

City of Philadelphia



(Bill No. 090780)

AN ORDINANCE

Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” to require certain property owners either to pay a fee for City waste hauling or to demonstrate that the business or property owner has a private provider of waste and recycling disposal services; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-726 of The Philadelphia Code, entitled “Commercial Establishment Waste Management,” is hereby repealed.

SECTION 2. Chapter 10-700 of The Philadelphia Code is hereby amended as follows:

CHAPTER 10-700. REFUSE AND LITTERING.

* * *

§ 10-717.1. [Residential] Eligibility for Municipal Collection *and Fees for City Collection.*

(1) Residential dwellings of the following types shall be eligible for regular City refuse, recycling and bulk item collection [at no cost]:

- (a) buildings with six or less occupied units;
- (b) condominium (as defined in 68 Pa. C.S.A. § 3103); and
- (c) cooperatives (as defined in 68 Pa. C.S.A. § 4103).

(2) *There is hereby imposed on all owners of residential or commercial properties eligible for City curbside waste collection an annual fee of \$150.00 per property for the collection of refuse, waste and recyclable materials. Upon a determination by the Department that costs of collection justify an increase in the fee, the Department may increase the fee, as appropriate, by regulation.*

Exemptions: The following are exempt from the fee:

- (a) *Collection from single-family dwellings;*

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(b) Collection from condominiums and cooperatives, as defined in subsection (1);

(c) Collection from a property in connection with which the property owner demonstrates, to the satisfaction of the Department, that it has in place one or more private waste hauling contracts that provide for collection of the refuse, waste and recyclable materials generated at the property.

(3) The Department may establish regulations to implement this Section, including regulations establishing additional eligibility for curbside collection.

(4) The provision of false information to the City in an effort to demonstrate private service shall (a) constitute a violation and subject the property owner to penalties as set forth in this Chapter; and (b) make the property owner liable for the annual fee.

* * *

§ 10-718. Enforcement.

* * *

(3) Any person who receives a notice of violation, except a notice of violation of § 10-702, § 10-703(2), § 10-710, § 10-711, § 10-723, § 10-723.1, § 10-723.2 or [§ 10-726] 10-717.1 may, within ten (10) days, pay the amount of fifty (50) dollars, admit the violation and waive appearance before a Municipal Court Judge. Any person who receives a notice of violation of § 10-702 or, § 10-703(2) may, within ten (10) days pay the amount of one hundred fifty (150) dollars, admit the violation and waive appearance before a Municipal Court Judge. * * *

§ 10-719. Penalties.

(1) The penalty for violation of any provision of this Chapter, except § 10-702, § 10-703(2), § 10-710, § 10-711, § 10-723, § 10-723.1, § 10-723.2 or [§ 10-726] § 10-717.1 shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation.

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(3) The penalty for violation of § 10-702, § 10-703(2), § 10-711, § 10-723, § 10-723.1, or § 10-723.2 of this Chapter shall be a fine of three hundred (300) dollars. The penalty for a violation of [the regulations adopted under § 10-726] § *10-717.1* of this Chapter shall be a fine of five hundred (500) dollars.

SECTION 3. This Ordinance shall be effective January 1, 2010.

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 10, 2009. The Bill was Signed by the Mayor on December 16, 2009.



Michael A. Decker
Chief Clerk of the City Council