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

- - - -
Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 13, 2004
10:30 a.m.
- - - -

BILL 040764 - an ordinance amending Title 9
of the Philadelphia Code entitled,
"Regulation of Businesses, Trades and
Professions," by adding a section to
prohibit the sale of certain motor vehicles,
all under certain terms and conditions.

PRESENT:

COUNCILMAN RICHARD MARIANO, Chair
COUNCILMAN FRANK RIZZO
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN JUAN RAMOS
COUNCILMAN JACK KELLY

- - - -

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BILL 040764

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2 COUNCILMAN MARIANO: I'm going to
3 bring this Committee hearing to order. I have
4 myself, Councilman Mariano. To my right is
5 Councilwoman Blondell Reynolds Brown.
6 Councilman Ramos and Councilman Rizzo and some
7 other people are on their way, but we have
8 enough to start.

9 John, would you read the bill?

10 First, let me say we're going to
11 hear testimony on Bill No. 040764. We're
12 going to hold Councilman Clarke's bill at his
13 request, 040788.

14 The Clerk will now read Bill 040764.

15 THE CLERK: Bill 040764, an
16 ordinance amending Title 9 of the Philadelphia
17 Code entitled, "Regulation of Businesses,
18 Trades and Professions," by adding a section
19 to prohibit the sale of certain motor
20 vehicles, all under certain terms and
21 conditions.

22 COUNCILMAN MARIANO: Thank you,
23 John.

24 The first panel, Lieutenant Michael
25 Brady.

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2 From L&I, Otis, Deputy Commissioner
3 Verdi, Commissioner Solvibile, if you want to
4 come up. Dave Perri.

5 LIEUTENANT BRADY: Good morning,
6 Chairman Mariano and other Members of the
7 Committee of Licenses and Inspections. My
8 name is Lieutenant Michael Brady. I'm
9 assigned to the Center City District located
10 at 10th and Filbert Streets. I'm here to
11 represent Police Commissioner Johnson and the
12 Philadelphia Police Department.

13 First, Police Commissioner Johnson
14 would like me to extend his sincere gratitude
15 for allowing the Police Department to testify
16 on this important legislation to prohibit the
17 sale of motorized scooters, under certain
18 conditions. This amendment will significantly
19 and dramatically impact on the safety of all
20 the citizens of Philadelphia, including both
21 pedestrians and motorists.

22 As you all know, the primary
23 objective of the Philadelphia Police
24 Department is to protect life and property.
25 To that end, the Philadelphia Police

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2 Department continues to police the streets of
3 Philadelphia in efforts to ensure that these
4 illegally operated motor scooters are taken
5 off the streets permanently.

6 Over the last 12 months, the Police
7 Department has confiscated and impounded 448
8 motorized scooters or similar-type vehicles.
9 The Pennsylvania Department of Transportation
10 is of the opinion that the use of motorized
11 scooters similar to the Phantom, Zappy and the
12 California Sport Go-Ped on the highways of
13 this Commonwealth is illegal, and the use of
14 these vehicles are clearly and inherently
15 dangerous.

16 The hazardous nature of the
17 motorized scooter is recognized by the
18 Consumer Product Safety Commission. The
19 Consumer Product Safety Commission reported
20 that in 1999, there were 1,330 emergency room
21 treated injuries related to the use of these
22 motorized scooters. In 2000, the number of
23 reported injuries associated with the scooters
24 climbed to 4,390. For the first nine months
25 of 2001, which is the last time the Consumer

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2 Product Safety Commission published a report
3 on injuries associated with the scooters,
4 there were already 2,870 injuries reported,
5 and still three months to go.

6 Further, the Pennsylvania Department
7 of Transportation also issued a legal opinion
8 stating that it is unlawful to operate a
9 motorized scooter on the highway, roadway or
10 sidewalk in this Commonwealth, and that these
11 vehicles are unsafe.

12 As a result of the inherently
13 dangerous nature of the motorized scooter,
14 coupled with the inability of anyone to
15 legally operate them on the streets, roadways,
16 highways or the sidewalks in the City of
17 Philadelphia, legislation banning the sale of
18 these motorized scooters within the City of
19 Philadelphia would significantly further the
20 public safety of the citizens of the City.

21 This concludes my testimony. Once
22 again, thank you for allowing the Police
23 Department an opportunity to voice its opinion
24 on this very important and significant piece
25 of legislation. At this time, I would be

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2 happy to answer any questions you may have.

3 COUNCILMAN MARIANO: Thank you,
4 Lieutenant.

5 Lieutenant, your numbers, is that
6 written down so we can have those?

7 LIEUTENANT BRADY: Yes.

8 COUNCILMAN MARIANO: Those numbers
9 are great. That's the first time I've
10 actually heard hard numbers.

11 LIEUTENANT BRADY: That's coming
12 from the State, the assistant counsel in
13 charge of the Motor Vehicle Section in the
14 State of Pennsylvania.

15 COUNCILMAN MARIANO: You and I had a
16 conversation before this started about
17 Inspector Boyle. I think that's a story worth
18 sharing with this Committee. Inspector Boyle
19 and the after party at the Latino Day parade,
20 could you explain that?

21 LIEUTENANT BRADY: I was assigned as
22 the supervisor for the bike detail. I
23 understand that the inspector tried to stop
24 one of the gentlemen and he tried to run him
25 down with the scooter. That's basically what

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2 I know.

3 COUNCILMAN MARIANO: The inspector
4 came back from a six-month tour of Iraq
5 without a scratch on him. At the after-party
6 for the Latino Day parade -- and believe me,
7 this isn't any disparage to the Latino Day
8 parade. It could have been any parade -- not
9 even a parade. It was the after-party up
10 American Street.

