

Legislation Details (With Text)

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File created:	2/26/2009	In control:		Committee on Streets and Services	
On agenda:		Final action:		10/8/2009	
Title:	Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled "Use of Dumpsters"; amending Section 9-604, entitled "Refuse Collection," to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled "Construction Materials," to revise the provisions regulating construction dumpsters and Section 11-609, entitled "Administrative Provisions," to increase the fines for violations of Section 11-605; all under certain terms and conditions.				
Sponsors:	Councilmember Green, Councilmember DiCicco, Councilmember Sanchez, Councilmember Miller, Councilmember Greenlee, Councilmember Jones, Councilmember Krajewski, Councilmember Reynolds Brown, Councilmember Rizzo, Councilmember Kelly				
Indexes:	REFUSE AND LITTERING				
Code sections:	10-722 - Use of Dumpsters				
Attachments:	1. CertifiedCopy090123-AAA04.pdf				

Date	Ver.	Action By	Action	Result	Tally
10/21/2009	4	MAYOR	SIGNED		
10/8/2009	4	CITY COUNCIL	READ		
10/8/2009	4	CITY COUNCIL	PASSED	Pass	14:2
10/1/2009	4	CITY COUNCIL	AMENDED		
10/1/2009	4	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
10/1/2009	3	CITY COUNCIL	READ		
9/24/2009	3	CITY COUNCIL	AMENDED		
9/24/2009	3	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
9/24/2009	2	CITY COUNCIL	READ		
6/11/2009	2	CITY COUNCIL	AMENDED		
6/11/2009	2	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
6/11/2009	1	CITY COUNCIL	READ		
6/4/2009	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		

6/4/2009	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass
6/4/2009	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR	
6/3/2009	0	Committee on Streets and Services	HEARING NOTICES SENT	
6/3/2009	1	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED	
6/3/2009	0	Committee on Streets and Services	AMENDED	
6/3/2009	0	Committee on Streets and Services	HEARING HELD	
3/24/2009	0	Committee on Streets and Services	HEARING NOTICES SENT	
3/24/2009	0	Committee on Streets and Services	RECESSED	
3/24/2009	0	Committee on Streets and Services	HEARING HELD	
2/26/2009	0	CITY COUNCIL	Referred	
2/26/2009	0	CITY COUNCIL	Introduced	Pass

Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled "Use of Dumpsters"; amending Section 9-604, entitled "Refuse Collection," to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled "Construction Materials," to revise the provisions regulating construction dumpsters and Section 11-609, entitled "Administrative Provisions," to increase the fines for violations of Section 11-605; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-604 of The Philadelphia Code is hereby amended to read as follows:

§9-604. Refuse Collection.

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

* * *

(g) [Dumpster. Any container for refuse or recyclable materials including a trash compactor used in the course of doing business to store refuse with a gross volume of more than one (1) cubic yard used by any person licensed pursuant to this Section in the conduct of licensee's business.] *Reserved.*

* * *

(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).

* * *

(c) All licenses shall be conditioned upon continued compliance with Section 9-604(5)(b), [and] 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).

* * *

(c) All licenses shall be conditioned upon continued compliance with Section 9-604(6)(b), [and] 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. * * *

* * *

(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.

* * *

(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.

* * *

[(10) Dumpsters.

(a) Every person licensed pursuant to this Section who owns, rents or controls dumpsters used for the storage of refuse shall[:]

[(i) Only use dumpster units that are constructed of fire resistive metal, the lids of which are securely attached to the body of the dumpster and when closed, form a secure seal. The lid(s) must be securely closed immediately after the unit is emptied. There shall be no holes in the bottom of the dumpster except for a drainage hole, which must be kept plugged when dumpster is not being cleaned.]

[(ii) Place and maintain on the outside of each dumpster, in legible letters and numerals not less than one (1) inch in height, the licensee's name, or the company logo of the licensee and telephone number and a unique number for each dumpster for identification purposes.]

