

City of Philadelphia



(Bill No. 171121)

AN ORDINANCE

Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by repealing certain provisions related to refuse collection, all under certain terms and conditions.

WHEREAS, On March 2, 2017, Philadelphia City Council adopted Resolution No. 170179, authorizing the creation of a “Special Committee on Regulatory Review and Reform” to identify archaic, superfluous, and confusing provisions in The Philadelphia Code and in departmental regulations; and to recommend revisions that streamline, clarify and enhance the City’s regulatory environment, for the purpose of accelerating the growth of well-paying jobs in Philadelphia while ensuring the safety and well-being of its residents; and

WHEREAS, The Special Committee on Regulatory Review and Reform has identified the provisions described in the title to this proposed Ordinance as non-essential and overdue for repeal; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-600 of The Philadelphia Code is amended to read as follows:

CHAPTER 6-400. SERVICES AND OTHER BUSINESSES.

* * *

§ 9-604. Refuse Collection.

* * *

[(5) Private Garbage Collection.

(a) No person shall collect or transport garbage unless he has obtained from the Department of Licenses and Inspections a Garbage Collection License and, for each vehicle so used, a Collection Vehicle License, pursuant to Section 9-604(8).

(b) No Garbage Collection License shall be issued unless the applicant:

City of Philadelphia

BILL NO. 171121 continued

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(.1) complies with the provisions of The Philadelphia Traffic Code, Title 12;

(.2) pays an annual license fee of five hundred dollars (\$500.00) for the Garbage Collection License;

(.3) obtains a Collection Vehicle License for each vehicle used for collecting of garbage, pursuant to Section 9-604(8).

(c) All licenses shall be conditioned upon continued compliance with Section 9-604(5)(b), Section 9-604(8), Section 10-722, Section 11-610, and the regulations of the Department.

(d) In addition to any other penalty or sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Garbage Collection License of a garbage collector who violates any condition of his license.

(6) Private Waste Collection.

(a) No person shall collect or transport Municipal or Residual Waste unless he has obtained from the Department of Licenses and Inspections a Waste Collection License and, for each vehicle so used, a Collection Vehicle License pursuant to Section 9-604(8).

(b) No Waste Collection License shall be issued unless the applicant:

(.1) agrees to comply with the regulations of the Streets Department;

(.2) complies with the provisions of The Philadelphia Traffic Code, Title 12;

(.3) pays an annual license fee of five hundred dollars (\$500.00) for the Waste Collection License;

(.4) obtains a Collection Vehicle License for each vehicle used for collecting of Municipal and/or Residual Waste, pursuant to Section 9-604(8);

(.5) supplies adequate assurances and guarantees that recyclable materials separated at curbside or other pick-up location as required by Section 10-717 will be disposed of in a manner that results in their recycling;

(.6) maintains a current list of all Regulated Premises served by the applicant. Such list shall be submitted to the Philadelphia Recycling Office

City of Philadelphia

BILL NO. 171121 continued

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pursuant to regulations of the Department and shall be available for inspection by the Department of Licenses and Inspections or the Department of Streets upon request during normal working hours.

(c) All licenses shall be conditioned upon continued compliance with Section 9-604(6)(b), Section 9-604(8), Section 10-722, Section 11-610, and the regulations of the Department.

(d) In addition to any fine or other sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Waste Collection License of a refuse collector who violates any condition of the license.

(7) Recyclable Material Collection.

(a) No person shall collect or transport Recyclable Material unless he has obtained from the Department of Licenses and Inspection a Recyclable Material Collection License. One Recyclable Material Collection License shall be valid for all vehicles leased or owned by any person or company issued said license. No Recyclable Material Collection License shall be required for an individual or company's (1) vehicles used to transport Source Separated Construction/Demolition Scrap Metal, or (2) vehicles with a gross vehicle weight of less than six thousand (6,000) pounds used to transport Source-separated Recyclable Material provided that the hauler is not compensated for transportation and the hauler delivers the Recyclable Material to a destination that has agreed to report to the City the type and amount of Recyclable Material delivered by the hauler.

(b) No Recyclable Material Collection License shall be issued unless the applicant:

(.1) furnishes the information with regard to his proposed activity required by the Department of Licenses and Inspections and Streets Department and agrees to comply with the regulations of the Streets Department;

(.2) complies with the provisions of The Philadelphia Traffic Code, Title 12;

(.3) pays an annual fee of five hundred dollars (\$500.00) for the Recyclable Material Collection License;

(c) The Recyclable Material Collection License shall consist of a validated license bearing the name and address of the licensee.

