

Legislation Text

File #: 210870, Version: 0

Amending Chapter 10-400 of The Philadelphia Code (“Noise and Excessive Vibration”) to establish a prohibition on loud noise emanating from a motor vehicle and to add a section authorizing use of an automated system for determining violations of that prohibition, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of the Philadelphia Code is hereby amended as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-400. NOISE AND EXCESSIVE VIBRATION

* * *

§ 10-403. Prohibited Conduct.

* * *

(14) *Sound Emanating From a Motor Vehicle.* Notwithstanding anything to the contrary in subsection (7) (“Sound Created in the Right of Way”), no person shall create or cause, or permit the creation of, sound emanating from a motor vehicle, at a level of five decibels above background level measured from a distance of 25 or more feet.

(a) *This prohibition applies without regard to whether the sound derives from operation of the vehicle, from music or other amplified sound from the vehicle, or other source connected to the vehicle.*

(b) *This prohibition shall not apply in connection with a permitted event or activity.*

(c) *The owner of a motor vehicle from which a violation of this provision occurs shall be liable for a violation of this provision, without regard to whether such person was operating the vehicle at the time of the violation, unless the owner demonstrates that the vehicle was reported stolen to the Police, and remained unrecovered, at the time of the violation.*

* * *

<javascript:void(0)>§ 10-412. *Enforcement of Motor Vehicle Noise Violations.*

(1) *Notwithstanding any provision to the contrary in this Chapter 10-400, violations of Subsection 10-403(14) (“Sound Emanating from a Motor Vehicle”) may be enforced using an Automated Vehicle-Noise*

Enforcement System.

(2) *An Automated Vehicle-Noise Enforcement System or Automated System means a system using one or more stationary cameras and decibel-meters or similar equipment to record images and establish meter readings in connection with a vehicle in a manner capable of demonstrating a violation of Subsection 10-403 (14).*

(3) *Such department as may be designated by the Managing Director shall select the locations for placement of such cameras and meters and manage the purchase, supply, installation and management of such equipment.*

(4) *Upon an agreement entered into between the City and the Philadelphia Parking Authority, the Parking Authority shall supervise and coordinate the administration of notices of violation issued under this Chapter. Upon execution of such an agreement, and except as otherwise provided in this Section, all aspects of administration and enforcement set forth in Chapter 12-2800 (“Administrative Adjudication of Parking Violations”) of this Code in connection with parking violations generally, including the manner of response and appeal to violation notices, shall apply to violation notices issued through such an Automated System as is such violation were a parking violation.*

(5) *Delinquent tickets pursuant to such system shall be treated in the same manner as a delinquent parking ticket for purposes of the boot and tow provisions of Section 12-1205(1)(c.1) of the Code (“Removal or Immobilization of Parked Vehicles; Notice”).*

(6) *Fines and penalties for violations of enforced pursuant to this system shall be as provided under Section 12-2809 of the Code (“Civil Penalties and Costs”) for a violation of Section 12-1126 of the Code (identified therein as “Excessive Noise”).*

(7) *Notices of violation pursuant to the System shall be mailed to the registered owner of the vehicle. The Parking Authority shall prepare and mail a notice of violation addressed to the registered owner of the vehicle identified as violating Subsection 10-403(14) based on images and meter recordings produced by the system. The notice of violation must include:*

- (a) *the name of the registered owner of the vehicle;*
- (b) *the registration number and state of issuance of the vehicle registration;*
- (c) *the date, time and place of the violation;*
- (d) *Identification of the violation under Subsection 10-403(14) of the Code;*

(e) *An attestation, based on review of the applicable camera images and meter reading data by a police officer or other duly authorized employee of the City that the officer has inspected the recorded images and meter reading evidencing the violation and that the officer reasonably believes the information contained in the notice of violation to be true and correct.*

(f) *a copy of the recorded image(s) showing the vehicle and record of the meter reading data, with date and time stamp;*

(g) *the date on which the notice was mailed;*

(h) *the fine for the violation; and*

(i) *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.*

(8) *The notice of violation shall be sent by first-class mail within thirty (30) days after the commission of the violation or within thirty (30) days after the discovery of the identity of the registered owner, whichever is later, 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. 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.*

* * *