

Legislation Text

File #: 230415-A, **Version:** 2

Amending Title 12 of The Philadelphia Code, entitled "Traffic Code," by providing for prohibitions relating to Nuisance 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

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CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES

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§ 12-1127. Excessive Idling of and Noise from Motor Vehicles.

(3) No person, while driving, parked or in control of a motor vehicle within any of the areas listed below, shall cause or allow noise, produced in any manner or form, to come from the motor vehicle at a sound level that [is greater than eighty (80) decibels] *is plainly audible at a distance greater than one-hundred feet from the vehicle*, unless such noise is being created in connection with the holding of a public assembly, parade or procession for which a permit or license has been issued by the City. This prohibition shall apply within the following areas:

(a) South Street District, which for purposes of this Section is defined as the area bounded by Lombard street on the north, Front street on the east, Bainbridge street on the south, and Eleventh street on the west.

(b) The Delaware River Entertainment District, which for purposes of this Section is defined as the area bounded by Berks street on the north, the Delaware River on the east, Oregon avenue on the south, and Second street on the west.

(4) *Unless the violation is caused by a Nuisance Vehicle and is subject to penalties pursuant to Sections 12-1135, [Any] any person who violates subsection 12-1127(3), after having received notice of a prior violation, shall be guilty of a separate offense of Repeat Violation. Notwithstanding anything to the contrary in Section 12-1128, the penalty for committing the offense of Repeat Violation shall be a fine of not more than three hundred dollars (\$300), or imprisonment for not more than ninety (90) days, or both. A person shall be guilty of a Repeat Violation regardless of whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate Repeat Violation offense.*

§ 12-1135. Nuisance Vehicles.

(1) Definitions

(a) Drifting - For purposes of this section, “Drifting” is the intentional act of steering a vehicle in a circle where the rear wheel or wheels lose traction and create a controlled skid sideways. This is also referred to as doughnuts or spin-outs.

(b) Nuisance Vehicle - For purposes of this section, a Nuisance Vehicle is:

(.1) any vehicle operating a radio or any other sound device that amplifies the sound from within the motor vehicle that is plainly audible at a distance greater than one-hundred feet from the vehicle, unless such vehicle is being used in connection with the holding of a public assembly for which a permit or license has been issued by the City,

(.2) any vehicle engaging in Drifting, or

(.3) any vehicle used to block any intersection, street, highway or access point to any recreation center or private property, without the consent of the owner, to facilitate or otherwise enable the act of Drifting to occur by another.

(2) Prohibited Conduct

(a) No owner or operator shall allow, authorize or otherwise permit a Nuisance Vehicle to be parked, maintained or operated in any area of the City.

(b) No person shall participate or contribute to the act of Drifting as a spectator or otherwise.

(3) Penalties

(a) The penalty for violation of Section 2(a) shall be:

(.1) A fine of two thousand dollars (\$2,000) per offense.

(.2) The owners and operators of a Nuisance Vehicle shall be jointly liable for all costs incurred by the City for emergency response, cleanup, repair, and damage to City property where a violation has occurred. Legal interest shall accrue for any amount not paid within thirty (30) days from the date a bill for costs incurred is provided to the violator.

(.3) Any fine or cost imposed by the court shall be entered as a judgment against the violator.

(.4) Any fine or other sanction imposed by the Court shall be paid or satisfied within ten (10) days of its imposition. If the fine or sanction together with any court cost is not paid or satisfied within such period, the violator shall be subject to proceedings for contempt of court and/or collection of the fines as provided for by law.

(b) The penalty for violation of Section 2(b) shall be a fine of three hundred dollars (\$300).

(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.

(5) Seizure

(a) City Council hereby declares that Nuisance Vehicles are an imminent health and safety hazard, therefore, in addition to issuance of a notice of violation, any police officer who discovers a Nuisance Vehicle on any street, park, or recreation center may seize the vehicle.

(b) The procedures set forth in Chapter 12-2400 shall apply to the seizure of a vehicle pursuant to this Section.

(c) When an impounded vehicle is returned to its owners, or any person on behalf of the owner, such person shall sign a receipt for the vehicle after furnishing satisfactory evidence of a person's identity, ownership of the vehicle (or agency on behalf of the owner), valid driver's license, registration, and valid financial responsibility.

SECTION 2. This Ordinance shall be effective immediately.