



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Text

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Amending Chapter 10-700 of The Philadelphia Code, entitled "Refuse and Littering," by adding a new Section, authorizing the Department of Streets to promulgate regulations regarding the proper disposal of refuse, rubbish, garbage and recyclable materials set out for collection and to issue notices of violation for the improper disposal of such items, and establishing standards of review for hearings on violations, 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:

CHAPTER 10-700. REFUSE AND LITTERING.

* * *

§ 10-726. [Reserved.] *Disposal of Curbside Refuse, Rubbish, Garbage and Recyclable Materials.*

(1) *Regulations.* The Department of Streets may promulgate regulations for the proper disposal of refuse, rubbish, garbage and recyclable materials, set out at curbside or other pick-up locations for collection by the City or any other collector. This Section is not intended to apply to disposal or collection regulated under Section 10-710 (Dumping of Debris and Short Dumping), 10-722 (Use of Dumpsters) or 10-724 (Commercial Sector Waste Management and Recycling).

(2) *Enforcement.* Enforcement of this Section shall be pursuant to Section 10-718, except as follows:

(a) All notices of violation shall bear, in addition to the requirements of Section 10-718(2), a statement indicating whether evidence containing the address of the property in violation was found among the refuse, rubbish, garbage or recyclable materials.

(b) *Proof of Violation.* In determining whether a violation has occurred, the following factors shall be considered in any judicial enforcement proceeding conducted pursuant to Section 10-718 and in any review process conducted prior thereto by the Office of Administrative Review or any other City agency:

(i) The manner in which the refuse, rubbish, garbage or recyclable materials were set out for collection and whether they were in appropriate containers or bags;

(ii) Whether the refuse, rubbish, garbage or recyclable materials were sitting at the curbside or other pick up location for the property that received the notice of violation;

(iii) Whether a writing or other evidence, containing the address of the property in receipt of the notice of violation, was found among the refuse, rubbish, garbage or recyclable materials and whether such evidence or a photograph thereof was submitted;

(iv) The timeliness of the issuance of any notice of violation; and

(v) Such other evidence as appropriate.

SECTION 2. This Ordinance shall become effective immediately upon becoming law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.