

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, April 3, 2008

PRESENT: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Evangelist Cheryl Joachim of Holy Temple of Deliverance Church was introduced and offered an appropriate prayer

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of March 27, 2008

THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

The Sergeant-at-Arms presented messages from the Mayor as follows:

- Transmitting a message advising Council that Bill Nos. 080133, 080150, 080151, 080152, 080153 and 080202, which were passed by Council on March 27, 2008, were signed by the Mayor on March 28, 2008. (File No. 080370)

THE COMMUNICATION WAS READ.

- Transmitting a bill approving the fourth amendment of the redevelopment proposal for the American Street Industrial Corridor Urban Renewal Area, being the area generally bounded by being the area generally bounded by Lehigh avenue, Berks street and Montgomery avenue on the north, by Second street and Philip street on the east, by Girard avenue, Oxford street and Jefferson street on the south and by Germantown avenue, Sixth street and Third street on the west, including, the fourth amendment to the urban renewal plan and second amendment to the relocation plan, which provides, inter alia, for additional land acquisition of ten (10) properties for industrial and related uses; the provision of certain relocation services, as required by law and declaring that condemnation is not imminent with respect to the Project, accompanied by an explanatory letter

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from the Executive Director of the Redevelopment Authority. (File No. 080371)

THE COMMUNICATION WAS READ.

- 📄 Transmitting a resolution approving the redevelopment contract and disposition supplement of the Redevelopment Authority of the City of Philadelphia for the redevelopment and urban renewal of a portion of the Tioga Urban Renewal Area, designated as Parcel Nos. 51 also sometimes identified by house number and street address as 2715 North Sixteenth street; and authorizing the Redevelopment Authority to execute the amended redevelopment contract with Michael St. Clair & Christley Ramdheen and to take such action as may be necessary to effectuate the amended redevelopment contract, accompanied by an explanatory letter from the Executive Director of the Redevelopment Authority. (File No. 080372)

THE COMMUNICATION WAS READ.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

Councilmember Kenney Introduced the following Bill, Sponsored by Councilmembers Kenney and Reynolds Brown:

- 📄 **Bill No. 080361:** An Ordinance Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” to require the recycling of construction and demolition debris, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON THE ENVIRONMENT.


Councilmember Sanchez Introduced the following Bill, Sponsored by Councilmember Sanchez:

- 📄 **Bill No. 080362:** An Ordinance Approving the fourth amendment of the redevelopment proposal for the American Street Industrial Corridor Urban Renewal Area, being the area generally bounded by Lehigh avenue, Berks street and Montgomery avenue on the north, by Second street and Philip street on the east, by Girard avenue, Oxford street and Jefferson street on the south and by Germantown avenue, Sixth street and Fourth street on the west, including the fourth amendment to the urban renewal plan and the second amendment to the relocation plan, which provides, inter alia, for the additional land acquisition of approximately ten (10) properties for industrial and related uses; the provision of certain relocation services, as required by law and declaring that condemnation is not imminent with respect to the Project.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

RESOLUTIONS


Councilmember Kenney Introduced the following Resolution, Sponsored by Councilmembers Kenney and DiCicco:

-  **Resolution No. 080363:** Resolution Recognizing and thanking PennDOT for responding quickly to a cracked support column under I-95 between Ann and Cambria Streets.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.


Councilmember Krajewski Introduced the following Resolution, Sponsored by Councilmembers Krajewski and Kelly:

-  **Resolution No. 080364:** Resolution Declaring April 2008 as Autism Awareness Month.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.


Councilmember Miller Introduced the following Resolution, Sponsored by Councilmember Miller:

-  **Resolution No. 080365:** Resolution Approving the redevelopment contract and disposition supplement of the Redevelopment Authority of the City of Philadelphia for the redevelopment and urban renewal of a portion of the Tioga Urban Renewal Area, designated as Parcel No. 51 also sometimes identified by house number and street address as 2715 North Sixteenth street; and authorizing the Redevelopment Authority to execute the amended redevelopment contract with Michael St. Clair & Christley Ramdheen and to take such action as may be necessary to effectuate the amended redevelopment contract.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Jones Introduced the following Resolution, Sponsored by Councilmember Jones:


-  **Resolution No. 080366:** Resolution Honoring and congratulating Coach Philip Beauchemin and the Overbrook High School Mock Trial Team members on their third victory in the Pennsylvania Bar Association's Mock Trial Competition.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.


