



City of Philadelphia

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

BILL NO. 140740

Introduced October 2, 2014

**Councilmember Blackwell
for
Council President Clarke**

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

AN ORDINANCE

Amending Chapter 9-200 of The Philadelphia Code, entitled "Commercial Activities on Streets," by adding a new section, permitting and regulating Pop-up Shops within designated areas, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-200 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-200. COMMERCIAL ACTIVITIES ON STREETS.

* * *

§ 9-215. *Pop-up Shops.*

(1) *Definitions. The following definitions shall apply to this Section.*

(a) *Department. Unless otherwise specified by this Section, the Department of Licenses and Inspections.*

(b) *Pop-up Shop. An outdoor market consisting of a number of individual stalls or tables where vendors exhibit, display, offer for sale or sell new or used merchandise in an area on a regular basis, on designated days and at designated times.*

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(c) *Pop-up Shop Vendor.* A person who exhibits, displays, offers for sale or sells merchandise as part of a pop-up shop.

(2) *Registration.* The following requirements shall be satisfied by a pop-up shop vendor prior to operating as part of a pop-up shop.

(a) A pop-up shop vendor shall register with the Department and at that time, shall provide the following information, in a form and manner determined by the Department:

(.1) *The name and address of the pop-up shop vendor;*

(.2) *The pop-up shop vendor's commercial activity license number;*

(.3) *The proposed location of the pop-up shop in which the vendor will operate, provided that such location is a permitted location under subsection 9-215(10);*

(.4) *The types of products to be sold by the vendor; and*

(.5) *Such other information required by the Department.*

(3) *Registration Approval.*

(a) *Within 30 days after receiving a completed application, the Department shall notify the pop-up shop vendor, in writing, of the approval or rejection of the registration application. If the application is rejected, the reason for the rejection shall be stated in the notice.*

(b) *Approvals shall be granted by the Department on a first come first serve basis for each permitted location, set forth in subsection 9-215(10), provided (i) that the Department shall maintain a list of city resident and non-resident applicants and shall endeavor to select two city residents for every non-resident and (ii) that the vendor has obtained a commercial activity license and a vendor's license in accordance with Section 9-203(2). Notwithstanding any conflicting provisions, the fee for a vendor's license for a pop-up shop vendor shall be \$50.00 which shall be waived if the vendor already has a vendor's license.*

(c) *If an application is approved, the Department shall assign the specific vending spot within the permitted location where the vendor may operate.*

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(d) *The registration, approved under this subsection, shall be valid for one year after the date of approval and shall be renewed annually, in accordance with the provisions of subsection 9-215(2). If a pop-up shop vendor fails to renew its registration with the Department within thirty (30) days after its annual registration expires, the pop-up shop vendor's assigned vending spot shall be made available to any other qualified pop-up shop vendor applicant, seeking to operate at the pop-up shop location.*

(4) *Proof of Registration. Each pop-up shop vendor shall retain a copy of its approved registration application and number and shall post it at a clearly visible location during the hours of operation of the pop-up shop. Registration numbers shall be used only by the pop-up shop vendors to whom they were issued and shall not be transferred to any other person.*

(5) *Change in Information. A pop-up shop vendor shall, during the registration year, notify the Department, in writing, of any change in the information required by subsection 9-215(2), within thirty (30) days of such change.*

(6) *Hours of Operation. Unless otherwise specified in subsection 9-215 (10), the hours of operation of a pop-up shop are from 9 AM until 5 PM, with setup no earlier than 7:30 AM.*

(7) *Operating Restrictions.*

(a) *No speakers shall be used to amplify sound.*

(b) *Any music shall be kept to a minimum sound level so that vendors on either side cannot hear the music.*

(c) *Sales of the following items are prohibited:*

(.1) *Prescription drugs, illegal drugs and drug paraphernalia;*

(.2) *Alcoholic beverages;*

(.3) *Pornographic materials;*

(.4) *Weapons or weapon accessories, including but not limited to guns of any kind, brass knuckles, sling shots or similar items;*

(.5) *Toy guns; and*

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(.6) *Live animals.*

(8) *Trash Removal and Clean Up: Sanitation.*

(a) *The pop-up shop vendors are responsible for maintaining the sidewalk around the stands clean of all trash, generated by the vending operation, and for washing the sidewalk in the area occupied by their stands, whenever necessary.*

(b) *The pop-up shop vendors shall take with them, at the end of each day, all trash, litter, garbage and refuse generated by their vending operations. No pop-up shop vendor shall place or deposit any trash, litter, garbage or refuse on the sidewalk, in any public receptacle, or on any private property, without the express permission of the property owner.*

(9) *Exemptions. The provisions of this Section do not apply to flea markets that are single day events that are scheduled annually in specific locations throughout the City. Such flea markets are subject to regulations of the Department.*

(10) *Permitted Locations. Pop-up shops shall only be permitted in the following locations:*

Reserved.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.