

City of Philadelphia



(Bill No. 070697)

AN ORDINANCE

Amending Section 10-609 of The Philadelphia Code, entitled “Public Urination or Defecation,” by increasing the fine for violations of such section, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-609 of The Philadelphia Code is hereby amended to read as follows:

§10-609. Public Urination or Defecation.

(1) Definitions.

(a) Private Property Used to Accommodate the Public. Any building, structure, equipment or other thing, including the land upon which it is situate, abutting premises that are used incidentally for the accommodation of the public, including the sidewalks and streets adjacent thereto.

(b) Public Right-of -Way. All public streets, parks, alleys, passageways, sidewalks, steps and other corridors through which vehicles or persons may travel, including motor vehicles parked within such right-of -way.

(2) Prohibited Conduct. It shall be unlawful for any person to urinate or defecate on any public right-of-way, underground platform or concourse, elevated

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platform serving public transportation facilities, underground or elevated passageways used by the public, railroad or railway passenger stations or platforms, or on the steps leading to any of them, or on any private property used to accommodate the public, or on any private property without the permission of the owner.

(3) Penalties.

(a) [The penalty for violation of Section 10-609(2) of this Chapter shall be a fine of three hundred dollars (\$300).] *A violation of any provision of this Section shall be classified as a Class III offense and the penalty for such violation is a fine not exceeding the maximum fine for Class III offenses as set forth in Section 1-109.*

(b) Notwithstanding the foregoing, any person to whom a ticket is issued may, within eight (8) days of receipt, pay fifty dollars (\$50) in lieu of contesting the violation and in lieu of any other fines or penalties. The ticket shall contain an appropriate notice to the recipient of his or her right not to contest the violation and appropriate instructions and procedures for payment, as prescribed by the Director of Finance.

(4) Enforcement.

(a) Any person authorized to enforce ordinances may issue a ticket to any person in violation of this Section, pursuant to the procedures set forth in § 10-1606. Contested charges shall be resolved, fines shall be imposed, and payments shall be collected and processed by the Director of Finance and the Bureau of Administrative Adjudication, all pursuant to the procedures set forth in §§ 10-1604 through 10-1609. Upon a finding of violation, the Bureau of Administrative Adjudication may issue an

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Order permitting the violator to perform appropriate community service in lieu of payment of any fine.

(b) No enforcement activity shall target homeless persons in a discriminatory manner.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 1, 2007. The Bill was Signed by the Mayor on November 15, 2007.



Patricia Rafferty
Chief Clerk of the City Council