of Philadelphia
10 renters got squeezed. The devil is
11 always in the details. But I really
12 applaud the efforts to change the bill
13 the way it's been changed.

14 The problem I've heard from so
15 many of my members throughout these
16 couple of years, about tons of problems
17 with waiting for the police to get the
18 car ticketed. Dumpsters have been
19 blocked. They're getting ticketed for
20 overflowing trash. Unauthorized cars are
21 blocking fire lanes, just a host of
22 problems.

23 So I am here to lend our
24 support to the notion of photographs
25 instead. And I have one little concern,

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2 but it seems that the entire body is open
3 to further tweaking, if necessary. My
4 only concern is how long will it take to
5 get the police to confirm the status of
6 an unauthorized car and get back to the
7 owner of the property. But overall,
8 again, giant step forward.

9 Thanks so much.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 Proceed. State your name for
13 the record.

14 MR. GIRAL: Good afternoon,
15 Council. My name is Jose Giral. I'm
16 President of the Philadelphia Independent
17 Towers and Salvors. And fortunately I
18 went last, so I really don't have much to
19 say, but just to be in support of this
20 bill. I think Lew Blum put it -- said
21 what he had to say, and we're in full
22 support of the bill.

23 Thank you.

24 COUNCILWOMAN SANCHEZ: Thank
25 you.

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2 Any questions from the
3 Committee?

4 (No response.)

5 COUNCILWOMAN SANCHEZ: Oh, he's
6 here. I'm sorry. My apologies. We have
7 one more person testifying. We have no
8 questions from the Committee.

9 Reverend Fernandez.

10 (Witness approached witness
11 table.)

12 REVEREND FERNANDEZ: Thank you
13 very much.

14 COUNCILWOMAN SANCHEZ: I did
15 not know you were here, so I had already
16 said we were going to put your testimony
17 on the record. Thank you.

18 MR. BLUM: Excuse me,
19 Chairwoman Sanchez. What can I do with
20 these?

21 COUNCILWOMAN SANCHEZ: Yes.
22 We'll get them distributed.

23 MR. BLUM: Thank you. These
24 were meant for the Committee. You were
25 not supposed to get those little packets.

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2 COUNCILWOMAN SANCHEZ: We got
3 the fancy booklets.

4 MR. BLUM: No. I made these
5 for you.

6 COUNCILWOMAN SANCHEZ: Thank
7 you.

8 MR. BLUM: You can give them
9 back to the others.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 Reverend Fernandez, you may
13 proceed. Your name for the record.

14 REVEREND FERNANDEZ:
15 Councilwoman, thank you.

16 And I thank you, Councilman
17 Kenney, for this bill.

18 I have to say, on the third --
19 at the bottom of the third paragraph,
20 there's a typo that is outrageous. The
21 word is "inconvenience," not
22 "incontinence" in case you think I've
23 gone wacko, but let me read the short
24 statement.

25 My name is Richard Fernandez,

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2 and with my wife, Happy, we have lived at
3 3400 Baring Street in Powelton Village
4 for over 40 years. Our home is at the
5 corner of 3400 Baring Street, but behind
6 our home on Pearl, we own four garages.
7 And normally we either rent two or three
8 of them depending on the year and how
9 we're feeling. Right now we're renting
10 two.

11 Here is the reason I support
12 this bill: Over 40 years, in spite of
13 our clear signage that warns of towing,
14 one or more of the garages has been
15 blocked by other vehicles more than 40
16 times. Sometimes this has just been a
17 nuisance. However, on several occasions,
18 renters have either missed or were late
19 for work because their garage was
20 blocked. On two occasions, a neighbor
21 who was on dialysis had to reschedule her
22 appointment because her egress from the
23 garage was blocked.

24 Why are these garages blocked?
25 Usually because the police either failed

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2 to come and ticket the cars following a
3 call from me or on other occasions they
4 come very late. Yes, and sometimes the
5 police did not respond to my call at all.

6 Like all of you, I am a
7 taxpayer. I don't fault the police. I
8 hope they have a lot better things to do
9 than putting a ticket on a car in front
10 of one of my garages. But when they
11 don't show up or don't show up in a
12 timely basis, it causes inconvenience
13 and, yes, a lot of consternation, and I
14 get phone calls from my renters asking me
15 what I'm doing about it.

16 I think Bill 120719, which will
17 allow towing companies to take their
18 picture, to get a signed document from
19 the owner, and to do the other filings
20 that have already been mentioned, would
21 be terrific.

22 I also hope that those renting
23 my garages could be empowered to call my
24 towing company to get a car removed from
25 in front of their garages should I be out

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2 of town. That happened recently. Of
3 course, I would need to let my towing
4 company know in advance who these renters
5 are prior to their calling the company.
6 I do understand that either I or one of
7 my renters would need to be present at
8 the time of the towing to sign the
9 appropriate documents.

10 I want to thank you for a
11 chance to offer this testimony.

12 COUNCILWOMAN SANCHEZ: Thank
13 you very much.

14 Is anyone else here to testify
15 on this bill?

16 (No response.)

17 COUNCILWOMAN SANCHEZ: Seeing
18 none, we will move from the public
19 hearing to the public meeting.

20 Having established a quorum,
21 I'm going to call on Councilman Greenlee
22 for a motion on the amendment to Bill
23 120719.

24 COUNCILMAN GREENLEE: Thank
25 you, Madam Chair. I move the adoption of

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2 the amendment to Bill No. 120719.

3 (Duly seconded.)

4 COUNCILWOMAN SANCHEZ: All in
5 favor?

6 (Aye.)

7 COUNCILWOMAN SANCHEZ: Anybody
8 opposed?

9 (No response.)

10 COUNCILWOMAN SANCHEZ: Seeing
11 none, can I get a motion for the amended
12 Bill 120719 with a rules suspension.
13 Councilman Kenney?

14 COUNCILMAN GREENLEE: He's not
15 on the Committee. He can't --

16 COUNCILWOMAN SANCHEZ: No, no.
17 But you want a rules suspension?

18 COUNCILMAN KENNEY: Yes.

19 COUNCILWOMAN SANCHEZ: With a
20 rules suspension. A motion, please.

21 COUNCILMAN GREENLEE: Thank
22 you, Madam Chair. I move that Bill No.
23 120719, as amended, be reported out of
24 this Committee with a favorable
25 recommendation and the rules of Council

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2 suspended to allow for first reading at
3 our next session of Council.

4 (Duly seconded.)

5 COUNCILWOMAN SANCHEZ: All in
6 favor?

7 (Aye.)

8 COUNCILWOMAN SANCHEZ: Any
9 oppositions?

10 (No response.)

11 COUNCILWOMAN SANCHEZ: Seeing
12 none, Bill 120719, as amended, gets moved
13 out of this Committee with a favorable
14 recommendation with the rules of Council
15 to be suspended to be heard in our first
16 public meeting.

17 Thank you. This concludes the
18 Committee on Licenses and Inspections.

19 (Committee on Licenses and
20 Inspections concluded at 2:35 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
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foregoing matter on December 4, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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