



City of Philadelphia

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

BILL NO. 050866

Introduced October 20, 2005

**Councilmember Nutter, Council President Verna and Councilmember
Clarke**

**Referred to the
Committee on Transportation and Public Utilities**

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter regulating the transportation of hazardous and other substances through the City of Philadelphia, and the temporary storage of such substances within the City incident to such transportation; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-2900. TRANSPORTATION OF HAZARDOUS AND OTHER SUBSTANCES.

§9-2901. Definitions.

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(1) “Emergency.” An unanticipated, temporary situation that threatens the immediate safety of individuals or property, as determined by the Managing Director.

(2) “Exclusion Zone.” Any of the following areas:

(a) [to be inserted]

(3) “Practical alternative route.” A route which lies entirely outside the Exclusion Zone and the use of which would not make shipment of the materials in question cost-prohibitive.

(4) “Through-shipment.” Any shipment which passes through the Exclusion Zone unless that shipment’s point of origin or ultimate destination lie within the Exclusion Zone.

§9-2902. Except in cases of emergency, no person shall make through-shipments of the following without a permit:

(1) Explosives of Class 1, Division 1.1, or Class 1, Division 1.2, as designated in 49 C.F.R. Section 173.2, in a quantity greater than 500 kg.,

(2) Flammable gasses of Class 2, Division 2.1, as designated in 49 C.F.R. Section 173.2, in a quantity greater than 1000 liters,

(3) Poisonous gasses of Class 2, Division 2.3, as designated in 49 C.F.R. Section 173.2, in a quantity greater than 1000 liters, and belonging to Hazard Zones A or B as defined in 49 C.F.R. 173.116, and

(4) Poisonous materials, other than gasses, of Class 6, Division 6.1, in a quantity greater than 1000 kg., and belonging to Hazard Zones A or B as defined in 49 C.F.R. 173.133.

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§9-2903. Permits.

(1) A permit authorizing one or more through-shipment of materials listed in §9-2902 may be obtained from the Managing Director upon a demonstration that there is no practical alternative route. Any such permit may require adoption of safety measures, including but not limited to time-of-day restrictions.

§9-2904. Regulations.

(1) The Managing Director, after consultation with the Philadelphia Local Emergency Planning Committee, shall promulgate regulations to implement the provisions of this Chapter, including a schedule of permit fees to reimburse the City for the cost of implementing and enforcing this Chapter.

Explanation:

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

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