City of Philadelphia

City Council
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Title: Repealing an Ordinance approved the Eleventh Day of January, A.D. 1950, Declaring the Intention of the City of Philadelphia to Organize and Authorizing the Organization of a Parking Authority under the Act of June 5, 1947, P.L. 458, as Amended by Act No. 276, Approved May 9, 1949; Repealing Ordinance 1633, approved the Eighth Day of April, A.D. 1983, by which the City of Philadelphia Delegated to the Philadelphia Parking Authority Certain Powers Relating to the Administration, Supervision and Enforcement of On-Street Parking Regulations and Collection on Behalf of the City of Philadelphia of Fines and Penalties Imposed in Connection with the Violation of Parking Regulations Pursuant to Authority Granted it by Section 345 of the Parking Authority Law (53 P.S. §§ 341 et. seq.); and Amending Title 1 of the Philadelphia Code, Entitled “General Provisions;” Title 9 of The Philadelphia Code, Entitled “Regulation of Businesses, Trades, and Professions;” Title 10 of The Philadelphia Code, Entitled “Regulation of Individual Conduct and Activity;” and Title 12 of The Philadelphia Code, Entitled “Traffic Code;” to Implement the Repealer in all places where the “Philadelphia Parking Authority” appears; all under certain terms and conditions.

Sponsors: Councilmember Oh

Indexes: PARKING AUTHORITY

Code sections: Title 1 - GENERAL PROVISIONS, Title 10 - REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY, Title 12 - TRAFFIC CODE, Title 9 - REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

Attachments: 1. Bill No. 20002500.pdf

Date	Ver.	Action By	Action	Result	Tally
1/23/2020	0	CITY COUNCIL	Introduced and Referred		

Repealing an Ordinance approved the Eleventh Day of January, A.D. 1950, Declaring the Intention of the City of Philadelphia to Organize and Authorizing the Organization of a Parking Authority under the Act of June 5, 1947, P.L. 458, as Amended by Act No. 276, Approved May 9, 1949; Repealing Ordinance 1633, approved the Eighth Day of April, A.D. 1983, by which the City of Philadelphia Delegated to the Philadelphia Parking Authority Certain Powers Relating to the Administration, Supervision and Enforcement of On-Street Parking Regulations and Collection on Behalf of the City of Philadelphia of Fines and Penalties Imposed in Connection with the Violation of Parking Regulations Pursuant to Authority Granted it by Section 345 of the Parking Authority Law (53 P.S. §§ 341 et. seq.); and Amending Title 1 of the Philadelphia Code, Entitled “General Provisions;” Title 9 of The Philadelphia Code, Entitled “Regulation of Businesses, Trades, and Professions;” Title 10 of The Philadelphia Code, Entitled “Regulation of Individual Conduct and Activity;” and Title 12 of The Philadelphia Code, Entitled “Traffic Code;” to Implement the Repealer in all places where the “Philadelphia Parking Authority” appears; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Ordinance 1633, approved the Eighth Day of April, A.D. 1983, by which the City of Philadelphia delegated to the Philadelphia Parking Authority certain powers relating to the administration, supervision and enforcement of on-street parking regulations and collection on behalf of the City of Philadelphia of fines and penalties imposed in connection with the violation of parking regulations pursuant to authority granted it by

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Section 345 of the Parking Authority Law (53 P.S. §§ 341 et. seq.) (Ordinances of the City of Philadelphia from January 1 to December 31, 1983, p. 618) is hereby repealed.

SECTION 2. Title 1 of The Philadelphia Code is hereby amended to read as follows:

TITLE 1. GENERAL PROVISIONS

* * *

CHAPTER 1-100. DEFINITIONS, CONSTRUCTION, PENALTIES AND ENFORCEMENT

* * *

§1-107. Repeals and Saving Provisions.

