

City of Philadelphia



(Bill No. 070876)

AN ORDINANCE

Amending Section 9-618 of The Philadelphia Code, entitled “Sale of Spray Paint Containers, Indelible Markers and Etching Acid,” by requiring proof of lawful age prior to any purchase of spray paint or indelible marker, by requiring sellers to make a record of such age prior to any sale, and by requiring appropriate programming of electronic equipment to ensure compliance, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-618 of The Philadelphia Code is amended to read as follows:

* * *

§ 9-618. Sale of Spray Paint Containers, Indelible Markers and Etching Acid.

* * *

(2) License.

(a) No person shall sell or offer for sale, transfer or offer for transfer any spray paint container or indelible marker unless that person has obtained a license from the Department of Licenses and Inspections.

* * *

(d) No license shall be issued unless the applicant submits proof in form satisfactory to the Department that (.1) any electronic scanner used by the applicant is programmed to comply with the requirements of subsection (3)(c), regarding entry of birth date of purchaser; and that, (.2) with respect to any applicant who makes any sales other than by electronic scanner, the applicant has in place a system, satisfactory to the Department, to ensure that no sales or transfers occur without compliance with subsection (3)(c).

(3) Prohibited Conduct.

* * *

(c) *Sales to minors.*

City of Philadelphia

BILL NO. 070876 continued

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(.1) No person shall sell or otherwise transfer any spray paint container or indelible marker to a minor, unless said minor is accompanied by a parent or legal guardian at the time of purchase or transfer.

(.2) *No person shall sell or otherwise transfer any spray paint container or indelible marker unless:*

(A) *The purchaser or transferee shall have supplied photo identification as proof of lawful age.*

(B) *Any electronic scanner system, or other system deemed satisfactory to the Department, is programmed to reject the sale unless a birth date is entered into a cash register or computer.*

* * *

(5) Penalties.

(a) Any person who violates the provisions of this Section or any minor who violates the provisions of Section 9-618(3)(d) shall be subject to a fine or penalty *for a violation of a Class III offense, as set forth in section 1-109(3) of the Code*, and/or imprisonment not exceeding ninety (90) days.

* * *

SECTION 2. This Ordinance will become effective January 31, 2008.

Explanation:

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

City of Philadelphia

BILL NO. 070876 continued

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City of Philadelphia

BILL NO. 070876 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 13, 2007. The Bill was Signed by the Mayor on December 21, 2007.



Patricia Rafferty
Chief Clerk of the City Council