



City of Philadelphia

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

BILL NO. 120854

Introduced October 25, 2012

Councilmembers Kenney and Squilla

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

AN ORDINANCE

Amending Chapter 10-700 of The Philadelphia Code, entitled "Refuse and Littering," by revising certain provisions on liability, enforcement and penalties, relating to handbills that litter public places, and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-700 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-700. REFUSE AND LITTERING

* * *

§ 10-718. Enforcement.

* * *

(2) Whenever a police officer or any other official authorized to enforce ordinances observes a violation of this Chapter, he shall hand to the violator or leave upon or affix to the premises where the violation occurred a printed notice of violation. *In the case of liability under §10-723.2(3) for the improper distribution of handbills, the police officer or other official authorized to enforce ordinances shall serve the notice of violation, by first class mail, upon the handbill distributor, when known, and the person whose name appears in the handbill.* Such notice shall bear the date, time and nature of the violation, when known, the identity of the violator, the address of the violator or the address where the violation occurred, the amount to be remitted in response to the notice

City of Philadelphia

BILL NO. 120854 continued

of violation, the penalty which can be imposed by the court for the violation, and shall be signed by the person issuing the notice and shall bear the police officer's badge number or other official identification number identifying the person issuing the violation notice.

* * *

(3) Any person who receives a notice of violation, except a notice of violation of § 10-702, § 10-703(2), § 10-710, § 10-711, § 10-722, § 10-723, § 10-723.1, § 10-723.2 or § 10-717.1 may, within ten (10) days, pay the amount of fifty (50) dollars, admit the violation and waive appearance before a Municipal Court Judge. Any person who receives a notice of violation of § 10-702 or § 10-703(2) may, within ten (10) days pay the amount of one hundred fifty (150) dollars, admit the violation and waive appearance before a Municipal Court Judge. Any person who receives a notice of violation of § 10-711, § 10-723, § 10-723.1, or [§ 10-723.2] § 10-723.2(1) may, within ten (10) days, pay the amount of one hundred (100) dollars, admit the violation and waive appearance before a Municipal Court Judge. *Any person who receives a notice of violation of § 10-723.2(2), relating to improper handbill distribution, may, within ten (10) days, pay the amount of fifty (50) dollars for each handbill in violation, admit the violation and waive appearance before a Municipal Court Judge.* Any person who receives a notice of violation of § 10-722 may, within ten (10) days, pay the amount of one hundred fifty dollars (\$150), admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment. No such stipulated payment shall be permitted in the case of a person who receives a notice of violation of § 10-710.

* * *

§ 10-719. Penalties.

* * *

(3) The penalty for violation of § 10-702, § 10-703(2), § 10-711, § 10-723, § 10-723.1 or [§ 10-723.2] § 10-723.2(1) of this Chapter shall be a fine of three hundred (300) dollars. *Any person in violation of § 10-723.2(2), relating to improper distribution of handbills, shall have committed a Class III offense.* The penalty for a violation of § 10-717.1 of this Chapter shall be a fine of five hundred (500) dollars.

* * *

§ 10-723.2. Prohibited Conduct.

* * *

(3) *Liability. The distributor of and the person identified in a commercial handbill or non-commercial handbill that is deposited in such a manner that it becomes*

City of Philadelphia

BILL NO. 120854 continued

scattered in or upon any street, sidewalk or other public place shall be in violation of subsection 10-723.2(2), relating to improper distribution of handbills, and shall be subject to enforcement and penalties in accordance with §10-718 (Enforcement) and §10-719 (Penalties). This subsection shall not apply to handbills that are handed out or distributed in any public place to any person willing to accept such handbill.

SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

City of Philadelphia

BILL NO. 120854 continued