

Legislation Text

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Amending Section 9-702 of The Philadelphia Code, entitled "Carnivals," by revising the provisions governing the issuance of licenses to hold or conduct a carnival; in particular, providing that such licenses shall be issued only for temporary periods and only once per year per location; providing that licenses shall be issued only if the carnival is conducted for the benefit and on the property of a bona fide religious, educational or charitable institution, society or organization; providing for notification of the District Councilperson when an application for a carnival license has been received; and conferring standing on certain persons to appeal the issuance of the license and in related legal matters; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-702 of The Philadelphia Code is hereby amended to read as follows:

§9-702 Carnivals.

(1) In this Section the following definitions apply:

(a) Carnival. Any moving, temporary or traveling show at which a charge is made for admission to or participation therein, held in any building, tent, enclosure or lot, where the following forms of amusement or entertainment are conducted: riding devices, such as ferris wheels, carousal, whips, swings, seesaws, or similar devices, illusion shows, mechanical shows, active games of skill, such as ball-throwing games, pitch-till-you-win games, swinging- ball games, hoop-throwing games, or games of like character;

[(b) Week. Six consecutive days or less, exclusive of Sunday.]

(2) Licenses.

(a) No person shall hold or conduct a carnival unless he has obtained a *Temporary Carnival License* [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.

[(b)] (c) No *Temporary Carnival License* [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[, if any,] 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 [Titles 5 and 14] *The Philadelphia Code*, including, but not be limited to, the *Health Code*, *Fire Prevention Code*, and *Plumbing Code*;

[(.3) pays a license fee of \$200 for each week or part thereof during which the carnival is conducted; provided, that no license fee shall be required where the applicant certifies that all of the receipts of such carnival shall be collected by, and where all proceeds from the operation of the carnival, less the costs of necessary operating expenses, shall inure to the benefit of any bona fide religious, educational or charitable institution, society or organization.]

(.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.

[(c)] (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.

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

[(.2)] (.3) comply with the provisions of [Chapter 5-2800] *The Philadelphia Code, including, but not limited to, the Health Code, Fire Prevention Code, and Plumbing Code;*

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

(3) Notification; Standing.

(a) The Department, upon receipt of an application for a Temporary Carnival License, shall notify the District Councilperson of the district in which the carnival is to be held of the receipt of such application.

(b) Any person or persons jointly or severally aggrieved by the issuance of a Temporary Carnival License, including, but not limited to, any civic or community group with an interest in the area in which the carnival is to be held, and any taxpayer, shall have standing to appeal the issuance of a Temporary Carnival License, and shall have standing in any legal matter pertaining to the use of such License.

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Section 2. Effective Date. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.