

Legislation Details (With Text)

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Title: Amending Section 10-819 of The Philadelphia Code, entitled "State of Emergency," to expand upon the measures that the Mayor may take in an emergency, prohibit the violation of orders issued in connection with a declaration of emergency, revise the penalties for violations, provide definitions, and make technical and other changes, all under certain terms and conditions.

Sponsors: Councilmember Miller

Indexes:

Code sections: 10-819 - State of Emergency

Attachments: 1. Bill No. 08079500.pdf

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|------------|------|----------------------------|----------------------|--------|-------|
| 2/4/2009 | 0 | Committee on Public Safety | HEARING NOTICES SENT | | |
| 2/4/2009 | 0 | Committee on Public Safety | HEARING HELD | | |
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| 10/23/2008 | 0 | CITY COUNCIL | Referred | | |
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Amending Section 10-819 of The Philadelphia Code, entitled "State of Emergency," to expand upon the measures that the Mayor may take in an emergency, prohibit the violation of orders issued in connection with a declaration of emergency, revise the penalties for violations, provide definitions, and make technical and other changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-819 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

* * *

CHAPTER 10-800. SAFETY.

* * *

§ 10-819. [State] *Declaration of Emergency.*

(1) *Definitions.*

(a) *Emergency.* Means any occurrence, or threat thereof, whether accidental, natural or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(b) *Normal average retail price.* That price which is the average of any two similar items of a good, material or service sold during the 12 months immediately preceding an emergency.

[(1)] (2) *Emergency Measures.* The Mayor of the City of Philadelphia is authorized, if he finds that the City or any part thereof is suffering or is in imminent danger of suffering *an emergency or other significant* civil disturbance, disorder, riot or other occurrence which will seriously and substantially endanger the health, safety [and] *or* property of the citizens, to declare [a STATE OF EMERGENCY] *an emergency by proclamation.* A declaration of an emergency may, at the discretion of the Mayor, constitute a declaration of local disaster emergency, as that term is used in state law.

(3) [and] *Pursuant to a declaration of an emergency, the Mayor may, by order, exercise the following powers and* take the following specified measures throughout the City or any part thereof *to protect the health and safety of people and property:*

(a) [Prohibit or limit the number of persons who may gather or congregate upon the public highways or public sidewalks, or in any outdoor place, except persons who are awaiting transportation, engaging in recreational activities at a usual and customary place, or peaceably entering or leaving buildings] *Recommend or mandate sheltering-in-place or evacuation for the entire City or any portion thereof;*

(b) Halt access or egress upon public highways to or from the City or any part thereof *and designate any street, or portion thereof, park, parking area, public accommodation or other location commonly open to public use closed to vehicular or pedestrian traffic;*

(c) Suspend operations at municipal airports;

(d) Halt the movement of trains, boats or other vehicles into, within or from the City, *or any part thereof;*

(e) Establish a curfew, *throughout the City or in any part thereof,* limiting the hours when persons may go upon or travel the public streets, *or travel through or occupy parks, parking areas, public accommodations or other locations commonly open to public use.* Such curfew may prohibit assembling, gathering, loitering, or other congregating in any manner in groups in any place for any purpose. The order establishing such a curfew may exempt from the order public officials, law enforcement officers, firefighters, persons who are awaiting transportation, peaceably entering or leaving buildings, performing medical or essential utility services, and any other persons determined to warrant exemption as set forth in the order;

(f) *Require the closing of any and all business establishments in the City;*

[(f)] (g) Require the closing of taprooms and bars and prohibit the sale [or] , service,

transport or free provision of alcoholic beverages in any hotel, restaurant, club or other establishment;

(h) Require the closing of gasoline stations and other establishments, the primary activity of which is the sale, distribution or dispensing of gasoline or other flammable or combustible products;

[(g)] *(i) Prohibit or restrict the sale, distribution, transport, or free provision of gasoline or other [inflammable] flammable or combustible [liquids] products;*

[(h)] *(j) Prohibit the sale, free provision, carrying or possession [on the public street or public sidewalks, or in any public park or square] in a street, park, parking area, public accommodation or other location commonly open to public use, of weapons including, but not limited to, firearms, ammunition, bows and arrows, air rifles, slingshots, knives, razors or missiles of any kind by persons other than authorized law enforcement personnel or person in active military service;*

(k) Prohibit any person operating a retail business from charging more for goods, materials or services than the normal average retail price, except when the cost of providing the goods, materials or services is substantially increased as a result of the emergency; and

(l) Restrict or permit such other conduct as deemed necessary to protect life and property and to preserve critical resources to carry out the purposes of this Section.

[(2)] *(4)trch Duration. The [STATE OF EMERGENCY] emergency declared by the Mayor shall exist for the period set forth in the proclamation but not in excess of two weeks. However, the [STATE OF EMERGENCY] emergency may be extended for additional periods of two weeks.*

(5) No person shall fail, neglect or refuse to comply with any order made or prohibitions instituted pursuant to a proclamation made under this Section, or an order given by a law enforcement or emergency management officer in enforcement of such an order or prohibition. No person shall aid, assist, encourage, or support the commission of a violation of an order made or prohibitions instituted pursuant to a proclamation issued pursuant to this Section, or an order given by a law enforcement or emergency management officer in enforcement of such an order or prohibition.

[(3)] *(6) Penalty. Any person who violates [these emergency precautions taken by the Mayor under the authority of this ordinance] subsection (5) of this section shall be subject to a fine [of not less than one hundred (100) dollars nor more than three hundred (300) dollars] in the amount established for a Class III offense, or imprisonment for a term not to exceed ninety days, or both.*

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.