[(iii) Keep all dumpster units well painted, in good repair, free of offensive odors and clean. All dumpster units placed in the public right of way shall be cleaned and sanitized no less than once every six (6) months or more often, if either the Department of Public Health, Fire, Police, Streets, or Licenses and Inspections so instruct, at a location approved by the Streets Department.]

[(iv) Maintain a ledger or log of all cleanings which record shall be subject to inspection by the Departments of Public Health, Fire, Police, Streets, or Licenses and Inspections.]

[(v) Notify customers of the legal responsibilities of persons licensed pursuant to Section 9-604.]

[(vi) Only place dumpsters on City cartways or roadways, sidewalks or public alleyways if the customer for whom the refuse is being collected produces a valid license issued by the Department of Licenses and Inspections after approval by the Streets Department. If a dumpster is found in an unlicensed location, there shall be a presumption that the person licensed pursuant to this Section (private waste collector) knew that the location of the dumpster was unauthorized.]

[(vii) Post a bond or such other security as may be required for those dumpsters located on the public right of way to ensure compliance with this legislation in an amount to be determined by regulation of the Streets Department.]

[(viii) No licensee shall collect refuse from any unit between the hours of 9:00 PM and 7:00 AM.]

[(b) The appropriate City department shall promulgate such other rules or regulations as it deems desirable to implement this Section.]

[(c) The provisions of this subsection, with the exception of (7)(a)(ii), shall not apply to dumpsters used exclusively for the collection of construction and demolition debris.]

(11) Penalties and Forfeitures.

* * *

[(b) The penalty for violation of any provision of subsection 9-604(10) shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation, or such

equitable remedy as the Court may deem proper, including, without limitation, an order to remove or clean the dumpster.

(i) Each day a violation continues or is permitted to continue shall constitute a separate offense for which a separate penalty may be imposed.

(ii) All fines and costs imposed by the Court shall be entered as a judgment against the violator.

(iii) Anyone who fails to abate a violation within thirty (30) days of being found liable under this subsection shall have his or her license issued pursuant to this Section revoked for a period of five (5) days and shall immediately be permitted to reapply for a new license.

(c) In addition to any fine or penalty which may be imposed for violation of subsection 9-604(10), the Streets Department, through the "Streets and Walkway Environmental Enforcement Program ("SWEEP"), may enter an order requiring the person licensed pursuant to this Section to move the dumpster to a licensed location or to remove it within ten (10) days and providing for removal by the Streets Department at the expense of the person licensed pursuant to this Section in the event of non-compliance. If the identity of the owner of the dumpster cannot be ascertained, notice may be affixed to the dumpster.]

[(d)] (b) * * *

[(e)] (c) A person whose Garbage Collection License, Waste Collection License, Recyclable Material Collection License, or Collection Vehicle License has been revoked [, except pursuant to subsection 9-604(11)(b)(iii),] 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.

[(f)] (d) * * *

[(ii) An appeal shall stay any enforcement action unless the dumpster poses an immediate danger to the health or safety of the general public, in which case the Department may remove the dumpster on an emergency basis.

(iii) A person who fails to appeal or who loses an appeal may recover the dumpster upon payment to the Streets Department of the cost of storage and removal.]

* * *

SECTION 2. Section 10-722 of The Philadelphia Code is hereby repealed, and a new Section 10-722 is hereby added, to read as follows:

§10-722. Use of Dumpsters.

