

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Michael A. Nutter
Mayor of the City of Philadelphia
City Hall, Room 215
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

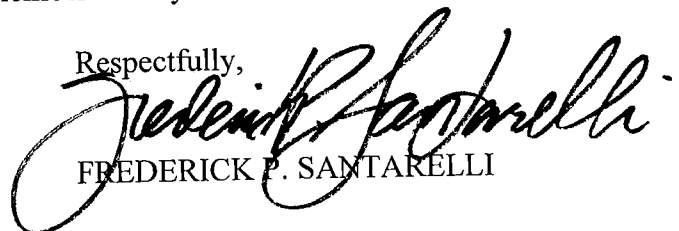
Dear Mayor Nutter:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc

Enclosure

cc: Everett Gillison, Deputy Mayor and
Managing Director for Public Safety

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable James F. Kenney
Councilman
Councilmember-At-Large
City Hall, Room 330
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

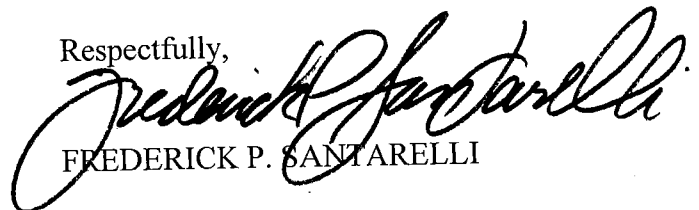
Dear Councilman Kenney:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Frank DiCicco
Councilman
Philadelphia City Council
City Hall, Room 332
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman DiCicco:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Anna C. Verna
Council President
Philadelphia City Council
City Hall, Room 405
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

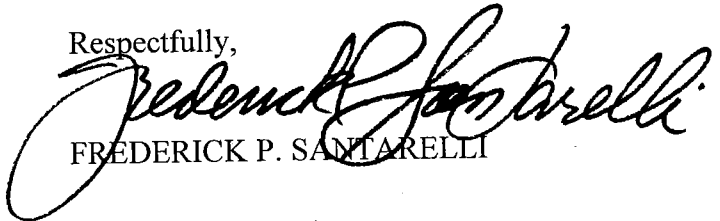
Dear Council President Verna:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,


FREDERICK P. SANTARELLI

FPS:jmc
Enclosure



www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Jannie L. Blackwell
Councilwoman
Philadelphia City Council
City Hall, Room 408
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

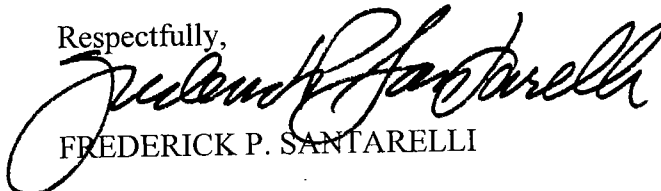
Dear Councilwoman Blackwell:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

Elliott Greenleaf

www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Curtis Jones, Jr.
Councilman
Philadelphia City Council
City Hall, Room 404
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

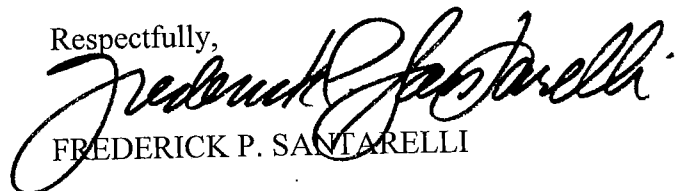
Dear Councilman Jones:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Darrell L. Clarke
Councilman
Philadelphia City Council
City Hall, Room 484
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman Clarke:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Joan L. Krajewski
Councilwoman
Philadelphia City Council
City Hall, Room 508
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