11 He told me he tried to stop -- it
12 wasn't a youth, it was an adult. He grabbed
13 the guy, but the guy ran into him on the bike
14 and broke his knee.

15 LIEUTENANT BRADY: I didn't know he
16 was seriously injured. If you're familiar
17 with the police barricade trucks, what they
18 look like and how large they are, I do know at
19 least one of them was full of these scooters
20 confiscated from that event.

21 COUNCILMAN MARIANO: Do you know
22 what we're doing with these scooters when we
23 confiscate them? We're destroying them, I
24 hope, right?

25 LIEUTENANT BRADY: They're going to

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2 the impound lot down in South Philadelphia
3 near the airport. Those who are willing to
4 come claim them and pay the fines to get them
5 back, they come with hopefully some sort of
6 bill of sale. If they don't have a bill of
7 sale, they have to get some sort of notarized
8 affidavit. They only basically cost \$300 or
9 \$400, and most people don't come claim them.
10 They just probably go out and buy another one.

11 Within the specified period of time,
12 I believe it's after 30 or 45 days -- I'm not
13 sure exactly -- the plastic is removed and all
14 the graphics from the vehicle. The plastic is
15 separated from the metal and that is taken
16 away and disposed of. The metal itself is
17 sold for scrap and then the City is reimbursed.

18 COUNCILMAN MARIANO: One of my
19 biggest fears is that they just keep getting
20 recycled and recycled.

21 I got a letter from a very prominent
22 attorney in Philadelphia that is willing to
23 buy every one of these that the Police
24 Department confiscates. He's obviously going
25 to take them to some other municipality and

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2 resell them until they catch on. I called him
3 and said it's nothing I want to be involved
4 in.

5 These things are really, really bad.
6 These are just one of those quality-of-life
7 issues, and I'm sure you agree with me. We
8 throw that word around, but these are really
9 dangerous. I goes back to the ATVs.

10 We also spoke about a place down
11 here on 11th Street that I saw last night that
12 I couldn't believe. On 11th Street between
13 Market and Chestnut, there's a store that
14 probably sold stereos. I think one of the
15 deputy commissioners told me he shut them down
16 for selling knives and starter pistols a
17 couple years ago. Are we going to see people
18 riding these up and down Chestnut Street,
19 maybe around the Liberty Bell?

20 LIEUTENANT BRADY: That's quite
21 possible. That gentleman you're speaking of
22 started off with a store that you talked of
23 with all other items, stereos, TV, the knives
24 and stuff like that. He started off with two
25 or three on the sidewalk. The sale of them

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2 became so popular, he converted the entire
3 store over to these bikes. There must be well
4 over 100 of them in that store.

5 COUNCILMAN MARIANO: He had them
6 sitting out on the sidewalk last night when I
7 was going to Jefferson Hospital to visit
8 someone. It's incredible.

9 My children are 19 and 23, so
10 they're beyond them. They're into bigger
11 toys. But what happens is if you're not
12 involved with someone between the ages of 13
13 and 25, you don't realize how important these
14 are to young people to get these, because
15 they're sort of a status symbol at this point
16 They're dangerous as all heck.

17 LIEUTENANT BRADY: I have a little
18 bit of an idea. I have two young sons who
19 have been pestering me to get them one, and
20 because of what I know about them, I won't
21 allow it.

22 I do have a motorcycle license
23 myself. I know, as a driver, you have to be
24 certainly a whole lot more careful on a
25 motorcycle than you do in a car.

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2 COUNCILMAN MARIANO: Wait until
3 they're 23 and they go out and buy a Suzuki
4 2004 Ninja or whatever it is that goes 160
5 miles an hour.

6 LIEUTENANT BRADY: I'll get a few
7 more gray hairs then.

8 COUNCILMAN MARIANO: You will.

9 I thank you. Thank you for your
10 testimony.

11 Mr. Haigler.

12 Any questions for this witness? I'm
13 sorry.

14 Councilman Rizzo.

15 COUNCILMAN RIZZO: Lieutenant,
16 sometimes there's a disconnect -- and I say
17 that with no disrespect -- between the people
18 who work in the Center City District and our
19 police officers in the Center City District.

20 I've had a person tell me that on
21 their walkie-talkie they tried to get a police
22 response to come because they had an issue
23 with one of these bikes being ridden on the
24 sidewalk. They have no authority to give a
25 ticket or anything like that? It's strictly a

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2 police function?

3 If there is an issue with one of the
4 gentlemen or ladies that are out keeping the
5 area neat and clean, how do they get a police
6 officer to come if one of these are parked on
7 the sidewalk?

8 I see motorcycles occasionally
9 chained to the parking meters on the sidewalk.

10 LIEUTENANT BRADY: It's funny that
11 you mentioned that because that's something I
12 just recently addressed to my supervisors and
13 officers.

14 There was an incident we had where a
15 motorcycle was on the sidewalk. As I said, I
16 have a motorcycle. It's not supposed to be
17 there. I know because of the sheer numbers in
18 Center City and the congestion, it's a
19 convenient vehicle to use to come to Center
20 City. However, they still have to follow all
21 the laws of a car, a normal vehicle.
22 Therefore, they shouldn't be on a sidewalk.

23 But the reason I addressed this is
24 that somebody did do that, and a young girl
25 walking down a street with her father -- the

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2 bike was still hot. She walked by it and
3 caught the exhaust and it put a permanent
4 scar -- It burned her. So that was important
5 to me both as an officer and a father. I
6 don't want that happening. Because of, like I
7 said, the popularity to drive this vehicle to
8 Center City, I immediately addressed that with
9 my officers.