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

(a) *Construction dumpster. As defined under Section 11-610.*

(b) *Department. The Department of Licenses and Inspections.*

(c) *Dumpster. Any container for refuse or recyclable materials 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.*

(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.*

(e) *Provider. A business that services a dumpster.*

(2) *License and Medallion Requirement; Prohibited Locations.*

(a) *No person shall make use of a 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 at any of the following locations:*

(i) *In any public right-of-way within an Area Shopping Center District as defined in §14-309.*

(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:*

(i) *The name and address of the applicant, and the name and address of the business that will be making use of the dumpster, if different from the applicant;*

(ii) *The proposed location of the dumpster;*

(iii) *The name and address of a business licensed under §9-604 that will be servicing the dumpster;*

(iv) *If the dumpster 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;*

(v) *Identification of whether the dumpster is to be used to store refuse or recyclable materials; and*

(vi) *Such other information as the Department may require.*

(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 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 not placed in the public right-of-way, the annual license fee shall be: eighty dollars (\$80) for a dumpster with a capacity less than one (1) cubic yard; and 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.*

(e) *Licensees shall be ineligible for renewal of a dumpster license, and shall be subject to license revocation, if such licensee has been ordered to pay a fine or fines in an amount of \$300 or more and such fine remains unpaid more than 10 days after all appeals from such order have been exhausted.*

(4) *Duties of Licensees.*

(a) *Any dumpster located outdoors on private property 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.

(c) Licensees shall place all non-grindable garbage in bags designed to hold garbage without leaking or in other sealable containers designed to hold garbage before placing it in a dumpster.

(d) Licensees shall arrange to have a dumpster emptied at least once every week unless it contains non-grindable garbage, in which case the dumpster shall be emptied at least every three (3) days or more often if required by the Department or by order of the Health, Fire, Police, or Streets Departments.

(e) Licensees shall keep dumpster lids tightly secured except when in use, and shall keep the area around the dumpster clean and free of any refuse, non-grindable garbage, spillage or overflow.

(f) Nothing in this Section shall be deemed to prohibit an arrangement for collection of garbage for composting or for use as farm livestock feed, provided that such collections are conducted a minimum of twice per week, such garbage is kept in tightly closed and secured containers, and the area around such containers is kept clean and free of any overflowing refuse, garbage, or spillage.

(g) Licensees shall use dumpsters in compliance with all applicable provisions of §10-724 ("Commercial Sector Waste Management and Recycling") and all other laws relating to recycling. No licensee shall place, or allow to be placed, any refuse in a dumpster licensed as a recycling dumpster other than materials designated by the provider as recyclable.

(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.

(c) No provider shall service a dumpster licensed for storage of recyclable materials that is used to store non-recyclable refuse.

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

(a) All dumpsters shall:

(i) be kept in good repair, free of offensive odors, and clean;

(ii) be constructed of fire resistive metal, except that a dumpster with a capacity of less than one-half cubic yard may be constructed of plastic if it complies with any and all specifications adopted by the Department by regulation, and except that the lid of any dumpster may be plastic;

(iii) have a lid which is securely attached to the body of the dumpster and that when closed forms a secure seal;

(iv) have no holes in the bottom except for a drainage hole, which shall be equipped with a secure plug;

(v) if painted, have paint that is kept in good condition; and

(vi) be kept free of graffiti, provided that the enforcement provisions of Section PM-311 of Title 4 shall apply.

(b) All dumpster units placed 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.

(d) No dumpster shall be serviced between the hours of 9:00 p.m. and 7:00 a.m.

(i) In addition to the prohibited hours set forth in subsection (d), no licensee shall permit a dumpster on City avenue, from Forty-seventh street to Belmont avenue, east side, to be serviced between 8:00 p.m. and 9:00 p.m. or between 7:00 a.m. and 8:00 a.m. without the prior written permission of the Department of Streets, which shall grant such permission only if there is strong evidence that traffic or other right-of-way considerations require collection during those prohibited hours.

(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.

(7) Enforcement.

(a) Any person who violates any provision of this Section shall be subject to the enforcement measures, fines and forfeitures specified in §§10-718 and 10-719.

(b) The Department of Streets is authorized to adopt regulations concerning enforcement of the joint duties set forth in subsection (6).

