



City of Philadelphia

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

BILL NO. 070229

Introduced March 29, 2007

Councilmember Reynolds Brown

**Referred to the
Committee on Parks, Recreation and Cultural Affairs**

AN ORDINANCE

Amending Chapter 9-200 of The Philadelphia Code, entitled "Commercial Activities on Streets," by adding a new section providing for the certification of tour guides; establishing requirements for such certification; and providing for penalties, all 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.

* * *

§ 9-214. Tours on Public Right-of-Way.

(1) Purpose. It is the purpose of this section to require that tour guides operating, for compensation, on the public rights-of-way of the city be certified to ensure that they have adequate knowledge of the city's geography, historic sites, historic objects and other places of interest in order to conduct sightseeing tours. This section is not intended to regulate persons offering or conducting tours as volunteers; teachers, providing information while sightseeing with their students; or tours offered or conducted on private property.

(2) Definitions: In this section, the following definitions shall apply:

(a) Department. The Department of Licenses and Inspections;

City of Philadelphia

BILL NO. 070229 continued

(b) Public Right-of-Way. Property to which the public has a legal right of access including, but not limited to, public streets, highways, sidewalks, alleys, parks and squares;

(c) Tour Guide. Any person, whether self employed or an employee of a tour service company, who for compensation, offers to guide and direct or guides and directs one or more persons within the city and provides information on the city's geography, historic sites, historic objects or other places of interest;

(d) Tour Service Company. Any sole proprietorship, firm, association, partnership, limited liability company, or corporation that operates tours in the city for compensation.

(3) Tour Guide Certificate.

(a) No person shall act as a tour guide on any public right-of-way within the city unless such person possesses a tour guide certificate issued by the Department in accordance with this section.

(b) In order to secure a tour guide certificate, an applicant must:

(.1) Submit a written application to the Department on a form to be provided by the Department with such information as the Department shall require;

(.2) Be at least sixteen (16) years of age;

(.3) Take and pass a written examination as required by Section 9-214(4);

(.4) Pay a non-refundable application fee to be determined by the Department; and

(.5) Be employed by a tour service company that holds a valid business privilege license for the provision of tour guide services or, if the applicant is self employed, possess a valid business privilege license for the provision of tour guide services.

(4) Written Examination.

(a) The examination shall be administered, on a schedule published by the Department, not less than four (4) times in any calendar year, and shall be designed to test the applicant's knowledge of the City's geography, historic sites, historic objects and other places of interest. The Department, with the cooperation of the City

City of Philadelphia

BILL NO. 070229 continued

Representative's Office, shall itself or, by contract, prepare and administer the examination.

(b) At the time of application, the Department shall provide the applicant with a syllabus or list of source materials from which examination questions shall be taken. The Department, with the cooperation of the City Representative's Office, shall itself or, by contract, prepare the syllabus or list of source materials.

(c) The passing grade on the examination shall be determined by the Department with the City Representative's Office. There shall be no limit to the number of times an applicant may take an examination in order to receive a passing grade.

(d) If an applicant receives a passing grade on the examination and satisfies all other requirements of this section, the Department shall issue a tour guide certificate to the applicant. Such certificate shall be designed to be worn on the person of the applicant and shall include a photograph of the applicant and such other information the Department deems necessary to identify the applicant as a certified tour guide. If an applicant fails to receive a passing grade on the examination, the Department shall notify the applicant, in writing, within thirty (30) days of the date of the examination. Such notice shall also inform the applicant that the applicant may retake the examination on the next scheduled examination date.

(5) Certificate non-transferable. A tour guide certificate issued under this section is specific to the person to whom issued and is non-transferable. Any person who has received such certificate under this section shall notify the Department of any change of address or employer address within thirty (30) days of such change.

(6) An applicant issued a tour guide certificate under this section shall wear such certificate on his or her person in a visible manner, at all times, while offering to conduct or conducting any tour.

(7) The Department shall maintain a list of all certified tour guides in the City.

(8) Exemptions. The provisions of this section shall not apply to persons offering to conduct or conducting tours as volunteers without compensation; teachers, providing information while sightseeing with their students; or tours offered or conducted on private property.

(9) Administrative Regulations. The Department, with the cooperation of the City Representative's Office, is authorized to promulgate such regulations as are necessary or appropriate to implement the provisions of this section.

City of Philadelphia

BILL NO. 070229 continued

(10) Enforcement. The provisions of this section shall be enforced pursuant to section 1-112.

(11) Penalty. Any person who is self employed and violates any provision of this section shall be subject to a fine of three hundred (300) dollars. In the case of a person who is an employee of a tour service company and who violates any provision of this section, the tour service company shall be subject to such fine.

SECTION 2. This Ordinance shall become effective 180 days after enactment.

Explanation:

Italics indicate new matter added.