Councilmember Clarke Introduced the following Resolution, Sponsored by Councilmember Clarke:

-  **Resolution No. 080367:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Sixteenth, Thirty-second, Forty-third and Forty-seventh Wards of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Redevelopment Authority of the City of Philadelphia to dispose of such properties for rehabilitation and/or improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.


Councilmember Clarke Introduced the following Resolution, Sponsored by Councilmember Clarke:

-  **Resolution No. 080368:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Thirty-second Ward of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Redevelopment Authority of the City of Philadelphia to dispose of such properties for rehabilitation and/or improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Rizzo Introduced the following Resolution, Sponsored by Councilmember Rizzo:

-  **Resolution No. 080369:** Resolution Recognizing, Honoring, And Celebrating The North Catholic Falcons Basketball Team On The Occasion Of Their 2008 Championship Season.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

REPORTS FROM COMMITTEES

COMMITTEE ON RULES

📄 **Bill No. 080255, as amended:** An Ordinance To amend the Institutional Development District Master Plan of Community College of Philadelphia by allowing for the construction of a new building to be used for additional classroom space, dining and educational space at the College.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080255.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

📄 **Bill No. 080256:** An Ordinance To amend the Institutional Development District Master Plan of Community College of Philadelphia by allowing for the construction of an addition to an already existing building to be used for additional classroom and educational space at the College.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080256.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

COMMITTEE ON STREETS AND SERVICES


📄 **Bill No. 080204:** An Ordinance Amending Chapter 12-3000 of The Philadelphia Code, entitled "Use Of An Automated Red Light Enforcement System To Prevent Red Light Violations," by authorizing the installation of red light enforcement systems at the intersection of 58th Street at Walnut Street, and by reducing to sixty days the phase-in period during which only warnings are issued, all under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080204.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

-  **Bill No. 080207:** An Ordinance Granting permission to ABEER, LP, owner of the property Oak Lane Diner, 6528 N. Broad Street, to legalize an existing vestibule entrance and for the operation and maintenance of a sidewalk cafe covered by a canvas tent on 66th Avenue, under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080207.

THE MOTION WAS DULY SECONDED AND AGREED TO.


THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

-  **Bill No. 080210:** An Ordinance \par }\pard \ltrpar\qj \li0\ri0\widctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0 \pararsid11339436 {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7145501 Amending Chapter 12-24} {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11225037\charrsid11225037 00 of The Philadelphia Code,} {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11225037 entitled \93} {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7145501 Towing And Immobilizing Of Parked Or Abandoned Vehicles} {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11225037 ,\94 by } { \rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7145501 changing the weight classification for certain boot, removal, and impoundment fees} {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11419110 , } {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7145501 and the addition of } { \rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid12278745 certain boot, removal, and impoundment fees, } {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11419110 all under certain terms and conditions.} {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11225037 \par }\pard \ltrpar\ql \li0\ri0\widctlpar\wrapdefault\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0 \pararsid11225037 {\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid11339436

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080210.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

-  **Bill No. 080211:** An Ordinance Amending Chapter 12-3000 of The Philadelphia Code, entitled "Use Of An Automated Red Light Enforcement System To Prevent Red Light Violations," by authorizing the installation of red light enforcement systems at the intersection of 9th Street at Roosevelt Boulevard and at the intersection of Hunting Park Avenue at Broad Street, and by reducing to sixty days the phase-in period during which only warnings are issued, all under


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certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080211.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.


 **Bill No. 080244:** An Ordinance Amending Chapter 12-2700 of The Philadelphia Code, entitled "Permit Parking Districts," by restoring the permit parking and renewal fees, within certain permit parking districts to their pre-2007 levels.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080244.


THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.


THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

 **Bill No. 080246:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan Nos. 240 and 296 by placing on the City Plan River Road from the existing northwesterly terminus of Nixon Street to a point approximately ten feet southeast of the Philadelphia-Montgomery County Line; by placing on the City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes, public utility purposes, and emergency access purposes extending from the northwesterly terminus of River Road to the Philadelphia-Montgomery County Line; and by placing on the City Plan a right-of-way for drainage purposes and a pumping station on the southwesterly side of the proposed River Road approximately two-thousand one-hundred fifty-nine feet northwest of the existing terminus of Nixon Street; authorizing the opening of the unopened portions of the proposed River Road and the vacating of certain portions of the existing River Road (also known as Nixon Street); and authorizing the acquisition of the said required rights-of-way by condemnation or agreement; all under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

 **Bill No. 080247:** An Ordinance Authorizing the construction of sanitary sewers and appurtenant work in portions of River Road and Nixon Street.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

 **Bill No. 080248:** An Ordinance Authorizing the paving of River Road from the existing northwesterly terminus of Nixon Street to a point approximately ten feet southeast of the Philadelphia-Montgomery County Line.

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THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ☐ **Bill No. 080254:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan No. 120 by striking from the City Plan and vacating Harlan Street and Sharswood Street, each from Nineteenth Street to Twentieth Street, and placing on the City Plan in a new location Harlan Street from Nineteenth Street to Twentieth Street, all under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the bed of the relocated Harlan Street.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080254.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

- ☐ **Bill No. 080276:** An Ordinance Amending Chapter 12-900 of The Philadelphia Code, entitled "Parking Regulations and Penalties," by regulating on-street parking of boats, motor homes, truck campers and vending carts, and amending Section 12-2405, entitled "Removal or Immobilization of Parked Vehicles; Notice," and Section 12-2809, entitled "Civil Penalties and Costs," to provide for penalties and towing for violations; all under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080276.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

- ☐ **Bill No. 080279:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan Nos. 52-S and 53-S by placing on the City Plan Twenty-sixth Street from Penrose Avenue southwardly approximately one-thousand eight-hundred thirty-two feet to a dead end, and the dedication to the City, free and clear of all encumbrances, of the bed of said Twenty-sixth Street, all under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ☐ **Bill No. 080280:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan No. 367 by placing on the City Plan a variable width right-of-way for drainage purposes on the southwesterly side of Welsh Road approximately two-hundred forty-seven feet northwest of Baner Street and extending southeastwardly approximately four-hundred thirty-nine feet in depth, under certain terms and conditions.

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THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

☐ **Bill No. 080281:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan No. 190 by striking from the City Plan and vacating the northeasterly two feet wide portion of Stout Road from City Avenue to a point approximately five-hundred sixty-three feet southeastwardly therefrom, under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080281.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

☐ **Bill No. 080282:** An Ordinance Amending Section 2 of Bill No. 050952, approved December 22, 2005, entitled "An Ordinance authorizing and directing the revision of lines and grades on a portion of City Plan No. 271 by placing on the City Plan Florist Street from a point on 2nd Street approximately 131' north of the north side of Race Street to a point on 3rd Street approximately 157' north of the north side of Race Street, under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the bed of Florist Street", by revising the terms and conditions stated therein and extending the period for compliance.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080282.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

COMMITTEE ON LABOR AND CIVIL SERVICE

☐ **Bill No. 080003:** An Ordinance Amending Section 20-101 of The Philadelphia Code, entitled "Residence Requirements," by providing that certain employees in the civil service need not be a bona fide resident of the City when appointed, but must establish and maintain bona fide residence in the City within six months after appointment.


COUNCILMEMBER GREEN MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080003.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR.

CONSIDERATION OF THE CALENDAR

BILL ON FINAL PASSAGE

 **Bill No. 080024-A, as amended:** An Ordinance Amending Chapter 9-200 of The Philadelphia Code, entitled “Commercial Activities on Streets,” by adding a new section providing for the certification of tour guides in certain areas of the city, establishing requirements for such certification, and providing for penalties for violations, all under certain terms and conditions.

THE BILL WAS READ.


THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

BILLS ON SECOND READING AND FINAL PASSAGE

 **Bill No. 080019:** An Ordinance Amending Bill No. 070263 (approved September 20, 2007), entitled “An Ordinance authorizing Northern Star Developments LLC, 5 Eiker Road, Cranberry, NJ 08512, owner of the property at 1617 N. 2nd Street, Philadelphia, PA 19122, to construct, own and maintain multi-level bays and balconies as part of the Oxford Mews residential development project, under certain terms and conditions,” by providing that the Bill shall take effect immediately, and by extending the time for compliance with the conditions stated therein.


THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

 **Bill No. 080082:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Delaware Avenue, former Marlborough Street

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Right-of-way, the Delaware River and the former Shackamaxon Street.


THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: 0

Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

 **Bill No. 080018-A:** An Ordinance Amending Chapter 10-800 of The Philadelphia Code, entitled “Safety,” by adding a new Section, entitled “Prohibited Possession, Sale and Transfer of Firearms by Persons Subject to Protection From Abuse Orders.”

THE BILL WAS READ.

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COUNCILMEMBER MILLER MOVED TO AMEND BILL NO. 080018 AS FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 080018

* * *

PROPOSED AMENDMENTS TO BILL NO. 080018

Matter added by amendment is in **bold**

Matter deleted by amendment is in ~~strikeout~~

Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section, entitled "Prohibited Possession, Sale and Transfer of Firearms by Persons Subject to Protection From Abuse Orders."

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-800 of The Philadelphia Code, entitled "Safety," is amended by adding a new Section 10-835 to read as follows:

§10-835. Prohibited Possession, Sale and Transfer of Firearms by Persons Subject to Protection From Abuse Orders.

(a) Prohibitions Relating to Acquiring or Purchasing Firearms. No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), **which order provides for the confiscation of firearms during its effective period**, shall acquire or purchase any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order, **or portion thereof relating to the confiscation of firearms**.

(b) Prohibitions Relating to Possessing Firearms. No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), shall possess, use, control, manufacture or obtain a license to possess, use, control or manufacture any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order.

(c) Permissible Transfers to Eligible Persons. A person who is prohibited from possessing, using, controlling or manufacturing a firearm under paragraph (b) shall have a reasonable period of time, not to exceed 72 hours from the date such protection from abuse order takes effect, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household. All sales and transfers by

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prohibited persons under this subsection shall be reported to the Police Department within 24 hours of each sale or transfer.

(d) Hearings. Within seventy-two (72) hours after service of a temporary protection from abuse order arising out of an ex parte proceeding conducted pursuant to 23 Pa.C.S.A. § 6107(b), a person subject to such temporary order shall have the right to petition the Philadelphia Court of Common Pleas for an emergency hearing to challenge the application of this section to such person. The filing of a petition for an emergency hearing shall act to toll the time limitations imposed under subsection (c).

(e) Penalties. The penalty for violation of this Section shall be a fine of not more than three hundred dollars (\$300.00), or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained or possessed firearm by the City of Philadelphia Police Department, said weapon to be melted down or rendered inoperable thereafter.


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THE AMENDMENT WAS READ

COUNCILMEMBER MILLER MOVED FOR THE ADOPTION OF THE AMENDMENT


THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 080018 WAS ADOPTED

 **Bill No. 080018-A, as amended:** An Ordinance Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section, entitled "Prohibited Possession, Sale and Transfer of Firearms by Persons Subject to Protection From Abuse Orders."

THE BILL WAS AMENDED.

THE BILL WAS ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING..

 **Bill No. 080032-A:** An Ordinance Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section, entitled "Failure to Report Lost or Stolen Firearm," by requiring prompt notification of lost or stolen firearms and imposing penalties.

THE BILL WAS READ.

