

City of Philadelphia



(Bill No. 050862-A)

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by adding provisions regulating the operation of tour buses and amphibious tour vehicles, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-400. CARRIERS

* * *

§9-407. Tour Passenger Carriers

(1) Definitions.

(a) *Amphibious tour vehicle.* A motor-propelled vehicle capable of operating on land or water and operated on the streets for the purpose of carrying passengers for guided sight-seeing tours;

(b) *Department.* The Department of Streets;

(c) *Guided sight-seeing tour.* An organized trip that operates on a regular basis, that travels in a circuit in Philadelphia and provides information on historic sites and other places of interest in the City;

(d) *Sidewalk.* All that area legally open to public use as a pedestrian public way between the curb line and the legal house line of the abutting property;

(e) *Tour bus.* A motor bus operated on the streets for the purpose of carrying passengers for guided sight-seeing tours, but excluding publicly funded tours, buses and licensed charter bus carrier;

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(f) *Tour passenger loading zone. All that area used by a tour bus or amphibious tour vehicle for the loading and unloading of passengers;*

(g) *Tour Passenger Carrier. Any person who operates, on the streets of the City, a tour bus or amphibious tour vehicle;*

(2) *License. No tour passenger carrier shall operate in the City unless the tour passenger carrier obtains a license from the Department.*

(a) *Every license issued under this Section shall be issued as of the first day of March and shall be effective, unless suspended or revoked, until the last day of February of the next calendar year. Licenses may be renewed in accordance with this Section for similar one (1) year periods.*

(b) *A license shall permit the licensee to operate either tour buses or amphibious tour vehicles, but not both, and a tour passenger carrier who wishes to operate both tour buses and amphibious tour vehicles must obtain separate licenses for each operation.*

(c) *All licenses issued under this Section shall permit the licensee to conduct licensed operations at the tour passenger loading zones designated under the permit as set forth in 9-407(7).*

(d) *Every license shall be non-assignable and non-transferable.*

(3) *License Issuance. Licenses shall be issued upon the following:*

(a) *The applicant furnishes the following information:*

(.1) *the applicant's name, address and telephone number;*

(.2) *the category of tour vehicle (tour bus or amphibious tour vehicle);*

(.3) *the number of vehicles to be operated;*

(.4) *for every person that will be operating a tour bus or amphibious tour vehicle, the necessary vehicle operating license as applicable under Commonwealth and federal law;*

(.5) *the applicant's current and valid Pennsylvania sales tax identification number, and current and valid Philadelphia business privilege license number;*

(.6) *the motor bus license for each vehicle;*

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- (.7) an identifying description of each tour bus or amphibious tour vehicle used by the licensee;*
- (.8) each tour bus's or amphibious tour vehicle's motor vehicle registration number;*
- (.9) the applicant's proposed tour route;*
- (.10) schedule of rates to be charged per tour bus or amphibious tour vehicle. Rates for pre-sold and combination tour services shall be exempt from such filings.*
- (b) The applicant pays a non-refundable application fee of one hundred (\$100) dollars; and*
- (c) Approval by the Department of the applicant's proposed tour route. The Department shall approve the applicant's proposed tour route if the Department finds that the route is safe and that it does not unreasonably hinder traffic flow. If the Department disapproves the applicant's proposed tour route, the Department shall notify the applicant in writing of the reasons for disapproval and request the applicant to submit a different tour route for approval. The Department may also, in such written notification, suggest alternate routes that would be approved;*
- (d) The applicant obtains approval for at least one tour passenger loading zone or demonstrates the ability to load or unload passengers without using the public right-of-way for periods in excess of fifteen (15) minutes;*
- (e) The applicant, after being notified by the Department that his application has been provisionally approved,*
- (.1) agrees to the approved tour route pursuant to subsection 9-407(3)(c) and the tour passenger loading zones pursuant to subsection 9-407(7); and*
- (.2) after March 1, 2007, pays an initial license fee of five thousand (\$5000) dollars. No fee shall be required prior to this date.*
- (4) License Renewal; Change of License Information*

(a) The Department shall send to each person licensed under this Section, at a time reasonably in advance of the end of each license year, a renewal license. The licensee must return the renewal license to the Department, together with payment of the annual renewal fee of five thousand (\$5000) dollars and a statement of the changes, if any, in the license information required by subsection 9-407(3). If the licensee proposes a new tour route, the Department must approve the new route prior to license renewal.

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The Department shall then validate the renewal license and return it, together with a new license, to the licensee, who shall thereby be licensed for the succeeding license year.

(b) Licensees must, during the license year, notify the Department in writing of any change in the information required by subsection 9-407(3), within thirty (30) days of such change.

