

Legislation Details (With Text)

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Title: Enacting a new Chapter 9-3600 of The Philadelphia Code, entitled "Bouncers," to require that bouncers employed at covered establishments be registered and receive proper training, to prohibit employers from employing unregistered or untrained bouncers and to permit employers to refuse to hire bouncers with certain past criminal convictions; all under certain terms and conditions.

Sponsors: Councilmember Greenlee

Indexes: BOUNCERS

Code sections:

Attachments: 1. CertifiedCopy11061001.pdf

Date	Ver.	Action By	Action	Result	Tally
12/21/2011	1	MAYOR	SIGNED		
12/8/2011	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
12/1/2011	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/1/2011	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
11/29/2011	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
11/29/2011	0	Committee on Licenses and Inspections	HEARING HELD		
11/29/2011	0	Committee on Licenses and Inspections	AMENDED		
11/29/2011	1	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
9/15/2011	0	CITY COUNCIL	Introduced and Referred	Pass	

Enacting a new Chapter 9-3600 of The Philadelphia Code, entitled "Bouncers," to require that bouncers employed at covered establishments be registered and receive proper training, to prohibit employers from employing unregistered or untrained bouncers and to permit employers to refuse to hire bouncers with certain past criminal convictions; 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 9-3600 Bouncers.

§9-3601. Definitions.

(1) "Bouncer" shall mean any person primarily performing duties related to security, maintaining order and safety in a covered establishment;

(2) "Covered Establishment" shall mean any drinking establishment or special assembly occupancy;

(3) "Drinking Establishment" shall mean any establishment which gives or offers for sale food or drink to the public, guests, or employees whether for consumption on or off the premises whose on-site sales of food for consumption on the premises comprises no more than 20% of gross sales of both food, non-alcoholic and alcoholic beverages on an annual basis, or on such other basis as the Administrative Agency shall by regulation provide with respect to such establishments that have been open for less than one full year.

(4) "Administrative Agency" shall mean the Managing Director's Office, or such other agency as the Mayor may designate to administer and enforce the provisions of this Chapter.

(5) "Special Assembly Occupancy" shall have the same meaning as in Section 9-703 of the Code.

(6) "Third-Party Training Course" shall mean a training course for bouncers, approved by the Administrative Agency and operated by an entity that is approved by the Administrative Agency and is not affiliated with a covered establishment.

§9-3602. Registration of Bouncers.

(1) No person shall perform the duties of a bouncer at a covered establishment without completing a prescribed Third-Party Training Course and without registering as a bouncer with the Administrative Agency. A bouncer shall have forty-five days from the date of hire by a covered establishment to both complete a Third-Party Training Course and to apply for registration. All bouncers shall apply for registration by submitting a certificate from the Third-Party Training Course certifying the person's completion of the course to the Administrative Agency.

(2) The certificate awarded to a person completing the Third-Party Training Course shall contain the following information:

- (a) bouncer's name and address;
- (b) bouncer's home and mobile telephone number;
- (c) bouncer's email address;

(d) bouncer's business privilege license number if bouncer is an independent contractor; and

(e) a description of every third-party training course, covering the areas set forth in Section 9-3605, that was successfully completed by the bouncer, including the name of each third-party trainer and the dates of each training course, and a copy of each certificate received evidencing successful completion of each such course.

A bouncer shall report any changes in the information contained in the certificate to the Administrative Agency within fifteen (15) days of the change. The form for reporting changes shall be available online at the City's official website.

(3) A certificate of successful completion of a Third-Party Training Course shall serve as permanent registration.

(4) The registration of any bouncer who is convicted of an offense involving danger to the person or who fails to successfully complete any additional training required by regulations issued pursuant to subsection §9-3606 shall be revoked.

§9-3603. Prohibition Against Employing Unregistered or Untrained Bouncers.

(1) No person shall employ a bouncer at a covered establishment if that bouncer is not registered as a bouncer with the Administrative Agency and, in the case of an independent contractor, if that bouncer does not possess a valid business privilege license.

(2) No person shall employ a bouncer at a covered establishment unless that person, within forty-five days after that bouncer's hire, has received and retains on file a copy of a certificate evidencing the successful completion by the bouncer of a program of third-party training covering the areas set forth in Section 9-3605.

§9-3604. Review of Criminal History Required.

No person shall employ a bouncer at a covered establishment without conducting at least one interview of the applicant, and without thereafter requesting and reviewing a criminal convictions records search from the Pennsylvania State Police and the Federal Bureau of Investigation for such applicant. Such criminal convictions records search and review shall be conducted in compliance with the provisions of Chapter 9-3500 of the Code. A person may refuse to employ a bouncer at a covered establishment if that bouncer has ever been convicted of an offense involving danger to the person.

§9-3605. Third-Party Training of Bouncers.

No person may perform the duties of a bouncer at a covered establishment unless:

(1) within forty-five days of hire, the person has received a certificate or certificates evidencing the successful completion of a third-party training course in the following:

(a) identifying a problem patron including, but not limited to, persons exhibiting aggressive behavior, engaging in underage consumption of alcoholic beverages, or presenting false or fake identification;

(b) best practices regarding safe removal of a problem patron from the premises without physically harming the problem patron or others.

§9-3606. Regulatory Authority.

The Administrative Agency shall promulgate rules and regulations setting forth:

(1) the required curriculum, course protocols and minimum number of hours of instruction for the

Third Party Training Course required by this Chapter;

(2) the criteria to be used for the approval of any entity which seeks to conduct the Third Party Training Course;

(3) the criteria to be used for the approval of any course or curriculum offered by such an approved entity; and

(4) any requirements for continuing training to provide for the periodic review and practice of the skills prescribed in the initial training required by this Chapter.

§9-3607. Enforcement.

A violation of any provision of this Chapter shall be a Class III offense subject to the fines set forth in Section 1-109. All violations which are committed on a single calendar day shall be aggregated together and constitute one single violation for the purpose of issuing citations and assessing penalties under this Chapter.

SECTION 2. The provisions of this Ordinance shall take effect upon the effective date of implementing regulations pursuant to Section 9-3606, but in no case sooner than 120 days after it becomes law.

Explanation:

Italics indicate new matter added.