

Legislation Text

File #: 160111-A, Version: 2

Amending Chapter 12-2800 of The Philadelphia Code, entitled "Administrative Adjudication of Parking Violations," to establish an amnesty program for fines, fees and penalties on parking violations; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 12-2800 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 12-2800. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.

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§ 12-2809. Civil Penalties and Costs.

* * *

(5) Expiration of Collection Initiation Period.

(a) Except as to chronic parking violators, no collection activity shall commence in pursuit of payment of penalties set forth in subsection 12-2809(2), or other costs, fees, or fines related thereto, upon the expiration of ten years from issuance of the ticket or violation notice.

(b) For purposes of this Chapter, a chronic parking violator shall mean:

(i) Any person owing penalties set forth in subsection 12-2809(2), or other costs, fees, or fines related thereto in excess of \$500.00 or to whom three (3) or more open and unpaid parking tickets or violation notices have been issued, without regard to particular license plate or vehicle identification numbers; and

(ii) Any person who is the owner or registrant of a vehicle for which registration has been suspended or denied pursuant to 75 Pa. C.S. § 1379.

(6) *Amnesty for Parking Violations*

(a) *Amnesty Criteria:*

- a. *The Amnesty Program shall be for a Two Month period: March 1, 2018 to April 30, 2018.*
- b. *All parking tickets issued prior to calendar year 2013 will be eligible for forgiveness*

under this Amnesty Program.

- i. The definition of eligible parking ticket is as follows:*
 - ii. All open parking violations for which there has been no response.*
 - iii. All open parking violations which have had a hearing and have been found liable and remain unpaid.*
 - iv. All parking violations under a payment plan.*
 - v. All parking violations which have a voluntary partial payment on the fine or penalty amount.*
- c. Payment in full of all fines and penalties for violations issued in the calendar years 2013, 2014, 2015, 2016, & 2017, will immediately grant Amnesty for all parking violations fines and penalties for all years prior to 2013. Payment in full is for all vehicles owned, leased or rented, or;*
- d. Entering into a payment plan for all fines and penalties for violations issued in the calendar years 2013, 2014, 2015, 2016, & 2017. Entering into a payment will grant Amnesty for all parking violation fines and penalties for all years prior to 2013. Upon successful completion of the payment plan Amnesty shall be granted. A ten percent down payment of the total due will be required. The payment plan will be for all vehicles owned, leased or rented.*
- e. If a participant has no outstanding fines or penalties for the years 2013, 2014, 2015, 2016, or 2017, but has fines and penalties due for years prior to 2013, amnesty shall be granted upon payment of a \$50 administrative fee.*
- f. Towing and Storage fees to be included in the Amnesty Program:*
- i. All outstanding towing and storage fees incurred prior to calendar year 2015 are eligible for the amnesty program.*
 - 1. This includes any open fees which have had no response, any fees which have had a hearing and have been found liable, any fees which have entered into a payment plan and any fees which have a voluntary partial payment on the fee amount.*
 - 2. Any participant owing outstanding towing and storage fees, on an impounded vehicle which was publicly auctioned, will be eligible to participate in the amnesty program and receive a discount/forgiveness on the outstanding fees, as follows:*
 - a. Upon full payment of thirty percent (30%) of the current total amount due on outstanding towing and storage fees, the remaining seventy percent (70%) shall be forgiven.*
 - b. In order to obtain this amnesty/forgiveness, the 30% payment must be in one payment. There will be no time payments permitted on*

towing and storage fees under the amnesty program.

(b) Payment:

- a. Checks will not be accepted. To qualify for a monthly payment plan, a credit/debit card or United States currency must be utilized, payments will be scheduled automatically each month from the credit/debit card which is presented.*
- b. Payment Plans will be for twenty-four (24) months, unless a shorter period is requested by the participant entering into the payment plan.*
- c. Payments will be scheduled to be deducted from the presented credit/debit card on the 15th day of each month.*
- d. If a participant does not have a credit/debit card, the participant must make payment in person at a Parking Authority location utilizing United States currency on or before the due date of the monthly payment.*

(c) Defaulting on Payment Arrangements:

- a. If a default under the payment plan occurs, Amnesty is forfeited unless special circumstances can be shown.*

(d) Enforcement Actions during Amnesty Program: Participants shall not be subject to booting or towing for the years covered by this Amnesty Program while in compliance with a payment plan under this Amnesty Program.

(e) Registration Suspend Program: The Registration Suspend Program, which is Authorized by Commonwealth Statute, shall remain in effect during the Amnesty Program. Any registration which is already suspended may participate in the Amnesty Program by paying the full amount of the original fines, as listed above in this ordinance. There shall be no time payment plans issued during the Amnesty Program for Violations included in registration suspend. Upon payment in full of the original fine amounts which initiated the registration suspension, the suspension will be lifted.

(f) Parking Authority Financial Terms: The Philadelphia Parking may only reimburse its current contractors/subcontractors for the actual costs incurred in operating the Amnesty Program.

(g) Specific Duties of the Parking Authority:

- a. It shall be the duty of the Philadelphia Parking Authority to widely advertise this*

Amnesty Program.

- i. The Authority is to do this through the use of the free news media by issuing daily press releases to all media outlets in the Philadelphia area. All available Social Media Outlets shall be utilized, including the Parking Authority's Web Site and the Authority's Face Book Accounts.*
- ii. Advertising shall commence 15 days prior to the beginning of the Amnesty Program.*
- iii. A listing of all advertising shall be compiled by the Authority and a report on the advertising completed shall be reported to all Members of City Council on a weekly basis. This report shall be distributed to all Members of Council on each Wednesday during the Amnesty Program.*
- b. A listing of all payments received shall be compiled by the Authority, including the number of participants enrolled in the Amnesty Program, this will be reported to all Members of City Council on a weekly basis. This report shall be distributed to all Members of Council on each Wednesday during the Amnesty Program.*
- c. The Parking Authority and the Bureau of Administration shall maintain hours of operation for the public to enroll in the Amnesty Program.*
- d. The Chairman of the Board of the Philadelphia Parking Authority with the approval of the Board of Directors, shall appoint a senior member of management to be fully in charge and responsible for the operation of the Amnesty Program.*
 - i. This appointment must be done within three days of this Ordinance becoming Law.*
 - ii. The Board Chairman shall notify all Members of City Council of this appointment in writing prior to the expiration of the allotted three-day period.*
- e. Notice:*
 - i. There shall be two (2) separate notices mailed to those eligible for the Amnesty Program.*
 - 1. One notice shall be mailed 15 days prior to the beginning of the Program.*
 - 2. One updated notice shall be mailed 30 days after the beginning of the Program.*
 - ii. Notices shall contain the amount due on each violation, the issue date of the violation, and the plate to which the violation was issued. The notice shall list the amount which is originally due and the amount which would be due under the amnesty program. The notice shall also indicate the savings the participant would be eligible to save if enrolled in the Amnesty Program.*

(h) Future Amnesty Programs: There shall be no additional Parking Violation Amnesty Programs

approved by City Council for a period of four (4) years from the conclusion of this Amnesty Program.

SECTION 2. Effective Date. This Ordinance shall take effect immediately upon final passage.

Explanation:

Italics indicate new matter added.