



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 041070

Introduced December 9, 2004

Councilmember Krajewski

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” by increasing the fines and penalties for the dumping of debris; providing for the forfeiture of any property used in such dumping; and making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-700 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

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§ 10-701. Definitions.

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(20) Short Dumping. Activity by which an 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, knowingly causes to be deposited or deposits 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.

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§ 10-710. Dumping of Debris.

(1) No person shall deposit, dump, *short dump* or cause to be placed any debris on any location without the prior written consent of the owner of such location[.] *and without having all necessary licenses and permits.*

(2) Penalties.

(a) *The penalty for violation of this Section shall be a fine of five thousand (5,000) dollars; the forfeiture of any property, including any vehicle, used in violating this Section, regardless of the value of that property; and such equitable remedy as the court may deem proper, including, without limitation, an order to clean up unlawful dump sites, or pay the costs of cleanup.*

(b) *Upon imposition of a fine or penalty against any person for violation of this Section, the Department of Licenses and Inspections shall notify the Pennsylvania Department of Transportation, in accordance with the provisions of the Act of December 1, 2004, (P.L.) No. 227, for appropriate sanctions thereunder.*

(c) *Any fine or costs imposed by the court shall be entered as a judgment against the violator.*

(d) *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 costs is not paid or satisfied within such period, the violator shall be subject to proceedings for contempt of court or collection of the fine as provided for by law, or both.*

* * *

§ 10-718. Enforcement.

* * *

(4) If a person who receives a notice of violation fails to make the prescribed payment within ten (10) days of the issuance of the notice of violation, and, in the case of the issuance of a notice of violation of § 10-710(1), a code enforcement complaint shall be issued for such violation in such manner as provided by law. *With the exception of violations of § 10-710(1), [I]* if the person named in the code enforcement complaint is found to have violated any provision of this Chapter or fails to appear on the date set for

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hearing, he shall be subject to the imposition of fines in the amounts set forth in § 10-719, plus court costs. *In the case of § 10-710(1), if a person named in a code enforcement complaint is found to have violated that Section or fails to appear on the date set for hearing, he shall be subject to the imposition of fines and penalties as set forth in §10-710(2), plus court costs.*

§ 10-719. Penalties.

1) The penalty for violation of any provision of this Chapter, except § 10-710, § 10-711, § 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. [The penalty for violation of § 10-710 of this Chapter shall be a fine of three hundred (300) dollars or such equitable remedy as the Court may deem proper, including, without limitation, an order to clean up unlawful dump sites, or both.] The penalty for violation of § 10-711, § 10-723, § 10-723.1 or § 10-723.2 of this Chapter shall be a fine of three hundred (300) dollars.

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SECTION 2. This Ordinance shall become effective immediately upon the effective date of the state enabling legislation.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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