

## Legislation Text

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**File #:** 130628, **Version:** 1

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Amending Chapter 10-1200 of The Philadelphia Code, entitled "Posting of Signs," by revising enforcement and penalty provisions relating to posting and advertising upon signs on utility poles, street lights, and other structures and making technical changes, all under certain terms and conditions.

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

SECTION 1. Chapter 10-1200 of The Philadelphia Code is hereby amended to read as follows:

### CHAPTER 10-1200. POSTING OF SIGNS

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§ 10-1202. Prohibited Conduct.

(a) Except as provided in subsection (b), no person shall post *or advertise upon* any sign on [any] *a*:

(1) utility pole;

(2) streetlight;

(3) traffic or parking sign or device, including any post to which such sign or device is attached;

(4) historical marker; or

(5) City-owned tree or tree in the public right-of-way.

(b) A person may post *or advertise upon* a sign on a streetlight provided the sign complies with the requirements of the Banner Program, as defined by regulations promulgated by the Department of Streets.

(c) *No person or business shall hire, contract with or pay another person or business to post any sign in violation of this Section.*

§ 10-1203. Posting of Prohibited Signs Enforcement and Penalties.

(a) The code official shall issue a [code violation notice] *notice of violation as provided in § 1-112 for posting or advertising upon* any sign [posted] in violation of this [Chapter.] *Chapter; however, the amount*

to be submitted in response to a notice of violation shall be \$150.00 when the illegal sign is:

- (1) Posted more than 7 feet above the ground;
- (2) Composed of inflexible material, including but not limited to plastic or metal;
- (3) Affixed using nails, staples, tacks, screws, bolts, rivets or other materials that penetrate the surface; or
- (4) Affixed using packing tape, duct tape or other similar adhesive material having a width in excess of 1 inch.

(b) Multiple Violations. Where any person posts or advertises upon more than one sign in violation of this Chapter, within the same zip code, the code official is authorized to issue a single code violation notice on a form for multiple sign violations prepared by the Department of Licenses and Inspections. The Department of Licenses and Inspections is authorized to determine the maximum number of violations for which a single code violation notice may be issued. In addition, the Department of Licenses and Inspections may require that the code official photograph each sign in violation and, in writing on the photograph, identify the sign's location as accurately as possible. The amount required to be remitted in response to a notice of multiple violations shall be the same as if separate violation notices for each sign had been issued.

\* \* \*

(d) The Department charged with the enforcement of this Chapter may confiscate any tools and equipment used by a person to post a sign in violation of this Chapter. The person may request a hearing before the Department to challenge a confiscation as unauthorized.

[[d]] (e) The owner of any signs, posted in violation of this Chapter, relinquishes any ownership rights to the materials, and such signs may be removed by any public or private agency or individual, without compensating the owner.

(f) Any person responsible for the posting of a sign and any person who advertises upon a sign [not] in [compliance with] violation of the provisions of § 10-1202 shall be [liable:] jointly and severally liable for the costs incurred by the Department in the removal of such sign, including all related administrative costs; and shall be jointly and severally liable to any individual who removes such sign, for any injury sustained in removing the sign.

[(1) for the cost incurred in the removal thereof; including all related administrative costs; and

(2) for a penalty of \$75 per sign.]

(g) Any person who violates any provision of this Chapter shall be subject to forfeiture of any tools used in posting a prohibited sign. In addition, any person who violates the provisions of §10-1202(a) shall be

*subject to a penalty of \$300 per sign for the first offense and \$2,000 per sign for each subsequent offense; and any person who violates the provisions of § 10-1202(c) shall be subject to a penalty of \$2,000 per sign.*

*(h) Failure to pay any fines or penalties, imposed for a violation of this Chapter, shall be grounds for the suspension or revocation of a commercial activity license (previously known as business privilege license) and the loss of any right to do business with the City.*

SECTION 2. This Ordinance shall become effective immediately.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.