

Legislation Text

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Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by amending Section 9-105, entitled "Penalties" and Section 9-702, entitled "Carnivals" providing for increased penalties and licensing conditions for carnivals, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," is amended to read as follows:

CHAPTER 9-100. GENERAL PROVISIONS

* * *

§9-105. Penalties.

(1) Except as otherwise provided in Chapters 9-702, 9-800, 9-900, 9-1100, 9-1200 and 9-1600, and Sections 9-604, 9-622 and 9-623 of this Title, any person who violates any provision of this Title or any regulation adopted hereunder shall, in addition to any other penalty indicated in this Title, pay a fine of no less than one hundred fifty (150) dollars nor more than three hundred (300) dollars.

* * *

(4) Repeat Offenders. Any person who, on more than one (1) occasion, violates any provision of this Title, except any provision of Chapters 9-702, 9-800, 9-900, 9-1100, 9-1200 or 9-1600, or Section 9-604 of this Title, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than three hundred (300) dollars, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall; constitute a separate Repeat Violation offense.

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§9-702. Carnivals.

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(2) Licenses.

(a) No person shall [hold or conduct a carnival] *operate any ride or attraction at any carnival* unless he has obtained a Temporary Carnival License from the Department of Licenses and

Inspections.

(b) No Temporary Carnival License shall be valid for more than eight consecutive days, and only one Temporary Carnival License shall be issued for a location during any one calendar year.

(c) No Temporary Carnival License shall be issued unless the applicant:

(.1) furnishes the information required by the Department with respect to the proposed date and place of the carnival; the organization, society, or club for whose benefit the carnival is to be given; and the nature of the structures and devices to be used and the entertainment to be given or permitted;

(.2) complies with the provisions of The Philadelphia Code, including, but not limited to, the Health Code, Fire Prevention Code, and Plumbing Code;

(.3) certifies that the applicant is not delinquent in the payment of any City taxes, charges, fees, rents or claims, or that the applicant has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement; and

(.4) certifies that all of the receipts of the carnival shall be collected by, and all proceeds from the operation of the carnival, less the costs of necessary operating expenses, shall inure to the benefit of, a bona fide religious, educational or charitable institution, society or organization, and that the carnival will be operated on the grounds of such entity.

(d) A Temporary Carnival License will cover all rides and attractions in operation at a carnival. The failure to obtain a Temporary Carnival License prior to operating any ride or attraction at a carnival may result in:

(.1) a fine of three hundred dollars (\$300) for each attraction or ride that is illegally operated. Each day that the ride or attraction is operated without a license shall constitute a repeat violation.

(.2) the immediate issuance of a cease operations notice.

[[d]] (e) Any person licensed to conduct a carnival shall, as a condition to the retention of his license:

(.1) pass all inspections required by the City of Philadelphia, including, but not limited to, inspections by the Health Department if food is proposed to be served to the public, and by the Department for fire prevention and safety. Written approval to operate shall be obtained from the Department prior to the first day of operation.

(.2) close the carnival not later than 11 p.m.;

(.3) comply with the requirements of The Philadelphia Code, including, but not limited to, the Health Code, Fire Prevention Code, and Plumbing Code;

(.4) take action which is reasonably required to prevent the use of loud, noisy devices or activities and the occurrence of disorder.

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SECTION 2. The provisions of this Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.