* * *

*(*4) All special ordinances enacted from January 1, 1701 to the effective date of the Code are saved to the extent that they are not superseded or repealed by the Charter, subsequent ordinance, or statute, and except insofar as they may be in any way inconsistent with the provisions of the Code. Special ordinances include, but are not limited to, ordinances which are enacted to:

* * *

(c) ratify or approve any contract or agreement to which the City is a party, such as:

(.1) Airport Authority Agreement (1953 Ordinances, p. 766);

(.2) Housing Authority Agreement (1938 Ordinances, p. 441);

[(.3) Parking Authority Agreement (1950 Ordinances, P. 8);]

[(.4)] *(.3)* Penn Tower Agreement (1955 Ordinances, p. 407);

[(.5)] *(.4)* Philadelphia Transportation Company Agreement (1907 Ordinances, p. 153, as amended);

[(.6)] *(.5)* Southeast Philadelphia Railroad Agreement (1954 Ordinances, p. 764);

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[(.7)] *(.6)* United Gas Improvement Company Agreement (1926 Ordinances, p. 22, as amended);

* * *

SECTION 3. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-400. CARRIERS

* * *

§9-407. Repeals and Saving Provisions.

* * *

(16) Penalties, License Suspension, Revocation, and Loss of Permitted Tour Passenger Loading Zone Location.

* * *

(d) The Department of Streets, the Police Department, *and* the Department of Licenses and Inspections [and the Philadelphia Parking Authority] shall have the power to effect compliance with this Chapter and any Regulations adopted hereunder.

* * *

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES

§9-601. Garages, Parking Lots, Sales Lots and Sales Showrooms.

(1) General Provisions.

(a) Definitions. In this Section the following definitions apply:

* * *

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(.6) [Authority. The Philadelphia Parking Authority.] Department. *The Department of Streets.*

* * *

(c) As a condition of any license or permit issued under this Section, employees of the City of Philadelphia [and of the Philadelphia Parking Authority ("PPA")] who are authorized to enforce ordinances shall be authorized to enter public garages and public parking lots for the purpose of enforcing the provisions of this §9-601. [The provisions of this subsection relating to the PPA shall only be effective if the City and the PPA have executed a Memorandum of Understanding ("MOU") which authorizes the PPA to enforce this §9-601 and which details the financial arrangements between the City and the PPA with respect to such authorization. The Mayor and such other appropriate officers as the Mayor designates are authorized, on behalf of the City, to enter into the MOU.]

(2) Public Garages.

(a) Licenses. No license shall be issued to conduct, operate or maintain any public garage unless:

* * *

(.8) the applicant provides accessible parking in accordance with the following, except that a public garage existing at the time this subsection became law which does not permit self-parking and at which vehicles are parked only by attendants need not provide any particular number of accessible parking spaces, but need only provide at least one accessible drop-off and pick-up location, provided that the garage accepts for parking all vehicles modified for people with disabilities, including vehicles equipped with hand controls:

* * *

(.g) City of Philadelphia police officers and [Philadelphia Parking Authority officials] *other City employees* shall be authorized to enter public garages for the purpose of enforcing the provisions of subsection 12-1117(4)(b) relating to improper parking in accessible parking spaces.

* * *

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(3) Public Parking Lots.

(a) Licenses. No license shall be issued to conduct, operate or maintain any public parking lot unless:

* * *

(.8) the applicant provides accessible parking in accordance with the following, except that a public parking lot existing at the time this subsection became law which does not permit self-parking and at which vehicles are parked only by attendants need not provide any particular number of accessible parking spaces, but need only provide at least one accessible drop-off and pick-up location, provided that the parking lot accepts for parking all vehicles modified for people with disabilities, including vehicles equipped with hand controls:

* * *

(.e) City of Philadelphia police officers and [Philadelphia Parking Authority officials] *other City employees* shall be authorized to enter public parking lots for the purpose of enforcing the provisions of subsection 12-1117(4)(b) relating to improper parking in accessible parking spaces.

* * *

§9-605. Towing.