City of Philadelphia

BILL NO. 171121 continued

Certified Copy

(d) The Recyclable Material Collection License shall be conditioned upon continued compliance with Section 9-604(7), Section 10-722, Section 11-610, and the regulations of the Department.

(e) No recyclable collector shall collect recyclable material which has been deposited at a location designated as a City drop-off site or as part of a community organized recycling program unless by written arrangement with the community organization.

(f) No recyclable collector shall leave any vehicle loaded with recyclables or waste unattended or parked on any City street overnight.

(g) In addition to any fine or other sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Recyclable Material Collection License of a Recyclable Material collector who violates any provisions of this Section or any condition of his license.

(h) Nothing in this subsection 9-604(7) shall require community organizations which operate neighborhood clean-up activities or persons collecting Recyclable Materials without the use of a truck, rail car or ship to obtain a Recyclable Material Collection License, or shall otherwise restrict such activities.

(8) Collection Vehicle License.

(a) The owner or operator of each vehicle used for collection or transportation of Municipal and/or Residual Waste in the City must secure and display an annual Collection Vehicle License issued for each such vehicle by the Department of Licenses and Inspections.

(b) The Collection Vehicle License shall be valid for a single calendar year.

(c) One or more Collection Vehicle Licenses may be issued to a single applicant for a fee of seventy-five (75) dollars per vehicle.

(d) No Collection Vehicle License shall be issued for a vehicle unless the applicant provides:

(.1) a copy of a valid state motor vehicle registration certificate for such vehicle;

(.2) a copy of a certificate of insurance for public liability and property damage for the current year for such vehicle, in an amount not less than is required by the Commonwealth of Pennsylvania for public liability, in an insurance company approved by the State Insurance Department;

City of Philadelphia

BILL NO. 171121 continued

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(.3) a description of vehicle type and certification of knowledge of and compliance with regulations of the Streets Department establishing private waste collection vehicle standards;

(.4) the name and location of all disposal facilities to which Municipal and/or Residual Waste is to be taken;

(.5) certification of knowledge of and compliance with applicable reporting requirements of haulers of Municipal and/or Residual Waste pursuant to regulations adopted by the Streets Department.

(e) A licensee must notify the Department of Licenses and Inspections within ten (10) days of any transfer or assignment in possession or ownership of such vehicle, any change of insurance company providing insurance for such vehicle, and any changes made in the names and locations of disposal facilities used by such vehicle, as provided pursuant to Section 9-604(8)(d)(.4). The owner or operator of each licensed vehicle must maintain all disposal contracts and tipping receipts for two years and make such documents available for inspection by the Department of Licenses and Inspections or the Department of Streets upon request during normal working hours.

(f) The Collection Vehicle License number shall be printed or permanently affixed by the licensee to the left side of the licensed vehicle, on the outside of the cab door.

(g) A Collection Vehicle License shall not be transferred, assigned or altered.

(h) In addition to any other penalty or sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Collection Vehicle Licenses and/or any other license issued under this Section of any person who violates any provision of this subsection 9-604(8).

(9) Reporting Requirements.

(a) Any person who holds a Garbage Collection License, a Waste Collection License, or a Recyclable Material Collection License shall make reports, at periods and in the detail specified by regulations of the Department, as to the type, amounts, source and destination of material handled.

(10) Reserved.]

(11) Penalties and Forfeitures.

City of Philadelphia

BILL NO. 171121 continued

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[(a) Except as otherwise set forth in this subsection 9-604(11), the penalty for violation of any provision of this Section shall be as set forth in Section 9-105.

(b) Each day of continued violation of any provision of this Section 9-604 constitutes a separate violation upon which the maximum fine may be imposed.]

[(c)] (a) A person whose Garbage Collection License, Waste Collection License, Recyclable Material Collection License, or Collection Vehicle License has been revoked may not reapply for any such new license for a period of one (1) year from the time of the first revocation, for a period of two (2) years from the time of the second revocation, and for a period of five (5) years from the time of the third and subsequent revocations.

[(d) Any contractor or vendor doing business with the City of Philadelphia who violates Section 9-604(2) hereof, or any successor provision thereto, shall forfeit his right to payment due on any contract with the City in an amount not to exceed the City's estimate of the cost of proper removal and disposal of the illegally disposed refuse.

(i) Any person aggrieved by such an order may file an appeal within ten (10) days of issuance of the order to the Licenses and Inspections Board of Review.]

* * *

SECTION 2. This Ordinance shall be effective immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate matter added.

City of Philadelphia

BILL NO. 171121 continued

Certified Copy

City of Philadelphia

BILL NO. 171121 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 1, 2018. The Bill was Signed by the Mayor on March 14, 2018.



Michael A. Decker
Chief Clerk of the City Council