



Legislation Text

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Amending Chapter 9-4400 of The Philadelphia Code, entitled "Responsible Business Operations," to expand the provisions for video monitoring of nuisance businesses and to provide additional enforcement mechanisms in connection with certain nuisance businesses engaged in drug paraphernalia sales, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-4400 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-4400. RESPONSIBLE BUSINESS OPERATIONS.

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§ 9-4403. Enforcement.

(1) Upon a determination that a business is a chronic nuisance business or critical nuisance business, the Department or the Police Department may issue a Notice of Intent to Cease Operations to the business owner, stating that the business has been identified as a chronic nuisance business or critical nuisance business and that the Department may impose a Cease Operations Order pursuant to the procedures set forth in Section A-505 of the Philadelphia Administrative Code unless the business owner either:

- (a) Demonstrates to the issuing department that adequate remedial measures have been taken to address the conduct that led to the designation of the business as a chronic nuisance business or critical nuisance business; or
- (b) Enters into a nuisance abatement plan pursuant to Section 9-4404.

Such Notice of Intent to Cease Operations may include proposed remedial measures such as some or all of those identified in Section 9-4404. *Any Notice of Intent to Cease Operations issued to a nuisance business based on whole or in part on such business's unlawful sales of drug paraphernalia shall include the remedial measures set forth in subsections 9-4404(1)(n) and 9-4404(1)(o) and the remedial measures set forth in subsections 9-4404(1)(f) and 9-4404(1)(p), as appropriate.*

* * *

(5) The Department shall lift a Cease Operations Order upon execution by the business owner of a nuisance abatement plan. *A Cease Operations issued to a nuisance business based on whole or in part on such*

business's unlawful sales of drug paraphernalia may not be lifted unless the nuisance abatement plan includes, at a minimum, the remedial measures set forth in subsections 9-4404(1)(n) and 9-4404(1)(o) and the remedial measures set forth in subsections 9-4404(1)(f) and 9-4404(1)(p), as appropriate.

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§ 9-4404. Nuisance Abatement Plans.

(1) Any nuisance abatement plan executed by a nuisance business and the City shall certify the business owner's agreement to take all necessary and appropriate measures to reduce, eliminate or prevent future recurrence of each nuisance behavior and each serious violent behavior giving rise to a determination that the business is a nuisance business. Such measures may include, but are not limited to, the following:

* * *

(f) Installing and maintaining surveillance [cameras] *cameras that are at all times: (.1) active and operational at each point of entry to and exit from the business, in designated common areas and in interior [spaces,] spaces where business operations are conducted, on the street abutting the business, and any other locations where prior nuisance behavior has been reported; (.2) disclosed to the public through posted notice on the premises; (.3) illuminated in such a manner so as to [identify] enable persons entering and exiting the [business] business to be visible and identified on recorded footage; and (.4) maintaining [recordings from such cameras] recorded footage for not less than [30 days] 6 months after the recording occurs;*

* * *

(m) Changing business operations or products sold in a manner designed to reduce the likelihood of nuisance behavior or serious violent behavior; [and]

(n) *Providing written acknowledgement that any drug paraphernalia sales that served as a basis for the business's designation as a nuisance business were in violation of applicable zoning requirements;*

(o) *Removing any drug paraphernalia offered for sale or display in violation of applicable zoning requirements from the business's premises;*

(p) *Registering all surveillance cameras required by subsection 9-4404(1)(f) with the Philadelphia Police Department and providing recorded footage to law enforcement upon request; and*

(q) Any other measures deemed likely to abate or prevent the recurrence of the nuisance behavior or serious violent behavior.

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Explanation:

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

