

Legislation Text

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**File #:** 150079-AA, **Version:** 3

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Amending Title 9 of The Philadelphia Code, entitled "Regulation Of Businesses, Trades And Professions," by adding a new Chapter providing for the licensing and regulation of donation bins, establishing penalties, and making conforming amendments and technical changes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

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

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-100. GENERAL PROVISIONS.

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§ 9-105. Penalties. (1) Except as otherwise provided in Chapters 9-600, 9-702, 9-800, 9-900, 9-1000, 9-1100, [9-1200 and] 9-1200, 9-1600, 9-4000 and 9-4100, Sections 9-604, 9-622 and 9-623 of this Title, and Section 11-707(1) of Title 11, any person who violates any provision of this Title or any regulation adopted hereunder shall, in addition to any other penalty indicated in this Title, pay a fine of no less than one hundred fifty (150) dollars nor more than three hundred (300) dollars.

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*CHAPTER 9-4100. DONATION BINS.*

§ 9-4101. *Definitions.*

(1) *Donation Bin.* A closed container that has an opening through which new or used clothing and other donated items can be deposited and stored temporarily.

(2) *Property owner.* The owner of the property on which a donation bin is located.

§ 9-4102. *Permitted Use of Donation Bins.*

(1) *No person shall place or allow to be placed a donation bin on any property unless:*

(a) *The location satisfies the requirements of Section 9-4103 and no more than two (2) donation bins are placed on the same property;*

(b) *The property owner or the property owner's authorized agent has provided written permission to the owner or operator of the donation bin for the placement of the donation bin on the property; and*

(c) *The donation bin is maintained in compliance with, and meets all other requirements of, this Chapter.*

(2) *The property owner or the property owner's authorized agent may remove a donation bin from its property, if placed without permission, or if the donation bin fails to meet any other requirements of this Chapter.*

§ 9-4103. *Permitted and Prohibited Locations.*

(1) *No person shall place or cause to be placed a donation bin in the public right-of-way.*

(2) *A donation bin shall be permitted only on property that is zoned commercial or has been approved for a commercial use, provided that the bin is not placed within five hundred (500) feet of any residential use.*

(3) *A donation bin shall be placed so that it is visible from the public right-of-way.*

(4) *No donation bin shall be placed within twenty (20) feet of any building nor within twenty (20) feet of the public right-of-way.*

(5) *No donation bin shall be placed within twenty (20) feet of any driveway, intersection, or in a location which would interfere with sight lines for circulation of vehicles or passage of pedestrians.*

§ 9-4104. *Requirements. No property owner shall permit a donation bin to be placed or to remain on its property unless the donation bin complies with the following requirements:*

(1) *Printed visibly and prominently in clear and legible characters, not less than two inches high, on the front or side of the donation bin shall be: (i) the name, address and telephone number of the owner or operator of the donation bin and of the property owner or property owner's authorized agent; and (ii) whether the owner or operator of the donation bin is a for profit or non-profit organization.*

(2) *Each donation bin shall be constructed of metal or other non-combustible material, have a receiving door for the deposit of clothing or other donated items, shall be locked, and shall be constructed in a manner that prevents any person, other than the owner or operator, from accessing the contents of the bin.*

(3) *Each donation bin shall be regularly emptied and maintained so that the area surrounding the donation bin remains free and clear of any clothing, other donated items and debris.*

(4) *A warning sign, prohibiting dumping, shall be posted in a visible location on or near the donation bin and shall include a statement providing that violators are subject to fines up to \$5,000 and other penalties.*

(5) *No signs or advertising shall be permitted on a donation bin, other than the information required by subsections 9-4104(1) and (4).*

(6) *Donation bins shall be kept free of graffiti.*

§ 9-4105. *Enforcement and Penalties.*

(1) *The property owner and the owner or operator of the donation bin shall be liable for any violation of the provisions of this Chapter. Notices of violations shall be issued in accordance with Section 1-112 of this Code.*

(2) *Removal. Whenever a violation made subject to an order of a code enforcement officer pursuant to this Section is not corrected, the officer may order the property owner to remove the donation bin. If the property owner has failed to remove the donation bin within the time specified by the Department, the Department, in addition to invoking any other sanction or penalty under this Code, shall be authorized to remove or have the donation bin removed, charge the costs (including administrative costs) thereof to the violator, and with the approval of the Law Department collect the costs from the property owner or donation bin owner by lien or otherwise. If the Department determines that a donation bin in violation of this Chapter also constitutes a threat to public safety, it may remove the bin within five (5) days of such determination, after making its best efforts to give reasonable notice to the property owner or bin owner.*

(3) *Penalties. A violation of any provision of this Chapter shall constitute a Class II offense under Section 1-109. Each day of operation in violation of this Chapter shall constitute a separate offense.*

SECTION 2. This Ordinance shall take effect 30 days after it becomes law.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.