



City of Philadelphia

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

BILL NO. 040778

Introduced September 23, 2004

Councilmember DiCicco and Council President Verna

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending The Philadelphia Code to add requirements and prohibitions relating to motorized scooters, including amending Title 9, entitled "Regulation of Businesses, Trades and Professions," to define motorized scooters, to provide for the regulation of sales of motorized scooters, and to provide penalties for violations; and amending Title 12, entitled, "The Traffic Code," to prohibit the operation of motorized scooters on streets, public and private property, to provide for parental responsibility for minors illegally operating motorized scooters, and to provide for penalties for and administrative review of violations, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-2900. SALES OF MOTORIZED SCOOTERS: REGULATIONS AND PENALTIES

§ 9-2901. *Definitions.*

(1) *Minor. Any person under the age of eighteen (18) years.*

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(2) *Motorized Scooter.* A self-propelled device that does not comply with equipment standards and inspection requirements for motor vehicles set forth in Chapters 41, 43, and 45 of the Commonwealth Vehicle Code and 67 Pa. Code 175 and that has:

(a) handlebars;

(b) a seat or a low narrow foot-board;

(c) at least two wheels in contact with the ground during operation;

(d) a braking system capable of stopping the device under typical operating conditions; and

(e) a gas or electric motor;

This definition does not include self-propelled wheel chairs or electrical mobility devices operated and designed for the exclusive use of persons with mobility related disabilities or electric personal assistive mobility devices (EPAMD) as defined under 75 Pa.C.S.A. § 102.

§ 9-2902. *Sales of Motorized Scooters.*

(1) *Licenses.*

(a) *No person shall sell or offer for sale, transfer or offer to transfer any motorized scooter unless that person has obtained a license from the Department.*

(b) *No license shall be issued unless:*

(.1) *the applicant submits the address of the property where the sales or transfers are to occur;*

(.2) *the sales or transfers are to be conducted within a completely enclosed building as defined by Section 14-102 (28) of the Zoning Code;*

(.3) *all requirements of the Zoning Code are met;*

(.4) *the applicant has all required licenses; and*

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(.5) the applicant pays a license fee of one hundred (100) dollars.

(c) Application for such license shall be made on forms provided by the Department.

(2) Signs. The owner or operator of any establishment selling, offering for sale, transferring or offering to transfer motorized scooters shall post and keep posted in the area where such scooters are displayed and in view of the public a sign not less than two (2) feet in height and two (2) feet in width, stating clearly and legibly in bold print capital letters no less than two (2) inches high the following:

“IT IS ILLEGAL IN THE CITY OF PHILADELPHIA TO OPERATE MOTORIZED SCOOTERS ON STREETS OR SIDEWALKS; OR ON PUBLIC OR PRIVATE PROPERTY WITHOUT THE OWNER’S PERMISSION. VIOLATORS ARE SUBJECT TO FINES AND/OR SEIZURE OF THE SCOOTER.

(3) Prohibited Conduct.

(a) No person shall sell or otherwise transfer any motorized scooter to any person under the age of eighteen (18) years of age.

(b) No minor shall, at the time of purchase of a motorized scooter, knowingly furnish fraudulent evidence of majority.

(4) Penalties. Any person who violates the provisions of this Section shall be subject to a fine of no less than nor more than three hundred (300) dollars.

SECTION 2. Title 12 of The Philadelphia Code is hereby amended to read as follows:

TITLE 12. THE TRAFFIC CODE

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CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES

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§ 12-1131. Illegal Operation of Motorized Scooter.

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(1) *Definitions.* The terms “Minor” and “Motorized Scooter” have the same meanings as defined under Chapter 9-2900.

(2) *Prohibited Conduct.* No person shall operate a motorized scooter:

(a) *on any street or sidewalk;*

(b) *on any public property, other than streets or sidewalks, unless authorized by regulation, ordinance, statute or by the governmental agency, department or commission responsible for such property; or*

(c) *on private property without the permission of the owner.*

(3) *The parent, legal guardian or legally responsible adult of any minor violating this Section shall also be in violation of this Section.*

(4) *Penalty.* The penalty for any violation of this Section shall be a civil penalty of no less than three hundred (300) dollars, provided that the total amount of civil penalties assessed against a minor and the parent, legal guardian, or other adult legally responsible for the minor shall not exceed three hundred (300) dollars for each violation by the minor.

(5) *Enforcement.* A police officer may issue a ticket to any person in violation of this Section pursuant to the procedures set forth in Section 10-1606 and/or seize the motorized scooter under Section 12-1130. Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and processed by the Director of Finance and the Bureau of Administrative Adjudication, all pursuant to the procedures set forth in §§ 10-1604 through 10-1610.

SECTION 3. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.