DISCUSSION - BILL NO. 080032 - COUNCILMEMBER CLARKE - WANTS TO EXPLAIN BRIEFLY WHAT THE AMENDMENT ARE ABOUT - (SEE NOTES OF TESTIMONY)

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COUNCILMEMBER CLARKE MOVED TO AMEND BILL NO. 080032 AS FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 080032

* * *

PROPOSED AMENDMENTS TO BILL NO. 080032

Matter added by amendment is in **bold**
Matter deleted by amendment is in ~~strikeout~~

Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section, entitled "Failure to Report Lost or Stolen Firearm," by requiring prompt notification of lost or stolen firearms and imposing penalties.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Chapter 10-800 of The Philadelphia Code, entitled "Safety," is amended to add a new Section 10-834 to read as follows:

§10-834. Failure to Report Lost or Stolen Firearm.

(1) Prohibited Conduct. No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to an appropriate local law enforcement official within 24 hours after the loss or theft is discovered.

(2) Penalties. ~~Any person who violates the provisions of this Section shall be subjected to a fine of not less than three hundred dollars (\$300) and not more than seven hundred dollars (\$700) for each violation committed during calendar year 2005; eleven hundred dollars (\$1,100) for each violation committed during calendar year 2006; fifteen hundred dollars (\$1,500) for each violation committed during calendar year 2007; nineteen hundred dollars (\$1,900) for each violation committed during calendar year 2008; and two thousand dollars (\$2,000) for each violation committed thereafter. A violation of this Section shall be deemed a Class III Offense, subject to the penalties set forth in Section 1-109.~~

(3) Repeat Offenders. Any person who commits, on more than one occasion, a violation of this Section, shall be guilty of a separate offense of Repeat Violation, and for each such Repeat Violation, shall be subject to a fine of not more than one thousand nine hundred dollars (\$1,900) for any violation committed in 2008, and not more than two thousand dollars (\$2,000) for any violation committed in 2009 or thereafter, or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless whether the second or subsequent

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violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.


* * *

THE AMENDMENT WAS READ

COUNCILMEMBER CLARKE MOVED FOR THE ADOPTION OF THE AMENDMENT


THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 080032 WAS ADOPTED

 **Bill No. 080032-A, as amended:** An Ordinance Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section, entitled "Failure to Report Lost or Stolen Firearm," by requiring prompt notification of lost or stolen firearms and imposing penalties.

THE BILL WAS AMENDED.

THE BILL WAS ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING..

 **Bill No. 080035-A:** An Ordinance Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section 10-831, entitled "Straw and Multiple Handgun Purchase Reduction," to limit purchases of handguns by Philadelphia residents to one a month, and to prohibit "straw purchases" of handguns utilized by criminals for the purpose of evading the one handgun a month limitation; all under certain terms and conditions.

THE BILL WAS READ.

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COUNCILMEMBER CLARKE MOVED TO AMEND BILL NO. 080035 AS FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 080032

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PROPOSED AMENDMENTS TO BILL NO. 080035

Matter added by amendment is in bold

Matter deleted by amendment is in ~~strikeout~~

Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section 10-831, entitled "Straw and Multiple Handgun Purchase Reduction," to limit purchases of handguns by Philadelphia residents to one a month, and to prohibit "straw purchases" of handguns utilized by criminals for the purpose of evading the one handgun a month limitation; all under certain terms and conditions.

Whereas, Law enforcement, public health and independent research data consistently finds illegal handgun trafficking ("straw purchases") to be one of the most prevalent and persistent root causes of handgun violence and crime that destroys lives and devastates communities in Philadelphia, around Pennsylvania and all over the United States; and

Whereas, Illegal handgun trafficking is characterized by criminals and illicit sellers employing non-felons to make multiple or bulk purchases of handguns so they then can market the wares on the streets at huge profits in virtually unlimited quantities to people who would otherwise be unable to obtain the weapons; and

Whereas, The Philadelphia Police Department is known to recover more than 5,000 stolen and illegal guns a year, over 1,200 Pennsylvanians and 2-300 Philadelphia citizens lose their lives each year to illegal handgun violence, and every two years, more Americans die or are seriously injured from handgun violence than in the Vietnam War; and

Whereas, According to the ATF, over 22% of guns used in crime nationally, and 51% of guns used in crime with eliminated serial numbers, come from multiple handgun sales; in addition, "straw purchases" account for 46% of guns used in crime; and

