

Legislation Text

File #: 120725-A, **Version:** 1

Amending Title 12 of The Philadelphia Code, entitled “Traffic Code,” by providing for prohibitions relating to all-terrain vehicles, and for penalties and enforcement, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 12 of The Philadelphia Code is amended to read as follows:

TITLE 12. TRAFFIC CODE

* * *

CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES

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§ 12-1133. *All-Terrain Vehicles.*

(1) *“All-Terrain Vehicle” shall have the same meaning as used in Section 7702 of the Vehicle Code, 75 Pa. C.S. § 7702.*

(2) *No person shall operate, park, stop, stand, place or maintain any all-terrain vehicle on any public sidewalk or any public property, including without limitation any park or recreation facility, except where expressly authorized by law; provided that the owner or a person with lawful permission of the owner may temporarily place an all-terrain vehicle on the sidewalk abutting his or her house or abutting any premises where the vehicle is lawfully stored, for purposes of lawfully transporting the vehicle to a location outside the City. Nothing in this Section prohibits the lawful transport of an all-terrain vehicle on a licensed trailer or other safe carrier, or the manual transport of a vehicle onto or off of such carrier, so long as the motor or engine of the all-terrain vehicle remains off at all times.*

(3) *The penalty for a violation of this Section, or for violation of any regulation of the Department of Parks and Recreation relating to operating, parking, stopping, standing, placing or maintaining any all-terrain vehicle, shall be forfeiture of the vehicle; provided that, if the value of the vehicle, in its current condition, is in excess of two thousand dollars (\$2,000), or if the defendant does not own the vehicle and the owner did not know and could not reasonably have known that the vehicle would be used in violation of this Section, a civil penalty of two thousand dollars (\$2,000) shall be imposed.*

(4) *Enforcement.*

(a) Notices of violation shall be issued by police officers or any other person authorized to enforce ordinances, pursuant to the procedures set forth in Section 10-1606 of this Code. Contested charges shall be resolved, penalties shall be imposed, and payments shall be collected and processed by the Director of Finance and the Office of Administrative Review (or such other office as the Director of Finance shall designate), all pursuant to the procedures set forth in Sections 10-1604 through 10-1609, except that:

(.1) Any person to whom a ticket is issued may, within eight (8) days of receipt, agree to forfeit the vehicle in lieu of contesting the violation and in lieu of any other fines or penalties.

(.2) An order by default may be vacated pursuant to Section 10-1608(4) only within sixty days after its entry.

(b) Seizure. In addition to issuance of a notice of violation, whenever a police officer has probable cause to believe a vehicle has been used or is being used in violation of this Section, the officer may seize the vehicle, whereupon the Police Department shall comply, as nearly as practicable, with the provisions of § 12-2405(2)-(5) ("Removal or Immobilization of Parked Vehicles; Notice."), except that no vehicle shall be returned to the owner other than pursuant to this Section 12-1133. The Police Department shall store the vehicle until a final adjudication of the offense, at which time:

(.1) If forfeiture is not awarded, the Police Department shall return the vehicle to the owner upon payment of all applicable fines, penalties and fees and compliance with all applicable laws relating to the vehicle.

(.2) If forfeiture is awarded, the Police Department shall dispose of the vehicle in an appropriate manner, which may include destruction of the vehicle or such other manner of disposition that, in the judgment of the Department, reduces, to the greatest extent practicable, the opportunities for the vehicle to be used in any manner that violates the provisions of this Section or the Vehicle Code.

(5) A person who claims his or her vehicle was wrongfully seized, including an owner who did not know and could not reasonably have known that the vehicle would be used in violation of this Section, may seek return of the vehicle pursuant to the procedures set forth at § 12-2406 ("Recovery of Vehicles; Hearings"), with any hearing to be scheduled as expeditiously as practicable.

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SECTION 2. This Ordinance shall be effective March 1, 2013, provided that no penalties shall be imposed and only warnings shall be issued until thirty days thereafter.

Explanation:

Italics indicate new matter added.

