



City of Philadelphia

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

BILL NO. 180107

Introduced February 15, 2018

**Councilmember Bass
for
Council President Clarke**

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Section 9-627 of The Philadelphia Code, entitled “Commercial Establishments on Residential Blockfaces,” by revising requirements and making related changes, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-627 of The Philadelphia Code is hereby amended to read as follows:

§ 9-627. [Commercial Establishments on Residential Blockfaces.] *Take-Out Restaurants.*

* * *

(3) Definitions.

(a) *Block. One side of a street that does not extend beyond any intersection with another street.*

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

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[(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.]

(c) *Commercial Block. A block that is zoned entirely commercial or commercial mixed-use.*

(d) Take-out Restaurant. [A commercial establishment engaged in the preparation and retail sale of food and beverages where the serving of prepared food and/or beverages in disposable packaging and/or containers for consumption by patrons off the premises constitutes more than fifty (50) percent of the establishment's gross revenues.] *An establishment, the principal use of which is the preparation or service of food or beverages for retail purchase; and that either has no more than ten seats available for consumption of food or beverages by customers or has no restroom available for customers. A restroom accessible only by walking through a food preparation area shall not qualify as available for customers.*

(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). Where a take-out restaurant is located on a corner lot where two streets intersect, such establishment shall be considered to be located on a residential blockface if either of the streets which intersect at that corner meet the definition of residential blockface under this Section, notwithstanding the establishment's assigned street address.] *Except as provided in subsection (5), below, no take-out restaurant shall be open to the public between midnight and 6 A.M., unless each of the following is satisfied:*

(a) *The take-out restaurant is on a commercial block. If the take-out restaurant is located on a corner lot, both intersecting streets must be commercial blocks.*

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(b) The take-out restaurant displays in a manner easily visible by customers a poster, provided by the Department, indicating that the establishment is permitted to remain open during such hours.

[(5) Required Posting. Every commercial establishment located on a residential blockface must display a poster, supplied by the Department of Licenses and Inspections upon the payment by the establishment of a reasonable fee, which indicates that the establishment is subject to the terms of this Ordinance. The poster shall be prominently displayed in a conspicuous place which can be readily observed by passersby at or near the entrance to the establishment.]

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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