

Legislation Details (With Text)

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Title:	Amending Title 12 of The Philadelphia Code, entitled "Traffic Code," by providing for prohibitions relating to Drifting, and for penalties and enforcement, all under certain terms and conditions.				
Sponsors:	Councilmember Driscoll, Councilmember Squilla, Councilmember Gilmore Richardson				
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6/8/2023	0	CITY COUNCIL			

Amending Title 12 of The Philadelphia Code, entitled "Traffic Code," by providing for prohibitions relating to Drifting, and for penalties and enforcement, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 12 of The Philadelphia Code is amended to read as follows:

TITLE 12. TRAFFIC CODE

* * *

CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES

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§ 12-1136. *Drifting.*

(1) Definition - For purposes of this section, Drifting is the intentional act of steering a vehicle in a circle where the rear wheel or wheels lose traction and create a controlled skid sideways. This is also referred to as doughnuts or spin-outs.

(2) Due to the inherent danger to the general public, the Drifting any vehicle, as defined in this section, is prohibited on any City street, highway, recreation center, or private parking lot, without the consent of the owner.

(3) The penalty for a violation of this Section, shall be forfeiture of the vehicle; provided that, if the value of the vehicle is in excess of two thousand dollars (\$2,000), or if the defendant does not own the vehicle and the owner did not know and could not reasonably have known that the vehicle would be used in violation of this Section, a civil penalty of two thousand dollars (\$2,000) shall be imposed.

(4) Enforcement.

(a) Notices of violation shall be issued by police officers or any other person authorized to enforce ordinances, pursuant to the procedures set forth in Section 10-1606 of this Code. Contested charges shall be resolved, penalties shall be imposed, and payments shall be collected and processed by the Director of Finance and the Office of Administrative Review (or such other office as the Director of Finance shall designate), all pursuant to the procedures set forth in Sections 10-1604 through 10-1609, except that:

(1) Any person to whom a ticket is issued may, within eight (8) days of receipt, agree to forfeit the vehicle in lieu of contesting the violation and in lieu of any other fines or penalties.

(2) An order by default may be vacated pursuant to subsection 10-1608(4) only within sixty (60) days after its entry.

(b) Seizure. In addition to issuance of a notice of violation, whenever a police officer has probable cause that any vehicle was or is being used to Drift on any City street, highway, recreation center, or private parking lot, without the consent of the owner, the officer may seize the vehicle, whereupon the Police Department shall comply, as nearly practicable, with the provisions of subsections 12-2405(2)-(5) ("Removal or Immobilization of Parked Vehicles: Notice"), except that no vehicle shall be returned to the owner other than pursuant to Section 12-1133. The Police Department shall store the vehicle until a final adjudication of the offenses, at which time:

(1) If forfeiture is not awarded, the Police Department shall return the vehicle to the owner upon payment of all applicable fines, penalties and fees and compliance with all applicable laws relating to the vehicle.

(2) If forfeiture is awarded, the Police Department shall dispose of the vehicle in an appropriate manner, which may include destruction of the vehicle or such other manner of disposition that, in the judgment of the Department, reduces, to the greatest extent practicable, the opportunities for the vehicle to be used in any manner that violates the provisions of this Section or the Vehicle Code.

(9) A person who claims their vehicle was wrongfully seized, including an owner who did not know and could not reasonably have known that the vehicle would be used in violation of this Section, may seek return of the vehicle pursuant to the procedures set forth at Section 12-2406 ("Recovery of Vehicles; Hearings"), with any hearing to be scheduled as expeditiously as practicable.