

City of Philadelphia



(Bill No. 150056-A)

AN ORDINANCE

Amending Subcode “A” of Title 4 of The Philadelphia Code, entitled “The Philadelphia Administrative Code,” by amending Chapter 3, entitled “Permits”; and Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by amending Chapter 9-200, entitled “Commercial Activities on Streets,” to add an exemption, add definitions and provide for the use and regulation of mobile food vendors in certain areas, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 3 of Subcode “A” (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

SUBCODE “A” (THE PHILADELPHIA ADMINISTRATIVE CODE)

* * *

CHAPTER 3 PERMITS

* * *

A-301.2.5 Zoning and Use Registration Permits: A zoning or use registration permit shall not be required for the following activities:

* * *

5. *Mobile Food Vendors, licensed under Section 9-203 of this Code and operating on privately-owned property, provided that such vendors comply with all of the requirements of subsection 9-203(10).*

* * *

SECTION 2. Chapter 9-200 of The Philadelphia Code is hereby amended to read as follows:

City of Philadelphia

BILL NO. 150056-A continued

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CHAPTER 9-200. COMMERCIAL ACTIVITIES ON STREETS.

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§ 9-203. Street Vendors.

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

(a) **Street Vendor.** Any person travelling by foot, wagon, motor vehicle or any other type of conveyance from place to place, house to house or street to street or on property owned or controlled by the City of Philadelphia carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who without travelling from place to place, sells or offers for sale products from a wagon, handcart, pushcart, motor vehicle, stand, conveyance or from his person who submits orders, and as a separate transaction, makes deliveries to purchasers. A "street vendor" shall include any "vendor", "peddler", "hawker", "huckster", ["itinerant merchant"] "*itinerant merchant*," "*mobile food vendor*" or "transient vendor" but shall exclude any vendor licensed under Section 9-201 or Section 9-213.

* * *

(e) **Mobile Food Vendor.** *A self-contained food service operation, located in a readily movable motorized vehicle with wheels, or in a vehicle with wheels capable of being towed by a motorized vehicle, designed for the preparation, display and service of food and beverages to patrons; but not including pushcarts.*

* * *

(7) Prohibited Conduct. No vendor or person shall:

* * *

(k) leave any conveyance unattended at any time or store, park, or leave same overnight on any city sidewalk *or street or at any vending location permitted under subsection 10(b) hereof, unless the Department approves a Mobile Food Vendor to remain overnight in connection with a special event sponsored by the City;*

* * *

(10) *Mobile Food Vendors on Privately-owned Property.*

City of Philadelphia

BILL NO. 150056-A continued

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(a) Mobile Food Vendors may operate on privately-owned property, with the permission of the property owner or lessee, subject to the following requirements.

(.1) The Mobile Food Vendor and the owner or lessee of the property have obtained all applicable licenses and permits.

(.2) The Mobile Food Vendor refrains from conduct prohibited under subsection 9-203(7).

(.3) The Mobile Food Vendor displays, at all times on the vehicle, a current license to vend in accordance with subsection 9-203(2), and the name of the owner or operator of the Mobile Food Vendor.

(.4) The Mobile Food Vendor displays, at all times, in a location visible to patrons, the name and contact information for the property owner or lessee who has given permission for the operation of the Mobile Food Vendor on the property.

(.5) Signs. No signs, except the following, shall be permitted:

(.a) Signs permanently attached to the mobile food vending vehicle; and

(.b) One portable non-digital menu sign, no more than 12 square feet, located on the ground in the customer service area, provided that any portable menu sign shall be removed at the end of operating hours.

(.6) Lighting. If the Mobile Food Vendor operates after dark, the owner or lessee of the property or the Mobile Food Vendor shall provide appropriate lighting in accordance with the following requirements:

(.a) The lighting shall be limited to an overall average level of illumination of two horizontal foot-candles; and

(.b) The illumination shall be oriented to prevent glare on surrounding areas.

(.7) Accessory outdoor seating is permitted, with the property owner's permission, provided it does not encroach upon the public right-of-way.

(.8) Hours of Operation. The permitted hours of operation shall be in accordance with subsection 9-203(7)(1)(Prohibited Conduct), unless the property owner limits the vendor to fewer hours of operation or unless otherwise provided in subsection 203(10)(b) (Permitted Locations).

City of Philadelphia

BILL NO. 150056-A continued

Certified Copy

(.9) *A Mobile Food Vendor and any accessory outdoor seating shall not remain on a property more than one hour before and one hour after the permitted hours of operation.*

(.10) *No amplified sound or loudspeakers shall be permitted.*

(.11) *At least one trash receptacle and one recycling receptacle shall be provided, for use by patrons, in a location that does not interfere with pedestrian or vehicular traffic.*

(.12) *At the end of each day of operation, the operator of the Mobile Food Vendor shall collect and remove all trash and debris generated on the property by its operation or patrons.*

(.13) *No generators shall be operated on the exterior of the Mobile Food Vendor, unless they are permanently mounted on the truck.*

(.14) *The Mobile Food Vendor shall not interfere with visibility at any driveway or intersection, or with pedestrian or vehicular ingress and egress with respect to the property.*

(.15) *The Mobile Food Vendor shall serve pedestrians only; drive-through and drive-in service is prohibited.*

(.16) *Sites shall be maintained accessible to persons with disabilities.*

(b) *Permitted Locations. Mobile Food Vendors shall be permitted to operate on privately-owned property in the following areas:*

Reserved.

(c) *Prohibited Locations and Operations.*

(.1) *No Mobile Food Vendor shall operate on a historic site, as designated under Chapter 14-1000 of this Code or by the National Register of Historic Places.*

(.2) *A Mobile Food Vendor shall not operate on any portion of a parking lot, where the vending vehicle would reduce the number of parking spaces to fewer than the required minimum for that lot, or where it would block any of the following: a parking aisle, access to loading or service areas, emergency access, or a fire lane. Further, such vendor shall not locate its vehicle within fifteen (15) feet in all*

City of Philadelphia

BILL NO. 150056-A continued

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directions from any fire hydrant, fire department connection, driveway entrance, alley, handicapped parking space, or vegetation.

(d) Where the provisions of this subsection 9-203(10) conflict with other provisions of this Chapter, the provisions of this subsection shall apply.

Explanation:

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

City of Philadelphia

BILL NO. 150056-A continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 23, 2015. The Bill was Signed by the Mayor on May 5, 2015.



Michael A. Decker
Chief Clerk of the City Council