* * *

(2) Definitions. In this Section the following definitions shall apply:

* * *

(i) Enforcement Agency. [If a Memorandum of Understanding authorized by §9-605(18) is in effect, the Philadelphia Parking Authority; otherwise,] [t]*T*he Department of Licenses and Inspections.

* * *

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[(18) Delegation of Administration and Enforcement to the Philadelphia Parking Authority; Effective Date.

(a) The Mayor and such other appropriate officers as the Mayor designates are authorized, on behalf of the City, to enter into a Memorandum of Understanding with the Philadelphia Parking Authority ("Parking Authority") under which the Parking Authority will administer and enforce all provisions of this Section 9-605. Such Memorandum of Understanding shall detail the financial arrangements between the City and the Parking Authority with respect to the Parking Authority's assumption of such powers and duties.

(b) Upon execution of the Memorandum of Understanding, the power and duty to administer and enforced all provisions of this Section 9-605 is delegated to the Parking Authority.]

* * *

SECTION 4. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

* * *

CHAPTER 10-600. PUBLIC PLACES - PROHIBITED CONDUCT

* * *

§10-608. Solicitation of Prostitution.

* * *

(c) The [Philadelphia Parking Authority] *Department of Streets* shall be the towing and storage agent for vehicles and loads impounded pursuant to this Section, and it shall provide all notices and conduct necessary public auctions pursuant to §12-2405 of this Code. The proceeds of such auctions shall be applied to the payment of fines for violation of this Section and fees and charges assessed for the towing and storage of the vehicle or load.

* * *

SECTION 5. Title 12 of The Philadelphia Code is hereby amended to read as follows:

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TITLE 12. TRAFFIC CODE.

* * *

CHAPTER 12-300. SPECIAL RESTRICTIONS UPON USE OF VEHICLES AROUND WHEELCHAIR LIFT EQUIPPED VEHICLES

* * *

§12-302. Reports by Wheelchair Lift Equipped Vehicle Operators.

* * *

(b) Within 48 hours after the violation occurs, the wheelchair lift equipped vehicle operator shall deliver a copy of the report to the Police Department. If the police officer receiving the report establishes a sufficient basis for the issuance of a citation, the officer shall file a citation and the report with the Police Commissioner. If the Police Commissioner determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The Police Commissioner shall send the defendant a copy of the citation, together with a statement that it was filed by the police officer named in the citation on the basis of information received.

In the alternative, a parking enforcement officer of the [Philadelphia Parking Authority] *Department of Streets* shall be authorized to issue a summons in accordance with general rules governing the institution of proceedings in summary traffic offense cases provided that officer has personally witnessed the violation of §12-301 or, after investigating the circumstances surrounding the allegations raised by the wheelchair lift equipped vehicle operator, is satisfied that there is a sufficient basis for the issuance of a citation. The parking enforcement officer shall send the defendant a copy of the citation, together with a statement that it was filed by the parking enforcement officer named in the citation on the basis of information observed and/or received.

* * *

CHAPTER 12-900. PARKING REGULATIONS AND PENALTIES

* * *

§12-918. Parking for Auto Sharing Organizations.

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* * *

(3) One or more parking spaces may be reserved for vehicles owned by auto sharing organizations on each of *the* blockfaces, at specific locations to be designated by the [Philadelphia Parking Authority] *Department*:

* * *

(5) The [Parking Authority] *Department* may temporarily designate additional reserved spaces on additional blockfaces for a period not to exceed six months for any particular space, provided that the [Authority] *Department* takes into consideration the provisions of the preceding paragraph.

(6) Following Council or [Parking Authority] *Department* designation of a reserved location for parking an auto sharing vehicle, an auto sharing organization may apply to the [Authority] *Department* for exclusive use of such location on a first-come, first-served basis. The [Authority] *Department* shall issue a permit for the use of the location upon payment of a permit fee. The permit fee shall be $150 per location per year, payable to the City of Philadelphia.

