

# City of Philadelphia



(Bill No. 180699)

## AN ORDINANCE

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by amending Section 10-615, entitled “Disorderly Conduct and Related Offenses,” and Chapter 10-2100, entitled “Marijuana Possession,” to provide for certain additional offenses to be enforceable by civil penalties; under certain terms and conditions.

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

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

### TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

\* \* \*

§ 10-615. Disorderly Conduct and Related Offenses.

(1) Definitions. The following definitions shall apply to this Section:

\* \* \*

(d) “*Defiant trespass.*” *Entering or remaining in any place, with knowledge that one is not licensed or privileged to do so, as to which notice against trespass is given by:*

(i) *actual communication to the actor by an owner, employee or agent of an owner, or a law enforcement officer;*

(ii) *posting in a manner prescribed by law or reasonably noticeable by intruders; or*

(iii) *fencing or other enclosure manifestly designed to exclude intruders.*

(2) Prohibited Conduct.

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\* \* \*

(e) *Disrupting a lawful meeting or procession. No person shall, with intent to prevent or disrupt a lawful meeting, procession or gathering, disturb or interrupt it.*

(f) *Defiant trespass. No person shall engage in defiant trespass as defined in this Section 10-615.*

\* \* \*

## (3) Penalties.

The penalty for violation of § 10-615(2)(a)[, (b), (c) or (d)] *through (f)* shall be a fine of one hundred dollars (\$100).

\* \* \*

## CHAPTER 10-2100. MARIJUANA POSSESSION

\* \* \*

### § 10-2102. *Purchase, Possession or Smoking of a Small Amount of Marijuana.*

(1) So long as marijuana shall be listed as a controlled substance in "The Controlled Substance, Drug, Device and Cosmetic Act," 1972, April 14, P.L. 233, No. 64, § 1 et seq., 35 P.S. § 780-101 et seq., no person shall *purchase or attempt to purchase, or* be in possession of a small amount of marijuana as defined in said act.

(2) The following shall be a civil violation of this Section:

- (a) Possessing a small amount of marijuana.
- (b) Smoking a small amount of marijuana in any public space.
- (c) *Purchasing or attempting to purchase a small amount of marijuana.*

\* \* \*

(4) The parent or guardian of a minor under the age of eighteen (18) years who violates this Section 10-2102 shall also be in violation of this Section. The officer who observes a violation of this Section by a minor shall:

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\* \* \*

(b) Advise the parent or guardian that the minor was found in possession of, *was purchasing, or was smoking in a public space* a small amount of marijuana;

\* \* \*

(5) Penalties.

(a) The penalty for a violation of subsection (2)(a) *or (c)* of this Section by an adult or minor under the age of eighteen (18) shall be a civil fine of twenty-five dollars (\$25.00) for each violation.

\* \* \*

(7) This Chapter shall not be construed to supersede any existing Pennsylvania or Federal law. Philadelphia police officers retain the authority to enforce any applicable laws and it is Council's intent that police officers may undertake custodial arrests where there is probable cause to believe that a criminal offense other than simple possession *or purchase* of a small amount of marijuana has been or is being committed.

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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, 2018. The Bill was Signed by the Mayor on November 14, 2018.



Michael A. Decker  
Chief Clerk of the City Council