(c) Every license shall be non-assignable and non-transferable.

(5) Alteration of Routes. No Tour Passenger Carrier shall utilize a route other than that route approved under subsection 9-407(3) without written permission from the Department unless the approved route is impassable, in which case deviations from the approved route may occur for no longer than a 12 hour period. If deviation from the approved route is necessary for more than one calendar day, the Tour Passenger Carrier must notify the Department in writing within 24 hours of the beginning of such deviation of a proposed alternate route. The Department shall notify the Tour Passenger Carrier within 72 hours if the application for alteration of routes is approved. If the Department fails to notify the Tour Passenger Carrier within 72 hours, the application for alteration of routes will be deemed approved.

(6) Rates. The rates charged by a tour passenger carrier shall not exceed the rates filed with the application for such tour bus or amphibious tour vehicle, or as subsequently amended, and shall show the charges for a guided sight-seeing tour on each day that the tour passenger carrier operates. Where different rates are made for weekend, weekday and holiday tours, such different rates shall be shown.

(7) Prohibition on Loading and Unloading Passengers. No tour bus or amphibious tour carrier shall load or unload from the public right-of-way at any location other than a universal tour passenger loading zone, a designated bus stand, or at a tour passenger loading zone for which the carrier obtains a permit from the Department. Tour buses and amphibious tour vehicles may load and unload from other locations if the vehicle is also licensed with the Pennsylvania Public Utility Commission as a charter bus carrier and is operating as such. Such vehicles must be identified as a charter bus carrier so that an individual in the public right-of-way can view such identification.

(8) Tour Passenger Loading Zone Locations.

(a) The Department may approve tour passenger loading zones only on the following blockfaces and only where the Department finds that the location is safe and does not unreasonably hinder traffic flow:

(.1) The east side of Sixth street between Market and Arch streets. No more than four tour passenger loading zones may be approved.

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(.2) The west side of Twelfth street between Market and Filbert streets. No more than three tour passenger loading zones may be approved.

(.3) The east side of Fifth street between Market and Arch streets. No more than one tour passenger loading zones may be approved.

(.4) The west side of Fifth street between Market and Arch streets. No more than two tour passenger loading zones may be approved.

(b) The Department shall not approve any loading zone at any of the following locations:

(.1) at any location that would reduce the unobstructed pedestrian right-of-way to less than six and one-half feet, such width not to include the width of any grate;

(.2) on medians of divided highways;

(.3) on any portion of a sidewalk directly in front of any building entrance, loading dock or loading ramp;

(.4) within twenty-five feet upstream (in the direction from which vehicular traffic in the nearest curbside lane approaches) of any bus stop zone;

(.5) within ten feet of subway entrance or exits;

(.6) within ten feet of a fire hydrant;

(.7) within fifteen feet upstream of any mid-block crosswalk;

(.8) within fifteen feet of any alley or driveway; or

(.9) a location designated by the Department to be a universal tour passenger loading zone.

(c) The Department shall maintain and make available for public inspection during regular business hours a complete list of all permitted tour passenger loading zones as designated in subsection (a) and universal tour passenger loading zone locations as designated in 9-407(12).

(9) Permit Issuance. Passenger Loading Zone Permits shall be issued upon compliance with the following:

(a) The applicant furnishes the following information:

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(.1) The applicant's name, address and telephone number; and

(.2) The location of the applicant's proposed tour passenger loading zone;

(b) The applicant pays a non-refundable application fee of one hundred (\$100) dollars; and

(c) The applicant, after being notified by the Department that his application has been provisionally approved,

(.1) agrees to the approved tour passenger loading zones by the Department of Streets; and

(.2) pays the initial permit fee of two hundred fifty (\$250) dollars.

(10) Assignment, Renewal and Use of Passenger Loading Zones.

(a) Permits for particular tour passenger loading zones shall be granted as follows:

(.1) Applicants who have continuously conducted tour operations on a blockface for at least two (2) years from before the date this Section became law shall receive first preference for a loading zone permit on such blockface. Applicants shall be ranked according to the number of whole years they have continuously conducted permitted tour operations on such blockface, and selections among equally ranked applicants shall be by lottery, unless such equally ranked applicants agree among themselves who shall be selected.

(.2) If the maximum number of tour passenger loading zones on a particular blockface is not filled by the procedure set forth in subsection 9-407(10)(a)(.1), then any additional applicants for a permit on such blockface shall be ranked according to the number of whole years they have continuously conducted tour operations in the City, and selections among equally ranked applicants shall be by lottery.

