

---

## APPENDIX B

# RELEVANT SECTIONS OF THE PHILADELPHIA CODE

---

1. TITLE 9, CHAPTER 9-600, SERVICE AND OTHER BUSINESSES, § 9-604.  
*Refuse Collection.*
2. TITLE 10, CHAPTER 10-700, REFUSE AND LITTERING.
3. Regulations Governing Municipal and Private Collection of Refuse

**§ 9-604. Refuse Collection. 719**

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

(a) *Refuse.* All discarded waste materials, consisting of the following:

(1) *Garbage.* The organic residue of both animals and vegetable matter which results from the preparation and consumption of food, and including small dead animals.

(2) *Waste: Combustibles.* Material which burns upon contact with a flame under normal conditions, including carpets, containers, excelsior, furniture, leather, linoleum, mattresses, oilcloth, paper and paper products, rags, shrubbery, Christmas trees, wallpaper, wearing apparel, and similar materials.

(3) *Waste: Non-combustibles.* Materials which cannot be incinerated, including ashes, bottles, broken glass, cans, crockery, floor sweepings, masonry, metals, yard dirt and similar materials.

(b) *Department.* Department of Streets.

(c) *Municipal Waste.* <sup>720</sup> Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Pennsylvania Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source separated recyclable materials.

(d) *Private dump or landfill.* Real property in or upon which refuse is deposited, other than when operated by the City.

(e) *Recyclable Materials.* Materials which would otherwise become solid waste that can be reprocessed and returned to the economic mainstream as raw materials or products. <sup>721</sup>

(f) *Recycling.* Any process by which recyclable materials are reprocessed and returned to the economic mainstream as raw materials or products. <sup>722</sup>

(g) *Reserved.* <sup>723</sup>

(h) *Debris.* Any material resulting from the demolition, construction, rehabilitation, or renovation of any structure, including stones, bricks, rocks, concrete, gravel or earth.

(i) *Garbage disposal unit.* Any mechanical or powered device used to reduce food waste other than grease so that it can be discharged into the sewer system of the City or into cesspools and septic tanks.

(j) *Grindable garbage.* Garbage which can normally be disposed of by the use of a garbage disposal unit.

(k) *Residual Waste.* <sup>724</sup> Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous.

(l) *Source Separated Construction/ Demolition Scrap Metal.* <sup>725</sup> Scrap metal originating from construction or demolition operations that has served its intended use and has not been commingled with any type of waste or other construction/ demolition material.

(2) *Dispose of Refuse.* <sup>726</sup> No person shall dispose of any refuse upon or in any site within the City unless such site is certified or authorized as a dump or landfill under Title 14 or any successor provisions thereto.

(3) *City Disposal Plants and Sites.* <sup>727</sup>

(a) The Department may receive any refuse for disposal in City disposal plants, landfills or other disposal sites when the origin of the refuse is within the City.

(b) The charge for receiving refuse at City plants, landfills or other disposal sites shall be ninety dollars (\$90.00) per ton or any

fraction thereof; except that no charge shall be made with respect to the first one hundred (100) tons of refuse received during any fiscal year from any religious institution or an institution of purely public charity when such refuse is hauled by vehicles owned and operated by said institutions. <sup>728</sup>

(1) Bills shall be prepared by the Department, payable to the Department of Collections.

(c) City dumps, landfills and disposal sites shall comply with the regulations of the Department of Public Health for private dumps, landfills and disposal sites.

(4) *Contracts for Garbage Collection.* <sup>729</sup>

(a) Contracts for the collection and disposal of garbage may be entered into by the Department pursuant to the provisions of Chapter 17-100.

(b) No contract shall be awarded to any garbage collector unless he has obtained a license pursuant to § 9-604(4).

(c) All contracts for the collection and disposal of garbage shall be subject to the following provisions:

(.1) The contract garbage collector shall comply with regulations issued by the Department dealing with the collection, removal and disposal of garbage.

(.2) The contract garbage collector shall indemnify the City against all claims, demands, suits or causes of action for injuries to persons or property arising from, growing out of or incident to the collection, removal and disposal of garbage.

(d) The Department may include in these contracts other provisions to protect the interests of the City.

(e) The Department may require contract garbage collectors to maintain adequate public liability and property damage insurance.

(f) The Department shall supervise the performance of the collectors under these contracts.

(5) *Penalties and Forfeitures.* <sup>746</sup>

(a) A person whose Garbage Collection License, Waste Collection License, Recyclable Material Collection License, or Collection Vehicle License has been revoked 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. <sup>747</sup>

**CHAPTER 10-700. REFUSE AND LITTERING** 152**§ 10-701. Definitions.** 153

In this Chapter the following definitions apply:

(1) *Aircraft*. Any contrivance used or designated for navigation or for flight in the air, including helicopters and lighter-than-air dirigibles and balloons.

(2) *Ashes*. The residue from the burning of wood, coal, coke, or other combustible materials.

