



Legislation Details (With Text)

**File #:** 210135-AA    **Version:** 3    **Name:**

**Type:** Bill    **Status:** ENACTED

**File created:** 2/18/2021    **In control:** Committee on Streets and Services

**On agenda:**    **Final action:** 4/29/2021

**Title:** Amending Chapter 9-208 of The Philadelphia Code, entitled "Sidewalk Cafés" and Title 4, Subcode "A" of The Philadelphia Code, entitled "Zoning and Use Registration Permits," by adding new provisions allowing restaurants applying for a sidewalk café permit or temporary lot uses permit to allow outdoor entertainment; all under certain terms and conditions.

**Sponsors:** Councilmember Gilmore Richardson, Councilmember Henon, Councilmember Domb

**Indexes:**

**Code sections:** 9-208 - Sidewalk Cafes

**Attachments:** 1. CertifiedCopy210135-AA03.pdf

Date	Ver.	Action By	Action	Result	Tally
5/11/2021	3	MAYOR	SIGNED		
4/29/2021	2	CITY COUNCIL	READ AND PASSED	Pass	17:0
4/22/2021	3	CITY COUNCIL	AMENDED		
4/22/2021	3	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
4/22/2021	2	CITY COUNCIL	READ		
4/8/2021	2	CITY COUNCIL	AMENDED		
4/8/2021	2	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
4/8/2021	1	CITY COUNCIL	READ		
3/25/2021	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
3/25/2021	1	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
3/25/2021	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
3/23/2021	0	Committee on Streets and Services	HEARING NOTICES SENT		
3/23/2021	0	Committee on Streets and Services	HEARING HELD		
3/23/2021	0	Committee on Streets and Services	AMENDED		
3/23/2021	1	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
2/18/2021	0	CITY COUNCIL			

Amending Chapter 9-208 of The Philadelphia Code, entitled "Sidewalk Cafés" and Title 4, Subcode "A" of The

Philadelphia Code, entitled “Zoning and Use Registration Permits,” by adding new provisions allowing restaurants applying for a sidewalk café permit or temporary lot uses permit to allow outdoor entertainment; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

\* \* \*

§ 9-208. Sidewalk Cafés

(1) Definitions.

\* \* \*

*(e) Outdoor Entertainment. Entertainment, including but not limited to, music, television, and performances that are provided by a business with a sidewalk café permit, streetery, temporary street closure, or temporary lot closure for their patrons outside. Outdoor Entertainment shall exclude adult cabarets.*

\* \* \*

(4) License Applications

\* \* \*

*(d) A recipient of a Sidewalk Café permit, or a recipient of a streetery permit or temporary street closure permit, pursuant to regulations, shall be eligible to provide Outdoor Entertainment until December 31, 2021, so long as all other provisions of the Philadelphia Code are adhered to, including the following:*

*(.1) This provision shall apply retroactively to any applicant that had prior approval for a sidewalk café permit, streetery-street closure, or temporary lot closure.*

*(.2) Permittees must notify the City, through the [streetery@phila.gov](mailto:streetery@phila.gov) email address, that an Outdoor Entertainment performance is scheduled seventy-two (72) hours in advance of the Outdoor Entertainment performance taking place. The Streets Department may, by regulation, extend the notification requirement for significant geographic areas of the City when there is a determination that a longer notification period is necessary to ensure that the health and public safety of this significant geographic area of the City is sufficiently considered and addressed. In this notification, permittees must certify that:*

*(.a) they have read, understand, and will comply with the City’s COVID safety guidelines relating to entertainment, dining, and leisure, and;*

*(.b) they will comply with any regulations promulgated by the City pursuant to this legislation.*

*(.3) Performers must wear a face mask at all times during an Outdoor Entertainment performance unless:*

*(.a) all performers stand more than twenty (20) feet from members of the public; or*

*(.b) performers perform behind a plexiglass barrier that will sufficiently prevent respiratory droplets from travelling from any performer to a member of the public.*

*(.4) All equipment must be removed at the conclusion of each Outdoor Entertainment performance.*

*(.5) A permittee that receives more than one violation notice for failure to maintain an Americans with Disabilities Act-compliant pedestrian path, shall be prohibited from providing Outdoor Entertainment.*

*(.6) There shall be no more than two (2) Outdoor Entertainment performances per City block, at any given time.*

*(.7) Until June 15, 2021, Outdoor Entertainment performances shall require a footway closure permit from the Streets Department, issued at the discretion of the Streets Commissioner.*

*(.8) After June 15, 2021, Outdoor Entertainment performances shall no longer require a footway closure permit from the Streets Department, however, the City reserves the right to deny the right to conduct Outdoor Entertainment performances on the basis of right-of-way conflicts, public safety concerns, history of violations, or history of complaints. Such denials will be provided in writing with the cause identified.*

*(.9) The Streets Department may, by regulation, restrict the hours that Outdoor Entertainment performances may occur for significant geographic areas of the City when there is a determination that shorter Outdoor Entertainment performance hours are necessary to ensure that the health and public safety of this significant geographic area of the City is sufficiently considered and addressed.*

\* \* \*

SECTION 2. Title 4 of The Philadelphia Code is amended to read as follows: subcode A of the Administrative Code

\* \* \*

§ A-301 Application for permit.

\* \* \*

§ A-301.2.5 Zoning and use registration permits.

\* \* \*

4. Temporary uses, structures, and signs for special events of a limited time period, typically open to the public and of a non-commercial nature, as approved by the Code Official after consideration of the impact on the immediate area.

(a) A recipient of the above-mentioned temporary uses permit, pursuant to regulations, shall be eligible to provide Outdoor Entertainment until December 31, 2021, so long as all other provisions of the Philadelphia Code are adhered to, including the following:

(.1) This provision shall apply retroactively to any applicant that had prior approval for a temporary use permit.

(.2) Permittees must notify the City, through the [streetery@phila.gov](mailto:streetery@phila.gov) email address, that an Outdoor Entertainment performance is scheduled seventy-two (72) hours in advance of the Outdoor Entertainment performance taking place. The Streets Department may, by regulation, extend the notification requirement for significant geographic areas of the City when there is a determination that a longer notification period is necessary to ensure that the health and public safety of this significant geographic area of the City is sufficiently considered and addressed. In this notification, permittees must certify that:

(.a) they have read, understand, and will comply with the City's COVID safety guidelines relating to entertainment, dining, and leisure, and;

(.b) they will comply with any regulations promulgated by the City pursuant to this legislation.

(.3) Performers must wear a face mask at all times during an Outdoor Entertainment performance unless:

(.a) all performers stand more than twenty (20) feet from members of the public;

or

(.b) performers perform behind a plexiglass barrier that will sufficiently prevent respiratory droplets from travelling from any performer to a member of the public.

(.4) All equipment must be removed at the conclusion of each Outdoor Entertainment performance.

(.5) A permittee that receives more than one violation notice for failure to maintain an Americans with Disabilities Act-compliant pedestrian path, shall be prohibited from providing Outdoor Entertainment.

(.6) There shall be no more than two (2) Outdoor Entertainment performances per City block, at any given time.

(.7) The Streets Department may, by regulation, restrict the hours that Outdoor Entertainment performances may occur for significant geographic areas of the City when there is a determination that shorter Outdoor Entertainment performance hours are necessary to ensure that the health and public safety of this significant geographic area of the City is sufficiently considered and addressed.

SECTION 3. This Ordinance shall take effect immediately.

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Explanation:

*Italics* indicate new matter added.