(.3) Any tour passenger loading zone that is not filled by the procedures set forth in subparagraphs (.1) or (.2) sixty (60) days after this ordinance becomes law, then such tour passenger loading zones shall be deemed as vacant. Vacant tour passenger loading zones shall be assigned to qualified applicants by lottery scheduled and announced in advance by the Department.

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- (.4) *For any additional tour passenger loading zones created subsequent to enactment of this legislation, permits shall be issued to the first applicant submitting a complete application.*
- (.5) *In order to apply for a permit, receipt of which would otherwise create a violation of another provision of this subsection, an operator may agree to relinquish the then currently permitted location upon receipt of a permit for a new location.*
- (b) *No tour passenger carrier shall be permitted to use more than one tour passenger loading zone per block face.*
- (c) *No tour passenger carrier shall be permitted to use more than one tour passenger loading zone in the area bounded on the west by the west curblines of 6th street, on the north by the south curblines of Arch street, on the east by the east curblines of 5th street and on the south by the north curblines of Market street.*
- (d) *Every permit issued under this Section shall be effective, unless suspended or revoked, until the last day of February of the next calendar year, and shall be renewed on an annual basis for one year periods beginning March 1. Permits that are renewed shall permit the licensee to continue to load from the same tour passenger loading zone as designated in the permit being renewed.*
- (e) *Issuance of a permit for a particular location is not a guarantee that such location will remain a permitted tour passenger loading zone location for the duration of the permit or any renewal periods. Council may by ordinance remove a location from the list of designated locations. If Council removes a location from the list of designated locations, the tour passenger carrier permitted to use such location must apply to the Department for a new location in accordance to Department regulations. If no tour passenger loading zone is available, the Department shall refund the tour passenger carrier's permit fee.*
- (f) *Any tour passenger loading zone location that is not utilized for fourteen (14) consecutive days between March 1 and October 31 shall be considered vacant and the permit shall be revoked. Vacant tour passenger loading zones shall be made available to qualified applicants as set forth in subsection 9-407(10)(a)(.3).*
- (g) *Copies of permits issued under this Section must be carried on the tour bus or amphibious tour vehicle at all times and available for inspection by the appropriate city official.*
- (11) *Passenger Loading Zone Permit Renewal; Change of Permit Information*

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(a) The Department shall send to each person permitted under this Section, at a time reasonably in advance of the end of each permit year, a renewal permit. If the permittee returns the renewal permit to the Department, together with payment of the annual renewal fee of two hundred fifty (\$250) dollars and a statement of the changes, if any, in the permit information required by subsection 9-407(9), the Department shall then validate the renewal permit and return it, together with a new permit, to the permittee, who shall thereby be permitted for the succeeding permit year.

(b) Permittees must, during the permit year, notify the Department in writing of any change in the information required by subsection 9-407(9), within thirty (30) days of such change.

(12) Universal Tour Passenger Loading Zones. The Department may designate universal tour passenger loading zones by regulation. A tour bus may load or unload passengers at such locations.

(a) No vehicle without a Tour Passenger Carrier License may utilize a universal tour passenger loading zone.

(b) No tour bus or amphibious tour vehicle may stand in a universal tour passenger loading zone for longer than ten (10) minutes.

(13) Tour Passenger Carrier Safety Reports

(a) Prior to February 1 of each year, each Tour Passenger Carrier must submit a written safety report to the Department that includes:

(.1) The number and nature of all traffic violations, if any, received by the Tour Passenger Carrier or any agent or employee acting on behalf of the Tour Passenger Carrier during the previous calendar year;

(.2) All vehicular accident reports, including maritime reports, if any, that involved a Tour Bus or Amphibious Tour Vehicle operated by the Tour Passenger Carrier;

(.3) The number and nature of any injury received by a customer of the Tour Passenger Carrier during the previous calendar year; and

(.4) All other violations issued to the Tour Passenger Carrier or any agent or employee acting on behalf of the Tour Passenger Carrier under City, Commonwealth or Federal statutes.

(.5) The total number of vehicles operated by the Tour Passenger Carrier during the previous calendar year; and

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(.6) *The total number of passengers carried by the Tour Passenger Carrier during the previous calendar year.*

(b) *Prior to the first day of March of each calendar year, the Department will release a Tour Passenger Carrier Safety Report to the public that includes, at minimum:*

(.1) *The ratio of the number and nature of all traffic violations, if any, received by the Tour Passenger Carrier or any agent or employee acting on behalf of the Tour Passenger Carrier during the previous calendar year compared to the total number of vehicles operated by the Tour Passenger Carrier during the previous calendar year;*

