

CHAPTER 15-200. FAIRMOUNT PARK ²

§ 15-201. Jurisdictional Areas. ³

The following areas shall be under the care and jurisdiction of the Fairmount Park Commission: East Fairmount Park, West Fairmount Park, Awbury Park, Bartram's Garden, Bradford Park, Brookwood, Burholme Park, John F. Byrne Golf Course, Carpenter's Woods, Carroll Park, Christ Church Yard, Clifford Park, Cloverly Park, Cobbs Creek Park (including Cobbs Creek and Karakung Golf Courses), Fleuhr Park, Fernhill Park, Fisher Park, Fox Chase Farm, Franklin Square, Franklin Town Park, Germany Hill, Gustine Lake, Harper's Hollow Park, Holme Crispin Park, Hunting Park, I-95 Cover Park, Kemble Park, John F. Kennedy Plaza, Logan Square, Loudon Park, Manatawna Farm, Manayunk Canal Towpath, Marconi Plaza, McMichael Park, Millbrook, Morris Park, Palmer Park, Pastorius Park, Penn Treaty Park, Pennypack Park, Poquessing Park, Rittenhouse Square, Franklin D. Roosevelt Park (including FDR Golf Course), Schuylkill River Park, Tacony Creek Park (including Juniata Golf Course), Wakefield Park, Walton Run, Washington Square, Winston Park, Wissahickon Valley Park (including Walnut Lane Golf Course), Wister's Woods, Wooden Bridge Run, Woodward Pines; Yeager Park; Benjamin Franklin parkway, Cobbs Creek parkway, Cresheim Drive parkway, Lincoln drive, Roosevelt boulevard, Southern parkway (South Broad street), the parcel of land bounded by Stevens road, Welton street, Barlow street and Kelvin avenue, the parcel of land generally bounded by Twenty-first Street, Porter Street, Twenty-second Street and Shunk Street, 8730 Old Line Road, Kensington & Tacony Trail, and other areas which by ordinance have been or will be placed under the care and jurisdiction of that Commission.

§ 15-202. Rules and Regulations. ⁴

Subject to the Philadelphia Home Rule Charter, the Fairmount Park Commission is hereby empowered to make such rules and regulations as are necessary to maintain, for the safety and quiet enjoyment of the general public, the areas under their care and jurisdiction, including, but not limited to, the prohibition of discrimination against persons based on their economic status in the use of public property.

§ 15-203. Street **Trees. ⁵**

(1) The Fairmount Park Commission ("Commission") shall have exclusive custody and control of and responsibility for the street **trees** on the streets of Philadelphia and shall make rules and regulations consistent with this Section [15-203](#) regarding the planting, setting out, removal, maintenance, protection and care of said **trees** as are necessary. The Commission may grant permission to individuals, groups or firms to perform such services either voluntarily or by

contract. Such rules and regulations shall also prohibit any action deemed to be detrimental to the life of said **trees**.

(2) (a) The Commission shall, itself or by contract, provide maintenance for all street **trees** whether abutting private or public property including, but not limited to, trimming, pruning and spraying (as necessary) of all street **trees**. The Commission shall by regulation adopt a schedule for such maintenance, and may for that purpose adopt any commonly accepted national arborculture standards for maintenance. No costs shall be charged to an abutting private property owner for any street tree maintenance unless expressly authorized by ordinance of City Council.

(b) Council hereby finds that in providing by regulation for the maintenance of street **trees**, the Commission should adopt commonly accepted national arborculture standards for such maintenance.

(3) The Commission shall be responsible for taking appropriate action to eliminate dangerous conditions caused by dead, dying, dangerous or diseased street **trees** whether abutting private or public property. The Commission shall, by regulation, adopt procedures by which it shall carry out that responsibility. Such regulations shall provide for the Commission's receipt of written notification of dangerous street tree conditions, and for the Commission's response to such notification, including the performance of inspections and other actions as the Commission deems necessary, within such time frame as the Commission shall determine is reasonable. No costs shall be charged to an abutting private property owner for any street tree removal unless expressly authorized by ordinance of City Council.

§ 15-204. Enforcement and Penalties. ⁶

(1) *Enforcement.* For the purposes of enforcing the provisions of this Chapter and regulations established pursuant hereto, notice of violation shall be issued by police officers or any other person authorized to enforce ordinances or regulations.

(a) Whenever a police officer or any other official authorized to enforce ordinances observes a violation of the provisions of this Chapter or regulations established pursuant hereto, he shall hand to the violator a printed notice of violation. Such notice shall bear the date, time and nature of the violation, identity and address of the violator, the amount to be remitted in response to the notice of violation, the penalty which can be imposed by the court for violation, and shall be signed by the person issuing the notice and shall bear the police officer's badge number or other official identification number identifying the person issuing the violation notice.

(b) Any person who receives a notice of violation, may within ten (10) days, pay the amount of twenty-five (25) dollars, admit the violation and waive appearance before a Municipal Court Judge. The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment.

(c) If a person who receives a notice of violation fails to pay the prescribed payment within (10) days of the issuance of the notice of violation, a code enforcement complaint shall be issued for such violation in such manner as provided by law. If the person named in the code enforcement complaint is found to have violated this Chapter or regulations established pursuant hereto or fails to appear on the date set for hearing, he shall be subject to the imposition of fines in the amounts set forth in subsection [15-204\(2\)](#), plus court costs.

(2) *Penalties.*

(a) The penalty for violation of any provision of this Chapter or regulations established pursuant hereto shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation.

(b) Any fine or costs imposed by the court shall be entered as a judgment against the violator.

(c) Any fine imposed by the court shall be paid within ten (10) days of its imposition. If the fine together with any court costs is not paid within such period, the violator shall be subject to proceedings for contempt of court and/or collection of the fine as provided by law.

Notes

[2](#) Charter ref.: §§ 3-905, 5-602; Statutory ref.: Act of March 26, 1967, P.L. 547, 53 P.S. §§ 16471 et seq.

Added, 1979 Ordinances, p. 1379; amended, 1991 Ordinances, p. 19; amended, Bill No. 960886 (approved April 13, 1998); amended, Bill No. 030711 [3](#) (approved December 18, 2003); amended, Bill No. 041038 (approved December 17, 2004); amended, Bill No. 041038 (approved December 17, 2004); amended, Bill No. 050508 (approved July 8, 2005).

[4](#) Amended, 1993 Ordinances, p. 568.

Added, 1979 Ordinances, p. 1379; amended, Bill No. 960826-A (approved [5](#) July 1, 1997). Section 2 of the 1997 Ordinance notes that the amendments take effect January 1, 1998.

[6](#) Amended, 1979 Ordinances, p. 1379; amended, 1983 Ordinances, p. 1532.