10 As far as issuing tickets, you're
11 talking about the police officers, right?

12 COUNCILMAN RIZZO: What I'd like to
13 know is if the fellows and ladies that have
14 the two-way radios -- I don't know what you
15 call them.

16 LIEUTENANT BRADY: We call them
17 community service representatives in the
18 Center City District.

19 COUNCILMAN RIZZO: If they see a
20 motorcycle chained to a railing, can they call
21 on their two-way radio and ask for a member of
22 your organization to come and do what's
23 necessary?

24 LIEUTENANT BRADY: Yes, sir. They
25 have a dispatcher that's in the Center City

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2 building at 10th and Filbert. They radio to
3 him and then he will get an officer in the
4 operations room. That operations room officer
5 will notify radio to send one of our officers
6 to that location.

7 COUNCILMAN RIZZO: They know that
8 they can do this?

9 LIEUTENANT BRADY: Yes. We have a
10 relationship with them and the general public.
11 It's unlike anywhere else in the City. We're
12 very close knit. As a matter of fact, we use
13 each other quite regularly like that.

14 I'll give you a quick example. The
15 other day there was a theft that elevated to a
16 robbery in the Walgreen's, to which one of the
17 CSRs was standing outside and viewed it, who
18 relayed it to their dispatcher, and the
19 dispatcher got it to me. I happened to be in
20 the office at the time, and I actually had the
21 information as the thing was happening, before
22 it actually came out over our radio. There is
23 a time delay when calling 911 and getting it
24 out, a short time delay. So we do work like
25 that, yes.

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2 COUNCILMAN RIZZO: Good.

3 Thank you, Mr. Chairman.

4 COUNCILMAN MARIANO: We have some
5 legislation that we're working with the Law
6 Department now and it's a little cumbersome.

7 I also have a motorcycle license and
8 a Harley-Davidson. I wouldn't ride a yellow
9 motorcycle anyhow, but I would definitely not
10 be able to get on that.

11 LIEUTENANT BRADY: I'm a little guy
12 too, but I don't think I'd get on that either.

13 COUNCILMAN MARIANO: We're going to
14 work with the City and we're going to try to
15 designate so many spots in the City for
16 motorcycles, because for every car spot, there
17 could be four motorcycles. That's something
18 we got coming within the next couple months
19 hopefully.

20 LIEUTENANT BRADY: It is very
21 convenient and obviously it is much cheaper to
22 operate these types of vehicles than it is a
23 car, all the way around, with insurance and
24 everything else.

25 COUNCILMAN MARIANO: Back to this

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2 issue, any other questions for the lieutenant?

3 (No response.)

4 COUNCILMAN MARIANO: Seeing none.

5 Mr. Haigler.

6 MR. HAIGLER: Good morning and good
7 day, Councilman Mariano and Members of the
8 Committee. I'm Otis Haigler, Jr., Director of
9 Legislative Affairs for the Department of
10 Licenses and Inspections. Accompanying me
11 today are Commissioner Robert D. Solvibile,
12 Sr., Deputy Commissioner Dominic Verdi, and
13 the Chief Code Official for our Department,
14 David Perri. Today, I'm here to provide
15 testimony on Bill 040764, which, if enacted,
16 will add a new section to the Philadelphia
17 Code to prohibit the sale of certain motor
18 vehicles.

19 The Department of Licenses and
20 Inspections shares Council's concern over the
21 recent proliferation of motorized scooters,
22 commonly referred to as pocket bikes, that
23 affect the peace, tranquility, and quality of
24 life of citizens who reside in our City.

25 As the business regulatory

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2 department with responsibility for enforcement
3 of Title 9 related to the conduct of
4 businesses, trades and professions, we will
5 enforce the provisions of this ordinance,
6 should it be passed by Council and signed into
7 law by the Mayor.

8 The Department will respond to any
9 complaint it receives regarding a business
10 which transacts to sell these types of
11 prohibitive vehicles should this become law.
12 We will take appropriate action as prescribed
13 by law to enforce the provisions of this bill,
14 including the removal and confiscation of the
15 prohibited vehicles from the business
16 establishment.

17 Thank you for the opportunity to
18 provide the Department's testimony on Bill
19 040764. I'll be happy to answer any questions
20 at this time.

21 (Applause.)

22 COUNCILMAN MARIANO: Otis, thank
23 you. I talk to Deputy Commissioner Verdi
24 almost every day or I talk to Mr. Solvibile,
25 and it's usually about something like this.

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2 These guys are on top of this. This is
3 something we have to do. We have to get these
4 off the street. But there's so many
5 scoundrels out there that will sell these
6 things.

7 One of my staffers, Anna, insists
8 that there's a place on Allegheny Avenue that
9 probably did everything legal, but they're
10 selling them in front of a place that used to
11 be a sundry drug store when I was a kid, 10208
12 East Allegheny Avenue.

13 We find people selling them in
14 private homes.

15 I know you guys are on top of them
16 and I know you've got a building full of these
17 things.

18 I did hear the other day there was a
19 fire up on Comley Street. The Fire Department
20 put it out and there were hundreds, if not
21 thousands, of these things in there. So it
22 looks like we have a major distributor of
23 these little pocket bikes.

24 MR. SOLVIBILE: We ceased that
25 building. We ceased Comley Street.

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2 COUNCILMAN MARIANO: I don't see how
3 you can sell these if you don't have some gas
4 in them. I guess they're empty in the stores.