* * *

(8) The [Parking Authority] *Department* shall propose regulations to the Planning Commission [by June 30, 2009] to implement the provisions of this Section. Such regulations shall not take effect until they are adopted by the City Planning Commission.

* * *

CHAPTER 12-1000. PARKING METER REGULATIONS AND PENALTIES

§12-1001. Designation of Parking Meter Zones.

* * *

(3) In the any parking meter zone, on no more than each odd-numbered hundred block, as determined by the [Philadelphia Parking Authority] *Department*, one metered location on either side of the street shall be reserved for the exclusive parking of motorcycles, motor-driven cycles and mopeds.

* * *

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CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES

* * *

§12-1131. Electric Vehicle Parking.

* * *

(3) Designation of Electric Vehicle Reserved On-Street Parking Space.

(a) After an investigation determining need has been performed through the [Philadelphia Parking Authority] *Department*, with the information set forth in subsection (3)(b) and the [Parking Authority] *Department* has approved of use of location for practicality and feasibility of traffic operations, the [Philadelphia Parking Authority] *Department* may designate a reserved on-street parking space for electric vehicles. Such a reserved space shall not be designated at any location where parking is otherwise prohibited by law.

(b) When applying for a reserved on-street parking space for the exclusive use of electric vehicles, at least the following information shall be supplied by the applicant to the [Philadelphia Parking Authority] *Department* and, in part, shall be used as criteria for determining the appropriate location for a reserved space for electric vehicles:

* * *

(.4) the written consent of an adjacent neighbor if the [Philadelphia Parking Authority] *Department* determines that it is necessary for the reserved parking zone to extend in front of that neighbor's property;

(.5) any other information which the [Philadelphia Parking Authority] *Department* may require.

* * *

CHAPTER 12-2700. PERMIT PARKING DISTRICTS

* * *

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§12-2705. Issuance of Resident Parking Permits.

* * *

(f) Notwithstanding the previous subsections (a), (b), (c), (d), and (e) of this Section 12-2705, the Department of Licenses and Inspections shall not issue a Resident Parking Permit to any applicant when that applicant has three (3) or more unpaid parking violation fines, until such fines are paid or until the applicant has entered into a payment agreement satisfactory in its terms to and with the [Philadelphia Parking Authority] *Department* for the payment of the unpaid fines.

* * *

CHAPTER 12-2800. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS

* * *

§12-2801. Legislative Findings.

* * *

(4) That the City of Philadelphia, pursuant to the authority granted it by Section 345 of the Parking Authority Law (53 P.S. §§ 341 at seq.) has by Ordinance No. 1633 approved April 8, 1983, delegated to the Philadelphia Parking Authority certain powers relating to the administration, supervision and enforcement of on-street parking regulations and the collection on behalf of the City of fines and penalties imposed in connection with the violation of parking regulations; [and]

(5) That the City of Philadelphia, has subsequently repealed its delegation to the Philadelphia Parking Authority of, and the City has resumed, its powers relating to the administration, supervision and enforcement of on-street parking regulations and the collection of fines and penalties imposed in connection with the violation of parking regulations; and

[(5)] *(6)* That a system of administrative adjudication of parking violations should provide for the proper separation of the administrative and executive functions from the adjudicatory function in the enforcement process; establish a unified and comprehensive parking management system; provide for coordinated parking

policymaking; promote a fair, uniform and expeditious system for the disposition of parking violations; and increase the collection of parking program revenues.

* * *

§12-2803. Delegation of Functions, Powers and Duties to The [Philadelphia Parking Authority] Department.

In addition to such other functions, powers and duties as have been [delegated to] *specified for* the [Philadelphia Parking Authority (the "Parking Authority")] *Department* by statute or ordinance, or by other provisions of this Chapter, the [Parking Authority] *Department* shall have the following functions, powers and duties in connection with the administrative adjudication system established by this Chapter:

(1) To receive and process answers to charges of alleged violations and to refer contested answers to the Finance Director's Office for hearing and determination;

(2) To provide administrative, cashiering and data processing support to the Finance Director's Office and to compile and maintain complete and accurate records relating to all charges, dispositions made and payments received by the Finance Director's Office; and

(3) To send notices, as required, on behalf of the Finance Director's Office, of orders determining liability, notices to appear, decisions and other actions of the Finance Director's Office.

