

## Legislation Text

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**File #: 030245, Version: 0**

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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" and Section 10-1608, entitled "Hearings," to prohibit additional conduct, revise enforcement procedures, and make certain technical amendments, all under certain terms and conditions.

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

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

§10-610. Skateboarding, *Rollerblading and Bicycling* 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); *or*

(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)]

(2) *No person shall use a skateboard, rollerblades or a bicycle 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] such activity is prohibited on that property pursuant to the Philadelphia Code and that violation of the prohibition may lead to confiscation and forfeiture of skateboards, rollerblades and bicycles used on the property.*

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

[(3)] (4) 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)] *this Section* shall be forfeiture of any skateboard, *rollerblade or bicycle* 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] *item* and the owner did not or could not have reasonably known that the [skateboard] *item* 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 dollars (\$300).

[(4)] (5) Enforcement.

(a) Whenever a police officer has probable cause to believe a skateboard, *rollerblade or bicycle* was used or is being used in violation of [§9-601(1)] *this Section* the officer may seize the [skateboard] *item*.

(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)] *seventy-five (\$75)* 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] *item* seized under this Section available for return to the offender, pursuant to the procedures established by the Police Department.

(c) *The removal of any notice posted pursuant to subsection (2) by anyone other than the owner, or agent of the owner, of the posted property shall constitute a separate violation of this Section.*

SECTION 2. Section 10-1608 of The Philadelphia Code is hereby amended to read as follows:

§10-1608. Hearings.

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(3) If a person fails to answer *in response to a ticket* or fails to appear at a hearing when required to do so, or, having admitted commission of the violation (with or without explanation), fails to pay the fines, costs and additional fees assessed, the Code Violation Hearing Examiner shall enter an order by default sustaining the charges, fix the appropriate fine *or other penalty* and assess appropriate costs and additional fees, if any.

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**Explanation:**

[Brackets] indicates matter deleted.

*Italics* indicate new matter added.