

City of Philadelphia



(Bill No. 010555)

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions” by amending the provisions of Section 9-618 relating to the “Sale of Spray Paint Containers and Indelible Markers” to include the sale of Etching Acid and to make certain technical changes.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

* * *

CHAPTER 9-600. SERVICE BUSINESSES

* * *

§9-618. Sale of Spray Paint Containers, [and] Indelible Markers *and Etching Acid*.

(1) Definitions:

* * *

(b) *Etching Acid*. Any liquid, cream, paste or similar substance that can be used to etch, carve, engrave, or otherwise impair the physical integrity of glass or metal.

[(b)](c) Minor. Any person under the age of eighteen (18) years.

[(c)] (d) Person. Any retail establishment.

(2) License.

(a) No person shall sell or offer for sale, transfer or offer for transfer any spray paint container, [or] indelible marker *or etching acid* unless that person has obtained a license from the Department of Licenses and Inspections.

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(3) Prohibited Conduct:

(a) No person shall sell or offer for sale, transfer or offer to transfer any spray paint container, [or] indelible marker *or etching acid* unless such spray paint container, [or] indelible marker *or etching acid* is held for sale or transfer in an enclosed device which is constructed to prevent removal of the merchandise except by authorized attendants or is stored, out of sight, in such a way as to prevent free access to the merchandise by the public.

(b) No person shall sell or otherwise transfer any spray paint container, [or] indelible marker *or etching acid* to a minor, unless said minor is accompanied by parent or legal guardian at time of purchase or transfer.

(c) No minor shall, at the time of purchase of items specified in Section 9-618[(2)](3)(b), knowingly furnish fraudulent evidence of majority including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or any document issued by a federal, state, county or municipal government.

* * *

(5) Penalties.

* * *

In addition, the Department may confiscate the entire inventory of spray paint containers, [and] indelible markers *and etching acid* from a business for a second or repeated violation of this section or for failure to obtain the license required in Section 9-618(2). The business proprietor may reclaim the spray paint containers, [and] indelible markers *and etching acid* upon payment of a [two] *three* hundred [(200)] (300) dollar confiscation fee.

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Explanation:

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 25, 2001. The Bill was Signed by the Mayor on November 2, 2001.



Marie B. Hauser
Chief Clerk of the City Council