

Legislation Text

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Amending Chapter 11-600 of The Philadelphia Code, entitled "Construction, Encroachments and Projections Over, On and Under Streets," by adding Section 11-610, entitled "Construction Equipment," to require anyone placing any form of construction equipment, including dumpsters, trailers, fences and scaffolding, within the public right-of-way to obtain a permit; providing for conditions for obtaining permits; and authorizing the Department of Streets to establish conditions for obtaining such permits; all under certain terms and conditions. *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 11-600 of The Philadelphia Code is amended as follows:

CHAPTER 11-600. CONSTRUCTION, ENCROACHMENTS  
AND PROJECTIONS OVER, ON AND UNDER STREETS

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§11-610. *Construction Equipment.*

(1) *Definitions.*

(a) *The term "construction equipment" shall mean any construction dumpster, trailer, fencing, scaffolding, boom or lift, shelter platform or any other similar piece of equipment or machinery used in connection with any demolition, construction, cleaning, painting, building repair or similar process. It shall not include a motor vehicle licensed under the Pennsylvania Motor Vehicle Code.*

(b) *The term "construction dumpster" shall mean any container larger than a household trash can designed for the storage of any manner of waste, refuse or debris, not including any dumpster licensed pursuant to Section 10-722 or any other provision of this Code.*

(2) *No person shall place or maintain in the public right-of-way, or lease for the purpose of placement in the public right-of-way, a construction dumpster for any purpose unless a construction dumpster license specifically applicable to such dumpster has been issued by the Department of Licenses and Inspections. A copy of such license shall be affixed at all times to any construction dumpster located within the public right-of-way.*

(3) *The owner of a construction dumpster shall obtain such a license by providing the Department of Licenses and Inspections with identifying information regarding the dumpster and any additional information required by the Department by regulation. The annual fee for such license is \$60.00 per construction dumpster to be located in the public right-of-way.*

(4) *No person, including the owner of the equipment, shall place, maintain, or cause to be placed any construction equipment, including any construction dumpster, in the public right-of-way unless a permit has been obtained from the Department of Streets valid for such time period as determined by the Department*

*of Streets. The Department of Streets is authorized to promulgate regulations governing the terms and conditions for the issuance of such permits.*

*(5) No person, including the owner of the equipment, shall place, maintain, or cause to be placed any construction equipment, including any construction dumpster, in the public right-of-way unless reflectors or similar devices designed to notify or warn drivers and pedestrians of the presence of such equipment have been affixed to the equipment. The Department of Streets shall promulgate regulations governing the size and format of such devices.*

*(6) The Department of Streets may provide exemptions from the permitting requirement of this Section to construction equipment placed in a protected construction site in connection with which a contractor has received a general permit to close the right-of-way, as further defined by regulation.*

*(7) Notwithstanding the provisions of subsection 11-609(2)(a), a notice of violation written in connection with this Section may direct immediate compliance with this Section. Abatement of the violation by the City may commence within a period of not less than 3 days from the date of service of the notice. In addition to any other form of service permissible under this Code, service of notice of such violation is satisfied by posting on the construction equipment in violation of this Section.*

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**Explanation:**

*Italics indicate new matter added.*