

## Legislation Details (With Text)

**File #:** 010690-A      **Version:** 1      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 11/29/2001      **In control:** Committee on Rules

**On agenda:**      **Final action:** 12/20/2001

**Title:** Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," to require the sponsors of a "planned event" held at any premises to obtain a permit for such event if, because it is expected to attract significantly more persons than may be accommodated within the safe occupancy limits of the premises, the event may reasonably be expected to require a substantial increase in the need for fire prevention, police, traffic control, crowd control, or other public services; and providing for penalties and enforcement; all under certain terms and conditions.

**Sponsors:** Councilmember DiCicco, Councilmember Nutter, Councilmember Goode, Councilmember Ortiz, Councilmember Rizzo, Councilmember Kenney, Councilmember Miller, Councilmember Krajewski, Councilmember O'Neill, Councilmember Tasco, Councilmember Longstreth, Council President Verna, Councilmember Reynolds Brown, Councilmember Clarke

**Indexes:** PLANNED EVENTS

**Code sections:** 9-2600 - PLANNED EVENT PERMITS, 9-2601 - Definitions, 9-2602 - Planned event permit required, 9-2603 - Permit issuance, 9-2604 - Penalties and enforcement, Title 9 - REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

**Attachments:** 1. CertifiedCopy010690-A01.pdf

| Date       | Ver. | Action By          | Action   | Result | Tally |
|------------|------|--------------------|--|--------|-------|
| 1/29/2002  | 1    | MAYOR              | NO ACTION TAKEN  |        |       |
| 12/20/2001 | 1    | CITY COUNCIL       | READ   |        |       |
| 12/20/2001 | 1    | CITY COUNCIL       | PASSED   | Pass   | 17:0  |
| 12/13/2001 | 0    | CITY COUNCIL       | READ   |        |       |
| 12/13/2001 | 1    | CITY COUNCIL       | ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING. |        |       |
| 12/13/2001 | 1    | CITY COUNCIL       | AMENDED  |        |       |
| 12/6/2001  | 0    | CITY COUNCIL       | ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR        |        |       |
| 12/6/2001  | 0    | CITY COUNCIL       | SUSPEND THE RULES OF THE COUNCIL                           | Pass   |       |
| 12/6/2001  | 0    | CITY COUNCIL       | ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR      |        |       |
| 12/5/2001  | 0    | Committee on Rules | HEARING NOTICES SENT                                       |        |       |
| 12/5/2001  | 0    | Committee on Rules | HEARING HELD   |        |       |
| 12/5/2001  | 0    | Committee on Rules | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED              |        |       |
| 11/29/2001 | 0    | CITY COUNCIL       | Referred   |        |       |
| 11/29/2001 | 0    | CITY COUNCIL       | Introduced   | Pass   |       |

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by requiring a permit to be obtained before any event is held in whole or in part on the premises of an

establishment that sells alcoholic beverages, if such event increases the need for fire, **to require the sponsors of** a “planned event” held at any premises **to obtain a permit** for such event if, because it is expected to attract significantly more persons than may be accommodated within the safe occupancy limits of the premises, the event may reasonably be expected to require a substantial increase in the need for fire prevention, police, traffic control, crowd control, or other public services; and **providing** for penalties and enforcement; 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

\* \* \*

CHAPTER 9-2600. LIQUOR FESTIVAL **PLANNED EVENT** PERMITS

\* \* \*

§9-2601. *Definitions.*

(1) “Applicant.” *The sponsors of a liquor festival.*

(2)(1) “Department.” *The Department of Licenses and Inspections.*

(2) “Commercial.” *Relating to the for-profit activity of any entity, but not including the activities of non-profit or charitable organizations.*

(3) “Liquor festival.” *A planned event:*

(a) *that is to be* (3) “Planned Event.” *A primarily commercial event held in whole or in part on the premises of an establishment that sells alcoholic, liquor, distilled spirit, malt or brewed beverages, as defined by the Pennsylvania Liquor Code (47 P.S. §1-102); at any premises:*

(b) *that is promoted* (a) *that is promoted by the sponsor by print, radio or television advertisements, or by any other method;*

*method, in such a manner* (b) *that the sponsor may* should *reasonably expect that more persons will attend will attract significantly more people than can be accommodated within the safe occupancy limits of such premises; and*

(c) *that,* (c) *that, because of* such *expected overflow of persons* people *outside the premises, is* the *sponsor should* reasonably *expected to require an* expect *will require a significant increase in the amount, scope, or level of necessary fire* protection, *police, traffic control, crowd control, or other public services above those that would normally be required in the absence of the event.*

(4) *Sponsor.* *The holder of the liquor license at* (4) “Sponsor.” *The owner of the premises at which a liquor festival* planned event *is to be held, and any other person who sponsors the liquor festival.* planned event.

