

City of Philadelphia



(Bill No. 050453)

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, section 9-602, entitled “Outdoor Advertising,” by amending the requirements for obtaining and the conditions for issuance of licenses, including the applicable fees; imposing safety requirements; increasing penalties; providing certain reporting requirements; amending certain definitions; and making technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-600. SERVICE BUSINESSES.

* * *

§9-602. Outdoor Advertising.

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(2) Definitions. In this Section the following definitions apply:

(a) Accessory Sign. A sign which directs attention to information, identification, or advertisements strictly incidental to a lawful use of the premises on which it is located. This includes signs or devices indicating the business transacted, services rendered, goods sold, or produced on the premises; and, name or emblem of a person, firm, institution, organization or activity occupying the premises.

(b) Commercial Sign. A sign containing copy that relates primarily to the economic interests of the publisher or its audience or directs attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

(c) Non-Accessory Sign. A sign which directs attention to a business, industry, profession, commodity, service organization, activity, institution, business,

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product or entertainment neither sold, located nor offered upon the property where the sign is situated.

(d) **Non-Commercial Sign.** A sign containing copy that does not relate primarily to the economic interests of the publisher or its audience nor directs attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

(e) **Outdoor Advertising Sign.** [Any sign including any non-accessory commercial or non-accessory non-commercial sign, roof sign and all advertising matter painted, pasted, fastened or otherwise applied to the side wall or roof of any building or structure, or trailer.] *A non-accessory sign*, but excluding: advertising matter displayed on operative currently registered motor vehicles[,] *or on* pedestrians; accessory advertising matter displayed on newsstands; information required by law or ordinance to be placed on structures; notice to the public that a property is for sale or rent; [and, any sign placed on the front of any building giving in unilluminated words and/or numerals the name and brief description of the nature of the business or businesses transacted] *a sign owned and sponsored by a community, civic or charitable organization; a sign identifying a company performing on-site construction; and On-Site Public Art.*

(f) **Sign.** A name, identification, description, emblem, display, or device which is affixed to, or printed on, or represented directly or indirectly upon a building, structure, or parcel of land; which is illuminated or non-illuminated; visible or intended to be visible from any public place; and, which directs attention to a person, place, product, institution, business, organization, activity or service. Signs also include any permanently installed or situate merchandise, including any banner, pennant, placard or temporary sign, with the exception of window displays and national flags.

(g) **Sign Support Structure.** Any column, upright, brace or construction situate upon the ground, a building or another structure the purpose of which is to support a sign or sign message.

(h) **On-site Public Art.** *Artwork such as a painting or mural that is permanent (i.e. lasting the life of the building); original; created specifically for the site; and is not primarily intended to advertise a product or service.*

(3) No person shall erect or maintain any outdoor advertising sign unless they have obtained appropriate licenses from the Department of Licenses and Inspections.

(4) Licenses for [Individual] *Outdoor Advertising Signs.* No license shall be issued unless:

[(a) The applicant possess a valid Zoning Permit for the outdoor advertising sign;]

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[(b)] (a) The Department finds that the Outdoor advertising signs and their sign support structures, *if any*, which are proposed to be erected or which are erected or maintained are to be, or have been constructed in conformity with all codes and that all proper permits, *including any required zoning permits*, have been secured;

[(c)] (b) *To the extent that* [The] *the* applicant, or [their] *the applicant's* authorized representative proposes to erect or maintain a sign or sign structure which extends in any manner into or above a public street, highway or right-of-way, *the applicant or the applicant's authorized representative* agrees to comply with the terms of the license and to indemnify the City against any liability by reason of granting the license, and files a continuing bond for the sign satisfactory to the Law Department, *and obtains any necessary approval from City Council for an encroachment into the public right-of-way.*

[(d)] (c) The applicant pays an annual license fee in accordance with the following:

(.1) For [accessory and non-accessory] *commercial* signs, [one hundred seventy-five (\$175) dollars for each outdoor advertising sign] *six hundred and fifty (\$650) dollars for each outdoor advertising sign face.*

(.2) For [accessory] non-commercial signs, no fee.

[(e)] (d) If the applicant is or proposes to engage an individual or company whose business is the erection, construction and/or maintenance of signs and/or sign structures, that individual or company possesses a valid annual license, as provided for below, allowing them to erect and maintain outdoor advertising signs.

[(f)] (e) The applicant does not have any outstanding violations, for which all legal appeals have been exhausted, nor any outstanding court orders requiring the removal of any sign(s) for which all legal appeals have been exhausted, for erecting and/or maintaining outdoor advertising signs in violation of The Philadelphia Code.

[(g)] (f) The applicant or [their] *the applicant's* representative affixes on each sign and/or sign structure information indicating the owner of the sign and (if applicable) the individual or company responsible for erecting and/or maintaining the sign and/or sign structure.

(g) *The applicant, the owner of the sign, and the owner of the premises upon which the sign is placed or to be placed are current in the payment of all City and School District taxes or have entered into an agreement(s) to pay any delinquent taxes and are abiding by the terms of such agreement(s).*

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(5) Licenses for Individuals or Companies. Any individual or company, whose business is the erection, construction and/or maintenance of [outdoor advertising] signs and/or sign structures, shall be required to obtain an annual license for the privilege of erecting [outdoor advertising] signs. No annual licenses shall be issued unless:

(a) The applicant pays an annual license fee of one hundred fifty (\$150) dollars for the privilege of erecting, constructing and/or maintaining [outdoor advertising] signs within the City.

