

AN ORDINANCE

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by adding a new chapter concerning vehicular mobile service providers, and providing for penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is hereby amended as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-2800. VEHICULAR MOBILE SERVICE PROVIDERS.

§ 10-12801. Legislative Findings.

The Council of the City of Philadelphia hereby finds:

- (1) There are increasing occurrences in which vehicular mobile service providers operating in the Seventh Councilmanic District have congregated in large numbers to distribute goods and provide services in residential areas, contributing to litter, nuisance behavior, and safety concerns that have adversely affected nearby residents;*
- (2) Among other things, residents living near where vehicular mobile service providers operate in the Seventh Councilmanic District have experienced increases in:*
 - (a) The accumulation of plastic waste, toxic waste, human waste, discarded drug paraphernalia, discarded pills, medical supplies and various other items on their residential streets, which pose a danger to children, the environment, public health, and the dignity of our communities;*
 - (b) Increased social conflict and confrontation, caused by some recipients of mobile services who engage in nuisance and criminal activity, including conduct carried out on nearby residents’ porches, front steps, or in their backyards; and*
 - (c) Exposure of their children to traumatic and frequently unsafe conditions arising from the fentanyl crisis.*

- (3) *The purpose of this legislation is to protect community safety and wellbeing and to ensure that children, families and residential communities in the Seventh Councilmanic District are treated with dignity and can enjoy clean, safe communities.*

§ 10-12802. Definitions.

- (1) *Block. Both sides of a segment of a street which does not extend beyond any intersection with another street.*
- (2) *Emergency medical responder. As defined in 35 Pa. C.S. § 8103.*
- (3) *Emergency medical services. As defined in 35 Pa. C.S. § 8103.*
- (4) *Vehicular mobile service provider. A person or entity that provides services or distributes tangible goods to three (3) or more members of the public while operating from a vehicle in the public right of way. For purposes of this chapter, a vehicular mobile service provider does not include emergency medical responders providing emergency medical services.*
- (5) *Residential block. Both sides of a segment of a street which does not extend beyond any intersection with another street, and where eighty percent (80%) or more of the buildings contain residential dwellings and less than fifty percent (50%) of the street-level block frontage is comprised of commercial establishments.*
- (6) *Sensitive public area. Any block on which all or a portion of a primary or secondary school or recreation center.*

§ 10-12803. Restriction on Operating in Certain Areas.

- (1) *No vehicular mobile service provider shall operate within the Seventh Councilmanic District on any residential block.*
- (2) *No vehicular mobile service provider shall operate in any sensitive public area within 50 feet of the sidewalk.*
- (3) *Nothing in this Chapter shall be construed to authorize vehicular mobile service providers to operate in any manner that is otherwise prohibited by law.*

§ 10-12804. Penalties.

- (1) *Violations of this Chapter may be issued by any agency authorized to issue notices of violation.*
- (2) *Upon the first violation, a vehicular mobile service provider operating in violation of this Section shall be issued a written warning.*
- (3) *A second violation of this Section shall be punishable by a fine of \$200.*
- (4) *A third or subsequent violation of this Section shall be punishable by a fine of \$500.*

§ 10-12806. Severability.

Each of the provisions of this Chapter are severable, and if any provision or portion thereof is held invalid, the remaining provisions shall not be affected, but shall remain in full force and effect.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.