§9-2602. *Liquor festival* Planned event *permit required.*

(1) No liquor festival *planned event* may be held unless the *sponsor or sponsors* obtain a valid liquor festival *planned event* permit at least thirty (30) *fifteen (15)* days prior to the first day of the liquor festival. *planned event*.

§9-2603. Permit issuance.

(1) An application for a liquor festival permit shall be made on a form provided by the Department that is verified by all sponsors by oath or affirmation, and shall be accompanied by a non-refundable application fee of [insert]. *planned event* permit shall be made on a form provided by the Department at least thirty (30) days before the event and shall be signed by *all sponsors*. The Department is authorized to require a non-refundable filing fee to be charged upon application for such permit in an amount to be determined by regulations of the Department. Such filing fees shall be applied as a credit to the permit fee.

(2) A liquor festival permit shall be issued if the following requirements are met:

- (a) the applicant has submitted all required information;
- (b) one of the applicants holds a valid state liquor license for the premises at which the liquor festival is to be held;
- (c) the applicant has certified that it is not delinquent in the payment of any City taxes or fines, and that any other City licenses required in connection with the holding of the liquor festival have been obtained;
- (d) the applicant has provided a comprehensive description of the liquor festival, including dates and times, estimated attendance, and a detailed description of all forms of entertainment to be provided;
- (e) the applicant has submitted, and the Department has approved, a comprehensive crowd management plan that details the measures the applicant will take to control and minimize crowd impact on neighboring residents, prevent underage drinking, maintain public safety, mitigate noise disturbances, ensure safe flow of vehicular and pedestrian traffic, and prevent public intoxication or unrest resulting from crowd overflow from the premises at which the liquor festival will be held;
- (f) the applicant has submitted proof that it has retained sufficient personnel and provided them all necessary training necessary to implement the applicant's crowd management plan;
- (g) the applicant has entered into a written agreement with the City, in form approved by the Law Department, under which the applicant agrees to: (i) reimburse the City for the additional costs necessitated by the increase in the amount, scope, or level of necessary fire, police, traffic control, crowd control, or other public services above those that would normally be required in the absence of the liquor festival, such costs to include, but not be limited to, overtime pay for City employees; and (ii) reimburse residents or businesses in the neighborhood of the premises at which the liquor festival will be held for property damage caused by persons attending the liquor festival;
- (h) the applicant has furnished a bond or other security in form and amount approved by the Law Department to guaranty the applicant's obligation to reimburse the City, residents and businesses under the agreement required by subsection (e); and
- (i) the applicant has paid a permit fee of [insert]. *planned event* permit shall be issued if the following requirements are met:

(a) the applicant has submitted all required information, which shall include a comprehensive description of the *planned event*, including dates and times, estimated attendance, and a detailed description of all forms of entertainment to be provided;

(b) the applicant has submitted, and the Managing Director, or his or her designee, has approved, a comprehensive crowd management plan that details the measures the applicant will take to cooperate with the City to control and minimize crowd impact on neighboring residents, prevent underage drinking, maintain public safety, mitigate noise disturbances, ensure safe flow of vehicular and pedestrian traffic, and prevent

*public intoxication or unrest resulting from crowd overflow from the premises at which the planned event will be held, and which plan shall include the measures to be taken by the applicant to retain sufficient personnel and provide them all necessary training necessary to meet the applicant's obligations under the plan. The Managing Director, or his or her designee, shall approve any reasonable plan so submitted;*

*(c) the applicant has entered into a written agreement with the City, in form approved by the Law Department, under which the applicant agrees to:*

*(.1) reimburse the City for the additional costs necessitated by the increase in the amount, scope, or level of necessary fire protection, police, traffic control, crowd control, or other public services above those that would normally be required in the absence of the planned event, which costs shall include, but not be limited to, overtime pay for City employees;*

*(.2) indemnify the City for claims made against the City in connection with services provided in connection with the event;*

*(.3) reimburse residents or businesses in the neighborhood of the premises at which the planned event will be held for property damage caused by persons attending the event;*

*(d) the applicant has furnished a bond or other security in form and amount approved by the Law Department to guaranty the applicant's obligation to reimburse the City, residents and businesses under the agreement required by subsection (c);*

*(e) the applicant has certified that it is not delinquent in the payment of any City taxes or fines, and that any other City licenses required in connection with the holding of the planned event have been obtained; and*

*(f) the applicant has paid a permit fee in an amount to be determined by the Department by regulation.*

*§9-2604. Penalties and enforcement.*

*(1) Each sponsor of a liquor festivalplanned event held without the permit required by this Chapter shall be subject to a fine of three hundred dollars (\$300) for each day the liquor festivalevent is held.*

*(2) In addition, theThe Department, with the assistance of the Police Department, may issue a Cease Operations Order under the procedures set forth in Section A-505.0 of The Philadelphia Administrative Code in connection with a planned event for any premises at which a liquor festivalplanned event is held without the permit required by this Chapter.*

\* \* \*

**Explanation:**

*Italics indicate new matter added.*