

DEPARTMENT OF LICENSES AND INSPECTIONS CODE INTERPRETATION		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA TITLE 9 — REGULATION OF BUSINESSES, TRADES AND PROFESSIONS
9-0201		
SUBJECT OF INTERPRETATION: NEWSSTAND SECURITY GATES		REFERENCE CODE SECTION(S): 9-212(5)(d)
ISSUED BY		
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QUESTION

Title 9 of *The Philadelphia Code* of General Ordinances, entitled “Regulation of Businesses, Trades and Professions” contains Section 9-212(5)(d), which states:

“Security gates are permitted on newsstands provided that:

- (.1) They are within the structure of the newsstand.
- (.2) They do not increase the sales area of the newsstand.
- (.3) They do not interfere with the minimum pedestrian right-of-way required by subsection 9-212(4)(b)(.4) [*6 feet or as Streets Department determines is necessary*].
- (.4) They are clean, painted and graffiti-free.
- (.5) The unit which houses the gate must be totally concealed within the newsstand, allow a height clearance of no less than eight feet (8’), and project no more than fifteen inches (15”) from the façade of the newsstand on the sidewalk side.”

Is it the intent of this section to consider it a violation when the tracks holding the security gate extend slightly beyond the façade of the newsstand but not beyond the allowable top overhang?

Additionally, how should the inspection unit handle the issue of security gates when located on the sides of the newsstand?

DISCUSSION:

Section 9-212 of the Philadelphia Code regulating the licensure, location, design and maintenance of newsstands was added to the code on June 16, 2000. The purpose of this Section and its attendant legislation was to codify the requirements for newsstands and to provide uniformity for the design and placement of them on the public right-of-way.

Section 9-212(5)(d) as mentioned above specifically governs the requirements for security gates located on newsstands. The three key subsections that have a bearing on the determination of whether a violation exists concerning the location of the security gate on the newsstand are 9-212(5)(d)(.1), 9-212(5)(d)(.3) and 9-212(5)(d)(.5). In evaluating whether a violation exists when the security gate tracks extend slightly beyond the façade of the newsstand, all three of the aforementioned subsections must be carefully considered. The questions to ask are: 1) Is the security gate within the structure of the newsstand? 2) Does the placement of the security gate and tracks interfere with the 6’ minimum pedestrian right-of-way

as required? 3) Is the unit housing the security gate concealed within the newsstand, allowing for a height clearance of 8' and projecting no more than 15" from the façade of the newsstand on the sidewalk side?

To the first question: Is the security gate within the structure of the newsstand? The answer to this question is "yes" if the security gate does not extend beyond the allowable roof overhang of 24" on the sidewalk side and 12" on the other two sides of the newsstand. The allowable roof overhangs are considered parts of the structure and the intent of this subsection is met if the security gate remains under the overhangs.

To the second question: Does the placement of the security gate and tracks interfere with the 6' minimum pedestrian right-of-way? If the measurement that is taken from the outer tracks of the security gate to the nearest obstruction, property line or building line in front (whichever the case may be) allows for a 6' minimum pedestrian right-of-way, then the answer to this question is "no." Also, for determining if a violation exists when the security gates are located on the other sides of the newsstand, consideration shall be given to whether the addition of the security gates interfere with fire hydrant hose connections in accordance with 9-212(4)(c). If there is no interference caused to the fire hydrant connections by the security gates, there is no violation of Section 9-212(4)(c).

To the third question: Is the unit housing the security gate concealed within the newsstand, allowing for a height clearance of 8' and projecting no more than 15" from the façade of the newsstand on the sidewalk side? Concealment of the security gate within the newsstand is achieved if the unit housing the security gate is located beneath the permitted overhang, and the two other conditions are also adhered to.

INTERPRETATION:

It shall not be considered a violation of Section 9-212 of *The Philadelphia Code* when the tracks holding the security gate on a newsstand project slightly from its façade so long as this projection does not interfere with the minimum permissible pedestrian right-of-way or fire hydrant hose connections.

As a result of this interpretation, the department's inspectors will not issue violations to the operators of newsstands for the placement of security gates thereon when all of the conditions in Section 9-212 governing its design, placement and approval as outlined in this interpretation are adhered to.