



City of Philadelphia

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

BILL NO. 161019

Introduced November 17, 2016

Councilmember Oh

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Section 12-1010, entitled "Penalty," of Chapter 12-1000, entitled "Parking Meter Regulations and Penalties," of Title 12 of The Philadelphia Code, entitled "Traffic Code," to allow parking in parking spaces governed by inoperable parking meters or parking payment centers and establishing a presumption of inoperability, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 12 of The Philadelphia Code is hereby amended as follows:

TITLE 12. TRAFFIC CODE.

* * *

CHAPTER 12-1000. PARKING METER REGULATIONS AND PENALTIES

* * *

§ 12-1010. Penalty.

(1) Any person violating any provisions of this Chapter, shall upon a summary conviction pay a fine of ten (10) dollars together with costs of prosecution; except that any person violating Section 12-1008 shall pay a fine of one hundred (100) dollars together with costs of prosecution.

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(2) Any person violating any of the provisions of Sections 12-1002, 12-1004, 12-1005, 12-1005.1 and 12-1006 of this Chapter shall, in addition to the penalties set forth in Section 12-1010(1), be liable for payment of fines, costs and additional fees prescribed and assessed in accordance with the provisions of Chapter 12-2800 of this Title.

(3) *A vehicle may park without penalty, for up to the posted time limit, in any parking space that is regulated by an inoperable parking meter or an inoperable parking payment center.*

(4) *The Philadelphia Parking Authority shall not prohibit or restrict the parking of vehicles in a space that is regulated by an inoperable parking meter or an inoperable parking payment center.*

(5) *It shall be a defense to a violation under this Chapter that a parking meter or a parking payment center was inoperable at the time of the violation. Once the defense is raised that a parking meter or a parking payment center was inoperable, the presumption shall be established that the parking meter or parking payment center was inoperable. The Philadelphia Parking Authority may overcome this presumption through the introduction of evidence to the contrary.*

(6) *For purposes of this Section, the following definitions apply:*

(a) *“Inoperable parking meter” means a parking meter located next to and designated for an individual parking space, which has become inoperable and cannot accept payment in any form or cannot register that a payment in any form has been made.*

(b) *“Inoperable parking payment center” means an electronic parking meter or pay station serving one or more parking spaces that is closest to the space where a person has parked and that cannot accept payment in any form, cannot register that a payment in any form has been made, or cannot issue a receipt that is required to be displayed in a conspicuous location on or in the vehicle.*

SECTION 2. This Ordinance shall take effect on January 1, 2018.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.