



City of Philadelphia

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

BILL NO. 170804

Introduced September 21, 2017

Councilmember Oh

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

AN ORDINANCE

Amending Chapter 12-2400 of The Philadelphia Code, entitled "Towing and Immobilizing of Parked or Abandoned Vehicles," and Chapter 12-2800 of The Philadelphia Code, entitled "Administrative Adjudication of Parking Violations," by adding provisions for the payment of fees and charges for, and the recovery of, vehicles from areas marked by temporary no parking signs in spaces which otherwise permit on-street parking; 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 to read as follows:

TITLE 12. TRAFFIC CODE.

* * *

CHAPTER 12-2400. TOWING AND IMMOBILIZING OF PARKED OR ABANDONED VEHICLES.

§ 12-2401. Definitions.

* * *

(5) Temporary Towing Zone. Any area, marked by temporary no parking signs approved by the Streets Department and issued by the nearest Police District, from which parked vehicles shall be removed or towed during a specific range of time, and where parking is otherwise allowed by law or ordinance.

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[(5)] (6) Towing Zone. Any area designated by the Council of the City of Philadelphia, where parking is otherwise prohibited by law or ordinance, from which parked vehicles shall be removed or towed by the Police Department during designated hours; or any non-public street or area designated by the Streets Department as a tow away zone after certification by the Fire Commission or Police Commissioner that the public safety, health and general welfare require the prohibition of parking on such non-public streets or areas.

[(6)] (7) Vehicle. Any automobile or other device in, upon, or by which any person or property may be transported on a public highway.

* * *

§ 12-2406. Recovery of Vehicles; Hearings.

* * *

(2) The owner or any person on behalf of the owner may obtain immediate release of the vehicle by the payment in full of all delinquent parking tickets issued to any and all vehicles registered in the name of the owner of the vehicle that is to be recovered, booting and/or towing fee and accrued storage charges. Such payment shall constitute a waiver of the right to contest the parking tickets, the tow and/or booting fee and any storage charges, *except under the exemption specified in Section 12-2406.1(8). Under such exemption, the vehicle owner or any person on behalf of the owner shall be assigned an expedited hearing time and date before a Parking Hearing Examiner appointed pursuant to Chapter 12-2800. Such hearing shall be held not later than the first day, excluding Sunday, following the release of the vehicle, at a convenient central location during normal business hours, and at such other times and places as the City shall direct.*

* * *

§ 12-2406.1. Fees and Charges.

* * *

(8) *The foregoing fees and charges shall not be assessed against the owner of a vehicle when:*

(a) *The vehicle was towed from a temporary towing zone; and*

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(b) *The vehicle owner or any person on behalf of the owner provides documentation which demonstrates that they were reasonably unable to access their vehicle for the entire duration from the time temporary no parking signs were posted through the time the temporary towing zone was effective and enforced. Such documentation may include time-stamped transportation tickets and boarding passes, employment time sheets, photographs, receipts, affidavits, or any other evidence provided by the applicant; and*

(c) *The Parking Hearing Examiner determines that the foregoing conditions have been met during a hearing in accordance with Section 12-2406(2)(a).*

* * *

CHAPTER 12-2800. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.

* * *

§ 12-2806. Answer.

(1) In answer to a parking ticket or notice of violation, a person to whom such ticket or notice was issued may:

(a) admit the commission of the violation by payment of the fines, and any costs and additional fees due;

(b) admit with explanation;

(c) *admit with exemption under § 12-2406.1(8);*

[(c)] (d) deny liability and request a hearing in person with respect to the parking violation;

[(d)] (e) deny liability and request a hearing by telephone provided that the respondent satisfies any definition under § 12-1117(1)(a), (b), or (h) of The Philadelphia Code (relating to "Physically handicapped and disabled or severely disabled veteran parking"); or

[(e)] (f) deny liability and request that adjudication be conducted by submission of written testimony and other evidence using the mail or by electronic submission, including but not limited to, email, website or facsimile transmissions.

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SECTION 2. This Ordinance shall be effective immediately.

Explanation:

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