

Legislation Details (With Text)

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Title:	Amending Section 9-212 of The Philadelphia Code, entitled "Newsstands," including by revising the requirements relating to license issuance; location of newsstands; design of newsstands; maintenance, abandonment; and removal; all under certain terms and conditions.				
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6/6/2013	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Section 9-212 of The Philadelphia Code, entitled "Newsstands," including by revising the requirements relating to license issuance; location of newsstands; design of newsstands; maintenance, abandonment; and removal; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-212 of The Philadelphia Code is amended to read as follows:

§ 9-212. Newsstands.

(1) Definitions. In this Section, the following definitions shall apply:

* * *

(c) Restricted Business District. The area bounded by the Delaware River on the east, Washington Avenue on the south, the Schuylkill River on the west, Girard Avenue on the north; and the area bounded by the Schuylkill River on the east, University Avenue/Woodland Avenue on the south, Fortieth Street on the west, and Spring Garden Street on the north.

(2) License Required; Issuance and Renewal.

(a) It shall be unlawful for any person to place, maintain or operate a newsstand on any sidewalk without first obtaining an ***Ordinance of Council. Subsequently a*** license and license identification plate must be obtained from the Department. The Department shall by regulation specify the type and design of license identification plates, and the location at which such license plates must be affixed to a newsstand

(b) Application for a newsstand license shall be made on a form to be supplied by the Department. No license shall be issued by the Department unless:

* * *

(.6) The applicant pays a three hundred dollar (\$300) nonrefundable initial application fee and [an] a separate annual license fee of three hundred dollars (\$300). The application fee shall be credited against the first year's license fee.

* * *

(4) Location of Newsstands.

* * *

(b) No newsstand shall be placed or maintained on the sidewalk except in compliance with the following location restrictions. Newsstands shall be placed and maintained:

* * *

(.4) So that the footway space on the sidewalk is at least six (6) feet; provided, however, that, for newsstands placed on the sidewalk on or after Jill)) 1, 2013, the footway space on any high volume pedestrian street is at least eight (8) feet and on any civic/ceremonial street at least ten (10) feet; provided, [however,] further, that the Department of Streets may increase the necessary footway space at any location to adjust for increased pedestrian flow. The Department of Streets shall designate streets as high volume pedestrian or civic/ceremonial, as appropriate.

* * *

(e) There shall be no newsstand in the following locations:

* * *

(.9) Any street designated by the Department of Streets as either Auto-Oriented Commercial/Industrial; Park Road; Scenic Drive; Low-density residential; Shared Narrow; or Local.

* * *

(g) There shall be a maximum of ninety (90) licenses issued for locations in the Restricted Business District. The Streets Department shall establish an equitable system to choose among applicants, to the extent applications for more than the foregoing maximum number are filed.

(5) Design of Newsstands.

* * *

(f) No appurtenance for any advertising permitted by subsection 9-21(6)(b) may extend more than four inches (4") from the facade of the newsstand, nor above the roofline of the newsstand, and no such appurtenance may interfere with the minimum pedestrian right-of-way required by subsection 9-212(4)(b) (4). Permitted advertising shall be limited to the following:

(.2) One advertisement may appear on each side of the newsstand, as follows:

* * *

(iii) Advertising permitted by subsection (i) or (ii), above, may be provided in electronic or digital media; provided that such electronic or digital media shall neither be flashing nor animated, and shall not operate between the hours of 12:00 midnight and 6:00 AM, Monday through Friday, or between 2:00 AM and 6:00 AM, Saturday and Sunday. The Department of Streets is authorized to promulgate regulations, including maximum brightness rates, refresh rates and frequency of message changes, in order to minimize glare, preclude impairment of the vision of the driver of any vehicle, and preclude interference with the effectiveness of any traffic control device.

* * *

(h) A movable awning shall be permitted on the sidewalk side of a newsstand, provided that:

* * *

(.3) The awning, including brim reinforcement, is constructed of a non-rigid, nonflammable material and is [collapsible] bendable upon human impact;

* * *

(i) On sidewalks where the newsstand, including all appurtenances and shelves, leaves less than ten (10) feet of clear footway a newsstand that sells State Lottery tickets shall have a side window from which all such sales shall be conducted.

* **

(6) Maintenance of Newsstands.

- (a) All newsstands, including any security gate or other approved attachments, shall be painted and maintained so as to prevent rust, rot, graffiti and other deleterious conditions. All such deleterious conditions shall be removed or remedied within twenty-four hours of their appearance. ***Failure to remove such deleterious conditions within this timeframe shall subject the newsstand to removal pursuant to the provisions of section (8) hereunder.***

* * *

(7) Abandonment.

- (a) A newsstand shall be considered to be abandoned, shall be removed by the licensee, and is subject to removal by the Department if:

(1) It is not in use for the sale of newspapers or magazines for a period of [thirty (30)] twenty (20) consecutive days; or

(2) It is in use for the sale of newspapers or magazines for fewer than twenty (20) weekdays in any six (6) month period; or

[(.2)](.3) * * *

[(.3)](.4) * * *

[(.4)] (.5) * * *

(b) Upon a finding of abandonment, after proper notice to the license holder, the Department shall revoke the license. A finding of abandonment or a license revocation may be appealed to the Board of License and Inspection Review within thirty (30) days of the finding or revocation.

(8) Removal.

* * *

(c) A newsstand that has been removed by the Department shall not be reinstalled except upon re-application and issuance of a new license.

SECTION 2. This Ordinance shall take effect thirty (30) days after it becomes law.

Explanation:

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

