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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE ON LICENSES & INSPECTIONS

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, December 8, 2004, 2:20 p.m.
- - -

BILL 040993 - An Ordinance amending Section 17-109 of The Philadelphia Code to create a bid preference for local towing companies when the City contracts for towing services, all under certain terms and conditions.

BILL 040595 - An Ordinance amending Title 9 of The Philadelphia Code ("Regulation of Businesses, Trades and Professions") by amending Section 9-605 ("Towing") to prohibit certain towing upon the establishment of a rotational towing system, to define the parameters of the rotational system, and to make certain technical changes, all under certain terms and conditions.

BILL 040996 - An Ordinance repealing Chapter 10-1200 of The Philadelphia Code entitled "Posting of Temporary Signs" and adopting a new Chapter 10-1200, entitled "Posting of Signs."

BILL 040998 - An Ordinance amending Title 4, Subcode "A," Section A-506, entitled "Code Violation Notices (CVN)," by providing for a new amount to be remitted in response to a code violation notice with respect to violations of The Philadelphia Building Construction and Occupancy Code; and amending Title 4, Subcode "PM," Section PM-312, entitled "Overhanging or Encroaching Trees," to make conforming changes; all under certain terms and conditions.

- - -
V A R A L L O Incorporated
Litigation Support Services
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
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2 PRESENT:

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4 COUNCILWOMAN JOAN L. KRAJEWSKI, Chair

5 COUNCILWOMAN BLONDELL REYNOLDS BROWN

6 COUNCILMAN DARRELL L. CLARKE

7 COUNCILMAN FRANK DI CICCIO

8 COUNCILMAN JUAN F. RAMOS

9 COUNCILMAN FRANK RIZZO

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1 040996, 040998 - L & I - 12/8/04

2 - - -

3 P R O C E E D I N G S

4 - - -

5 COUNCILWOMAN KRAJEWSKI: Meeting of
6 Licenses & Inspections is now in session.
7 This is not Finance Committee. This is
8 Licenses and Inspections Committee. Just
9 want you all to understand that, because I
10 know that's what you're waiting for.

11 Before we get started, I would like
12 to record that we're holding Bill 040595 and
13 Bill 040993.

14 Will the clerk please read the
15 Bills.

16 THE CLERK: Bill 040996, an
17 Ordinance repealing Chapter 10-1200 of The
18 Philadelphia Code entitled "Posting of
19 Temporary Signs" and adopting a new Chapter
20 10-1200, entitled "Posting of Signs."

21 COUNCILWOMAN KRAJEWSKI: Thank you.
22 Good afternoon.

23 MR. HAIGLER: Good afternoon. Good
24 day, Councilwoman Krajewski and members of
25 the Committee.

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2 I am Otis Haigler, Jr., Director of
3 Legislative Affairs for the Department of
4 Licenses and Inspections.

5 Today I'm here to provide testimony
6 on Bill Number 040996 which, if enacted, will
7 adopt new requirements governing the posting
8 of signs as found in Section 10-1200 of the
9 Philadelphia Code.

10 The posting or plastering of signs
11 on utility poles, streetlights, trees, and
12 other structures, has far too long been a
13 source of blight within the neighborhoods
14 throughout our City.

15 Signs advertising everything from
16 weight control to T.V. repair have sprung up
17 in almost every neighborhood, and as fast as
18 one is removed, another takes its place.

19 This source of blight discourages
20 persons from purchasing property within
21 neighborhoods and also projects an
22 unfavorable image to the many visitors who
23 visit our City to take advantage of the
24 variety of cultural, social and sporting
25 events or activities we have to offer.

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2 Aside from being visually
3 unattractive, this source of blight also
4 presents problems related to public safety,
5 by causing distractions for motorists
6 operating vehicles on our streets, which
7 leads to traffic accidents, resulting in
8 property damage and personal injury.

9 It is for this reason or for the
10 reason outlined above that the Managing
11 Director's Office is taking a proactive
12 approach to address concerns related to the
13 posting of signs on devices or structures
14 along the City streetscape, by providing
15 direction and coordination of operating
16 departments charged with the enforcement of
17 the provisions of Bill 040996, governing the
18 posting of signs.

