



City of Philadelphia

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

BILL NO. 080137

Introduced February 7, 2008

Councilmember Clarke

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

AN ORDINANCE

Amending Chapter 9-600 of The Philadelphia Code, entitled "Service and Other Businesses," to add a new Section 9-630 regulating the operation of certain take out food establishments that have limited seating, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-600 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

* * *

§9-630. Take Out Food Establishments With Limited Seating.

(1) *Definitions.*

(a) *Take Out Food Establishment With Limited Seating. An establishment that is engaged in the preparation and retail sale of food and beverages where inside seating is provided for between one (1) and thirty (30) patrons and where the sale of prepared food and/or beverages in disposable packaging and/or containers for consumption by patrons off the premises constitutes more than fifty (50) percent of the establishment's gross revenue.*

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(2) *Required Conduct. Notwithstanding continued compliance with other provisions of The Philadelphia Code which regulate establishments involved in the preparation and sale of food or beverages, the owner or operator of a take out food establishment with limited seating, as defined by this Section, shall conduct, operate and maintain such an establishment in accordance with the following requirements in order to maintain licenses that have been issued by the Department for the operation of the establishment:*

(a) *At least one “NO LOITERING” sign shall be posted on the outside of the premises in plain view of passerby. The operator of the establishment shall take reasonable steps in order to disperse any persons from loitering outside of the premises, including where warranted providing prompt notice to law enforcement authorities.*

(b) *Restrooms for patron and employee use shall be in sanitary condition and maintained in good working order with clearly visible signs indicating their availability.*

(c) *Advertising signs, as they may otherwise be permitted, shall be restricted to an area of no more than 33% of available window, interior wall and counter space.*

(d) *Sidewalk areas abutting the premises shall be maintained in a sanitary condition during all hours in which the establishment is in operation.*

(e) *Pay telephones are prohibited from being installed anywhere on the premises including any exterior area which belongs to or is under the control of the take out food establishment.*

(f) *The issuance or renewal of operating licenses for the establishment shall be conditioned upon continued compliance with all applicable laws governing the operation of the establishment.*

(3) *Enforcement. The provisions of this Section shall be enforced by the Department of Licenses and Inspections with the exception of Section 9-630(2)(b), which shall be enforced by the Department of Health under its requirements for licensed food establishments.*

(4) *Penalties. A violation of this Section shall constitute a Class II offense and shall be subject to the fines set forth in subsection 1-109(2)(b) of The Philadelphia Code for each offense. Each day this Section is violated shall be deemed a separate offense for which a separate penalty may be imposed.*

Explanation:

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