(8) *Limits on Private Refuse Collection Using Bags.*

(a) The Department of Streets may by regulation establish limits on the private collection of refuse and recycling materials by the set out of bags not placed in a dumpster.

SECTION 3. Sections 10-718 and 10-719 of The Philadelphia Code are hereby amended to read as follows:

§10-718. Enforcement.

* * *

(3) Any person who receives a notice of violation, except a notice of violation of §10-710, §10-711, §10-722, §10-723, §10-723.1, or §10-723.2 may, within ten (10) days, pay the amount of twenty-five (25) dollars, admit the violation and waive appearance before a Municipal Court Judge. Any person who receives a notice of violation of §10-711, §10-723, §10-723.1, or §10-723.2 may, within ten (10) days, pay the amount of one hundred (100) dollars, admit the violation and waive appearance before a Municipal Court Judge. *Any person who receives a notice of violation of §10-722 may, within ten (10) days, pay the amount of one hundred fifty dollars (\$150), admit the violation and waive appearance before a Municipal Court Judge.* The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment. No such stipulated payment shall be permitted in the case of a person who receives a notice of violation of §10-710.

§10-719. Penalties.

(1) The penalty for violation of any provision of this Chapter, except §10-710, §10-711, §10-722, §10-723, §10-723.1, or §10-723.2 shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation.

* * *

(6) *The penalty for a violation of §10-722 shall be a fine of at least three hundred dollars (\$300) and no more than one thousand five hundred dollars (\$1,500) for each violation. A violation shall subject the violator to such equitable remedy as the Court may deem proper, including, without limitation, an order to remove or clean a dumpster.*

(7) *The City may seize any dumpster located in the public right-of-way that is not validly licensed under §10-722. If the owner of such dumpster can be identified and appropriate contact information is readily available, 24 hours notice of intent to seize the dumpster shall be provided before seizure. Such dumpster shall be returned to the owner upon payment of: (i) the costs incurred by the City in seizing, transporting and storing such dumpster; and (ii) payment of a fine of one thousand five hundred dollars (\$1,500), provided that the*

owner shall be entitled to recovery of the dumpster pursuant to the procedures set forth in Code Section 12-2406.

(8) Upon certification by the Department of Streets of adoption of an electronically-based notification system for immediate notification of the City's determination of violations, notices of violation of Section 10-722 served upon those who have provided an electronic address for notification purposes shall be served by such electronic means.

[(6)] (9) Each day a violation continues or is permitted to continue shall constitute a separate offense for which a separate penalty may be imposed.

[(7)] (10) Any fine or costs imposed by the court shall be entered as a judgment against the violator.

[(8)] (11) Any fine or other sanction imposed by the Court shall be paid or satisfied within ten (10) days of its imposition. If the fine or sanction together with any court cost is not paid or satisfied within such period, the violator shall be subject to proceedings for contempt of court and/or collection of the fine as provided for by law.

SECTION 4. Chapter 11-600 of The Philadelphia Code is hereby amended to read as follows:

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

* * *

§ 11-609. Administrative Provisions.

* * *

(3) Penalties. In addition to any other sanctions or remedial procedure, the penalty for violation of any of the provisions of this Chapter shall be a fine of not more than three hundred (300) dollars for each offense, and an additional fine of not more than one hundred (100) dollars for each day the violation continues after the expiration of the time allowed for compliance, *except that for any violation of §11-610 that involves a construction dumpster, the penalty shall be a fine of at least three hundred dollars (\$300) and no more than one thousand five hundred dollars (\$1,500) for each offense and for each day the violation continues.*

(4) *A violator of this Chapter shall be subject to such equitable remedies as a court may determine appropriate.*

(5) Upon certification by the Department of Streets of adoption of an electronically-based notification system for immediate notification of the City's determination of violations, notices of violation of Section 11-610 served upon those who have provided an electronic address for notification purposes shall be served by such electronic means.

§ 11-610. Construction Equipment.

