



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 170963**

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**Introduced November 2, 2017**

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**Councilmembers Bass, Parker, Council President Clarke,  
Councilmembers Quiñones Sánchez, Johnson and Blackwell**

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**Referred to the  
Committee on Public Health and Human Services**

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## **AN ORDINANCE**

Amending Sections 6-301 and 6-503 of The Philadelphia Code, entitled, respectively, "Food Establishments" and "Licenses and Permits," to revise licensing requirements relating to food establishments, including requirements relating to restroom facilities, service and seating; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Section 6-301 of The Philadelphia Code is hereby amended to read as follows:

§ 6-301. Food Establishments.

\* \* \*

(2) No person, except for the following exempt entities, shall conduct, maintain, or operate any food establishment selling food unless [he] *such person* has obtained [a license as provided in] *one of the licenses provided for in subsection (4), below, in accordance with the provisions of § 6-503:*

\* \* \*

(4) The license fee for the issuance of a single license for food establishments selling food is as follows:

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(a) For food establishments with permanent location where the primary business is the [service of prepared] *regular and customary preparation and sale of food for consumption on or off the premises, including but not limited to, eating and drinking establishments and caterers, \$330. Such establishments shall obtain one of the following specific licenses:*

*(.1) Large Establishment license. For establishments with thirty or more seats regularly available for and accessible to customers to consume food on the premises.*

*(.2) Small Establishment license. For establishments that do not have thirty or more seats regularly available for and accessible to customers to consume food on the premises.*

\* \* \*

(8) Responsibilities of Food Establishments. Subject to the exemptions of Section 6-301(9), every food establishment that sells any non-prepackaged potentially hazardous food, as defined by the Board, shall:

\* \* \*

*(f) Restroom facilities.*

*(.1) For establishments required to obtain a Large Establishment license, as provided in subsection (4)(a)(.1), have restroom facilities on the premises, regularly available for all customers, including, by no later than September 1, 2018, no fewer than two toilet rooms.*

*(.a) In accordance with the provisions of Section A-802.2.1 of Title 4 (Variances; Board of Building Standards), the Commissioner of Licenses and Inspections may grant an extension of time or variance from the two toilet room requirement set forth in subsection (.1), above.*

*(A) For existing establishments, an application for extension of time or variance must be filed prior to September 1, 2018, absent extraordinary circumstances. For new establishments, an application for extension of time or variance must be filed no later than thirty days after denial of a Large*

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*Establishment License. An application for extension of time or variance may be filed prior to the application for or denial of a Large Establishment License.*

*(B) The filing of a request for extension of time or variance shall not excuse non-compliance with the requirements of this subsection (f), prior to the issuance of an extension of time or variance.*

*(.2) For establishments required to obtain a Small Establishment license, as provided in subsection (4)(a)(.2), have on the premises, regularly available for all customers, such restroom facilities as are required by the Plumbing Code.*

*(.3) Restroom facilities shall not be considered available for all customers if customers must pass through a food preparation area to access the facilities.*

*(.4) Nothing in this subsection (f) is intended to supersede or excuse compliance with any other restroom requirements, including those set forth in the Plumbing Code.*

*(g) Customer access. No establishment required to obtain a Large Establishment license, as provided in subsection (4)(a)(.1), shall erect or maintain a physical barrier that requires the persons serving the food either to open a window or other aperture or to pass the food through a window or other aperture, in order to hand the food to a customer inside the establishment.*

\* \* \*

SECTION 5. Section 6-503 of The Philadelphia Code is hereby amended to read as follows:

§ 6-503. Licenses and Permits.

(1) Issuance and Conditions.

\* \* \*

(c) The Department of Licenses and Inspections shall not issue any license unless:

\* \* \*

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(.5) in the case of food establishments with permanent locations, the person applying for the license: (i) indicates on the application whether the establishment is a prepared food shop, take-out restaurant, or sit-down restaurant, as defined in Section 14-601(7) of the Zoning Code; *and whether the establishment is seeking a Large Establishment license or a Small Establishment license, as provided for in Section 6-301(4)(a) (relating to license fees for food establishments);* and (ii) has obtained the proper use registration permit from the Department of Licenses and [Inspections.] *Inspections; and*

(.6) *in the case of Large Establishment licenses, as provided for in § 6-301(4)(a)(.1) (relating to license fees for food establishments), the Department or the Department of Licenses and Inspections, after inspection of the premises, certifies that all requirements for a Large Establishment license have been met; provided that the Department or the Department of Licenses and Inspections may waive the inspection requirement if it can certify compliance based on other available information.*

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**Explanation:**

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