19 A synopsis of Bill 040996 calls for
20 an outright ban on any sign, regardless of
21 content, as defined in the Bill, that is to
22 be located on structures or devices mentioned
23 in the Bill.

24 Any person or organization found to
25 be in violation of the provisions of this

1 040996, 040998 - L & I - 12/8/04
2 Ordinance will be issued a \$75 code violation
3 notice or ticket for each sign placed on the
4 structures or devices mentioned in the
5 ordinance.

6 Bill 040996 further authorizes the
7 Department of Licenses and Inspections or its
8 designee to remove any sign found to be in
9 violation, and to invoice the cost of removal
10 to the responsible party for reimbursement.

11 We believe enactment of this
12 Ordinance or this Bill also addresses concern
13 raised in the pending legislation that has
14 been brought before the City involving the
15 language contained in the current Ordinance,
16 related to the posting of temporary signs.

17 As a result of this litigation, it
18 is imperative that Bill 040996 be approved
19 this year.

20 Should the City not move quickly to
21 enact legislation that governs the posting of
22 signs, we may find ourselves with no viable
23 sign legislation to enforce and become
24 embroiled in further litigation.

25 Richie Fader and Craig Gottlieb of

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2 the Law Department, who are here with me
3 today, can specifically answer questions the
4 Committee may have with regard to this
5 matter.

6 Thank you for the opportunity to
7 provide the Department's testimony on Bill
8 040996.

9 I respectfully request that the
10 rules of Council be suspended so as to permit
11 first reading at the next session of Council.

12 Thank you. I'll be happy to answer
13 any questions.

14 COUNCILWOMAN KRAJEWSKI: Thank you
15 very much.

16 Any questions from members of the
17 Committee?

18 Councilman Clarke.

19 COUNCILMAN CLARKE: Thank you, Madam
20 Chair.

21 Good afternoon.

22 MR. HAIGLER: Good afternoon.

23 COUNCILMAN CLARKE: Real quick.
24 When this particular Bill in a different
25 version was passed earlier, was there some

1 040996, 040998 - L & I - 12/8/04
2 action by the state reflecting the posting of
3 political posters?

4 MR. HAIGLER: There was some
5 litigation. And I have Mr. Fader or Mr.
6 Gottlieb here with me today, if they would
7 come forward, and they could probably address
8 that. I don't know about any action of the
9 state.

10 COUNCILMAN CLARKE: It's my
11 understanding that the state legislature
12 addressed this particular Bill in some manner
13 or fashion. I'm not sure of the specifics of
14 it. I think --

15 MR. HAIGLER: I have no knowledge of
16 that.

17 COUNCILMAN CLARKE: Can you have
18 somebody who may have knowledge of that?

19 MR. HAIGLER: I have one of the
20 attorneys coming forward now, and they may
21 have some knowledge of that.

22 COUNCILMAN CLARKE: Thank you.

23 COUNCILWOMAN KRAJEWSKI: I would
24 just like to note for the record that
25 Councilman DiCicco has been appointed by

1 040996, 040998 - L & I - 12/8/04
2 President Verna as a member of this Committee
3 at this time.

4 MR. GOTTLIEB: I'm sorry,
5 Councilman. Your question is.

6 COUNCILMAN CLARKE: It's my
7 understanding this particular Bill in a
8 different version was passed by Council in
9 the last session, post our election.

10 Subsequently, it's my belief that
11 members of the legislature, who were going to
12 have their election the following year,
13 expressed some concerns.

14 And I thought a Bill was actually
15 introduced to supersede what we would do
16 locally, as it related to the ability to
17 place political posters on signs and poles
18 throughout the City of Philadelphia.

19 MR. GOTTLIEB: I'm not aware of
20 that.

21 MR. HAIGLER: I'm not aware of it
22 either.

23 MR. GOTTLIEB: It's possible. I'll
24 check into it, but I don't have any personal
25 knowledge of that.

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2 MR. FADER: Thank you, Councilman.
3 Richard Feder for the Law Department. Law
4 Department's unaware of any such Bill.

5 COUNCILMAN CLARKE: You're not
6 familiar with that? All right.

7 With respects to political posters,
8 would you agree -- and this is to any of you
9 gentleman, probably Mr. Haigler -- that the
10 likelihood for a challenger would be
11 extremely diminished, to mount a credible
12 campaign against one of us incumbents who
13 find a way to be on T.V. and the newspaper
14 simply by virtue of our level of incumbency.
15 We'll probably be on T.V. tonight for
16 something or another.

