



City of Philadelphia

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

BILL NO. 110610

Introduced September 15, 2011

Councilmember Greenlee

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

AN ORDINANCE

Enacting a new Chapter 9-3600 of The Philadelphia Code, entitled “Bouncers,” to require that bouncers employed at covered establishments be registered and receive proper training, to prohibit employers from employing unregistered or untrained bouncers and to permit employers to refuse to hire bouncers with certain past criminal convictions; 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 9-3600 BOUNCERS.

§9-3601. Definitions.

(1) “*Bouncer*” shall mean any person performing duties related to maintaining order and safety in a covered establishment;

(2) “*Covered Establishment*” shall mean any drinking establishment or special assembly occupancy;

(3) “*Drinking Establishment*” shall mean any establishment which gives or offers for sale food or drink to the public, guests, or employees whether for consumption on or off the premises whose on-site sales of food for consumption on the premises comprises

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no more than 20% of gross sales of both food, non-alcoholic and alcoholic beverages on an annual basis, or on such other basis as the Managing Director shall by regulation provide with respect to such establishments that have been open for less than one full year.

(4) “Special Assembly Occupancy” shall have the same meaning as in Section 9-703 of the Code.

(5) “Third-Party Training Course” shall mean a training course for bouncers operated by an entity that is not affiliated with a covered establishment.

§9-3602. Registration of Bouncers.

(1) No person shall perform the duties of a bouncer at a covered establishment without first registering as a bouncer with the Managing Director. All bouncers shall apply for registration on forms provided by the Managing Director. Blank forms shall also be available for download at the City’s official website.

(2) The application for bouncer registration shall contain the following information:

(a) bouncer’s name and address;

(b) bouncer’s home and mobile telephone number;

(c) bouncer’s email address;

(d) bouncer’s business privilege license number if bouncer is an independent contractor; and

(e) a description of every third-party training course, covering the areas set forth in Section 9-3605, that was successfully completed by the bouncer, including the name of each third-party trainer and the dates of each training course, and a copy of each certificate received evidencing successful completion of each such course.

A bouncer shall report any changes in the registration information to the Managing Director within fifteen (15) days of the change. The form for reporting changes shall be available online at the City’s official website.

(3) Upon receipt of a completed form containing all required information and payment of a fee of forty dollars (\$40), the Managing Director’s Office shall issue a permanent registration.

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(4) *Any bouncer who is convicted of an offense involving danger to the person shall be removed from the registry of bouncers maintained by the Managing Director.*

§9-3603. Prohibition Against Employing Unregistered or Untrained Bouncers.

(1) *No person shall employ a bouncer at a covered establishment if that bouncer is not registered as a bouncer with the Managing Director or, in the case of an independent contractor, if that bouncer does not possess a valid business privilege license.*

(2) *No person shall employ a bouncer at a covered establishment unless that person has received and retains on file a copy of a certificate evidencing the successful completion of a program of third-party training covering the areas set forth in Section 9-3605.*

§9-3604. Refusal to Employ Bouncers With Certain Past Criminal Convictions.

No person shall employ a bouncer at a covered establishment without requesting and reviewing a criminal convictions records search from the Pennsylvania State Police and the Federal Bureau of Investigation. Such request and review shall be conducted in compliance with the provisions of Chapter 9-3500 of the Code. A person may refuse to employ a bouncer at a covered establishment if that bouncer has ever been convicted of an offense involving danger to the person.

§9-3605. Third-Party Training of Bouncers.

No person may perform the duties of a bouncer at a covered establishment unless:

(1) *the person has received a certificate or certificates evidencing the successful completion of a program of third-party training in the following:*

(a) *identifying a problem patron including, but not limited to, persons exhibiting aggressive behavior, engaging in underage consumption of alcoholic beverages, or presenting false/fake identification;*

(b) *best practices regarding safe removal of a problem patron from the premises without physically harming the problem patron, another patron, or any staff member;*

§9-3606. Regulatory Authority.

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The Managing Director may promulgate rules and regulations necessary to implement and enforce this Chapter.

§9-3607. Enforcement.

A violation of any provision of this Chapter shall be a Class III offense subject to the fines set forth in Section 1-109. All violations 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 Chapter.

SECTION 2. This Ordinance shall take effect sixty (60) days after becoming law.

Explanation:

Italics indicate new matter added.