

Legislation Text

File #: 160517-A, Version: 1

Amending Chapter 10-600 of The Philadelphia Code, entitled "Public Places - Prohibited Conduct," by adding a new Section 10-615, entitled "Disorderly Conduct and Related Offenses," to prohibit certain types of disorderly public conduct and to provide for penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 10-600. PUBLIC PLACES - PROHIBITED CONDUCT.

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§ 10-615. *Disorderly Conduct and Related Offenses.*

(1) Definitions. The following definitions shall apply to this Section:

(a) "Disorderly Conduct." Conduct which causes public inconvenience, annoyance or alarm, or which recklessly creates a risk thereof, where the person engaged in such conduct:

(i) engages in fighting or threatening, or in violent or tumultuous behavior;

(ii) makes unreasonable noise;

(iii) uses obscene language or makes an obscene gesture; or

(iv) creates a hazardous or physically offensive condition by an act which serves no legitimate purpose for that person.

(b) "Obstruct." To render impassable without unreasonable inconvenience or hazard.

(c) "Public Place." Any city sidewalk, park, plaza, recreation center, or any premises open to the general public, such as a theater, stadium, concert hall, or place of business.

(2) Prohibited Conduct.

(a) Disorderly Conduct. No person shall engage in disorderly conduct in a public place.

(b) Failure to Disperse. Where three or more persons are engaged in a course of disorderly conduct in a public place which causes or may reasonably be expected to cause substantial harm or serious inconvenience, annoyance or alarm and a police officer or other person authorized to enforce ordinances has

ordered the participants and other persons in the immediate vicinity to disperse, no person shall refuse or knowingly fail to obey such an order.

(c) Public Drunkenness. No person shall appear in any public place manifestly under the influence of alcohol to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

(d) Obstructing a Highway or other Public Passage. No person shall, without legal privilege to do so, intentionally or recklessly obstruct a highway, sidewalk, or other public passage. No person shall be deemed in violation of this subsection 10-615(2)(d) solely because of a gathering of persons to hear him or her speak or otherwise communicate, or solely because of being a member of such a gathering.

(3) Penalties.

(a) The penalty for violation of §10-615 (2)(a), (b), (c) or (d) shall be a fine of one hundred dollars (\$100).

(b) Any police officer or other person authorized to enforce ordinances may issue a ticket to any person in violation of this Section, pursuant to the procedures set forth in § 1-112 of this Code, except that the amount required to be remitted under § 1-112(3) shall be fifty dollars (\$50). Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and violators prosecuted pursuant to the procedures in that Section.

(c) Enforcement of this § 10-615 is not intended to supersede the provisions of § 10-611(7) of this Code, providing for special enforcement procedures for certain sidewalk behavior offenses. Police officers shall determine, based on the circumstances, under which section of this Code, or of State law, the offense should be charged. If the offense is appropriately charged under this Section, the procedures of § 10-611(7) need not be followed.

SECTION 2. Effective date. This Ordinance shall be effective immediately.

Explanation:

Italics indicate matter added.