



Legislation Text

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Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by repealing certain provisions relating to police and fire radio broadcasts, all under certain terms and conditions.

WHEREAS, On March 2, 2017, Philadelphia City Council adopted Resolution No. 170179, authorizing the creation of a "Special Committee on Regulatory Review and Reform" to identify archaic, superfluous, and confusing provisions in The Philadelphia Code and in departmental regulations; and to recommend revisions that streamline, clarify and enhance the City's regulatory environment, for the purpose of accelerating the growth of well-paying jobs in Philadelphia while ensuring the safety and well-being of its residents; and

WHEREAS, The Special Committee on Regulatory Review and Reform has identified the provisions described in the title to this proposed Ordinance as non-essential and overdue for repeal; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-800 of The Philadelphia Code is amended to read as follows:

CHAPTER 10-800. SAFETY.

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§ 10-817. Police and Fire Radio Broadcasts.

(1) Prohibited Conduct.

(a) No person shall own, possess, sell or transfer any radio equipment or conversion equipment of any nature or type which is capable of transmitting on or otherwise interfering with police or fire radio broadcast frequencies.

(b) No person shall alter any radio equipment in any manner so that the receiver or converter makes it possible to transmit on or interfere with police or fire radio broadcast frequencies.

(c) No unauthorized person who owns or is in possession of any radio equipment or conversion equipment of any type which is capable of receiving signals on frequencies allocated for police or fire radio broadcasts shall transmit on said frequencies or otherwise interfere with any police or fire radio broadcast.

(d) No person shall use any radio equipment or conversion equipment for the purpose of violating the law or for the unlawful purpose of hindering or interfering with police officers or firemen in the performance of their official duties.

(e) No person shall:

(i) possess on a public street or on public or private property not his or her residence; or

[(ii) equip in a motor vehicle or otherwise carry in a motor vehicle a radio receiver, portable or otherwise, capable of receiving signals on frequencies used by police or fire departments, without first having obtained a permit to install and/or use such radio device from the Department of Licenses and Inspections. The Department of Licenses and Inspections shall issue such permits in accordance with the procedure set forth in Section 10-817(4). The enforcement of this subsection shall be vested in the Police Department of the City of Philadelphia.]

(2) Confiscation.

(a) Any radio equipment or conversion equipment capable of transmitting or interfering with police and fire radio broadcasts shall be presumed to be used for that purpose and any police officer is authorized to impound the equipment and hold it until the owner arranges for it to be re-equipped so that it will not be capable of transmitting on or interfering with police or fire radio broadcasts. If the owner does not make such arrangements within a period of thirty (30) days, the equipment shall be destroyed.

(3) Exemptions.

(a) Sections 10-817(1) and (2) shall not apply to any law enforcement agency or to the Fire Department of the City of Philadelphia.

(b) Section 10-817(1)(e) shall not apply to any person engaged in the retail or wholesale business of selling or manufacturing radio equipment capable of receiving police or fire broadcasts, as long as the possession and/or carrying of such equipment is for business purposes.

[(4) Permits.

(a) The Department of Licenses and Inspections, in cooperation with the Police Department, shall issue permits for use of radio scanners in the manner specified in Section 10-817(1)(e). The applicant for a permit shall furnish to the Department of Licenses and Inspections, on a form to be prescribed by the Department, the following information:

- (i) the name, address, date of birth, description and signature of the applicant;
- (ii) the reason for desiring a permit; and
- (iii) any other information considered necessary by the Department of Licenses and Inspections to adequately evaluate the application.

The Department of Licenses and Inspections shall issue the permit to such applicant if it appears that the applicant has a proper reason to carry, use or install a radio receiver in the manner described in Section 10-817(1)(e), and that the applicant is a suitable person to be granted a permit.

(b) The Department of Licenses and Inspections is authorized to issue any regulations necessary to implement this permit procedure.]

[(5)](4) Penalty. The penalty for violation of this Section shall be a fine of not less than one hundred (100) dollars and not more than three hundred (300) dollars, and/or imprisonment of not less than thirty nor more than ninety (90) days.

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SECTION 2. This Ordinance shall be effective immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate matter added.