(1) Definitions.

* * *

(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, *used in connection with any demolition, construction, cleaning, painting, building repair or similar process and serviced by a private waste hauler.*

(2) No person shall place or maintain *on private property or* in the public right-of-way, or lease for the purpose of placement *on private property or* 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.

(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] \$75.00 per construction dumpster. [to be located in the public right-of-way.] *The Department, upon issuing the license, shall also issue to the licensee 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; and (3) such other information as the Department requires. When the owner has obtained a “fleet license” pursuant to regulations established by the Department of Streets, the Department shall issue multiple medallions pursuant to the terms of the regulations, provided that the fee for a fleet license shall be \$75.00.*

(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, which may provide for fees for the issuance of such permits.

* * *

(6) *Additional Duties of Construction Dumpster Owners and Users. In addition to any other duties set forth in this Code or by regulation, owners of construction dumpsters and users of construction dumpsters shall have the following duties:*

(a) *Duties of Licensee. A licensee shall:*

(.1) provide the Department of Streets with notification of placement of any construction equipment in the right of way, including provision of the corresponding right-of-way permit number, within one hour of such placement, through web-based electronic notification or such other manner as shall be established by the Department by regulation;

(.2) not place a construction dumpster in service unless the dumpster is licensed and has a validly issued medallion affixed to it. 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 in use. 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 of Licenses and Inspections by regulation, necessary to compensate the Department for the cost of producing and issuing the replacement medallion;

(.3) maintain the construction dumpster free of graffiti, provided that the enforcement provisions of Section PM-311 of Title 4 shall apply; and

(.4) maintain the construction dumpster in good repair, including by maintaining the paint of any painted dumpster in good condition.

(b) Duties of Dumpster User. A construction dumpster user shall:

(.1) keep the area around the dumpster clean and free of any refuse or overflow;

(.2) comply with regulations applicable to covering the dumpster when not in use;
and

(.3) report the absence of a medallion, or significant damage to a medallion suggesting the medallion is inoperable, to the Department of Licenses and Inspections.

[(6)] (7) * * *

[(7)] (8) 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. *The City may seize any construction dumpster located in the public right-of-way that is not validly licensed and permitted under this Section. If the owner of such dumpster can be identified and appropriate contact information is readily available, 24 hours notice of intent to seize the dumpster shall be provided before seizure. Such dumpster shall be returned to the owner upon payment of: (i) the costs incurred by the City in seizing, transporting and storing the dumpster; and (ii) payment of a fine of one thousand five hundred dollars (\$1,500), provided that the owner shall be entitled to recovery of the dumpster pursuant to the procedures set forth in Code Section 12-2406.*

(9) A licensee under this Section shall be subject to license revocation, and shall ineligible for renewal of a license, if such licensee has been ordered to pay a fine or fines in an amount of \$300 or more and such fines remain unpaid more than 10 days after all appeals from such order have been exhausted.

SECTION 5. Effective Date; Transition.

(a) This Ordinance shall take effect December 31, 2009, except:

(i) the addition of Subsections 10-722(2)(b); 10-722(3)(c); 10-722(4)(h); 10-722(5)(a)(ii); 10-722(5)(b)(iii); 10-722(6)(e); 11-610(6)(a)(.2); and 11-610(6)(b)(.3) to the Code, and the addition of the provisions of subsection 11-610(3) regarding the issuance of medallions, shall be effective July 1, 2010;

(ii) the amendments to sections 10-718, 10-719 and 11-609 shall be effective July 1, 2010;

(iii) the licensing requirements of Section 10-722 added by this ordinance shall not apply with respect to dumpsters smaller than one cubic yard until July 1, 2010; and

(iv) any City department may promulgate any regulations necessary or desirable to implement this Ordinance upon its adoption into law.

(b) A license for a dumpster that is not placed in the right-of-way that was issued before December 31, 2009 shall be ineffective after July 1, 2010.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.