Legislation Text

File #: 000147, **Version:** 1

Amending Title 10 of The Philadelphia Code relating to "Regulation of Individual Conduct and Activity," by amending Section 10-610 entitled "Skateboarding on Public Property," by prohibiting skateboarding on all public property unless otherwise authorized, and by creating additional penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1.   Section 10-610 of Title 10 of The Philadelphia Code is hereby amended to read as follows:

§10-610. Skateboarding on Public Property.

> (1)   No person shall use a skateboard in any of the following areas:

(a) the area bounded by Arch street, Fifteenth street, Broad street, and John F. Kennedy boulevard (the Municipal Services Building plaza and sidewalks)[.]*;*

(b) on public property unless use of a skateboard on such property is authorized by regulation, ordinance or statute, or is otherwise authorized by the governmental agency, department or commission responsible for such property, "Public Property" does not include public roads, highways, bicycle and/or skateboard paths, or sidewalks abutting private property. "Public Property" also shall not include Recreation Department facilities, which facilities shall be subject to the rules and regulations of the Recreation Department; and

(c) on portions of private property, including but not limited to outdoor plazas, that are dedicated to use by the general public, where the owner of such private property has posted a notice indicating that skateboarding is prohibited on the property.

(2) The parent of any child under the age of eighteen (18) years who violates subsection 10-610(1) shall also be in violation of this Section.

> (3)   *Penalties.*

(a) The penalty for a violation of this Section shall be a civil penalty of three hundred dollars ($300), provided that the total amount of civil penalties assessed against a child and his or her parents shall not exceed a total of three hundred dollars ($300) based upon each violation by the child.

(b) An additional penalty for a violation of §10-610(1) shall be forfeiture of any skateboard used in violation of this Section, unless it is proven to the Court by a preponderance of the evidence that the defendant does not own the skateboard and the owner did not or could not have reasonably known that the skateboard would be used in violation of this Section. Further the total amount of any penalty assessed for each violation, taking into account the value of both the fine and forfeiture, shall not exceed three hundred dollar ($300).

    (4)   Enforcement.

(a) Whenever a police officer has probable cause to believe a skateboard was used or is being used in violation of §9-601(1), the officer may seize the skateboard.

(b) Any person authorized to enforce ordinances may issue a ticket to any person in violation of this Section pursuant to the procedures set forth in §10-1606. Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and processed by the Director of Finance and the Bureau of Administrative Adjudication, all pursuant to the procedures set forth in §§10-1604 through 10-1609. Notwithstanding the foregoing, any person to whom a ticket is issued may, within eight (8) days of receipt, pay twenty-five dollars ($25) in lieu of contesting the violation and in lieu of any other fines or penalties. The ticket shall contain an appropriate notice to the recipient of his or her right not to contest the violation and appropriate instructions and procedures for payment, as prescribed by the Director of Finance. *Upon timely payment under this subsection, the Police Department shall make any skateboard seized under this Section available for return to the offender, pursuant to the procedures established by the Police Department.*

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.