

City of Philadelphia



(Bill No. 090774)

AN ORDINANCE

Amending Title 6 of The Philadelphia Code, entitled "Health Code," to eliminate licensing requirements and revise fees with respect to certain food establishments; to eliminate licensing requirements for barber and beauty shops; to eliminate permitting requirements for laser light shows; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 6 of The Philadelphia Code are hereby amended to read as follows:

TITLE 6. HEALTH CODE.

* * *

CHAPTER 6-300. FOOD.

§6-301. Food Establishments.

* * *

(2) [Except as hereinafter provided in § 6-305(1)(g), no] *No person, except for the following exempt entities, shall conduct, maintain, or operate any food establishment selling food unless he has obtained a license as provided in § 6-503:*

- (a) *Bona fide charitable organizations which distribute food without charge;*
- (b) *Family day care homes;*
- (c) *The establishments identified in subsection 6-305(1)(g);*
- (d) *Operators of vending machines in connection with operation of the machines.*

* * *

(4) [Except as provided in § 6-301(5) the] *The license fee for the issuance of a single license for food establishments selling food is as follows:*

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(a) *Three hundred (300) dollars for food establishments with permanent location where [food is prepared or served] the primary business is the service of prepared food for consumption on or off the premises, including but not limited to, eating and drinking establishments and caterers[:].*

- (.1) with up to 50 seats \$250.00;
- (.2) with 51 or more seats..... \$350.00;
- (.3) caterers..... \$350.00.]

(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] *excluding* any such food establishment licensed under § 6-301(4)(a) [or (d)]:

- (.1) having less than 5000 square feet of floor area
[\$150.00] *\$200.00*;
- (.2) having 5000 square feet or more of floor area
\$500.00

(c) * * *

(d) Food establishments manufacturing, processing, or wholesaling food, [excluding] *including but not limited to* food establishments for the manufacture of frozen desserts, milk plants and wholesale food establishments which deal in prepackaged food, three hundred [fifteen (315) dollars.] *fifty (350) dollars.*

(e) Food establishments where frozen dessert mix is procured from others and frozen on the premises, 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, seventy five (75) dollars for the first machine and ten (10) dollars for each additional machine.]

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

(e) * * *

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

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(j) Food establishments conducted, operated or maintained by any bona fide charitable organization which distributes food without charge; and family day care homes; shall not be required to pay the license fee imposed by this Chapter.]

(5) A separate license shall be obtained for each and every food establishment described in § 6-301(4) which any person seeks to conduct, manage, or operate[, except that:

(a) For automatic food vending machines, or vehicles, conducted, maintained, or operated by any licensed food establishment, only one license need be obtained for all such machines or vehicles, in the City; or]

(b) Where more than one food establishment which would otherwise be required to obtain separate licenses of the same type are conducted, maintained, or operated by the same person on the same location or premise, only one license need be obtained for all such establishments].

* * *

CHAPTER 6-400. MISCELLANEOUS STANDARDS AND REQUIREMENTS.

* * *

§ 6-402. Business, Professional and Community Controls.

* * *

3) Barber and Beauty Shops.

(a) No person shall conduct, manage or operate any barber shop, beauty shop, beauty school, barber school or barber college where hair is cut, cleaned or treated for any fee, charge, or hire unless he has obtained a license as provided in § 6-503.

(b) Every person applying for such license shall permit such inspection as the Department may by regulation prescribe.

(c) No license shall be issued to any person who is not duly registered and licensed under the applicable laws of the Commonwealth of Pennsylvania.

(d) The fee for such barber and beauty shop license is \$25.]

(e) (a) Every [such establishment] *barber shop, beauty shop, beauty school, barber school or barber college where hair is cut, cleaned or treated for any fee,*

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charge, or hire shall be maintained in a clean and sanitary condition at all times, and no article, except tools and instruments and the temporary cover placed over clothing, shall be used on more than one person. All tools and instruments shall be cleaned, disinfected, sterilized or treated in such manner as the Board may by regulation prescribe to prevent the spread of communicable disease.

[(f)] (b) No person shall cut, clean or treat hair for compensation, directly or indirectly, in any place other than a *state* licensed barber or beauty shop except that any barber or beauty operator registered with the Commonwealth of Pennsylvania may cut, clean or treat hair for persons in their private residences or in institutions in cases of sickness, incapacitation, confinement and other emergencies.

[(g)] (c) No student barber or student beauty shop operator shall practice or be permitted to practice his intended trade upon any person except by way of clinical work on a person willing to submit to such practice after being properly informed that the operator is a student.

[(h)] (d) No person [holding a license under this Section] shall knowingly render any service to any person suffering from any infectious or communicable disease except in accordance with § 6-402(3)[(f)](b).

* * *

§ 6-406. Laser Light Shows.

* * *

[(2)] Permit. No person shall conduct or operate a laser light show without first obtaining a laser light show permit. Such permit shall be issued upon provision by the applicant of such information as the Department shall require, and upon payment by the applicant of a permit fee of thirty-five dollars (\$35) per event.]

[(3)] (2) Inspections. The Department shall have the right to inspect any equipment to be used at a laser light show for compliance with applicable federal, state or local safety standards.

SECTION 2. No change in a license fee made by this Ordinance shall be effective with respect to any particular license until one week after the Commissioner of Licenses and Inspections certifies to the Chief Clerk of Council, and provides notice on the City's website, that the technology to appropriately implement such particular change is in place.

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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 December 17, 2009. The Bill was Signed by the Mayor on January 13, 2010.



Michael A. Decker
Chief Clerk of the City Council