Legislation Details (With Text)

File #:	170311	**Version:**	0	**Name:**	
Type:	Bill			**Status:**	ENACTED
File created:	3/30/2017			**In control:**	Committee on Streets and Services
On agenda:				**Final action:**	5/11/2017
Title:	Amending Chapter 11-600 of The Philadelphia Code, entitled "Construction, Encroachments And Projections Over, On And Under Streets," by adding definitions for "Electric Vehicle" and "Electric Vehicle Charger" and authorizing a new category of encroachment for which building permits may be obtained entitled, "Electric Vehicle Chargers;" all under certain terms and conditions.				
Sponsors:	Councilmember Oh, Councilmember Squilla				
Indexes:	ELECTRIC VEHICLE CHARGERS, ENCROACHMENT				
Code sections:	11-600 - Construction, Encroachments and Projections Over, On and Under Streets				
Attachments:	1. CertifiedCopy17031100.pdf				

Date	Ver.	Action By	Action	Result	Tally
5/22/2017	0	MAYOR	SIGNED		
5/11/2017	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
5/4/2017	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
5/4/2017	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
5/4/2017	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
4/28/2017	0	Committee on Streets and Services	HEARING NOTICES SENT		
4/28/2017	0	Committee on Streets and Services	HEARING HELD		
4/28/2017	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
3/30/2017	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Chapter 11-600 of The Philadelphia Code, entitled “Construction, Encroachments And Projections Over, On And Under Streets,” by adding definitions for “Electric Vehicle” and “Electric Vehicle Charger” and authorizing a new category of encroachment for which building permits may be obtained entitled, “Electric Vehicle Chargers;” all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 11 of The Philadelphia Code is hereby amended to read as follows:

TITLE 11. STREETS.

* * *

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CHAPTER 11-600. CONSTRUCTION, ENCROACHMENTS AND PROJECTIONS OVER, ON AND UNDER STREETS.

§ 11-601. Definitions.

In this Chapter, the following definitions apply:

(1) Awning. A structure made of cloth, plastic, metal or similar materials with a metal frame not of permanent construction attached to a building and not supported by the ground or sidewalk, which projects more than 18 inches over a sidewalk or other thoroughfare, but not including signs.

(2) Balcony. A platform, enclosed by a parapet or railing, projecting from the wall of a building.

(3) Bay Window. A window above the first story extending beyond the wall of the building.

(4) Bicycle Rack. A fixed rack installed on the sidewalk for parking bicycles.

(5) Bulk Window. A window on the first story extending beyond the wall of the building.

(6) Canopy. A structure made of cloth, plastic, metal or other similar materials with a metal frame not of permanent construction, extending from a building and supported by the ground or sidewalk, projecting more than 18 inches over a sidewalk or other thoroughfare, but not including signs.

(7) Electric Vehicle. Any motor vehicle that receives motive power from a battery or other storage device that receives electricity from an external source such as a charger, and includes a Plug-in Hybrid Electric Vehicle.

(8) Electric Vehicle Charger. A device which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

(9) [(7)] Marquee. An overhanging, substantially horizontal structure of permanent construction attached to a building, whether or not supported by the ground or sidewalk, projecting more than 18 inches over a sidewalk or other thoroughfare, but not including balconies.

(10) [(8)] Pedestrian Enhancement. Any of the following:

(a) Pedestrian Plaza. An area in the cartway of a street, or in the cartway at the intersection of two or more streets, or an island within the cartway, which is closed to vehicular traffic, and made available for recreational use by pedestrians pursuant to this Chapter. The term excludes any area in or surrounded by a traffic circle.

(b) Parklet. A removable platform made available for recreational use by pedestrians that occupies a portion of a parking lane that is closed to motor vehicle parking.

(c) Bike Corral. A portion of a curbside parking lane that is closed to motor vehicle parking, and equipped with fixed racks so as to permit the parking and securing of bicycles.

(11) [(9)] Sign. A structure or device, whether or not attached to a building, which is primarily

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intended to advertise or communicate, including ground signs, illuminated signs, projecting signs, swinging signs, temporary signs and wall signs, but excluding:

(a) advertising matter displayed on vehicles, pedestrians or newsstands;

(b) information required by law or ordinance to be placed on structures;

(c) notice to the public that a property is for sale or rent.

