



City of Philadelphia

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

BILL NO. 100267

Introduced April 22, 2010

Councilmembers Greenlee and Clarke

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

AN ORDINANCE

Amending Section 9-703 of The Philadelphia Code, entitled "Special Assembly Occupancies," by imposing various requirements on promoters of events at special assembly occupancies; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-703 of The Philadelphia Code is hereby amended to read as follows:

§ 9-703. Special Assembly Occupancies.

(1) Definitions.

* * *

(e) "*Promoter*" shall mean any person who:

(.1) *is directly or indirectly responsible for the organization of an event, as evidenced by activities such as contracting with the principals, selecting entertainment, advertising or otherwise holding out an event to members of the general public, inviting participants to an event, or renting or controlling the site of an event; and*

(.2) *directly or indirectly receives or shares in any of the following:*

(i) *admission or entrance fees paid by participants or spectators at the event; or*

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(ii) *compensation, consideration or other revenue from sponsors of or private donors to the event; or*

(iii) *revenues from concessions or other sales at the event.*

(.3) *The following persons are not promoters within the meaning of this Section:*

(i) *any print or broadcast media who are paid for page space or broadcast time to advertise an event but exercise no other financial or operational responsibility in connection to the event; and*

(ii) *any off-premises ticket seller who sells admission tickets to an event in advance of such event but exercises no other financial or operational responsibility in connection to the event; and*

(iii) *any performer who is paid for his performance at an event but exercises no other financial or operational responsibility in connection to the event; and*

(iv) *any agent of an athlete or performer who is compensated for negotiating his client's contract to perform at an event but exercises no other financial or operational responsibility in connection to the event; and*

(v) *the City of Philadelphia, a city agency or a city-related agency; and*

(vi) *any employee of the City of Philadelphia or a city agency or a city-related agency, to the extent that the employee plans, prepares or executes an event in the course of such employment; and*

(vii) *any not-for-profit corporation or association, to the extent that the not-for-profit corporation or association personally plans, prepares or executes an event on its own behalf; and*

(viii) *any bona fide member or employee of a not-for-profit corporation or association, to the extent such member or employee plans, prepares or executes an event in the course of such membership or employment on behalf of the not-for-profit corporation or association; and*

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(ix) any political committee to the extent that the political committee personally plans, prepares or executes an event on its own behalf; and

(x) any bona fide candidate for public office or any employee of a political committee, to the extent that such candidate or employee plans, prepares or executes an event in the course of such candidacy or employment on behalf of a political committee.

(f) “Event” shall mean any activity requiring a special assembly occupancy license.

(g) “Political committee” shall mean any committee, club, association, political party, or other group of persons, including the candidate political committee of a candidate for office in a covered election, which receives contributions or makes expenditures for the purpose of influencing the outcome of a covered election.

* * *

(3) Promoted Event Permit.

(a) A Promoter of an event must obtain a promoted event permit from the Police Commissioner for each such event. Application for such promoted event permit shall be made in writing to the captain of the police district in which the event is to take place at least thirty days prior to such event, upon a suitable form prescribed and furnished by the Commissioner. The application shall be deemed approved unless it is denied at least ten days prior to such event. Such application shall include such information as the Commissioner shall require, but must include all of the following:

(i) The promoter’s business privilege license number;

(ii) A detailed security plan that shall ensure adherence to capacity restrictions of the venue, provide for sufficient security personnel and outline weapons detection measures that will be taken. For events where alcohol will be served, the security plan must ensure that all staff employed by the promoter and the special assembly occupancy licensee present during the event will be certified as proficient with responsible alcohol management procedures as outlined by the Pennsylvania Liquor Control Board. Such plan must be approved by the Police Commissioner or his or her designee prior to the issuance of the promoted event permit.

(iii) A copy of the written contract between the promoter and special assembly occupancy licensee.

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[(3)](4) Operation of Special Assembly Occupancies *and Promoters*.

(a) It shall be the responsibility of every special assembly occupancy licensee as a condition to the receipt or retention of the special assembly occupancy license, *and of every promoter which exercises full or partial operational control over the special assembly occupancy, as a condition to the receipt or retention of a promoted event permit*, to [i]ensure that patrons do not congregate in a disorderly manner, and do not engage in any illegal activity, including non-compliance with § 10-604 relating to alcoholic beverages in and around the immediate vicinity of the special assembly occupancy.

* * *

(c) It shall be the responsibility of every special assembly occupancy licensee as a condition to the receipt or retention of the special assembly occupancy license, *and every promoter which exercises full or partial operational control over the special assembly occupancy, as a condition to the receipt or retention of a promoted event permit*, to:

* * *

(.5) *No special assembly occupancy licensee may enter into any contract, lease, or other type of financial arrangement between a special assembly occupancy licensee and a promoter unless the promoter has complied with all requirements of this Section. Any contract between a special assembly occupancy licensee and a promoter must be in writing and copies of such contract(s) must be available for inspection prior to and during any event at the event location.*

(d) The Department shall take all steps necessary to terminate the business operations of any special assembly occupancy *and any promoter* that has violated any provisions of this subsection [(3)](4), including, but not limited to the following:

* * *

(.3) the initiation of proceedings to enjoin preliminarily and/or permanently the further operation of the special assembly occupancy *and any promoter* which has violated or intends to violate such subsections.

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(e) Any special assembly occupancy licensed under this Section *and any promoter issued a promoted event permit under this Section* who violates the provisions of this Section or whose agents or employees violate the provisions of this Section shall also be subject to immediate revocation of his or her amusement and business privilege licenses.

[(4)](5) Enforcement.

* * *

(c) The Department shall promulgate such regulations as it deems proper to regulate the form and manner of issuing and revoking special assembly occupancy licenses *and promoted event permits* and the imposition of sanctions set forth in this Chapter for operating without, or in violation of the conditions of, a valid license *and permit*. Such regulations may provide for the imposition of sanctions on one or more of the premises operated under a particular license, depending on the breadth of occurrence of the violative behavior[,] *and shall hold both the special assembly occupancy licensee and any promoter which exercises full or partial operational control over the special assembly occupancy jointly liable for the costs expended by the police and the department in responding to and quelling any violations of this Section, including any private or public nuisances arising from the operations of the special assembly occupancy.*

(d) *A violation of any provision of this Section shall be classified as a Class III offense as set forth in Section 1-109. All violations of each subsection of this Section which are committed on a single calendar day shall be aggregated together and constitute one single violation for the purpose of issuing citations and assessing penalties under this Section. Violations of different subsections of this Section which are committed on a single calendar day shall not be aggregated and shall constitute separate and distinct violations for the purpose of issuing citations and assessing penalties under this Section.*

[(5)](6)

* * *

SECTION 2. Effective Date. This Ordinance shall take effect immediately upon becoming law.

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Explanation:

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