

Legislation Text

File #: 130016, Version: 1

Amending Section 10-722 of The Philadelphia Code, entitled "Use of Dumpsters," by revising certain requirements for dumpsters and making technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-722 is hereby amended to read as follows:

CHAPTER 10-700. REFUSE AND LITTERING

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§ 10-722. Use of Dumpsters.

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(1) Definitions. In this Section, the following definitions shall apply:

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(c) Dumpster. Any container for refuse or recyclable [materials] *materials, whether located on private property or in the public right-of-way*, that is serviced by a Provider and [is] designed for repeated reuse. Does not include a container serviced by the City of Philadelphia or a construction dumpster.

(.1) Dumpster on Private Property. A dumpster stored indoors or outdoors on private property that may cross the public right-of-way for pick-up but may not be stored there for pick-up or any other purpose for any period of time.

(.2) Dumpster in the Public Right-of-Way. A dumpster placed or stored in the public right-of-way.

(d) Licensee. A person licensed under this Section to make use of a dumpster to store refuse or recyclable materials generated at property under his or her control.

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(2) License and Medallion Requirement; Prohibited Locations.

(a) No person shall make use of [a] *any* dumpster to store refuse or recyclable materials unless such dumpster is licensed under this Section.

(b) No person shall place a dumpster in service at any location unless there is a validly issued

medallion affixed to the dumpster.

(c) No dumpster shall be placed in a location other than as authorized by the license for such dumpster.

(d) No license shall be issued for a dumpster *in the public right-of-way* at any of the following locations:

(i) [In any public right-of-way within] *Within* [an Area Shopping Center District] *a CA-2, Auto-Oriented Commercial District*, as defined in [§ 14-309] *§14-402(1)(c)(.7)*.

(ii) At any location the Streets Department determines will unduly interfere with the public right-of- way.

(3) License Applications; Medallions.

(a) Application for a dumpster license shall be made by a person who proposes to make use of a dumpster to store refuse or recyclable materials. Application shall be made on a form provided by the Department, which application shall include:

* * *

(iv) If the *application is for a license for a dumpster that* is to be placed in the public right-of-way, documentation of what alternative methods of refuse storage were considered prior to the applicant seeking the license;

* * *

(b) The Department shall issue the license if all requirements of this Section are met, and, if the [applicant proposes to place the dumpster in the right-of-way, if] *application is for a dumpster in the public right-of-way*, the Streets Department advises the Department that it approves of the proposed location of the dumpster.

(c) The Department, upon issuing the license, shall also issue to the licensee (or, if the licensee requests, and the provider agrees, to the provider) a medallion that uses UHF radio frequency technology, or such other technology approved by the Department by regulation, to electronically transmit: (1) the license number; (2) the name and telephone number of the licensee; (3) the name and telephone number of the provider; (4) the approved location of the dumpster; and (5) such other information as the Department requires.

(d) License and Medallion Fees.

(i) For a dumpster *on private property* not placed in the public right-of-way, [the annual] *there shall be a one time* license fee [shall be:] *in the amount of* (i) eighty dollars (\$80) for a dumpster with a capacity less than one (1) cubic yard; and (ii) one hundred fifty dollars (\$150) for a dumpster with a capacity of one (1) cubic yard or greater; provided that the fee for a dumpster for which a provider has agreed to provide recycling service, rather than regular refuse disposal service, and which is used for such purpose, shall be 50% of the regular dumpster fee.

(ii) For a dumpster [placed] in the public right-of-way, the annual license fee shall be: two hundred dollars (\$200) for a dumpster with a capacity of less than one (1) cubic yard; and five hundred dollars (\$500) for a dumpster with a capacity of one (1) cubic yard or greater; provided that the fee for a dumpster for which a provider has agreed to provide recycling service, rather than regular refuse disposal service, and which is used for such purpose, shall be 50% of the regular dumpster fee.

(iii) Medallions issued to replace a lost medallion or a medallion that has ceased to function shall be issued at a fee, as determined by the Department by regulation, necessary to compensate the Department for the cost of producing and issuing the replacement medallion.

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(4) Duties of Licensees.

(a) Any dumpster [located outdoors] on private property *that is located outdoors* shall be enclosed according to regulations issued pursuant to Title 4, Subcode B, Section B-421 of this Code.

(b) Licensees generating grindable garbage shall equip their premises with garbage disposal units which shall be used to dispose of all grindable garbage [which is] not collected for composting or for farm livestock feed.

* * *

(h) No dumpster shall be used if a medallion is not properly affixed or if the licensee knows that the medallion is not operational. The licensee shall obtain a replacement medallion for a non-working medallion, which shall be affixed to the dumpster, before the dumpster is put back into use.

(5) Duties of Providers.

(a) A provider may only service a dumpster or place a dumpster in service if the dumpster is (i) licensed and (ii) has a validly issued medallion affixed to it;

(b) After servicing a dumpster, the provider shall see to it that:

- (i) The lid is left securely closed;
- (ii) The drainage hole, if any, is left securely plugged; and
- (iii) The medallion remains affixed to the dumpster.

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(6) Joint Duties of Licensees and Providers. A licensee and a provider shall each be responsible for the following:

* * *

(b) All [dumpster units placed] *dumpsters* [in the public right-of-way] shall be cleaned and

sanitized at least once every six (6) months, or more often if either the Department or the Public Health, Fire, Police, or Streets Department orders, at a location approved by the Streets Department.

(c) For a dumpster [located] in the public right-of-way, a bond or other specified security shall be posted in such type and amount as may be required by regulation of the Streets Department to ensure compliance with the requirements of this Section.

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(e) The absence of a medallion on a dumpster or significant damage to a medallion suggesting the medallion is inoperable, shall be reported to the Department of Streets.

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SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.