5 MR. VERDI: Councilman, the
6 unfortunate problem is in some locations, the
7 district allows this over-the-counter zoning
8 permit for the sale of motor vehicles.

9 COUNCILMAN MARIANO: How do we
10 change that, Dominic? Do we do that here
11 through legislation?

12 MR. VERDI: Through legislation.

13 One of the issues that we came
14 across is the fact that these bikes also use
15 gasoline.

16 COUNCILMAN MARIANO: Could you
17 explain what you mean in some locations? Do
18 you mean in different zoning classifications
19 you can get it as a matter of right?

20 MR. VERDI: Dave will explain more
21 in depth in reference to the zoning. But in
22 some locations in some areas of the City, you
23 can get an over-the-counter zoning permit for
24 the sale of motor vehicles.

25 COUNCILMAN MARIANO: For, instance,

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2 C-2, Dave?

3 MR. PERRI: Good morning,
4 Councilman. Dave Perri. In C-2, the sale of
5 motor vehicles is allowed, and in other
6 commercial zoning districts that refer back to
7 C-2 you would also be allowed to sell motor
8 vehicles.

9 COUNCILMAN MARIANO: For instance
10 C-3 through C-4, they all go back, if I
11 remember correctly?

12 MR. PERRY: Yes. I can give you a
13 list of the zoning categories that would allow
14 the sale of motor vehicles. What you can do
15 is introduce legislation to prohibit the sales
16 of those particular types in those zoning
17 districts.

18 COUNCILMAN MARIANO: My concern is
19 not just for the Councilpeople and the panel,
20 but the concerned citizens that came down
21 here.

22 The zoning laws in the City were
23 written in the '50s, and they were written by
24 lawyers probably to create more work for their
25 colleagues. People find ways around anything

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2 that was written by someone. There's ways
3 around it if you're clever enough.

4 For instance, 3224-36 Kensington
5 Avenue, which is at K&A, the guy is open.
6 Dominic knows this story. The guy is selling
7 with no permits, and we get him shut down in
8 May. He goes out and hires an expediter --
9 which we don't recommend -- but he gets an
10 expediter who gets an attorney that are pretty
11 good guys.

12 The expediter calls me and says,
13 "Can we talk?" I said, "Absolutely not. I
14 just got done busting Pep Boys' stones. I'm
15 not going to let anybody slide here. "

16 We'll get to Pep Boys because we're
17 going to read a letter from them. They've
18 been great.

19 So this guy hires an expediter. The
20 expediter and the lawyer go back to him and
21 say, we're not going to play ball here. This
22 is a District Councilman. It's actually my
23 district so I have a little more clout at the
24 Zoning Board on this. The guy goes to the
25 hearing and it's continued. He finds out

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2 somehow, maybe from an ex-L&I employee, that
3 all he has to do is cross out that he's not
4 going to repair these things in there and he
5 can sell them over-the-counter. He gets this
6 over-the-counter.

7 Now, I called the Commissioner and
8 the Deputy Commissioner. They go out and we
9 find other reasons to shut him down. He was
10 still repairing them. But he didn't go to the
11 zoning hearing. He fires the attorney and his
12 expediter. The attorney happened to be in the
13 room and the chairman asked to shut him down
14 and he continued it again. So that guy will
15 be in front of the Zoning Board again wasting
16 more time because he's never going to get open
17 as long as I'm here or as long as we're doing
18 stuff like that.

19 The neighborhood he picks is a
20 neighborhood that's trying to make a comeback
21 To have these in the middle of a commercial
22 strip where they're trying to have nice
23 storefronts and sell things and do things
24 right, it becomes a problem.

25 COMMISSIONER SOLVIBILE: Robert

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2 Solvibile, Acting Commissioner of Licenses and
3 Inspections.

4 In our view, if it's not legal to
5 ride on the street, it shouldn't be legal to
6 sell. It should not be considered a motor
7 vehicle because it's not legal.

8 To answer your question, we'll put
9 more work on Dominic. We'll gladly do it
10 because of the unsafe conditions it causes.

11 I was driving down from one of the
12 fires we were at on the street -- I forget
13 which one -- and a kid was driving one who's
14 probably about 6'4" on one of these little
15 things. His knees were out so much I had to
16 stop because I could not get around without
17 hitting his knees. He was going about 40
18 miles an hour. There's just no way in the
19 world that knee would have survived that. It
20 would have been shattered.

21 It's just not right for our children
22 to be able to purchase these. We should just
23 outlaw them. It's not legal on the street.
24 They should be outlawed, period.

25 MR. PERRI: Councilman, one

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2 additional comment. If you do put a zoning
3 bill in to ban their sale, keep in mind that
4 that will only ban the sale on new
5 establishments from this point forward.
6 Everything else will be grandfathered. That's
7 why we're in support of your legislation to
8 approach it from a Title 9 perspective.

9 COUNCILMAN MARIANO: I think we have
10 to look at the Zoning Code altogether. It's
11 something I've been wanting to do, to sit down
12 with somebody and get this straightened out
13 once and for all before this term is done.
14 This is just one of the problems -- I'm sure
15 you each have 20 problems -- where things are
16 legal because of technology changes.

17 When I was 13 years old, my father
18 wouldn't let me have a mini-bike. You
19 couldn't have kept me off of them. That's an
20 attractive looking vehicle, and I'm sure you
21 can get girls with it, so at 13 that's pretty
22 much all I was thinking about.

23 How do you keep the kids off of
24 that? You have to be a parent and stand up to
25 them and say, no, like Lieutenant Brady said.