* * *

(d) The applicant or [their] *the applicant's* representative affixes on each *outdoor advertising* sign and/or sign structure information indicating the owner of the sign and (if applicable) the individual or company responsible for erecting and/or maintaining the sign and/or sign structure.

(e) *The applicant submits to the Department on an annual basis an inventory of all outdoor advertising sign structures that the applicant owns or maintains in the City. The inventory shall identify the address (as maintained by the Board of Revision of Taxes) of each property on which a sign structure is located, and the number of sign structures, the number of sign faces, and the area of each sign face at each such address.*

(6) License Tags. The Department shall annually issue licenses and license tags for each sign face to be erected and maintained in accordance with the following:

(a) For each outdoor advertising sign as defined in Section 9-602(2) (e), a license tag shall be issued by the Department of Licenses and Inspections. Each tag shall be of a size and color so as to be easily read from the footway and/or street or highway. The tag shall contain a license number peculiar to that sign face and shall be *affixed to the sign by the applicant so that it is visible from the footway and/or street or highway.* [A renewal sticker shall be issued annually. The color of the renewal sticker shall be changed annually.]

[(b) For each non-accessory commercial or non-commercial sign the applicant shall annually affix a valid license tag to each sign message they wish to erect or maintain.]

[(c) (b) For each [accessory commercial or non-commercial] *outdoor advertising* sign the Department of Licenses and Inspections shall issue a license, [.] *which the applicant shall maintain.*

[(d) For each accessory commercial or non-commercial sign the applicant shall maintain on the premises a license for each sign.]

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[(e)] (c) The Department of Licenses and Inspections shall adopt appropriate regulations for the issuance of licenses and license tags for outdoor advertising sign faces which shall be consistent with this Section.

(7) Inspections.

(a) The Department of Licenses and Inspections shall inspect all outdoor advertising signs erected, constructed, or maintained under the provisions of this Section to ensure [they are structurally safe,] that they comply [to] *with* all other appropriate Sections of The Philadelphia Code, [and that they have a valid annual license, and they may abate any outdoor advertising sign erected, constructed or maintained in violation of this Section.] *including the licensure requirement imposed by this Section.*

(b) *The owner of any outdoor advertising sign that is affixed or fastened to the ground or to a building with a supporting sign structure shall submit a report by a registered professional engineer who has inspected the sign and its supporting structure to ensure that it is structurally sound. The Department of Licenses and Inspections is authorized to adopt appropriate regulations for the content and format of such reports. Reports shall be submitted on the following schedule, or on such other schedule as the Department shall promulgate:*

(.1) For signs erected prior to January 1, 2007, the owner shall submit a report in December, 2006, and in December of every fifth subsequent year.

(.2) For signs erected on or after January 1, 2007, the owner shall submit a report five years after the initial license for the sign is issued, in the same calendar month in which such license was issued; and in the same calendar month of every fifth subsequent year.

(8) Public Nuisance. Any sign and/or sign structure which does not conform in the requirements of this Section is hereby declared a public nuisance.

(9) Abatement.

(a) Except as provided in Section 9-602(9)(c) below, whenever any sign is erected and/or maintained in violation of the provisions of this Chapter or of the regulations promulgated under it, the Department of Licenses and Inspections shall serve written notice of such violations upon the violator, directing compliance within thirty (30) days of the receipt of the notice of violation. In the case of unlicensed [accessory or non-accessory] *outdoor advertising* signs where ownership cannot be determined or notice cannot be delivered, the Department of Licenses and Inspections shall place a violation notice upon the sign and/or sign structure [and shall place advertisement[s] in at least one (1) daily newspaper giving notice of the violation].

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(b) After expiration of the time for compliance as stated on the notice of violation (thirty (30) days), if the violation has not been corrected [and no appeal is pending], the Department of Licenses and Inspections may itself or by contract remove the offending sign. The costs incurred by the Department shall be charged against the person owning such offending sign or against the bond posted by the individual or company that owns or erected and maintains the offending sign. If the sign was unlicensed or abandoned, the property owner on whose premises the sign is located shall be responsible for the cost of removal.

(c) If any violation of the provisions of this Chapter results in an immediate peril to persons or property, the Department of Licenses and Inspections may require immediate compliance. If such compliance is not forthcoming, the Department may without other notice, in addition to invoking any other sanction or remedial procedure provided, apply with the approval of the Law Department to any Court of Common Pleas of Philadelphia for relief by injunction or restraining order.

(d) The owner of any sign or sign structure shall immediately remove any advertising or other copy from any sign structure where a license for such sign has either not been issued or has been revoked. In the event that the advertising or other copy is not removed, the Department itself or by contract may remove the copy, and any costs incurred by the Department shall be charged against the owner of the sign or sign structure.

(10) Penalties. [The penalty for violation of any term or condition of a license or any provision of this Section is, in addition to any other sanction imposed, a fine not exceeding three hundred (300) dollars.]

(a) Any violation of this Section shall constitute a Class III offense and shall be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code for each offense. Each day this Section is violated shall be deemed a separate offense for which a separate penalty may be imposed.

(b) Unlicensed companies engaged in sign installation or maintenance and sign companies that are delinquent in the payment of annual license fees shall be subject to a Cease Operations Order subsequent to an administrative hearing conducted by the Department. The Cease Operations Order shall include the company's trucks, buildings, equipment and supplies.

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Explanation:

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[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 June 2, 2005. The Bill was Signed by the Mayor on June 15, 2005.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive style with a large initial "P".

Patricia Rafferty
Chief Clerk of the City Council