

City of Philadelphia



(Bill No. 140644)

AN ORDINANCE

Amending Section 9-203 of The Philadelphia Code, entitled "Street Vendors," by providing for the inspection and regulation of mobile food vehicles that use propane or other combustible fuel, adding definitions, providing for enforcement and penalties and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-203 of The Philadelphia Code is hereby amended to read as follows:

§ 9-203. Street Vendors.

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

(a) Street Vendor. Any person travelling by foot, wagon, motor vehicle or any other type of conveyance from place to place, house to house or street to street or on property owned or controlled by the City of Philadelphia carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who without travelling from place to place, sells or offers for sale products from a wagon, handcart, pushcart, motor vehicle, stand, conveyance or from his person who submits orders, and as a separate transaction, makes deliveries to purchasers. A "street vendor" shall include any "vendor", "peddler", "hawker", "huckster", ["itinerant merchant"] "*itinerant merchant*," "*mobile food vehicle*" or "transient vendor" but shall exclude any vendor licensed under Section 9-201 or Section 9-213.

* * *

(f) *Mobile Food Vehicle.* A self-contained food service operation, located in a readily movable motorized vehicle with wheels or in a vehicle with wheels, capable of being towed by a motorized vehicle, designed for the preparation, display and service of food, beverages, or both to patrons.

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(10) *Special Requirements for Mobile Food Vehicles that Use Propane or Compressed Natural Gas. In addition to all other requirements of this Section and any other applicable laws and regulations, a mobile food vehicle using propane or compressed natural gas shall comply with the following requirements:*

(a) *Models. Only U.S DOT- approved models of propane and natural gas tanks (49 CFR 178) shall be used on mobile food vehicles. Tanks shall be labeled properly with prominent safety placards, in accordance with U.S. DOT regulations (49 CFR 178). Tanks shall be equipped with a regulator as prescribed by the National Fire Protection Association Code (“NFPA”). No quick-connect devices (as defined in NFPA 58) shall be permitted except on chassis-mounted tanks, and then only if they are equipped with a manual shut-off.*

(b) *Mounting and Placement of Tanks. The mounting and placement of propane and natural gas tanks shall withstand impact equal to four times the weight of the filled propane or natural gas container, in accordance with NFPA 58. Tanks shall be secure and conform with NFPA standards relating to the safe mounting of tanks. Propane and natural gas tanks shall be installed upon the vehicles in one of the following ways:*

(i) *Outside mounted in a semi-enclosed cabinet, with vents at the bottom to facilitate the diffusion of vapors, vapor-tight to the interior of the vehicle, with a weather-protected regulator and a leak indicator in accordance with NFPA standards;*

(ii) *Outside mounted, secured on top and bottom and stabilized (for example, with a strap), vapor-tight to the interior of the vehicle, mounted no less than 28 inches above the ground with a weather-protected regulator; or*

(iii) *Chassis-mounted, in accordance with NFPA 58.*

No propane or natural gas tanks shall be installed on the roof or stored inside the vehicle.

(c) *Propane and natural gas tanks shall be equipped with an overfill protective device and turned off while the mobile food vehicle is in motion, any time the vehicle is unattended, and when the vehicle is stored overnight.*

(d) *All propane and natural gas piping shall be constructed and installed in accordance with NFPA standards and shall be made of steel, copper or brass. Plastic piping is prohibited.*

(e) *A mobile food vehicle shall carry no more than a total of 120 pounds of propane or natural gas.*

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(f) *A person who has successfully completed a propane and natural gas handling and safety course, approved by the Department of Labor and Industry to be in compliance with propane industry standards, shall be present at all times during which the mobile food vehicle is being operated. Such person shall have a certificate of successful completion of the course readily available, upon the request of any agency or department of the City.*

(g) *Mobile food vehicles shall have their propane or natural gas systems inspected by a propane professional every ninety (90) days. After the inspection, the professional shall produce a maintenance report with the results of the inspection. This report shall be kept in the vehicle, at all times for a minimum of one (1) year, and shall be readily available, upon the request of any agency or department of the City. If the report identifies an unsafe condition in the operation of the propane or natural gas tanks, the operator of the mobile food vehicle shall take all action necessary and appropriate to remedy the unsafe condition and to obtain a maintenance report indicating the tanks are in safe working order prior to the resumption of business operations. No mobile food vehicle shall operate its propane or natural gas system more than ninety (90) days after the date of its last maintenance report.*

(h) *If a leak, fire or other safety incident occurs, the mobile food vehicle operator shall seek immediate maintenance, and the vehicle shall not be returned to service until it has been inspected and certified as safe, by a licensed propane company operator. The incident, inspection and safe certification shall be made a part of the maintenance report, and this report shall be submitted to the Fire Department, or such other Department as the Mayor may designate, within five (5) business days of receipt.*

(i) *Propane and natural gas tank refilling or exchange shall be performed only by a licensed propane and natural gas company operator or by a mobile food vendor who has completed a training course pertaining to refilling and exchange, that has been approved by the Department of Labor and Industry. All refills and exchanges shall take place at facilities approved by the Department of Labor and Industry. Refills and exchanges shall not take place on City streets or at other mobile food vending sites.*

(j) *All maintenance records and refills and exchanges of tanks for mobile food vehicles shall be kept by the mobile food vehicle owner.*

(k) *Mobile food vehicle owners shall be responsible for testing their propane and natural gas systems for leaks with a Underwriters Laboratories (“UL”)-Classified and Mine Safety and Health Administration-certified combustible gas detector at each instance of refill or exchange. Such testing shall be completed and recorded before the vehicle leaves the refill and exchange facility.*

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(l) *The Fire Department, or such other Department as the Mayor may designate, is authorized to inspect propane and natural gas systems, at anytime, for compliance with the provisions of this subsection and any other applicable provisions of law.*

[(10)] (11) Penalties.

(a) The penalty for violation of any provision of this Section shall be that set out in Section [9-105] *9-105, except that any violation of subsection 9-203(10) shall be a Class III offense as set forth in Section 1-109(3).* Each day of violation shall be deemed a separate offense.

(b) In addition to the penalties contained in Section 9-105, any license issued under this Section may be suspended or revoked for any of the following reasons:

(.1) fraud, misrepresentation or knowingly false statement contained in the application for the license;

(.2) fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;

(.3) conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace or constitute a danger to the public health, safety, welfare or morals or interfering with the rights of abutting property owners.

[(11)] (12) * * *

[(12)] (13) * * *

SECTION 2. This Ordinance shall take effect immediately, provided that any provision, requiring authorization of the General Assembly, shall take effect six months after such authorization.

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 May 14, 2015. The Bill was Signed by the Mayor on June 2, 2015.



Michael A. Decker
Chief Clerk of the City Council