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2 No, you can't have them. Get the video game
3 and go inside like everybody else.

4 COMMISSIONER SOLVIBILE: It's the
5 same with cigarettes. Cigarettes are legal
6 for adults. You shouldn't be smoking them,
7 but they're legal. We stop minors from
8 getting them. We should work as hard on
9 something like this because it's just as bad
10 for our children.

11 COUNCILMAN MARIANO: Exactly. Thank
12 you.

13 MR. VERDI: Councilman, for the
14 record, Dominic Verdi, Deputy Commissioner,
15 Licenses and Inspections. We're now looking
16 at a list of all locations that have motor
17 vehicle licenses, and we're going to be back
18 into every location that recently got a
19 license for the sale of motor vehicles with
20 our fire and electrical inspectors and our
21 licensing inspectors. Most of these locations
22 did get a zoning permit, but none of them were
23 inspected for fire issues. So we'll be
24 looking at every location, especially because
25 of the use of gasoline that goes along with

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2 these bikes.

3 COUNCILMAN MARIANO: Your Department
4 has been sending us, I think since July --
5 correct me if I'm wrong. Every time someone
6 gets something over-the-counter, you send it
7 to the District Councilpeople. I don't know
8 about the At-large people. Maybe you send
9 them to the whole City.

10 This guy on Kensington Avenue, I
11 almost missed that. When I called Dominic, he
12 said, you have that. Then I found out Anna
13 already knew about it. We have to be a little
14 more vigilant to make sure who's getting these
15 over-the-counter permits. When this is done,
16 there will be another issue they will be
17 selling. I'm not sure what it will be, but as
18 technology changes, stuff is going to be
19 smaller and more dangerous.

20 Anyone else have any questions for
21 this panel?

22 (No response.)

23 LIEUTENANT BRADY: Councilman, just
24 a point of information for you in reference to
25 being in a store and you mentioned the gas.

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2 They have a capacity of just about over a
3 gallon of gasoline, each bike.

4 COUNCILMAN MARIANO: You're going to
5 visit them today, right, 11th Street?

6 MR. VERDI: Absolutely.

7 COUNCILMAN MARIANO: I'm sure
8 something is not right there. It's close to
9 Jefferson Hospital. You can run right there
10 after the big fire.

11 No questions?

12 (No response.)

13 COUNCILMAN MARIANO: Thank you.

14 Pep Boys is here.

15 Carl, you need to know that this
16 Committee is honored to have one of the
17 premier zoning lawyers in the City of
18 Philadelphia.

19 MR. PRIMAVERA: Thank you. The
20 honor is all mine.

21 First of all, really what we want to
22 do is thank Councilman Mariano and the other
23 Councilpeople who have been involved in this
24 issue. Also L&I, they've been kind of thrust
25 into a situation and trying to deal with this.

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2 If the issue really is the product, then the
3 product needs to be addressed and this bill
4 does that.

5 The zoning laws, as Mr. Perri said,
6 aren't really equipped to deal with this. We
7 went to the Zoning Board and we shared the
8 same opinion, that really something like this
9 needs to be done so that you're treating every
10 retailer the same. You don't have some stores
11 that are selling it because they're
12 grandfathered, or you can sell it in one place
13 and not another.

14 Pep Boys wants to, first of all,
15 thank the Council for addressing the issue
16 Hopefully, we're going to be able to have a
17 fair, even-handed way of having it addressed
18 so that Pep Boys isn't singled out. They're a
19 big Philadelphia employer and a big
20 Philadelphia company. They care about their
21 constituents. They care about their public
22 and they care about their customers. All they
23 really want is to know the rules and they'll
24 follow the rules. Basically, we're here to
25 say that we think the bill is a good one and

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2 we're going to follow it.

3 COUNCILMAN MARIANO: Thank you, Mr.
4 Primavera.

5 Just let me say as the Chairman of
6 the Committee, along with Councilwoman Miller,
7 that when we went to the zoning hearing, Pep
8 Boys have been great corporate citizens. I
9 appreciate their stance on this. By no means
10 were we picking on them. But sometimes when
11 you're the big guy, you're the most visible.
12 It wasn't just Pep Boys. In fact, Pep Boys
13 stepped right up to the plate and were great
14 corporate citizens and agreed to a voluntary
15 ban on selling these things until we got to
16 conclusion. So all accolades to Pep Boys.

17 (Applause.)

18 COUNCILMAN MARIANO: It will come
19 back ten-fold at Pep Boys. Thank you.

20 Any questions for Mr. Primavera?

21 (No response.)

22 MR. PRIMAVERA: I'm always available
23 for you.

24 COUNCILMAN MARIANO: Carl, one last
25 question. Is there really a Manny, Moe and

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2 Jack?

3 MR. PRIMAVERA: There were. We
4 honor their memory in the name of our company.
5 We all remember as kids, Manny, Moe and Jack.
6 Brian Zuckerman is their representative.

7 COUNCILMAN MARIANO: It looks like
8 it's the community's turn.

9 Anna, Carmen, do you want to come up
10 first?

11 We're going to take everyone from
12 the community who wants to come up.

13 Carmen, state your name for the
14 record.

15 MS. SOUSA: Carmen Sousa.

16 COUNCILMAN MARIANO: Carmen works in
17 my office. Carmen asked to testify here
18 because she has a personal story about these
19 darling little scooters that she wants to
20 share with the Committee.