17 And an individual who is an upcoming
18 newcomer decides to challenge us. If they're
19 prohibited from placing posters on poles,
20 don't you think that puts them at a
21 disadvantage?

22 MR. HAIGLER: Well...

23 COUNCILMAN CLARKE: Because, I mean,
24 traditionally --

25 MR. HAIGLER: Well, Councilman...

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2 COUNCILMAN CLARKE: -- those who are
3 on the outside don't get coverage on the --

4 MR. HAIGLER: It's not really my
5 place to speak to politics. I'm a City civil
6 servant, and it's my job just to enforce
7 whatever laws that we have to enforce.

8 I can only speak to the concerns
9 that are raised related to public safety with
10 signs being posted, concerns being raised to
11 the blight issue, and concerns raised
12 regarding just the unattractive nature of the
13 signs.

14 As one who drives throughout our
15 City, it's very disconcerting to see a lot of
16 what I call urban graffiti all over the
17 place, and seems like there really is no way
18 to address that.

19 So I'm just -- I'm not speaking to
20 the politics of this.

21 COUNCILMAN CLARKE: And I'm assuming
22 you guys are Civil Service, too, so you can't
23 talk about the politics.

24 MR. GOTTLIEB: Councilman, I won't
25 talk to the politics either.

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2 Just as a legal matter, there are
3 other adequate channels of getting the
4 message out as well: Hand billing, go door
5 to door, posting signs on private property.
6 So there are other methods as well of getting
7 the message out.

8 COUNCILMAN CLARKE: So what's our
9 ability to prohibit the placement of signs on
10 poles that the City of Philadelphia does not
11 own? Do we own P.E.C.O. poles?

12 MR. GOTTLIEB: We're allowed to
13 regulate the placement of signs on poles
14 within the City.

15 COUNCILMAN CLARKE: Things that
16 we -- Even something -- You just said that a
17 person that puts something on privately owned
18 property, in a store or in some other
19 privately owned --

20 MR. HAIGLER: P.E.C.O. poles are
21 located in a public right-of-way. And I
22 believe the City has a vested interest in
23 protecting and preserving whatever is placed
24 in the public right-of-way. So that's where
25 we would get our authority to regulate that

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2 area.

3 COUNCILMAN CLARKE: So, similarly,
4 the placement of a bus shelter or some
5 other... some other piece of furniture or
6 cafe, we have the right to regulate what
7 could be on the cafe or what can be on the
8 bus shelter.

9 MR. HAIGLER: Whatever is on the
10 public right-of-way.

11 COUNCILMAN CLARKE: All right.

12 MR. GOTTLIEB: That's correct. We
13 do have the right to regulate those items.
14 And in this case, we've chosen -- the
15 Ordinance has chosen to regulate some and not
16 others.

17 COUNCILMAN CLARKE: Okay. All
18 right. Okay. Thank you.

19 Thank you, Madam Chair.

20 COUNCILWOMAN KRAJEWSKI: Councilman
21 DiCicco.

22 COUNCILMAN DiCICCO: Thank you,
23 Madam Chair.

24 Good afternoon, gentlemen. Could
25 someone explain to me briefly what the

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2 difference is in this Bill, as compared to
3 the other Bill that Councilman Mariano
4 introduced, and we passed, and was eventually
5 struck down in the courts?

6 MR. GOTTLIEB: In terms of practical
7 substance, the difference is none.

8 In terms of legal substance, there
9 was a clause in the last Bill that said that
10 signs would be prohibited on the various
11 items, except with the permission of the
12 City.

13 And a judge found that when you
14 allow for the City to exercise discretion, in
15 terms of deciding which signs can and can not
16 be posted, that that discretion makes the law
17 unconstitutional.

18 This Bill eliminates any discretion.
19 There is no discretion. Signs simply are not
20 permitted to be posted. So that takes care
21 of it.

22 COUNCILMAN DiCICCO: I know, because
23 I think that was challenged, I think, by
24 Councilman Cohen and my would-be opponent in
25 the last election. It was a community

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2 leader. They challenged that in the courts
3 and were successful.