(12) [(10)] Vault. An underground room or space.

(13) [(11)] Wheelchair Elevators. An elevator or other mechanical device designed to facilitate the transfer of a person confined to a wheelchair or otherwise physically handicapped from street or sidewalk level to the entrance of a building.

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§ 11-604. Encroachments Upon and Obstructions of the Streets.

(1) Building Permits. No structure listed in this Section shall be erected unless a building permit has been obtained.

* * *

(10) Electric Vehicle Chargers.

(a) Permits.

(.1) No person may install any device as defined in Section 11-601 <http://library.amlegal.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=pennsylvania(philadelphia_pa)$jumplink_q=%5bfield%20folio-destination-name:'11-601'%5d$jumplink_md=target-id=JD_11-601>(8) in or upon any sidewalk within the City of Philadelphia unless a permit has been obtained from the Department of Licenses and Inspections with the approval of the Department of Streets for such a period of time as they may deem necessary and reasonable.

(.2) The Department of Licenses and Inspections shall make regulations governing the erection and maintenance of electric vehicle chargers, designed to ensure that all such electric vehicle chargers will be:

(a.) structurally safe;

(b.) not obstructive of pedestrian or other travel;

(c.) consistent with public safety;

(d.) in conformity with the general requirements of the Zoning Code, Housing Code, Building Code, Streets Department, Electrical Code and Fire Code.

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(.3) No permit to erect or maintain an electric vehicle charger shall be granted in the City unless:

(.a) the provisions of this Section and the regulations of the Department of Licenses and Inspections have been complied with; and

(.b) the Art Commission has approved the electric vehicle charger.

(b) Duties and Obligations.

(.1) The Grantee shall, at his own cost or expense, maintain and perform all necessary repairs to the electric vehicle charger to ensure its safe operation.

(.2) The Grantee shall repair all damage resulting from the installation of any such electric vehicle charger, including damage to the footway, base course and all other existing appurtenances.

(.3) The Grantee shall furnish liability insurance against any damage to property and any injury or claims for injury (including death) to any person or persons arising out of the installation, operation, maintenance, repair, construction and removal of any such electric vehicle charger. All insurance shall be in form, content and amount satisfactory to the City Solicitor and shall name the City of Philadelphia as a named insured. All such policies of insurance shall be endorsed to provide at least ten (10) days' written notice to the City by the insurance carrier prior to any change in or cancellation of the policies. Evidence of such insurance must be presented to the City prior to the issuance of any permit.

(.4) Removal.

(.a) The Department of Streets may direct removal of an electric vehicle charger at any time for any of the following reasons:

(.1) The electric vehicle charger presents a safety hazard of any kind;

(.2) The electric vehicle charger unduly disrupts pedestrian or vehicular traffic in the area;

(.3) The electric vehicle charger creates a public nuisance;

(.4) The permitee has repeat violations of the terms of its permit; or

(.5) Removal of the electric vehicle charger is necessary in order to perform construction, maintenance, repairs, or other work in any portion of the right-of-way, or any abutting property.

(.b) Upon the expiration and non-renewal of a electric vehicle charger permit, or upon the direction of the Department of Streets, the permitee shall be responsible for promptly removing the electric vehicle charger and for restoring the area to its former condition. If a permitee fails to comply as directed, in addition to any other remedy authorized by this Chapter, the Department of Streets is authorized to abate the violation by removing the electric vehicle charger from the area and restoring the area to its original condition. The permitee shall be liable for the costs of such removal and restoration, including administrative costs, and the Law Department may take action to collect such costs by lien or any other method permitted by law.

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(11) [(10)] The Department of Streets and the Department of Licenses and Inspections may issue regulations as to the extent of the encroachments upon and obstructions of the streets for the protection or facilitation of pedestrian traffic, but encroachments upon or obstructions of the streets greater than those specified in this Section shall not be permitted.

SECTION 2. This Ordinance shall take effect immediately.

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

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