§12-2804. Issuance and Service of Parking Tickets.

(1) Any police officer or other duly authorized employee of the City or any agency thereof [or of the Parking Authority] who observes a parking violation shall serve a parking ticket upon the owner or operator of the vehicle as provided in this Section.

(2) The parking ticket shall be in the form established by the [Parking Authority] *Department* and approved by the Director of Finance, and shall contain information advising the person to whom it is issued of the manner in which and the time within which an answer to the violation alleged is required. The parking ticket shall also advise that additional fees and costs may result from a failure to answer, that the failure to answer or appear shall be considered an admission of liability, and that impoundment of the vehicle of the vehicle and other civil action may result from a failure to pay the amount due. [A parking ticket in use by the Parking Authority as of the effective date of this Chapter shall be valid notice of a parking violation within the meaning of this Section.]

* * *

(6) The [Parking Authority] *Department* shall cause parking tickets to be prepared and distributed to the Police Department and other issuing agencies.

* * *

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(8) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements (the "Lessor") shall not be liable for any fines, costs or additional fees prescribed and assessed pursuant to this Chapter if, within thirty (30) days after a notice of violation is issued pursuant to subsection 12-2805(1) of this Chapter with respect to a parking violation, the Lessor furnishes to the [Parking Authority] *Department*, in such form as the [Parking Authority] *Department* may specify by regulation, the true name, address, driver's license number and state of issuance for the person in possession of the vehicle at the time of the violation (the "Lessee""). The Lessor may, in the alternative, provide a true copy of the lease or rental agreement. The [Parking Authority] *Department* may impose a fee, not to exceed one ($1.00) dollar per parking violation, to cover the costs of administration of this subsection, payable by the Lessor. If the name or address provided by a Lessor for a Lessee is inaccurate, the Lessor shall remain liable for the violation charged.

§12-2805. Notice of Parking Violation.

(1) The [Parking Authority] *Department* shall, as soon as practical after learning of the name and address of the owner of the motor vehicle, send a notice by first class mail to the owner of the motor vehicle, and , if known, to the operator, at the address appearing on the registry of a state department of motor vehicles. The notice of violation shall inform the operator or owner: (i) of the parking violation charged, the time and date of the parking violation, and the amount of fines, costs and additional fees that shall become due if the notice of violation is not answered within the period prescribed in §12-2809; (ii) of the right to contest a violation at a hearing in person, by telephone if eligible under §12-2806(d), or on written testimony and other evidence submitted by mail or by electronic submission, including but not limited to, e-mail, website or facsimile transmissions; (iii) that a civil action may be commenced against the violator for failure to contest or pay the amount due; and (iv) of such other penalties as may be authorized by statute, ordinance, or regulation.

* * *

§12-2804. Answer.

* * *

(2) The regulations issued by the Director of Finance pursuant to subsection 12-2802(1) shall provide for the manner by which a parking ticket or notice of violation may be answered and contested. The regulations shall provide for the answer and review of contested violations by personal appearance, by mail, by telephone, by submission of written testimony and other evidence using the mail or by electronic submission, including but not limited to, email, website or facsimile transmissions, or in such other manner as the Director of Finance deems appropriate, including, without limitation, telephonic hearings, if needed, to resolve a contest raised by subsection 12-2806(1)(e). The [Parking Authority]

Department is required to provide access by hyperlink on the [Parking Authority] *Department* Website to any website that the Director of Finance shall designate for electronic submission.

* * *

§12-2807. Adjudications.

* * *

(7) Upon entry of an order determining liability for a parking violation, the [Parking Authority] *Department* shall notify the operator or owner (i) of the violation charged, and (ii) of the entry of an order determining liability for a parking violation.

