

Legislation Text

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Amending Chapter 9-200 of The Philadelphia Code, entitled “Commercial Activities on Streets,” by adding a new section providing for the certification of tour guides in certain areas of the city, establishing requirements for such certification, and providing for penalties for violations, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-200 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-200. COMMERCIAL ACTIVITIES ON STREETS.

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§ 9-214. Tours on the Public Right-of-Way in the Center City Tourist Area.

(1) Purpose. It is the purpose of this Section to ensure that tour guides, conducting tours for compensation on any public right-of-way in the Center City Tourist Area, have adequate knowledge of the geography, history, historic sites, historic structures, historic objects and other places of interest within that area, by requiring that such tour guides become certified. This Section is not intended to regulate persons offering or conducting tours in that area as volunteers, teachers providing information while sightseeing with their students, or persons offering or conducting tours on private property.

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

(a) Center City Tourist Area. The area of the City extending from the Delaware River to the Schuylkill River from Vine Street to South Street.

(b) Department. The department, office, agency or other entity designated by the Mayor to administer the provisions of this Section.

(c) Employee. An individual employed by a tour service company, including independent contractors.

(d) Public Right-of-Way. Property to which the public has a legal right of access including, but not limited to, public streets, highways, sidewalks, alleys, parks and squares.

(e) Tour Guide. Any person, whether self employed or an employee of a tour service company, who for compensation, offers to guide and direct or guides and directs one or more persons within the City and provides information on the City's geography, history, historic sites, historic structures, historic objects or other places of interest.

(f) Tour Service Company. Any sole proprietorship, firm, association, partnership, limited liability company, or corporation that operates tours in the City for compensation.

(3) Tour Guide Certificate.

(a) No person shall act as a tour guide on any public right-of-way within the Center City Tourist Area unless such person possesses a tour guide certificate issued in accordance with this Section.

(b) In order to secure a tour guide certificate, a person shall:

(.1) Submit a written application to the Department with such information as the Department shall require;

(.2) Be at least sixteen (16) years of age;

(.3) Take and pass a written examination, as required by Section 9-214(4), or provide proof of exemption under Section 9-214(4)(g);

(.4) Pay a non-refundable application fee to the Department in the amount of twenty-five (25) dollars; and

(.5) Provide proof of general liability insurance, obtained by the applicant's employer or the applicant, if self employed, in an amount determined by the Office of Risk Management. Such proof of insurance shall be accompanied with a power of attorney instructing the insurance agency to notify the Department of any default or interruption of coverage for any reason, within ten business days of such default or interruption.

(4) Written Examination.

(a) The examination shall be administered, at least once a month, on a schedule published by the Department in a newspaper of general circulation and on the City's official website, and shall be designed to test the applicant's knowledge of the geography, history, historic sites, historic structures, historic objects and other places of interest in the Center City Tourist Area. After consulting with any group or agency the Department deems appropriate, the Department shall itself or, by contract, prepare and administer the examination. In determining the groups or agencies to be consulted, the Department shall give consideration to ensuring that they represent the racial, gender, ethnic and cultural diversity of the City.

(b) At the time of application, the Department shall provide the applicant with a syllabus, list of source materials, or both, from which examination questions shall be taken. The Department shall itself or, by contract, prepare the syllabus or list of source materials.

(c) The Department is authorized to charge an examination fee to the applicant, in addition to the application fee, in order to cover the reasonable costs associated with the preparation of materials and preparation and administration of the written examination.

(d) The grade necessary to pass the written examination shall be determined by the Department. There shall be no limit to the number of times an applicant may take an examination in order to receive a passing grade. Applicants shall be notified, in writing, of the grade received on the examination.

(e) If an applicant receives a passing grade on the examination and satisfies all other

requirements of this Section and any other applicable laws, the Department shall:

(1) Issue a tour guide certificate to the applicant, indicating that the applicant is a certified tour guide for the Center City Tourist Area; and

(2) Issue an identification badge to the applicant that shall be designed to be worn on the person of the applicant and shall include a photograph of the applicant and such other information the Department deems necessary to identify the applicant as a certified tour guide.

(f) If an applicant fails to receive a passing grade on the examination, the Department shall, in addition to the notification required by Section 9-214(4)(d), notify the applicant that he or she may retake the examination on the next scheduled examination date, without filing a new application and application fee. The applicant shall, however, pay an examination fee for any examination that the applicant retakes.

(g) Exemption from written examination. Any tour service company, having an educational program through which it instructs and evaluates its tour guide employees who conduct tours within the Center City Tourist Area, may request an exemption for such tour guides from the written examination requirement. Such request shall be made, in writing, to the Department, after which the Department shall evaluate the educational program. If the Department determines that the educational program and method of evaluating tour guides is equivalent to or exceeds the written examination required by this Section, then it shall exempt the tour guide employees of such company from the written examination. Such tour guides, however, remain subject to all other requirements of this Section.

The educational programs of tour service companies that have received exemptions from the Department shall be reevaluated by the Department every two (2) years.

(5) Duration of Certificate. Any certification issued to a tour guide under this Section shall be valid for a period of two (2) years from the date of issuance.

(6) Recertification. Any tour guide subject to the requirements of this Section shall be recertified every two (2) years by complying with either of the following:

(a) Completing four (4) hours of continuing education provided by the Department, itself, or by contract; or

(b) Completing a continuing education program provided by a tour service company that has been approved for continuing education by the Department in the manner set forth for exemptions under Section 9-214(4)(g).

(7) Certificate non-transferable. A tour guide certificate shall be specific to the person to whom it is issued and shall not be transferable. Any person who has been issued a certificate shall notify the Department of any change of address or employer address within thirty (30) days of such change.

(8) Identification Badge. Any tour guide, required to be certified by this Section, shall wear the identification badge, issued by the Department, on his or her person in a visible manner, at all times, while offering to conduct or conducting any tour in the Center City Tourist Area.

(9) Certified Tour Guide List. The Department shall maintain a current list of all certified tour guides

and shall publish such list on the City's official website.

(10) Exemptions. The provisions of this Section shall not apply to persons offering to conduct or conducting tours as volunteers, teachers providing information while sightseeing with their students, or persons offering or conducting tours on private property.

(11) Regulations. The Department is authorized to promulgate such regulations as are necessary or appropriate to implement the provisions of this Section.

(12) Enforcement. The provisions of this Section shall be enforced in accordance with the provisions of Section 1-112 of this Code. In the case where the person, violating the provisions of this Section, is an employee of a tour service company, the tour service company and the employee shall be jointly and severally liable for such violation.

(13) Penalties. In addition to the penalties set forth in Section 1-109(1) of this Code, the Department of Licenses and Inspections may revoke the business privilege license of any person, including any tour service company, for a period of not less than six (6) months nor more than one (1) year, upon his or her third violation of the provisions of this Section within a period not to exceed three years.

(14) Reporting Requirement. No later than 24 months after the effective date of this Section, the Department, after consulting with any group or agency it deems appropriate, shall issue a report to Council regarding its assessment of the tour guide certification program and shall include in such report any recommendations it may have regarding such program, including expanding the program to include the entire City. In determining the groups or agencies to be consulted, the Department shall give consideration to ensuring that they represent the racial, gender, ethnic and cultural diversity of the City.

SECTION 2. This Ordinance shall become effective 180 days after enactment.

Explanation:

Italics indicate new matter added.