4 And I was wondering: In your
5 opinion, how do you think this will hold up
6 in the courts? Do you think we've addressed
7 those issues? Will this Bill address those
8 issues that caused that Bill to be tossed in
9 the courts?

10 MR. GOTTLIEB: In our opinion this
11 Bill addresses any Constitutional problems
12 the judge found with the last Bill.

13 COUNCILMAN DiCICCO: Thank you. No
14 further questions.

15 COUNCILWOMAN KRAJEWSKI: Are there
16 any other questions?

17 (No response.)

18 COUNCILWOMAN KRAJEWSKI: Before we
19 continue, I would like to recognize Council
20 people that are here. We have Councilman
21 Rizzo, Councilwoman Brown, Councilman Clarke,
22 Councilman DiCicco and Councilman Ramos.

23 If there are no other questions,
24 then we'll proceed on the second Bill. Will
25 the clerk please read the Bill.

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2 THE CLERK: Bill 040998, an
3 Ordinance amending Title 4, Subcode "A,"
4 Section A-506, entitled "Code Violation
5 Notices (CVN)," by providing for a new amount
6 to be remitted in response to a code
7 violation notice with respect to violations
8 of The Philadelphia Building Construction and
9 Occupancy Code; and amending Title 4, Subcode
10 "PM," Section PM-312, entitled "Overhanging
11 or Encroaching Trees," to make conforming
12 changes; all under certain terms and
13 conditions.

14 COUNCILWOMAN KRAJEWSKI: Mr.
15 Haigler, go ahead.

16 MR. HAIGLER: Good day, Councilwoman
17 Krajewski, and members of the Committee.

18 I am Otis Haigler, Jr., Director of
19 Legislative Affairs for the Department of
20 Licenses & Inspections.

21 Today I'm here to provide testimony
22 on Bill 040998 which will amend the
23 Philadelphia property maintenance and
24 administrative codes, to allow for the
25 imposition of tickets in the amount of \$75

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2 for certain violations of Title 4.

3 This Ordinance is needed to address
4 an oversight discovered subsequent to the
5 enactment of Bill 040091 on June 21, 2004.

6 Bill 040091 one was signed into law
7 by the Mayor. And its purpose was to amend
8 Section 1-112 of The Philadelphia Code, to
9 increase the standard ticket amount to \$75
10 for violations of The Philadelphia Code.

11 Subsequent to the enactment of this
12 Bill, it became apparent that other sections
13 of The Philadelphia Code would also need to
14 be amended, in order to make the new ticket
15 amount applicable to those sections.

16 Primarily, Title 4, The Philadelphia
17 Building Construction and Occupancy Code
18 needs to be amended in order to apply the
19 increased \$75 standard amount to violations
20 of Title 4.

21 The intent of Bill 040998 is to
22 replicate the requirements of Section 1-112,
23 as enacted under Bill 040091, by requiring
24 the same standard amount for the issuance of
25 tickets by the Department of Licenses and

1 040996, 040998 - L & I - 12/8/04
2 Inspections, to enforce Title 4, where the
3 current amount is lower than the standard
4 amount.

5 Thank you for the opportunity to
6 provide the department's testimony on Bill
7 040998, and we respectfully request
8 suspension of the rules to permit first
9 reading at the next session of Council.

10 COUNCILWOMAN KRAJEWSKI: Thank you
11 very much.

12 Are there any questions from members
13 of the Committee?

14 (No response.)

15 COUNCILWOMAN KRAJEWSKI: Is there
16 anybody here to testify for or against the
17 Bill?

18 (No response.)

19 COUNCILWOMAN KRAJEWSKI: Thank you
20 very much.

21 MR. HAIGLER: Thank you.

22 COUNCILWOMAN KRAJEWSKI: That ends
23 our public hearing.

24 (Public hearing concluded at 2:35
25 p.m.)

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3 COUNCIL OF THE CITY OF PHILADELPHIA
4 PUBLIC MEETING
5 COMMITTEE ON LICENSES & INSPECTIONS

6 - - -
7 Room 400, City Hall
8 Philadelphia, Pennsylvania
9 Wednesday, December 8, 2004, 2:35 p.m.

