



City of Philadelphia

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

BILL NO. 050955

Introduced October 27, 2005

Councilmembers Clarke and Miller

Referred to the
Committee on Licenses and Inspections

AN ORDINANCE

Amending Section 9-616 of The Philadelphia Code, entitled "Retail Sale of Motor Fuels," by prohibiting persons from soliciting money or food at service stations, requiring service station owners or operators to prevent such solicitation or to contact the police, and requiring the police to take action, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-616 of The Philadelphia Code is amended to read as follows:

§9-616. Retail Sale of Motor Fuels.

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

(a) Service station or other retail establishment. Any person, firm, or corporation engaged in the sale or offer for sale at retail, of motor fuel from approved dispensing devices.

* * *

(d) *Solicit money or food. To beg or panhandle for money or food, or to offer to pump gas or perform some other service on-site in exchange for money or food where the person offering to pump gas or perform the service does not have the express permission of the owner or operator of the service station or other retail establishment.*

* * *

(6) *No person shall solicit money or food at a service station or other retail establishment.*

City of Philadelphia

BILL NO. 050955 continued

(7) *The owner or operator of any service station or other retail establishment shall make reasonable efforts to prevent any person from soliciting money or food at a service station or other retail establishment. If an owner or operator is unable to prevent a person from engaging in such activity, the owner or operator shall contact the police who shall take action in accordance with the provisions set forth in subsections 10-611(7)(a)(.2), 10-611(7)(b), and 10-611(7)(d) of The Philadelphia Code, relating to enforcement of prohibitions on sidewalk behavior, as if the conduct took place on the public sidewalk.*

[(6)] (8) Enforcement: The provisions of this section shall be enforced by the Department of Licenses and Inspections, Bureau of Weights and Measures.

(a) Any person who violates subsection 9-616(3), relating to prohibitions applicable to signs where retail motor fuel is sold, shall have committed a Class III offense and be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code.

(b) *Any person who violates subsection 9-616(6), relating to soliciting money or food, shall be subject to a fine of not more than one hundred (100) dollars, to be enforced in a manner consistent with the provisions set forth in subsections 10-611(7)(a)(.2), 10-611(7)(b), and 10-611(7)(d) of The Philadelphia Code, relating to enforcement of prohibitions on sidewalk behavior, as if the conduct took place on the public sidewalk.*

(c) *Any owner or operator of a service station or other retail establishment who violates subsection 9-616(7), relating to preventing solicitation of money or food, shall be subject to a fine of not more than one hundred (100) dollars. Each day a violation of subsection 9-616(7) continues shall constitute a separate violation.*

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