21 MS. SOUSA: I am very passionate
22 about this issue because my family was a
23 victim of someone killing themselves on these
24 bikes. My nephew died two years ago on April
25 16th. He was involved in an accident that

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2 occurred on a pocket bike in Hunting Park.
3 Ironically, he was 23 years old and he had a
4 driver's license, so he was skilled to drive a
5 motor vehicle, but he jumped on one of these
6 things and didn't know how to ride them. He
7 lost control and hit an ice cream truck and
8 died 24 hours later. So I personally am a
9 member on the frontline trying to ban these
10 things from Philadelphia.

11 In North Philadelphia, there's no
12 land to ride these things, only the streets
13 and sidewalks. Even in the park it's
14 dangerous.

15 I just wanted to come here and
16 testify and state that it's important to the
17 Latino community and to me as a person to
18 please take these things off the street so our
19 children don't continue to die over them.

20 COUNCILMAN MARIANO: Carmen, thank
21 you.

22 One thing I want to say is that I
23 mentioned a little bit to Councilman Ramos and
24 Representative Cruz. I think with your help
25 and Anna's help and other leaders' help, what

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2 we want to do is talk to Omega and some of the
3 big Spanish stations. I think we need you,
4 Juan and Angel and me to get on there. You
5 guys will do all the Spanish speaking and tell
6 them as parents we have a responsibility.

7 I think a lot of times in our
8 community -- and if I can include myself in
9 that community -- what happens is we're so
10 busy working, getting to work, doing things,
11 taking care of our families, that the kid
12 comes in -- and it's not hard for a
13 16-year-old kid to get a couple hundred
14 dollars to get one of these things. So we
15 just want to remind them that they're
16 dangerous. And that story will probably be
17 part of it.

18 Thank you for testifying.

19 Any questions for Carmen from the
20 Committee?

21 Councilwoman Brown.

22 COUNCILWOMAN BROWN: Carmen, I need
23 to say on a personal note that your story is a
24 classic example of where one person can make a
25 difference by simply putting it up on the

1 10/13/04 - LICENSES - BILL 040788

2 radar screen and then encouraging or nudging
3 the Councilman in your own way -- who I'm sure
4 it was a no-brainer for him -- to really focus
5 on this. It will make a difference for a lot
6 of families. So my hat is off to you.

7 MS. SOUSA: Thank you very much.

8 COUNCILMAN MARIANO: Is anyone else
9 from the community who wants to testify?

10 (No response.)

11 COUNCILMAN MARIANO: Anna, do you
12 want to testify? Do you want to talk about
13 Allegheny Avenue a little and what you went
14 through up there?

15 Anna, state your name for the
16 record.

17 MS. DAVILA: Anna Davila.

18 COUNCILMAN MARIANO: Anna works in
19 my office too. Anna is my liaison between the
20 Zoning Board. Every time Anna goes to the
21 Zoning Board, the zoning chairman, who doesn't
22 have anyone that speaks Spanish, has Anna to
23 hang around, so she does double duty for the
24 City of Philadelphia and she usually winds up
25 being an interpreter.

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2 Anna, also explain how passionate
3 you are about these and why.

4 MS. DAVILA: When these things come
5 up towards me, especially from a constituent's
6 point of view, they come towards us, they call
7 us every day, how can we allow this on the
8 streets, how can we allow corner stores to
9 sell these things. I take it personally. I
10 go to the site. That's what I did a couple
11 weeks ago where 108 East Allegheny came in.

12 I practically got there on time
13 where there was a 13-year-old, who was just
14 turning 13, and the parent was buying one for
15 him. He was test driving it on the sidewalk.

16 COUNCILMAN MARIANO: We're talking
17 about Front and Allegheny, which is a busy,
18 busy street.

19 MS. DAVILA: This is a dollar store
20 Just a basic dollar store who now has a permit
21 to sell motor scooters in this area right in
22 front of their store. They say they're
23 keeping them enclosed. They were on the
24 sidewalk. They were test driving, a
25 13-year-old.

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2 The lady was Spanish. She didn't
3 understand the outcome of all these things. I
4 explained to her what happened. I made a sale
5 not happen. A sale did not happen that day.
6 The young man was not that upset, but he was
7 very concerned about the fact that they're not
8 taking \$400 out of my pocket, so I'm not
9 buying it. That's what happened.

10 COUNCILMAN KELLY: Is this place
11 still in business?

12 COUNCILMAN MARIANO: Yes. They lied
13 and said they were just selling them inside
14 this building, which was permissible because
15 it's an older area in Kensington that was
16 industrial at one time and it lies under the
17 Zoning Code of C-2.

18 COUNCILMAN KELLY: And they're still
19 there today?

20 COUNCILMAN MARIANO: They will be
21 there right now if you and I go up.

22 MS. DAVILA: There's a picture that
23 the Councilman has that shows that. Now it's
24 in front of the store behind the window. He
25 sells them from right there, but he brings

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2 them out during the day, especially on the
3 first of the month. Everyone knows on the
4 first of the month everyone gets a check.

5 Across Front Street is Wachovia
6 Bank. They come from there to the dollar
7 store, see these things nicely displayed out
8 front with flowers. The first thing I said
9 was, "Are they flowers for the death bed or
10 flowers just to make them look pretty?" This
11 is where we stopped the sale. I called the
12 Councilman. I called Dominic Verdi. I called
13 everyone and I stopped the sale that day. How
14 long can we do this? As long as it takes that
15 I live in that neighborhood. Thank you.

16 COUNCILMAN MARIANO: Any other
17 questions for this witness from the Committee?

18 (No response.)

19 COUNCILMAN MARIANO: Seeing none.
20 Thank you.

21 Anyone else from the community?

22 Candido.

23 MR. SILVA: Good morning. My name
24 is Candida Silva, and I'm here on behalf of
25 the community that's affected by this amazing

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2 technology in front of us.