10 - - -

11 BILL 040993 - An Ordinance amending Section 17-109
12 of The Philadelphia Code to create a bid
13 preference for local towing companies when the
14 City contracts for towing services, all under
15 certain terms and conditions.

16 BILL 040595 - An Ordinance amending Title 9 of The
17 Philadelphia Code ("Regulation of Businesses,
18 Trades and Professions") by amending Section 9-605
19 ("Towing") to prohibit certain towing upon the
20 establishment of a rotational towing system, to
21 define the parameters of the rotational system,
22 and to make certain technical changes, all under
23 certain terms and conditions.

24 BILL 040996 - An Ordinance repealing Chapter
25 10-1200 of The Philadelphia Code entitled "Posting
of Temporary Signs" and adopting a new Chapter
10-1200, entitled "Posting of Signs."

17 BILL 040998 - An Ordinance amending Title 4,
18 Subcode "A," Section A-506, entitled "Code
19 Violation Notices (CVN)," by providing for a new
20 amount to be remitted in response to a code
21 violation notice with respect to violations of The
22 Philadelphia Building Construction and Occupancy
23 Code; and amending Title 4, Subcode "PM," Section
24 PM-312, entitled "Overhanging or Encroaching
25 Trees," to make conforming changes; all under
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27 V A R A L L O Incorporated
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29 1835 Market Street, Suite 600
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31 215.561.2220 215.567.2670

1 040996, 040998 - L & I - 12/8/04

2 PRESENT:

3 COUNCILWOMAN JOAN L. KRAJEWSKI, Chair
4 COUNCILWOMAN BLONDELL REYNOLDS BROWN
5 COUNCILMAN DARRELL L. CLARKE
6 COUNCILMAN FRANK DI CICCIO
7 COUNCILMAN JUAN F. RAMOS
8 COUNCILMAN FRANK RIZZO

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3 P R O C E E D I N G S

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5 COUNCILWOMAN KRAJEWSKI: Now we will
6 go into our public meeting on Licenses and
7 Inspections.

8 The Chair recognizes Councilman
9 Clarke for the purpose of Bill Number 040996.

10 COUNCILMAN CLARKE: Thank you, Madam
11 Chair.

12 Madam Chair, make a motion that Bill
13 Number 040996 be reported out of Committee
14 with a favorable recommendation and request
15 for rule suspension as to allow reading at
16 the next session of Council.

17 COUNCILMAN DiCICCO: Second.

18 COUNCILWOMAN KRAJEWSKI: All those
19 in favor?

20 (Chorus of "ayes.")

21 COUNCILWOMAN KRAJEWSKI: All those
22 opposed?

23 COUNCILWOMAN BROWN: No.

24 COUNCILWOMAN KRAJEWSKI: Okay. It
25 has been moved and seconded that the Bill

1 040996, 040998 - L & I - 12/8/04

2 040996 be reported out of this Committee with
3 a favorable recommendation; and further, that
4 the recommendations that the rules of Council
5 be suspended, so as to permit first reading
6 at our next session of Council.

7 Councilman Clarke, for the purpose
8 of Bill 040998.

9 COUNCILMAN CLARKE: Thank you, Madam
10 Chair.

11 Madam Chair, make a motion that Bill
12 Number 040998 be reported out of Committee
13 with a favorable recommendation; request for
14 rules suspension, as to allow reading at the
15 next session of Council.

16 COUNCILWOMAN BROWN: Second.

17 COUNCILWOMAN KRAJEWSKI: All those
18 in favor?

19 (Chorus of "ayes.")

20 COUNCILWOMAN KRAJEWSKI: All those
21 opposed?

22 (No response.)

23 COUNCILWOMAN KRAJEWSKI: Okay. It
24 has been moved and seconded that the rules of
25 Council be suspended so as to permit first

1 040996, 040998 - L & I - 12/8/04
2 reading of Bill 040998, to be reported out of
3 this Committee with a favorable
4 recommendation.

5 That ends our public hearing, and
6 thank you very much.

7 (Public meeting concluded at 2:42
8 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the public hearing and public meeting of The Philadelphia City Council, taken on December 8, 2004, and that this is a true and correct transcript of same.

DAVID A. DEIK, RPR and
Commissioner of Deeds

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)