

City of Philadelphia



(Bill No. 120754)

AN ORDINANCE

Amending Section 9-212 of The Philadelphia Code, entitled "Newsstands," by revising the requirements for advertising and permitting the placement of awnings on newsstands and permitting the sale of additional products from newsstands; amending Chapter 11-600, entitled "Construction, Encroachments and Projections Over, On and Under Streets," by making conforming amendments regarding the placement of awnings on newsstands; and amending Chapter 19-3400, entitled "Excise Tax on Outdoor Advertising Transactions," to include outdoor advertising signs located on newsstands, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-212 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-200. COMMERCIAL ACTIVITIES ON STREETS

* * *

§ 9-212. Newsstands.

* * *

(3) Sales from Newsstands. No person shall sell or offer for sale from any newsstand any goods or other items except newspapers, magazines and periodicals, and, incidental to such business, paperback books, tobacco products, wrapped candy, factory pre-wrapped snack food items for immediate consumption, *bottled non-alcoholic beverages, including water, soft drinks and juices*, and State Lottery tickets as provided for by the "State Lottery Law".

* * *

(5) Design of Newsstands.

* * *

(f) No appurtenance for any advertising permitted by subsection 9-212(6)(b) may extend more than four inches (4") from the facade of the newsstand, *nor above the*

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roofline of the newsstand, and no such appurtenance may interfere with the minimum pedestrian right-of-way required by subsection 9-212(4)(b)(4). Permitted advertising shall be limited to the following:

* * *

(.2) One advertisement may appear on each side of the newsstand, as follows:

(i) Advertising on the street side of the newsstand may be a maximum of [seven feet (7')] *eight feet (8')* wide by [four feet (4')] *seven feet (7')* high, and may be illuminated.

(ii) Advertising on each narrow side of the newsstand may be a maximum of [eighteen inches (18")] *36 inches (36")* wide by [thirty-six inches (36")] *sixty inches (60")* high, and may be illuminated.

* * *

(iii) Advertising permitted by subsection (i) or (ii), above, may be provided in electronic or digital media; provided that such electronic or digital media shall neither be flashing nor animated, and shall not operate between the hours of 12:00 midnight and 6:00 AM, Monday through Friday, or between 2:00 AM and 6:00 AM, Saturday and Sunday.

[(iii)] (iv) * * *

(v) Notwithstanding the provisions of subsections 9-212(5)(f)(.2)(i) and (ii), advertising consisting of a removable vinyl wrap or similar material shall be permitted to cover each narrow side and street side of the newsstand entirely but shall be prohibited on the sidewalk side of the newsstand.

* * *

(h) *A movable awning shall be permitted on the sidewalk side of a newsstand, provided that:*

(.1) The awning does not project more than twelve (12) inches from the façade of the newsstand on the sidewalk side when fully extended;

(.2) The lower edge of the awning is not less than six (6) feet, above the sidewalk when fully extended;

(.3) The awning, including brim reinforcement, is constructed of a non-rigid, nonflammable material and is collapsible upon impact;

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(.4) *The awning is fully retracted during non-working hours; and*

(.5) *The awning does not have side panels.*

* * *

SECTION 2. Chapter 11-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 11-600. CONSTRUCTION, ENCROACHMENTS AND PROJECTIONS OVER, ON AND UNDER STREETS

* * *

§ 11-603. Projections Over the Street.

(1) Awnings.

(a) A movable awning which can be raised or lowered may be erected and maintained, provided that it does not project more than 7 feet beyond the street line and the lower edge is not less than 8 feet above the [sidewalk] *sidewalk, except that the lower edge of an awning placed on a newsstand in accordance with the requirements of Section 9-212(5)(h) shall be no less than six(6) feet above the sidewalk when fully extended.*

* * *

SECTION 3. Chapter 19-3400 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 19-3400. EXCISE TAX ON OUTDOOR ADVERTISING TRANSACTIONS

* * *

§ 19-3402. Imposition and Rate of the Excise Tax.

(1) There is hereby imposed an excise tax on the purchase, rental or licensing of space on any building, [parcel or] *parcel*, Sign Support Structure *or newsstand* located in the City for the purpose of installing, placing or maintaining an Outdoor Advertising Sign.

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(3) The rate of tax shall be seven percent (7%) of the Purchase Price.

SECTION 4. This Ordinance shall take effect 30 days after it becomes law; except that Section 3 of this Ordinance shall take effect July 1, 2013.

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 December 13, 2012. The Bill was Signed by the Mayor on January 23, 2013.



Michael A. Decker
Chief Clerk of the City Council