

# City of Philadelphia



(Bill No. 040907)

## AN ORDINANCE

**Amending Section 9-618 of The Philadelphia Code entitled “Sale of Spray Paint Containers, Indelible Markers and Etching Acid,” by prohibiting the sale of etching acid, providing for penalties, and making certain technical changes, all under certain terms and conditions.**

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Section 9-618 of The Philadelphia Code is amended to read as follows:

### TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

\* \* \*

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

\* \* \*

(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.

(b) Application for such license shall be made on forms provided by the Department of Licenses and Inspections.

(c) The fee for such license is fifty (50) dollars.

(3) Prohibited Conduct:

(a) *No person shall sell or offer for sale, transfer or offer for transfer any etching acid.*

[(a)] (b) No person shall sell or offer for sale, transfer or offer [to] *for* 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

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authorized attendants or is stored, out of sight, in such a way as to prevent free access to the merchandise by the public.

[(b)] (c) 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 a parent or legal guardian at *the* time of purchase or transfer.

[(c)] (d) No minor shall, at the time of purchase of items specified in Section 9-618(3) [(b)] (c), 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.

(a) Any person who violates the provisions of *this* Section [9-618(3)(b)] or any minor who violates the provisions of Section 9-618(3)[(c)] (d) shall be subject to a fine or penalty not less than [fifty (50) dollars] nor more than three hundred (300) dollars and/or imprisonment not exceeding ninety (90) days.

\* \* \*

SECTION 2. This Ordinance shall take effect immediately.

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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 December 9, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty  
Chief Clerk of the City Council