

## Legislation Details (With Text)

**File #:** 110757      **Version:** 1      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 10/27/2011      **In control:** Committee on Law and Government

**On agenda:**      **Final action:**

**Title:** Amending Chapter 12-2800 of The Philadelphia Code, entitled "Administrative Adjudication of Parking Violations," by providing that additional fees and costs shall be imposed for failure to answer a parking ticket only when a notice of violation, issued with respect to such ticket, has not been answered within a specified period of time, increasing certain penalties and costs, revising the time period required to answer a parking ticket and making certain technical changes, all under certain terms and conditions.

**Sponsors:** Councilmember Greenlee

**Indexes:** ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS, PARKING AUTHORITY

**Code sections:** 12-2800 - Administrative Adjudication of Parking Violations

**Attachments:** 1. CertifiedCopy11075701.pdf

| Date       | Ver. | Action By                       | Action  | Result | Tally |
|------------|------|---------------------------------|---|--------|-------|
| 12/14/2011 | 1    | MAYOR                           | SIGNED  |        |       |
| 12/1/2011  | 1    | CITY COUNCIL                    | READ AND PASSED                                       | Pass   | 17:0  |
| 11/17/2011 | 1    | CITY COUNCIL                    | ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR   |        |       |
| 11/17/2011 | 1    | CITY COUNCIL                    | SUSPEND THE RULES OF THE COUNCIL                      | Pass   |       |
| 11/17/2011 | 1    | CITY COUNCIL                    | ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR |        |       |
| 11/16/2011 | 0    | Committee on Law and Government | HEARING NOTICES SENT                                  |        |       |
| 11/16/2011 | 0    | Committee on Law and Government | HEARING HELD  |        |       |
| 11/16/2011 | 0    | Committee on Law and Government | AMENDED   |        |       |
| 11/16/2011 | 1    | Committee on Law and Government | REPORTED FAVORABLY, RULE SUSPENSION REQUESTED         |        |       |
| 10/27/2011 | 0    | CITY COUNCIL                    | Introduced and Referred                               | Pass   |       |

Amending Chapter 12-2800 of The Philadelphia Code, entitled "Administrative Adjudication of Parking Violations," by providing that additional fees and costs shall be imposed for failure to answer a parking ticket only when a notice of violation, issued with respect to such ticket, has not been answered within a specified period of time, increasing certain penalties and costs, revising the time period required to answer a parking ticket and making certain technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 12-2800 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 12-2800. ADMINISTRATIVE ADJUDICATION OF

PARKING VIOLATIONS

\* \* \*

§ 12-2804. Issuance and Service of Parking Tickets.

\* \* \*

(3) A parking ticket may be served upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place. A parking ticket may be served personally upon the operator of a vehicle who is present at the time of service. The plate number and type as shown by the registration plates of the vehicle and the make or model of the vehicle shall be recorded on the ticket. If the license plate is not visible or legible or has been improperly affixed to the vehicle, other appropriate identification may be used, such as the vehicle identification number. The parking ticket shall also contain other sufficient information to identify the vehicle and to inform the person of the nature, date, time and location of the violation alleged. [Failure to answer a] *A* parking ticket served by affixation as provided in this subsection shall be subject to the same fines, costs and additional fees and shall have the same force and effect as if the parking ticket were personally served on the owner and operator of the vehicle.

(4) Except as provided in subsection 12-2804(8), a person to whom a parking ticket has been served shall answer within [eight (8)] *fifteen (15)* days after the date the ticket was served. Failure to answer within the prescribed period shall result in the imposition of additional fees as set forth in § 12-2809.

\* \* \*

§ 12-2805. Notice of Violation.

(1) The Parking Authority shall, [at any time within forty-five (45) days] *as soon as practicable* after learning of the name and address of the owner of the motor vehicle, send a notice by first class mail to the owner of the motor vehicle, and, if known, to the operator, at the address appearing on the registry of a state department of motor vehicles. The notice of violation shall inform the operator or owner: (i) of the parking violation charged, the time and date of the parking violation, and the amount of fines, costs and additional fees *that shall become due if the notice of violation is not answered within the period prescribed in § 12-2809*; (ii) of the right to request a hearing; (iii) that a civil action may be commenced against the violator for failure to appear or pay the amount due; and (iv) of such other penalties as [maybe] *may be* authorized by [statue] *statute*, ordinance or regulation.

\* \* \*

(3) Except as provided in subsection 12-2804(8), a person to whom a notice of violation has been issued shall answer within [fifteen (15)] *ten (10)* days after the date the notice was issued.

§ 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; or
- (c) deny liability and request a hearing with respect to the parking violation.

\* \* \*

§ 12-2809. Civil Penalties and Costs.

(1) The civil penalties prescribed for parking violations under the Philadelphia Traffic Code, and payable by a person to whom a parking ticket or notice of violation has been issued, are as set forth in subsection 12-2809(2) or 2809(4). Except as provided in subsection 12-2804(8), the total sum of costs and additional fees payable by a person who fails to answer a [parking ticket within fifteen (15) days after the date the ticket was issued] *notice of violation within ten (10) days after the date such notice was issued or within ninety (90) days after issuance of a parking ticket, if ownership information cannot be obtained from a Department of Motor Vehicles*, or by a person who, after a hearing pursuant to Section 12-2807, has an order entered against him sustaining the charges, is [twenty (\$20)] *twenty-five (\$25)* dollars. In the event that payment is not made within thirty (30) days after entry of a final order determining liability for a parking violation or in the event that a person fails to answer a notice of violation *within twenty (20) days after the date of issuance of such notice* or fails to appear at a hearing when required to so, an additional fee of [twenty-five (\$25)] *thirty (\$30)* dollars shall be added to the amount due and a fee shall be charged equal to the cost charged by any state for driver or vehicle information necessary to advance collection of outstanding penalties, costs, fines, and fees.

\* \* \*

SECTION 2. This Ordinance shall become effective 90 days after it becomes law.

**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.