Whereas, Research by the Virginia State Crime Commission and the American Medical Association find handgun trafficking reduction laws to be effective in disrupting illegal sales and transfers, and Virginia, California, Maryland and South Carolina have all enacted such measures; and

Whereas, In the Philadelphia assault weapons ban case of Ortiz et al vs. the Commonwealth of Pennsylvania et al, 545 Pa. 279, 681 A.2d 152 (1996), the Pennsylvania Supreme Court

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ruled that municipalities are strictly limited by the Pennsylvania General Assembly regarding the regulation of the possession, sale and transfer of firearms; and

Whereas, The statutory limitations of municipalities to regulate the possession, sale and transfer of firearms, as upheld by the Pennsylvania Supreme Court, has been duly incorporated within the body of this legislation along with the paramount and legitimate interests of the public safety of the citizens of our City and the Commonwealth; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-800 of The Philadelphia Code, entitled "Safety," is amended to add a new Section 10-831 to read as follows:

§10-831. Straw and Multiple Handgun Purchase Reduction.

(1) Definitions.

(a) Collector: Any person who acquires, holds, or disposes of firearms as curios or relics, as the United States Attorney General shall by regulation define, and the term "licensed collector" means any such person licensed under the provisions of Chapter 44 of Title 18 of the United States Code.

(b) Handgun: Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle, or shotgun with a overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action bolt or cylinder - whichever is applicable.

(c) Straw Purchaser. Any person who conducts or attempts to conduct a gun purchase on behalf of another person.

(2) Limitation on purchases.

(a) Prohibited Conduct by Prospective Buyers.

(1) No prospective firearm purchaser or other transferee shall be allowed to purchase or receive more than one handgun in any 30 day period.

(2) No one shall act as a straw purchaser in any handgun transaction in order to evade the provisions of this Section.

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(b) Prohibited Conduct by Prospective Sellers.

No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, unless he has:

(1) obtained a 30 day eligibility report from the City of Philadelphia Police Department; and

(2) forwarded a copy of the completed application/record of sale from the potential buyer or transferee to the City of Philadelphia Police Department, postmarked via first class mail, within 14 days of the sale.

(c) Exceptions. This Section shall not apply to sales or transfers to:

(1) Law enforcement agencies or agencies authorized to perform law enforcement duties.

(2) State and local correctional facilities.

(3) Licensed firearms dealers, importers, manufacturers and collectors.

(4) Private security companies licensed to do business within this Commonwealth.

(5) A person whose handgun is stolen or irretrievably lost, provided that person has, within 72 hours of learning of such theft or loss, filed a report with the City of Philadelphia Police Department or the Pennsylvania State Police, in a form and specifying such information as the City of Philadelphia Police Department or the Pennsylvania State Police shall require.

(6) A person exchanging a handgun at its original place of purchase.

(7) A person who presents to the seller or transferor a written statement issued by the City of Philadelphia Police Department dated within the past thirty days stating that the transferee or purchaser requires access to a handgun because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

(8) A person who presents to the seller or transferor a written statement issued by the Adjutant General of Pennsylvania, or his designee, dated within the past thirty days, stating that the transferee or purchaser requires access to a handgun

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because of a threat to the citizens of this Commonwealth which the purchaser or transferee seeks to defend against as directed by law.

(9) A person who presents to the seller or transferor a written statement issued by the City of Philadelphia Police Department dated within the past thirty days stating that the transferee or purchaser, if all other eligibility requirements are met, may purchase or otherwise obtain a handgun regardless of the results of the 30 day eligibility report, because the Police Department is satisfied that the person is not a straw purchaser.

(3) 30 Day Report of Eligibility.

(a) Nature of Report. A 30 day eligibility report prepared by the City of Philadelphia Police Department shall indicate only whether the prospective purchaser or transferee is eligible or ineligible. Anyone who received another handgun within the immediately preceding 30 days shall be deemed ineligible and shall be deemed eligible again 30 days from the date of the prior transaction.