* * *

§12-2808. Administrative Review.

* * *

(3) A party aggrieved by the final determination of a Parking Hearing Examiner may obtain a review thereof by serving upon the [Parking Authority] *Department*, within thirty (30) days of the entry of such final determination, a notice of appeal on a form provided by the [Parking Authority] *Department*, setting forth the reasons why the final determination should be reversed or modified. Service of the notice of appeal upon the [Parking Authority] *Department*, shall be made by certified or registered mail, return receipt requested; by first-class United States mail; by commercial delivery service; or in person. Appellant bears the burden of proving he or she timely appealed and cannot blame *a* delivery service, unless using a method that provides proof of delivery. Upon receipt of such notice of appeal, the Finance Director's Office shall furnish to the appellant written acknowledgement of the date the appeal was filed and, upon request and at appellant's expense, a copy of the audio recording of the original hearing by the Bureau of Administrative Adjudication. No appeal shall be conducted less than ten (10) days after mailing of the audio recording to the appellant.

For purposes of calculating the time period for filing a notice of appeal, pursuant to this subsection, the 30 day period shall be computed so as to exclude the first and include the last day of such period. Whenever the 30th day shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.

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(4) Appeals shall be conducted in the presence of the appellant or his attorney, or both, if such appearance is expressly requested by the appellant in his notice of appeal and upon his complying with the regulations of the Director of Finance. If the appellant elects to appear, the [Parking Authority] *Department* within thirty (30) days after the receipt of the notice of appeal shall advise the appellant, either personally or by first class mail, of the date on which he shall appear. No appeal shall be conducted less than ten (10) days after the mailing of such notification. A record shall be made of any de novo hearings on appeal, and recording devices may be used for such purposes. The appellant shall be notified in writing of the decision of the Parking Appeals Panel.

* * *

CHAPTER 12-2900. CONTRACTOR PARKING

§12-2901. Definitions.

(1) [Authority. The Philadelphia Parking Authority] *The Department of Streets*.

* * *

§12-2902. Contractor Parking Permit.

(1) When a vehicle displaying a current and valid contractor parking permit is being used for contractor service, the driver may park without limitation as to time and without payment of any parking meter fees on streets where parking is limited as to time but prohibited, and may park in a loading zone for specified periods of time. The [Authority] *Department* may limit the locations where Contractor Parking Permits will be honored.

* * *

(3) Contractor Parking Permits shall be issued and renewed by the [Authority] *Department*. A person requesting issuance or renewal of a Contractor Parking Permit shall make written application to the [Authority] *Department* upon forms supplied by the [Authority] *Department*. The [Authority] *Department* shall approve the application if it determines that the Contractor Parking Permit is being requested for a contractor vehicle which is used for contractor service, and if it finds that there are not three (3) or more unpaid parking violation fines imposed for the vehicle, or any unpaid taxes and fees due the City of Philadelphia, unless the applicant has entered into a payment agreement with the [Authority] *Department* and/or the

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City for such unpaid fines taxes or fees. Upon approval of the application and payment of a fee of one hundred fifty ($150) dollars, the [Authority] *Department* shall issue or renew the Contractor Parking Permit.

* * *

§12-2903. Rules and Regulations.

(1) The [Authority] *Department* shall promulgate rules and regulations to implement the provisions of this Chapter.

* * *

CHAPTER 12-3000. USE OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM TO PREVENT RED LIGHT VIOLATIONS

* * *

§12-3004. Powers and Duties of the [Philadelphia Parking Authority] *Philadelphia Department of Streets*.

The [Philadelphia Parking Authority] *Philadelphia Department of Streets* is designated as the System Administrator of this Chapter, which shall have the duty to supervise and coordinate the administration of notices of violation under this Chapter. The System Administrator may hire and designate personnel as necessary or contract for services to implement this Chapter.

* * *

SECTION 6**.** This Ordinance shall take effect on January 1, 2021.

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

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