

Legislation Text

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Amending Chapter 10-700 of The Philadelphia Code, entitled "Refuse and Littering," to further define short dumping and related violations and to revise penalties and remedies related to such offenses, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is hereby amended as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-700. REFUSE AND LITTERING

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§ 10-710. Dumping of Debris and Short Dumping.

(1) No person shall deposit, dump or cause to be placed any *litter, trash, garbage*, municipal waste, recyclable materials, or debris on *or at*:

(a) *any road, street, highway, alley, public park or plaza, other public place, railroad right-of-way or into the waters of the City, except in a clearly defined public trash receptacle;*

(b) *[location] the private property of another person without the prior written consent of the owner of such location and all required licenses and permits;*

(c) *the person's own property without all required licenses and permits.*

(2) A violation of [this] subsection (1) that is also a violation of subsection [(2)] (3) may be prosecuted as a violation of subsection [(2)] (3).

[(2)] (3) No owner or operator [, or an agent of either,] of a trash, garbage or debris collection vehicle, including private automobiles and small trucks, or any other type of vehicles used to collect or transport trash, garbage or debris, *or an agent of any such owner or operator*, shall knowingly deposit or cause to be deposited the vehicle's load or any part thereof [on any road, street, highway, alley or railroad right-of-way, or on the land of another or into the waters of the City without both the permission of the owner and all necessary licenses and permits] *in a manner that violates subsection (1) of this Section.*

(4) *The depositing or dumping of any single large item of debris, such as a tire, auto part, mattress, appliance or bag of debris or trash with a capacity of more than 5 gallons shall be a separate offense under*

this Section.

(5) *A person, including any business or agent of a business, who engages, through a contract, employment or other manner, another person to remove waste who causes or permits a violation of this Section 10-710 shall be liable for such violations of this section and shall be subject to all penalties applicable to such violation.*

* * *

§ 10-719. *Penalties and Remedies.*

* * *

(2) The penalty for violation of subsection 10-710(1) of this Chapter shall be:

* * *

(b) such equitable remedy as the court may deem proper, including, without limitation, an order to clean up the location at which the violator dumped trash, garbage or debris or to clean up other sites where short dumping has occurred [or to pay the costs of cleanup].

(3) [Reserved.] *In addition to the liability of a property owner for a cleanup of trash, debris and waste on the owner's property, a violator of any provision of Section 10-710 (Dumping of Debris and Short Dumping) shall be jointly liable for all costs incurred by the City for cleanup where a violation has occurred. Legal interest shall accrue for any amount not paid within 30 days from the date a bill for costs incurred is provided to the violator.*

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