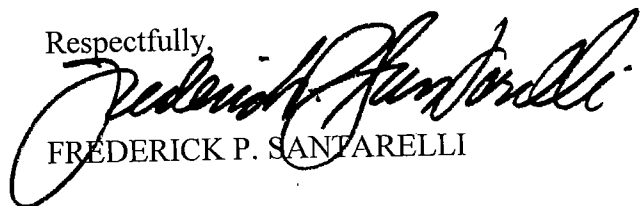
Dear Councilwoman Krajewski:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

Elliott Greenleaf

www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Maria D. Quiñones Sanchez
Councilwoman
Philadelphia City Council
City Hall, Room 592
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilwoman Sanchez:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Donna Reed Miller
Councilwoman
Philadelphia City Council
City Hall, Room 312
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

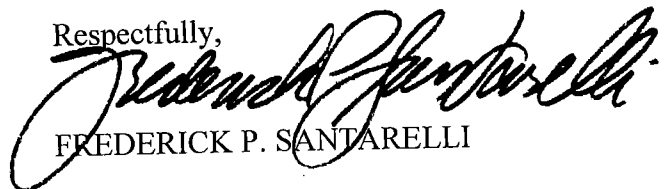
Dear Councilwoman Miller:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

Elliott Greenleaf

www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Marian B. Tasco
Councilwoman
Philadelphia City Council
City Hall, Room 577
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilwoman Tasco:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable W. Wilson Goode, Jr.
Councilman
Councilmember-At-Large
City Hall, Room 316
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman Goode:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure



www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable William K. Greenlee
Councilman
Councilmember-At-Large
City Hall, Room 580
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman Greenlee:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure



www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Jack Kelly
Councilman
Councilmember-At-Large
City Hall, Room 594
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman Kelly:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

Elliott Greenleaf

www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Brian J. O'Neill
Councilman
Philadelphia City Council
City Hall, Room 562
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman O'Neill:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Bill Green
Councilman
Councilmember-At-Large
City Hall, Room 599
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman Green:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

Elliott Greenleaf

www.elliottgreenleaf.com

Two Liberty Place
50 South 16th Street, Suite 2960
Philadelphia, PA 19102

Phone: (215) 940-8560 • Fax: (215) 940-8559

FREDERICK P. SANTARELLI
Direct Dial (215) 977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Blondell Reynolds Brown
Councilwoman
Councilmember-At-Large
City Hall, Room 581
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilwoman Brown:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure

FREDERICK P. SANTARELLI
Direct Dial (215)977-1024
FPSantarelli@elliottgreenleaf.com

January 11, 2011

Honorable Frank Rizzo, Jr.
Councilman
Councilmember-At-Large
City Hall, Room 582
Philadelphia, PA 19107-3290

Re: Bill No. 100213 amending Section 9-605 of The City of Philadelphia Code

Dear Councilman Rizzo:

Enclosed please find a copy of correspondence addressed to the City Solicitor, Shelley R. Smith, Esquire. The enclosed letter sets forth the reasons that Subsection (11)(d) of recent amendments to Section 9-605 of the Philadelphia Code (prohibiting property owners from removing trespassing vehicles from their property) is contrary to, and invalid under, the Pennsylvania Constitution and the laws of the Pennsylvania General Assembly. As explained in the enclosed correspondence, this defect in the recently-enacted ordinance is causing the impermissible taking of property rights in violation of a specific Motor Vehicle Code statute enacted by the Pennsylvania General Assembly, in which the General Assembly expressly vests in property owners the unqualified right to remove vehicles from their own property.

Respectfully, these circumstances require prompt action by the City and City Council, as follows: (i) a corrective ordinance amendment to either repeal Subsection (11)(d), or to otherwise preclude its application to property that is not a public street or road; (ii) in the meantime, a directive to City enforcement authorities to not enforce subsection 11(d) with regard to vehicles removed from such property.

The City's prompt attention is requested so that the City's executive and legislative branches may properly address and rectify this ongoing taking of property rights. A copy of the enclosed letter is also being provided to the Mayor and each member of City Council.

Respectfully,



FREDERICK P. SANTARELLI

FPS:jmc
Enclosure