

City of Philadelphia



(Bill No. 090712)

AN ORDINANCE

Amending Section 9-211 of The Philadelphia Code, entitled “Boxes for the Distribution of News and Printed Material,” by amending certain specifications for publishers’ boxes, increasing licensing fees, amending permissible locations and increasing fines, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-211 of The Philadelphia Code is hereby amended to read as follows:

§9-211. Boxes for the Distribution of News and Printed Material.

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(3) Specifications for Publishers’ Boxes.

* * *

(c) Secure and safe placement. No person shall place, maintain or operate a publishers’ box on the public sidewalk unless such box is in compliance with the following:

(.1) Each publishers’ box must be sufficiently weighted to be secure in all expected weather conditions.

(.2) No publishers’ box shall be attached to any utility pole, traffic or parking sign or device, trash receptacle, fire hydrant, directional sign, bicycle rack, or other utility pole, fixture or any piece of street furniture.

(.3) No publishers’ box shall be placed or maintained within 3 feet of the edge of a driveway, marked pedestrian crosswalk or curb cut; or within 5 feet of a sign designating a regular bus stop.

(.4) No publishers’ box shall be placed or maintained within 3 feet of a fire hydrant.

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(.5) No publishers' box shall be placed or maintained in any space so as to reduce the width of the pedestrian passageway on the sidewalk to less than 4 feet.

(.6) [No two publishers' boxes displaying or offering the same publication for sale or distribution may be placed or maintained within thirty (30) feet of one another, unless such publishers' boxes are across the street from one another; provided, however, that no more than three publishers' boxes displaying or offering the same publication for sale or distribution shall be placed or maintained at or within thirty (30) feet of any one intersection.] *No two publishers' boxes displaying or offering the same publication for sale or distribution may be placed at the same intersection unless such publishers' boxes are located on separate quadrants of the intersection. No publisher may display or offer more than three of the same publication for sale or distribution at any intersection.*

(.7) If no corral exists at [a location] *an intersection* where a publishers' box will be placed, all publishers boxes at that location must be kept a minimum of eighteen (18) inches from, and parallel to, the edge of the curb, with the publishers box opening facing toward the sidewalk and away from the curb; provided, however, that the Department may permit, by regulation, a different distance from the curb or a different orientation, if consistent with public safety and pedestrian convenience.

(.8) No publishers' box shall be placed on the radius of the curve at the corner of any City block or other sidewalk/street intersection.

(.9) *No publishers' box shall be located more than thirty (30) feet from any intersection.*

* * *

(5) Permits and Fees. No person shall place, maintain or operate a publishers' box on the public sidewalk unless such person procures an annual permit from the Department for each publishers box owned and affixes such permit to such publishers box. The owner or operator of a publishers box that is taken out of service may remove the proof-of-permit from such publishers box and affix such proof-of-permit to a comparable, replacement publishers box, until the expiration of such permit. The proof-of-permit shall be affixed to the top of the publishers' box, so that it may be viewed and read while standing in front of the publishers' box. The Department shall issue a proof-of-permit to any applicant who:

(a) Provides the Department, on forms approved by the Department, with the name, business address, telephone number and facsimile number of the person designated by the owner or operator as responsible for the maintenance of the publishers' box.

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(b) Pays the applicable annual fee of [\$10] *fifty dollars (\$50)* per publishers' box; provided, however, that the Department may establish a different fee, from time, to recover any costs of administering or enforcing this Section.

(6) Publishers' Box Corrals.

* * *

(g) No person shall place or maintain a publishers' box within thirty (30) feet of a publishers' box corral[, unless such publishers' box is lawfully placed within such corral]. *If a corral or corrals exist at an intersection, all publishers' boxes at that intersection must fit within the corral(s). If no space is available in the corral, another intersection must be located.*

(7) Removal of Damaged, Unused or Obsolete Publishers' Boxes.

* * *

(c) Upon removal by the Department or its designee of any publishers' box pursuant to this subsection, the Department shall:

(.1) Send notice by first class U.S. mail to the owner or operator of the publishers' box, describing the violation, the date on which the removal took place, where and how the publishers box may be retrieved by the owner or operator, and the fees due for removal and storage.

(.2) Allow the owner or operator to retrieve the box upon payment of a removal fee of [twenty-five dollars (\$25)] *fifty dollars (\$50)* plus a storage fee of [five dollars (\$5)] *twenty dollars (\$20)* per day[, up to a maximum combined removal and storage fee of seventy-five dollars (\$75)].

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Explanation:

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 19, 2009. The Bill was Signed by the Mayor on December 1, 2009.

A handwritten signature in cursive script, reading "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council