



City of Philadelphia

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

BILL NO. 020428

Introduced June 13, 2002

Councilmembers Kenney and DiCicco

**Referred to the
Committee on Rules**

AN ORDINANCE

Amending Chapter 10-600 of The Philadelphia Code, entitled "Public Places - Prohibited Conduct," by amending Section 10-611, entitled "Sidewalk Behavior," by amending the enforcement and penalties provisions; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-600. PUBLIC PLACES – PROHIBITED CONDUCT

* * *

§10-611. Sidewalk Behavior.

* * *

(7) Enforcement.

(a) No law enforcement officer shall issue a notice of violation or take any coercive action against any person in violation of this Section, unless, prior to issuing such notice or taking such action, the officer or his or her designated representative:

(.1) With respect to violations of subsections (2)(g), (h), (l) or (m), relating to lying, sitting, obstructing, or leaving objects unattended, or (4)(b) or (c), relating to soliciting near a building entrance or bank, first issues an oral warning to the person or persons in violation, and then, if the person or persons refuse to comply after

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receiving an oral warning, issues a written warning to the person or persons in violation. The written warning shall be printed in English and Spanish.

(.2) With respect to violations of subsections (2)(g), (h), (l) or (m), or (4), attempts to ascertain whether the person is in need of medical assistance or social service assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance services; and, if the officer determines that the person may be in need of social service assistance, the officer contacts an Outreach Team, who shall come to the officer's location, evaluate the person's needs, and together with the officer take all reasonable steps toward directing the person to the appropriate service provider, including but not limited to offering transportation to such provider. If the officer's reasonable efforts to direct the person to needed social services are unsuccessful, the officer [may] *shall* issue a notice of violation or take appropriate coercive action, after the required notice is given, subject to compliance with subsections (.a), (.b) and (.c), below.

* * *

(8) Penalties. A person found in violation of this Section shall be subject to penalty, as follows:

(a) For a violation of subsections (2)(a), relating to parking a motorized vehicle on the sidewalk; (2)(b), relating to gambling on the sidewalk; (2)(g), relating to lying on the sidewalk; (2)(c), relating to riding a bicycle on the sidewalk; (2)(d), relating to riding a scooter, roller skates or skateboard on the sidewalk; (2)(h), relating to sitting on the sidewalk; (2)(l), relating to unreasonable obstructions on the sidewalk; and (2)(m), relating to unattended belongings on the sidewalk, *imprisonment for not more than thirty (30) days and a fine [of] not to exceed [twenty (20)] one hundred (100) dollars.*

(b) For a violation of subsections (4)(a), (b) and (c), relating to aggressive solicitation, *imprisonment for not more than thirty (30) days and a fine of not more than [one hundred (100)] three hundred (300) dollars.*

* * *

(g) In all cases, the court, in its discretion, may suspend the fine upon agreement by the offender to perform such community service or to participate in such social service assistance program or rehabilitation program as the City recommends and the court deems appropriate. [No person shall be imprisoned for violating this Section or for failing to pay a fine for violating this Section.]

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SECTION 2. This Ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

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