

Legislation Text

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Adding a new Chapter 12-3600 of The Philadelphia Code, entitled “Camera-Based Enforcement System For Parking, Stopping, and Standing Violations That Interfere With Mass Transit,” to decrease traffic congestion, improve traffic safety, and address the climate crisis within the City of Philadelphia, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 12 of The Philadelphia Code is hereby amended to add a new Chapter 12-3600 as follows:

TITLE 12. TRAFFIC CODE

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CHAPTER 12-3600. CAMERA-BASED ENFORCEMENT SYSTEM FOR PARKING, STOPPING, AND STANDING VIOLATIONS THAT INTERFERE WITH MASS TRANSIT

§ 12-3601. *Definitions.*

(1) Authorized Enforcement Area. (1) The following streets between Front Street and 63rd Street: Walnut Street, Chestnut Street, Market Street and John F. Kennedy Boulevard; (2) all other streets in the area bounded by, and inclusive of where relevant, Spring Garden Street, the Delaware River, South Street and the Schuylkill River; and (3) those portions of all streets where active trolley service operates.

(2) Camera-Based Enforcement System. A camera-based system pursuant to which one or more recorded images of a vehicle are produced at the time a vehicle is stopped, parked, or is otherwise stationary in a manner which is in violation of the Philadelphia Code.

(3) Department. The Philadelphia Department of Streets.

(4) Mass Transit. A public transportation service, including but not limited to bus, train, trolley, trackless trolley, or subway vehicle.

(5) System Administrator. The Philadelphia Parking Authority.

(6) Transit Authority. the Southeastern Pennsylvania Transportation Authority.

(7) Evidence Package. A collection of recorded images and other information captured by a Camera-Based Enforcement System that evidences a possible violation of the Philadelphia Code, including but not limited to photographic, video, or other recorded images of the license plate of a vehicle that is

used in violation of the Philadelphia Code and the date, time, and place of the violation.

§ 12-3602. Camera-Based Enforcement System.

(1) Violations of this Title 12 relating to prohibitions on stopping, standing, and parking vehicles, on any street that conveys Mass Transit, shall be enforceable through violation notices based on recorded images produced by a Camera-Based Enforcement System, as further provided in this Chapter, excepting violations of Chapter 12-1000 of the Philadelphia Code (relating to Parking Meter Regulations and Penalties).

§ 12-3603. Roles of the System Administrator and the Transit Authority.

(1) The System Administrator shall supervise and coordinate the administration of notices of violation issued under this Chapter, and may hire and designate personnel as necessary or contract for services to implement the Camera-Based Enforcement System. The System Administrator may also supervise and coordinate collection and administration of Evidence Packages collected by Camera-Based Enforcement Systems

(2) Compensation to a vendor through the System Administrator or the Transit Authority for a system authorized by this section shall be based only upon the value of equipment and services provided or rendered in support of the Camera-Based Enforcement System, and may not be based on the quantity of notices of violation issued nor amount of fines imposed or generated.

§ 12-3604. Administration of Notices of Violation.

(1) All aspects of administration and enforcement applicable to the parking violations identified through a Camera-Based Enforcement System, including the applicable fines and penalties and the manner of response and appeal, as set forth in this Title 12 in connection with such offenses generally, shall apply to violations identified in violation notices issued based on such a Camera-Based Enforcement System, except as provided in this Section 12-3504 and in Section 12-3505 (“Defenses to Liability”).

(2) Notwithstanding any provision of the Code to the contrary requiring placement of parking violation notices on the vehicle causing the violation, notices of violation pursuant to a Camera-Based Enforcement System may be served by mail upon the registered owner of the vehicle.

(3) The System Administrator shall prepare and mail a notice of violation addressed to the registered owner of a vehicle identified in a recorded image produced by a Camera-Based Enforcement System as evidence of a violation of this Chapter.

(a) The notice of violation must include:

(.1) the name of the registered owner of the vehicle;

(.2) the registration number and state of issuance of the vehicle registration;

(.3) the date, time, and place of the violation;

(.4) identification of the Code sections under which the violation is charged;

(.5) the attestation set forth in subsection (b);

(.6) the penalty for the violation;

(.7) a copy of the recorded image(s) showing the vehicle, with date and time stamp;

(.8) the date on which the notice was mailed; and

(.9) instructions for return of the notice of violation, including method of paying fines, deadlines for response, and identification of penalties that may accrue for failure to respond.

(b) A violation notice issued based on a Camera-Based Enforcement System shall be verified based on a review of the applicable camera images by an officer authorized to issue parking tickets under this Chapter, who shall attest that the officer has inspected the recorded images evidencing the violation, that the violation impedes the operations of Mass Transit, and that the officer reasonably believes the information contained in the notice of violation to be true and correct.

(4) The notice of violation shall be sent by first-class mail within thirty (30) days after the discovery of the identity of the registered owner, to the address of the registered owner as listed in the records of the Department of Transportation or other agency with responsibility for maintaining vehicle registrations in the jurisdiction in which the vehicle is registered, provided, however, that no notice of violation under this section shall be issued more than ninety (90) days after the commission of the offense. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

§ 12-3605. Defenses to Liability.

(1) It shall be a defense to a violation notice issued under the Chapter if:

(a) the person whose vehicle is recorded in violation was directed to stop, park, or otherwise remain stationary by a law enforcement officer at the time the violation was recorded.

(b) the vehicle was reported to any state or municipal police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

§ 12-3606. Regulations.

(1) A Camera-Based Enforcement System may be used to enforce this Chapter at any location in the Authorized Enforcement Area approved by the Department and the System Administrator. The Department shall promulgate such regulations as are necessary for the operation of a Camera-Based Enforcement System.

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SECTION 2. Effective Date. This Ordinance shall be effective 30 days after certification by the Department of Streets to the Chief Clerk of Council that the Philadelphia Parking Authority and the Southeastern Pennsylvania Transit Authority have executed an agreement to provide for reimbursement of SEPTA's costs associated with implementation and operation of the Camera Based Enforcement System.