



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 040869

Introduced October 7, 2004

Councilmember Mariano

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Section 9-601 of The Philadelphia Code, entitled “Garages, Parking Lots and Sales Showrooms,” by deleting certain requirements regarding private parking lots and garages; amending Title 4, Subcode “PM,” The Philadelphia Property Maintenance Code, to add a new section regarding private parking lots; and making certain technical changes; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-600. SERVICE BUSINESSES.

* * *

§9-601. Garages, Parking Lots, Sales Lots and Sales Showrooms.

(1) General Provisions.

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

* * *

[(.2) Private Parking Lot. Any outdoor area or space where more than 6 motor vehicles may be parked, housed or kept without any charge.]

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[(.3)] (.2) Public Garage. Any building or other structure in which more than three motor vehicles may be parked stored, housed or kept for a charge, fee or other consideration;

[(.4) Private Garage. Any building or other structure in which more than three motor vehicles may be parked, stored, housed or kept without any charge, excluding any building or structure which is part of or appurtenant to a private dwelling;]

[(.5)] (.3) * * *

[(.6)] (.4) * * *

[(.7)] (.5) * * *

[(.8)] (.6) * * *

[(.9)] (.7) * * *

(b) No person shall conduct, operate or maintain the following unless he or she has obtained a license from the Department of Licenses and Inspections;

* * *

[(.2) Private Parking Lots;]

[(.3)] (.2) Public Garage;

[(.4) Private Garage;]

[(.5)] (.3) Sales Lot;

[(.6)] (.4) Sales Showroom;

[(.7)] (.5) Valet Parking.

* * *

[(3) Private Garages.

(a) Licenses. No license shall be issued to conduct, operate or maintain any private garage unless:

(.1) the applicant furnishes a plot or plan of the proposed garage showing its location, maximum motor vehicle capacity, entrances and exit facilities;

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(.2) such plot or plan has been approved by the Department of Streets, Fire Department, and the Department of Licenses and Inspections;

(.3) the applicant pays an annual fee of \$25.00.

(b) All licenses shall be conditioned upon continued compliance by the licensee with the requirements of this Section and the provisions of Title 5.]

[(4)] (3) Public Parking Lots

* * *

[(5) Private Parking Lots.

(a) Licenses. No license shall be issued to conduct, operate or maintain any private parking lot unless:

(.1) the applicant furnishes a plot or plan of the proposed parking lot showing its location, maximum motor vehicle capacity, method of surfacing, and entrance and exit facilities;

(.2) such plot or plan has been approved by the Department of Streets, the Fire Department, and the Department of Licenses and Inspections;

(.3) the applicant pays an annual fee of \$50.00. Provided, however, that any bona fide religious, educational or charitable institution exempt from the payment of the Public Parking Lot tax under §19-1201(2)(a) shall not be required to pay the annual fee required by this Section.

(.4) the department certifies that the applicant has complied with all provisions of this section.

(b) All licenses shall be conditioned upon continued compliance by the licensee with the requirements of this section, Title 5 and §9-601(4)(c)(d) and (f).

(c) Surfacing. All areas of license activity shall be surfaced in accordance with the regulations issued by the Department of Streets to prevent the spread of dust, dirt or mud. These regulations shall require the use of permanent paving materials:

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(.1) on all private parking lots which are used to store or park commercial vehicles; and

(.2) on all private parking lots with a parking area of 2,500 square feet or more.]

- [(6)] (4) * * *
- [(7)] (5) * * *
- [(8)] (6) * * *
- [(9)] (7) * * *
- [(10)] (8) * * *
- [(11)] (9) * * *

SECTION 2. Title 4 of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE.

* * *

CHAPTER 4-200. TEXT OF SUBCODES.

* * *

SUBCODE “PM” (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

* * *

CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE.

* * *

SECTION PM-202.0 GENERAL DEFINITIONS.

* * *

Premises: A lot, plot or parcel of land including any structures thereon.

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Private Parking Lot: Any outdoor area or space where more than six (6) motor vehicles may be parked, housed or kept without any charge.

* * *

SECTION PM-313.0 PRIVATE PARKING LOTS.

PM-313.1 General: All owners and operators of private parking lots shall comply with the requirements of subsections PM-313.2 through PM-313.4; the Zoning Code; and the Philadelphia Building Code.

PM-313.2 Barriers: A permanent substantial barrier shall be maintained around the private parking lot area. Such barrier shall be constructed of metal or masonry and shall be:

- 1. a wall which is not less than 2 feet in height;*
- 2. metal or masonry posts 4 to 6 inches in diameter placed not more than 5 feet apart nor less than 30 inches in height and connected by metal pipes, rods, fencing or chains; or*
- 3. concrete curbing, at least six inches high by four inches wide, permanently located so that any parked vehicle does not encroach on a footway, adjacent property, or into an area where parking is not permitted.*

PM-313.3 Surfacing: All areas of the private parking lot shall be surfaced in accordance with regulations issued by the Department of Streets to prevent the spread of dust, dirt or mud. These regulations shall require the use of permanent paving materials:

- 1. on private parking lots which are used to store or park commercial vehicles; and*
- 2. on private parking lots with a parking area of 2,500 square feet or more.*

PM-313.4 Use of Streets: The owner of a private parking lot shall not:

- 1. use or permit the use of any part of any street or sidewalk for the parking or storing of motor vehicles in connection with the operation of a motor vehicle repair or sales businesses.*
- 2. cause or permit the shoveling, plowing or otherwise moving of snow from the private parking lot onto any street or sidewalk.*

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Explanation:

[Brackets] indicate matter deleted
Italics indicate new matter added