



City of Philadelphia

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

BILL NO. 090828

Introduced November 19, 2009

Councilmembers Kenney, DiCicco and Council President Verna

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

AN ORDINANCE

Amending Chapter 12-800, entitled "Bicycle Regulations and Penalties," by increasing the fines for certain violations of that Chapter and by providing for forfeiture of bicycles not equipped with brakes in violation of that Chapter, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 12-800 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 12-800. BICYCLE REGULATIONS AND PENALTIES.

* * *

§ 12-808. Riding on Sidewalks.

* * *

[(5) Notwithstanding the provisions of Section 12-811 of this Chapter, the penalty for violation of this Section shall be a fine of \$10, together with the costs of prosecution.]

* * *

[§12-811. Penalty.]

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(1) Any person violating any of the provisions of Chapter 12-800 (other than Section 12-807) shall, upon summary conviction before a Magistrate, pay a fine of three (3) dollars together with costs of prosecution.]

[§12-812] §12-811. Use of Audio Headphones.

(1) No person shall operate a bicycle on a street or highway while wearing headphones connected to an audio device.

[(2) Notwithstanding the provisions of Section 12-811 of this Chapter, the penalty for violation of this Section shall be a minimum fine of fifty dollars (\$50) and no more than one hundred dollars (\$100) for each violation, together with the costs of prosecution, or, in default thereof, imprisonment of not more than ten (10) days.]

§12-812. Penalties; Enforcement Procedures.

(1) *The penalty for a violation of this Chapter shall be a fine of fifty dollars (\$50), except as follows:*

(a) *The penalty for a violation of §12-808 (riding on the sidewalk) or §12-811 (use of headphones) shall be a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300).*

(b) *The penalty for a violation of §12-809(2) (not equipping a bicycle with a brake) shall be forfeiture of the bicycle that is not equipped with a brake. A police officer, other person authorized to enforce ordinances, or an agent of the Philadelphia Parking Authority who observes a violation of §12-809(2) shall immediately confiscate the bicycle and provide the person operating the bicycle with written notice of the right to request an expedited hearing on the violation and confiscation. The owner of a confiscated bicycle, or any person on behalf of such owner, may demand an expedited hearing on the violation before a Parking Hearing Examiner appointed pursuant to*

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Chapter 12-2800. Such demand shall be made in writing upon a form supplied by the City. Such hearing shall be held not later than the first day, excluding Sunday, following the demand therefor, at a convenient central location during normal business hours, and at such other times and places as the City shall direct. Such hearing shall be a final adjudication as to whether there was a violation of §12-809(2), subject to any appeal to court as provided by law. If the Parking Hearing Examiner determines there was no violation, then the owner shall be entitled to immediate release and return of the bicycle without the payment of any fees.

Explanation:

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

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