(.2) *The ratio of all vehicular accidents, including maritime reports, if any, during the previous calendar year that involved a Tour Bus or Amphibious Tour Vehicle operated by the Tour Passenger Carrier, including the number of accidents; the location of each accident; the number and nature of injuries, if any, sustained in each accident; and the number of vehicles involved compared to the total number of vehicles operated by the Tour Passenger Carrier during the previous calendar year;*

(.3) *The ratio of the number and nature of any injury received by a passenger of the Tour Passenger Carrier, if any, during the previous calendar year compared to the total number of passengers carried by the Tour Passenger Carrier during the previous calendar year; and*

(.4) *The ratio of all other violations issued to the Tour Passenger Carrier or any agent or employee on behalf of the Tour Passenger Carrier under applicable City, Commonwealth or Federal statutes compared to the total number of vehicles operated by the Tour Passenger Carrier during the previous calendar year.*

(14) *Trash Removal and Clean Up: Tour passenger carriers are responsible for maintaining the sidewalk within fifteen feet of their tour passenger loading zone clean of all trash generated by their tour operations.*

(15) *Other Prohibited Conduct. No tour passenger carrier or its agent or employee shall:*

(a) *conduct himself or his business in such a way as would restrict or interfere with the ingress or egress of the property of the abutting property owner or tenant, or in such a way as would create or become a nuisance or hazard to public health, safety or welfare, or increase traffic congestion or delay, or constitute an obstruction to adequate access to fire, police, or sanitation vehicles;*

(b) *leave any vehicle unattended at any time;*

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(c) violate any provision of The Philadelphia Code;

(d) solicit ticket sales from the public in an aggressive manner, or accompanied by conduct including but not limited to repeated or insistent solicitations, retaliatory comments, blockage of free passage of a pedestrian, touching or yelling at a pedestrian, confrontation or intimidation;

(e) solicit for any service or product other than tickets and related services provided by the specified tour passenger carrier.

(f) Sell tickets or any other service or product from the sidewalk in the area bounded on the west by the west curblineline of 6th street, on the north by the south curblineline of Arch street, on the east by the east curblineline of 5th street and on the south by the north curblineline of Market street unless specifically authorized by ordinance.

(16) Penalties, License Suspension, Revocation, and Loss of Permitted Tour Passenger Loading Zone Location.

(a) The penalty for violation of any provision of this section is, in addition to any other sanctions provided, a fine not less than five hundred (\$500) dollars and not to exceed the Maximum Fine Amount, as defined herein, for each offense. For purposes of this subsection, the "Maximum Fine Amount" shall be seven hundred dollars (\$700) for violations committed during calendar year 2005; eleven hundred dollars (\$1,100) for violations committed during calendar year 2006; fifteen hundred dollars (\$1,500) for violations committed during calendar year 2007; nineteen hundred dollars (\$1,900) for violations committed during calendar year 2008; and two thousand dollars (\$2,000) for violations committed thereafter. Each day of violation shall be deemed a separate offense. Violations may also result in a license or permit suspension of up to sixty (60) days, or license revocation. Licenses or permits may also be revoked if any fine is not paid within ten (10) days of imposition by a final order from which all appeals have been exhausted. An order of the Department revoking a license or permit shall also specify when the licensee or permittee may reapply for a license, which shall be not less than ninety (90) days nor more than one (1) year from the date of revocation. Persons reapplying for licenses or permits after having their licenses or permits revoked shall apply pursuant to Department regulations as if they were new applicants not previously licensed or permitted.

(b) In addition to the penalties provided in subsection 9-407(14)(a), the City is hereby authorized to remove any tour bus or amphibious tour vehicle that is in violation of subsection 9-407(7), 9-407(10), or 9-407(12) and refuses to comply immediately with this Section upon written notice of violation. The licensee shall be immediately notified of the place where his property can be reclaimed and shall be entitled to claim his property immediately upon payment of the costs of removal.

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(c) Any license or permit issued under this Section may also be revoked for any of the following reasons:

(.1) fraud, misrepresentation or knowingly false statement contained in the application for the license or permit;

(.2) fraud, misrepresentation or knowingly false statement in the course of carrying on licensed or permitted operations; or

(.3) fraud, misrepresentation or knowingly false statement contained in the written safety report.

(d) The Department of Streets, the Police Department, the Department of Licenses and Inspections and the Philadelphia Parking Authority shall have the power to effect compliance with this Chapter and any Regulations adopted hereunder.

SECTION 2. This Ordinance shall take effect sixty (60) days after it becomes law, provided that any City agency is authorized to promulgate any regulations and take any other actions needed to prepare for implementation of this Ordinance immediately after this Ordinance becomes law.

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 December 15, 2005. The Bill was Signed by the Mayor on January 24, 2006.



Patricia Rafferty
Chief Clerk of the City Council