3 I think three things need to happen
4 One is that we need to hold some of these
5 parents accountable, as you do your
6 legislation, that as they purchase these
7 bikes, there's some form of fines that are
8 being developed for each person that's buying
9 these bikes for their children.

10 Also, as these bikes are being sold,
11 there should be some mandate while they're
12 trying to sell them. We're going to be
13 successful in banning this by explaining
14 verbatim the horrifying things and outcomes in
15 utilizing these types of vehicles.

16 Second and most of all, I think we
17 need to hold the Police Department a little
18 bit more accountable. Licenses and
19 Inspections, as they start zoning people for
20 whatever it is, grandmother, grandfather
21 clause, I think we need to take an overview
22 look and be more clear on who is filing for
23 zoning. Let's be more strenuous in holding
24 back and getting more information. It has to
25 be imperative that we be strict on this type

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2 of technology here.

3 Third and finally, I think
4 confiscating these bikes off the kids and
5 taking them off and giving them a pat on the
6 back and letting them walk, that should not
7 happen. I think it's time to put that usual
8 48 that we're afraid of.

9 When we were kids and we would pass
10 curfew, the police officer would grab us, and
11 grandma used to whack me with that tired
12 wooden broom.

13 We need to get the system more
14 involved. Find these kids. Give them a fine,
15 a \$100 fine. Is it going hurt the community?
16 Absolutely. But if we can't get the message
17 out with PSAs and we can't hold the type of
18 hearings where people are actually reaching
19 out to them, then we need to start reaching
20 out into the pockets and getting the system
21 involved. It's imperative.

22 I heard the story about the
23 5-year-old kid. The mother bought a bike for
24 a 13-year-old child. The 5-year-old kid goes
25 into the garage, gets on the bike, runs into

1 10/13/04 - LICENSES - BILL 040788

2 Hunting Park, and whack, dies instantly.

3 I consider this type of technology a
4 form of genocide of our youth and future for
5 our kids of tomorrow.

6 COUNCILMAN MARIANO: Candido, just
7 so you know, Councilman DiCicco introduced a
8 bill -- it hasn't got to Committee yet -- that
9 is doing just what you're talking about, in
10 case this doesn't work, to further what we
11 think is when these are illegal to sell in the
12 City of Philadelphia, people are still going
13 to get them on the Internet and bring them in.
14 Then we're going to try what Councilman
15 DiCicco wants to do, which is exactly what you
16 said, to hold the parents more responsible.
17 If your minor child winds up getting in
18 trouble and one of these are caught in the
19 street, you will be liable, much like the
20 parental responsibility bill that we have on
21 the books. I don't know how much we use it,
22 but it is on the books from my first term in
23 Council.

24 MR. SILVA: We need homeland
25 security around the parameters of

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2 Philadelphia.

3 (Applause.)

4 COUNCILMAN MARIANO: Thank you.

5 Any questions for this witness from
6 the Committee?

7 COUNCILMAN KELLY: I don't have a
8 question for the witness -- or maybe he could
9 answer it.

10 Maybe you could, Mr. Chairman.
11 These bikes look awful expensive to me. Do
12 you have any idea what they go for?

13 COUNCILMAN MARIANO: They're not as
14 expensive as you would think. There's a place
15 in California on the Internet that will have
16 it to your door for about \$350 to \$400 in
17 about two days.

18 COUNCILMAN KELLY: I was just
19 curious because they do confiscate them. If
20 you're putting out \$350 or \$400, it's still a
21 big bite when you have that taken from you. I
22 don't know how wealthy these people are, but
23 once that bike was confiscated, I don't think
24 I'd go out and buy another one.

25 COUNCILMAN MARIANO: Councilman, it

1 10/13/04 - LICENSES - BILL 040788

2 has to say something about this generational
3 thing. There was no way I could have gotten
4 \$300 when I was 13. But now there's ways to
5 make money for young kids. Legal ways, too.
6 They seem to get them. I guess as parents we
7 want our children to do better and have things
8 and we're busy and we say, yeah. We don't
9 totally think the whole decision through.
10 It's our fault.

11 MS. DAVILA: Councilman Kelly, to
12 answer on the price on these vehicles or motor
13 scooters, that particular day they had it, on
14 October 1st, it was at \$599. And today up
15 until the 15th only, it's \$299 right now.
16 \$299 and \$399 depending on the style of the
17 motorcycle.

18 COUNCILMAN MARIANO: This is
19 probably one of the top of the line ones.

20 MS. DAVILA: Councilman, it's right
21 on Allegheny Avenue. I think it's near the
22 other bank.

23 COUNCILMAN KELLY: Front and
24 Allegheny you mentioned, right?

25 MS. DAVILA: Further down.

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2 COUNCILMAN KELLY: How many stores
3 are selling them like this?

4 MS. DAVILA: On Allegheny, between
5 me and Carmen, three. Front Street down. But
6 the one at K&A -- not the one on Kensington.
7 There's one on K&A further up who has this
8 huge sign that just came up, "Motor scooter
9 sale. Get them while they last." And they
10 have them for \$299 also.

11 COUNCILMAN KELLY: Do they have a
12 storefront or are they just selling them on
13 the corner?

14 MS. DAVILA: They're selling them on
15 the corner.

16 COUNCILMAN KELLY: They may not have
17 a business privilege license.

18 MS. DAVILA: We do understand that
19 Front and Allegheny does have a legal permit
20 to sell these things.

21 COUNCILMAN KELLY: They do have
22 legal permit?

23 MS. DAVILA: They got it in August
24 of '04, yes.

25 MR. SILVA: Also the funny thing

1 10/13/04 - LICENSES - BILL 040788

2 about it is you have a lot of used car lots
3 that are also selling them, and they're
4 enhancing them now like dune buggies.
5 Technology is advancing. They make them with
6 canopies now.

