

City of Philadelphia



(Bill No. 041070)

AN ORDINANCE

Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” by increasing the fines and penalties for the dumping of debris; providing for the forfeiture of any property used in such dumping; and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

Section 1. Chapter 10-700 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

* * *

CHAPTER 10-700. REFUSE AND LITTERING

* * *

§10-710. Dumping of Debris *and Short Dumping.*

(1) No person shall deposit, dump or cause to be placed any debris on any location without the prior written consent of the owner of such location. *A violation of this subsection that is also a violation of subsection (2) may be prosecuted as a violation of subsection (2).*

(2) *No owner or operator, or an agent of either, of a trash, garbage or debris collection vehicle, including private automobiles and small trucks, or any other type of vehicles used to collect or transport trash, garbage or debris, shall knowingly deposit or cause to be deposited the vehicle’s load or any part thereof on any road, street, highway, alley or railroad right-of-way, or on the land of another without both the permission of the owner and all necessary licenses and permits or into the waters of the City.*

* * *

§ 10-718. Enforcement.

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* * *

(3) Any person who receives a notice of violation, except a notice of violation of § [10-710(1)] *10-710*, § 10-711, § 10-723, § 10-723.1, or § 10-723.2 may, within ten (10) days, pay the amount of twenty-five (25) dollars, admit the violation and waive appearance before a Municipal Court Judge. Any person who receives a notice of violation of § 10-711, § 10-723, § 10-723.1, or § 10-723.2 may, within ten (10) days, pay the amount of one hundred (100) 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. No such stipulated payment shall be permitted in the case of a person who receives a notice of violation of § [10-710(1)] *10-710*.

(4) If a person who receives a notice of violation fails to make the prescribed payment within ten (10) days of the issuance of the notice of violation, and, in the case of the issuance of a notice of violation of § [10-710(1)] *10-710*, 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 any provision of this Chapter or fails to appear on the date set for hearing, he shall be subject to the imposition of [fines in the amounts] *penalties as* set forth in § 10-719, plus court costs.

(5) *Whenever a police officer has probable cause to believe a vehicle was or is being used to violate subsection 10-710(2), the officer may seize the vehicle.*

§ 10-719. Penalties.

(1) The penalty for violation of any provision of this Chapter, except § [10-710(1)] *10-710*, § 10-711, § 10-723, § 10-723.1, or § 10-723.2 shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation.

(2) The penalty for violation of § 10-710(1) of this Chapter shall be a fine of three hundred (300) dollars or such equitable remedy as the Court may deem proper, including, without limitation, an order to clean up unlawful dump sites, or both.

(3) The penalty for violation of § 10-711, § 10-723, § 10-723.1 or § 10-723.2 of this Chapter shall be a fine of three hundred (300) dollars.

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(4) *The penalty for violation of Section 10-710(2) shall be:*

(a) *a fine of up to five thousand (5,000) dollars;*

(b) *the forfeiture of any property, including any vehicle, used to violate section 10-710(2), regardless of the value of that property, pursuant to the procedures set forth in 42 Pa. C.S. §6802, with the City and the City Solicitor substituted for the Commonwealth, the Attorney General and District Attorney, as appropriate; and*

(c) *such equitable remedy as the court may deem proper, including, without limitation, an order to clean up the location at which the violator dumped trash, garbage or debris or to pay the costs of cleanup.*

(5) *Upon imposition of a fine or penalty against any person for violation of Section 10-710(2), the Police Department shall notify the Pennsylvania Department of Transportation, in accordance with the provisions of Act 227 of 2004, for appropriate sanctions thereunder.*

[(2)] (6) * * *

[(3)] (7) * * *

[(4)] (8) * * *

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 April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.



Patricia Rafferty
Chief Clerk of the City Council