

City of Philadelphia



(Bill No. 040788-AA)

AN ORDINANCE

Amending Chapter 9-600 of The Philadelphia Code, entitled “Service Businesses,” by adding a new Section regulating the hours of operation of commercial establishments located on residential blocks and providing for penalties, all 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:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-600. SERVICE BUSINESSES.

* * *

§ 9-626. *Commercial Establishments on Residential Blockfaces.*

(1) Legislative Findings. The Council finds that:

(a) There has been a growing problem in neighborhoods with nuisance retail shops, including but not limited to take out, convenience establishments. As nuisance stores, these shops have become a haven for drug activity and crime.

(b) Many of these take out establishments, because of the clientele which they attract and the late night hours during which they operate, have a negative impact upon the safety of adjacent areas, particularly when such adjacent areas are residential in nature.

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(c) *In order to prevent crime and to promote a feeling of safety in the City of Philadelphia's communities and neighborhoods, restrictions in addition to those contained in existing zoning ordinances and regulations are necessary to reduce the nighttime hours during which take out, commercial establishments located on predominantly residential blockfaces operate.*

(2) *Legislative Purpose. The purpose of this Section is to decrease criminal activity at late-night commercial establishments and promote a feeling of safety on predominately residential blockfaces in the City.*

(3) *Definitions.*

(a) *Commercial Establishment. An establishment involved in the buying and selling of goods where consumers primarily purchase goods intended for consumption or use off premises.*

(b) *Dwelling. A building which is used or intended to be used exclusively for living or sleeping by human occupants.*

(c) *Residential Blockface. One side of a segment of a street that does not extend beyond any intersection with another street, or a portion thereof, and where eighty percent (80%) or more of the buildings are dwellings. A blockface shall not be considered a residential blockface if, geographically, fifty percent (50%) or more of the block frontage is comprised of commercial establishments.*

(4) *Prohibited Conduct. Notwithstanding any other provision of this Code, no commercial establishment located on a residential blockface shall be open to the public between 11 P.M. and 6 A.M. For purposes of this ordinance, the location of a commercial establishment shall be determined by the street address assigned by the Board of Revision of Taxes under Section 19-1304(2).*

(5) *Penalties. The penalty for violation of this Section shall be a fine of three hundred (300) dollars.*

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

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 December 16, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty
Chief Clerk of the City Council