7 We need to look at the zoning as
8 well as permits being given out to these
9 folks. Like I said, it's hurting the
10 community. We need each and every one of your
11 support to make sure that we ban them. Not
12 only ban them. Let's get the PSAs out there
13 and let people in the community be aware of
14 the dangerous jack-in-the-box system that's in
15 that technology right there. It's called
16 death.

17 COUNCILMAN KELLY: It looks like
18 this is two phases. The first phase is, of
19 course, to stop the selling of these scooters
20 or what not, and the second stage is going to
21 be, as the Chairman has mentioned, that people
22 will be getting them from out of state or
23 other places. Then the Police Department --
24 and you're right -- should take action and
25 start not only confiscating them, but giving

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2 out citations and making the parents of these
3 people, if they are minors, come into court,
4 and then that will resolve that problem, I
5 think.

6 COUNCILMAN MARIANO: One of the
7 problems with the confiscation of these things
8 is we don't want the police racing up and down
9 Allegheny Avenue chasing some 13-year-old.
10 Not that that would happen.

11 Inspector Boyle has been really busy
12 They've been very successful just in the east
13 because that's all he's responsible for. The
14 numbers are staggering, what they've been
15 taking I think, besides what Lieutenant Brady
16 said there, a lot of people aren't coming and
17 taking them back. They know this is \$300,
18 \$400. I shouldn't have had it, but it's out.

19 MR. SILVA: Let's not let them use
20 pocket bikes.

21 MS. DAVILA: We also want to make it
22 known to you that we do want to sleep at
23 night. I live in that community. We don't
24 want it in that community. Not me by myself,
25 but everyone here is stating no more in their

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2 blocks. We don't sleep. They're up and down
3 2:00, 3:00 in the morning racing. That's
4 where the danger is at.

5 COUNCILMAN MARIANO: This problem is
6 so bad. I was riding in my neighborhood in
7 Juniata. There were a group of ladies on
8 them. I don't want to say young ladies
9 because they were probably -- I'm 49. I admit
10 it. There were some between 30 and 50. They
11 had jackets and everything. There were six,
12 seven or eight of them driving around. They
13 had a little motorcycle club. They had pink
14 ones and all. Can you imagine how dangerous
15 it is? This is amazing. And we have to stop
16 them. All kidding aside, we have to stop
17 them. Candido is right. It's death. It's
18 death in a pretty package with a bow on it.

19 MS. DAVILA: We're right behind you
20 on this. We want to stop this.

21 MR. SILVA: Whatever the community
22 can do to help you do your job, just let us
23 know. We're there behind you 110 percent. It
24 is something that's imperative. We will back
25 each and every one of you up to the end

1 10/13/04 - LICENSES - BILL 040788

2 COUNCILMAN MARIANO: Thank you.

3 Thanks for coming down.

4 (Applause.)

5 COUNCILMAN MARIANO: Mr. Haigler.

6 L&I wants to say something else.

7 MR. HAIGLER: I just wanted to say
8 on top of what the gentleman just said, what
9 the community can do is, if this law should
10 pass, just call us and let us know. Make the
11 complaints.

12 COUNCILMAN MARIANO: Thank you.

13 Anybody else want to testify.

14 (No response.)

15 COUNCILMAN MARIANO: Seeing none.

16 We will close the public hearing.

17 This concludes the public hearing.

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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON LICENSES AND INSPECTIONS

- - - -

Wednesday, October 13, 2004

- - - -

Public meeting conducted by the
Committee on Licenses and Inspections, held in
Room 400, City Hall, Philadelphia,
Pennsylvania, on the above date, to consider
action on the following:

BILL 040788.

PRESENT:

COUNCILMAN RICHARD MARIANO, Chair
COUNCILMAN FRANK RIZZO
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN JUAN RAMOS
COUNCILMAN JACK KELLY

1 10/13/04 - LICENSES - PUBLIC MEETING

2 COUNCILMAN MARIANO: We'll now enter
3 the public meeting.

4 The Chair recognizes Councilman
5 Kelly for a motion on Bill 040764.

6 COUNCILMAN KELLY: Mr. Chairman, I
7 would like to make a motion that Bill No.
8 040764 be reported out of this Committee with
9 a favorable recommendation, and I also ask for
10 a suspension of the Rules so that this bill
11 may be included in the next Session of
12 Council.

13 (Duly seconded.)

14 COUNCILMAN MARIANO: Motion has been
15 made and duly seconded.

16 All those in favor of the motion?

17 (Aye.)

18 COUNCILMAN MARIANO: Nay?

19 (No response.)

20 COUNCILMAN MARIANO: Seeing no nays,
21 it passes.

22 This concludes the public meeting of
23 Licenses and Inspection. Thank you.

24 (Applause.)

25 COUNCILMAN MARIANO: Councilman

1 10/13/04 - LICENSES - PUBLIC MEETING
2 Clarke's bill is going to be Wednesday the
3 20th at 11:00 a.m., Bill 040788. It has
4 nothing to do with this. It's another bill
5 entirely. Thank you, everyone.
6 (Council adjourned at 11:15 a.m.)

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C E R T I F I C A T I O N .

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RE: COMMITTEE ON LICENSES AND INSPECTIONS

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Lisa C. Bradley, RPR

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