(b) Method of Compiling Report. Prior to the expiration of the 48 hour period from the time of the application for the purchase or transfer of the handgun, the seller or transferor shall request that the City of Philadelphia Police Department conduct a 30 Day eligibility inquiry. Such request shall be made by means of a telephone call, or by means of an electronic query via e-mail or via a website, so long as e-mail or web-based communications are available and fully operational. The purchaser and the licensed dealer shall provide such information as is necessary to accurately identify the purchaser. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed \$2 per buyer or transferee.

Upon receipt of such a request, the City of Philadelphia Police Department shall immediately issue a request to the Pennsylvania State Police to conduct a review of all firearms transactions processed via the Instantaneous Criminal History Records Check System within the past 30 days to determine whether the prospective purchaser or transferee has received another handgun within the immediately preceding 30 days.

Upon receipt of the results of the Pennsylvania State Police inquiry, if the prospective purchaser or transferee is eligible to obtain a handgun under this Section, the City of Philadelphia Police Department shall issue a unique approval number and transmit a receipt containing the date and approval number to the prospective seller. If the prospective purchaser or transferee is ineligible to obtain a handgun under this Section, the City of Philadelphia Police Department shall issue a letter of denial, recorded with the date on which the prospective purchaser will become eligible to obtain an additional handgun under this Section and transmit this letter of denial to the prospective seller.

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(4) Investigations of Multiple Handgun Purchasers.

The receipt of applications/records of sale which indicate that a purchaser or transferee has obtained more than one handgun in any 30 day period shall constitute prima facie evidence that the multiple handgun purchaser is involved in the trafficking of handguns. The City of Philadelphia Police Department shall thereafter commence a criminal investigation to determine the extent, if any, of criminal activities committed by the multiple handgun purchaser.

(5) Penalty.

The penalty for violation of this Section shall be a fine of not more than three hundred dollars (\$300.00), or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained handgun by the City of Philadelphia Police Department, said handgun to be melted down or rendered inoperable thereafter.

SECTION 2: This Ordinance shall take effect six months after it becomes law.

SECTION 2. 3 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. If any clause, sentence, paragraph or phrase of this Ordinance shall, for any reason, be adjudged by any court of competent jurisdiction, or administrative agency, to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or phrase thereof so found to be unconstitutional or invalid.


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THE AMENDMENT WAS READ

COUNCILMEMBER CLARKE MOVED FOR THE ADOPTION OF THE AMENDMENT

THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 080032 WAS ADOPTED

 **Bill No. 080035-A, as amended:** An Ordinance Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section 10-831,


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entitled “Straw and Multiple Handgun Purchase Reduction,” to limit purchases of handguns by Philadelphia residents to one a month, and to prohibit “straw purchases” of handguns utilized by criminals for the purpose of evading the one handgun a month limitation; all under certain terms and conditions.

THE BILL WAS AMENDED.

THE BILL WAS ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING..

RESOLUTIONS

 **Resolution No. 080264:** Resolution Approving submission of a Sewage Facilities Planning Module to the Pennsylvania Department of Environmental Protection proposing a revision to the Official Sewage Facilities Plan of the City regarding disposal of sewage from properties located along River Road.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

The Ayes and Nays were as follows:

Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

SPEECHES

COUNCILMEMBER DICICCO - SUPREME COURT DECISION - GAMBLING - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER BROWN - NUTRITIONAL LABELING FOR RESTAURANTS - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER GREEN - COMMENTS ON SUPREME COURT DECISION AND PROCUREMENT DEPARTMENT WITH RESPECT TO CAR SHARING - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER CLARKE - PROCESS RELATING TO COMMUNITY RELATED BENEFITS - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER GREEN - WAS TALKING ABOUT THE BACK ROOM DISCUSSIONS NOT SHARED WITH THE COMMUNITY OR ANYONE IN REPOSE TO COUNCILMEMBER CLARKE - (SEE NOTES OF TESTIMONY)

COUNCILMEMBER DICICCO - THE ADMINISTRATION AGREES THAT HEARING SHOULD GO ON TOMORROW AND SO BE IT THEY WILL - (SEE NOTES OF TESTIMONY)

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COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.