(3) *Bulk Items*. Large household items, whether whole or in pieces, including but not limited to metal objects, items containing refrigerants, appliances, air conditioners, furniture and sofa beds. 154

(4) *Commercial Handbill*. Any printed or written matter, sample or device, circular, leaflet, pamphlet, paper, booklet, or other printed or otherwise reproduced original or copy of any matter or literature which:

(a) advertises for sale any merchandise, product, commodity, or thing; or

(b) directs attention to any business, mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(c) directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit;

(d) while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is not delivered to its final consumer by the United States Postal Service but is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor. 155

(4.1) *Debris*. Any material resulting from the construction or demolition of any structure, including wood, stones, bricks, rocks, concrete, gravel or earth.

(4.2) *Department*. The Department of Streets.

(5) *Distribution Business*. A distributor which provides commercial handbill distribution services for any other business, partnership, sole proprietorship, association or corporation. 156

(6) *Distributor*. Any business, including without limitation, a sole proprietorship, partnership, association or corporation, which directly or indirectly addresses, offers, or proposes or causes to be advertised, offered or proposed on the streets, sidewalks or other public ways any commercial transaction by means of distribution of commercial handbills as defined in § 10-701(3) above.

(7) *Garbage*. Decayable animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(8) *Litter*. Includes "garbage", "refuse", and "rubbish" as defined and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(8.1) *Municipal Waste or Waste*. Any Garbage, Rubbish, Debris, refuse or industrial, lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, but not including Recyclable Materials.

(9) *Newspaper*. Any publication, containing the name and address of its publisher, that is published and distributed at regular intervals and contains news stories, opinions, advertisements, or other items of general interest, including any periodical or current magazine regularly published with not less than four (4) issues per year and distributed to the public, provided, however, that a commercial handbill as defined in Section 10-701(3) herein shall not be considered a newspaper. 157

(10) *Non-Commercial Handbill*. Any printed or written matter, sample, device, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or other printed or otherwise reproduced original or copy of any matter or literature not included in the definition of commercial handbill. 158

(10.1) *Operator*. The owner of, and any person in control of, any Regulated Premises.

(11) *Park*. A park square, playground, beach, recreation center or other public area in the City, owned or used by the City and devoted to recreation.

(11.1) *Private Business Receptacle*. A receptacle placed by a private commercial business owner or manager at or near his or her business location for the reception of litter, including newspapers and commercial and non-commercial handbills.

(12) *Private Premises*. Any dwelling, house, building or other structure or parking lot designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

(13) *Public Place*. All streets, sidewalks, boulevards, alleys, or other public ways, and all public parks, squares, spaces, grounds and buildings.

(14) *Public Receptacle*. A receptacle placed by the City at various locations for the reception of litter other than household or commercial refuse.

(14.1) *Recyclable Materials*. Materials designated by regulation that would otherwise be disposed of or processed as Municipal Waste but which are appropriate for separation for future recovery and sale or reuse.

(14.2) *Regulated Premises*. Premises where Waste is generated, including each separate unit in a multi-unit building or complex of buildings, such as a portion of a property used for commercial purposes in a multi-use building; provided that, with respect to any residential unit within a multi-unit building or complex of buildings at which the building manager, owner, condominium association or other management entity arranges for collective removal of Waste, the building or complex of buildings as a whole, and not individual residential units thereof, shall be considered the Regulated Premises. Regulated Premises does not include exclusively residential buildings with six or fewer dwelling units.

(15) *Rubbish*. Non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including paper, wrappings, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

(16) *Snow*. Any precipitation, deposit or accumulation of snow, hail, ice and sleet on the sidewalks. 159

(17) *Vehicle*. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

### **§ 10-702. Litter in Public Places.**

(1) No person shall place or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized private receptacles.

### **§ 10-703. Placement of Litter in Receptacles.**

(1) No person shall place or deposit litter in public receptacles or in authorized private receptacles except in such a manner as to prevent it from being scattered or carried by the elements onto any street, sidewalk, other public place or upon private premises.

(2) No person shall place or deposit household or commercial refuse in any public receptacle. 160

### **§ 10-704. Litter on Sidewalks.**

(1) Persons owning or occupying private premises shall make reasonable efforts to keep the sidewalk in front of such premises free of litter.

(2) Any place of business which sells prepared or prepackaged food for takeout or consumption off the premises shall provide a receptacle for waste and a separate receptacle for recycling within ten (10) feet of the public entrance to the business during the business' normal hours of operation. 161

(3) The Department may enter into an agreement with an owner or person in control of private property not covered by subsection (2) above for the placement of waste and recycling receptacles in the right-of-way abutting such property, including such requirements as the Department may determine will promote safe, clear passage and clean streets, upon a determination by the Department that

such an agreement will be in the best interests of the City in maintaining the cleanliness of, and passage through, sidewalks and other portions of the right-of-way. 161.1

### **§ 10-705. Sweeping Litter Into Gutters.**

(1) No person shall sweep into or deposit in any gutter, street or other place the accumulation of litter from any building, lot or from any public or private sidewalk or driveway.

### **§ 10-706. Litter Thrown from Vehicles.**

(1) No person in a vehicle shall throw or deposit litter upon any street, other public place or private premises.

### **§ 10-707. Trucks Causing Litter.**

(1) No person shall operate a truck or other vehicle unless the vehicle is so constructed or loaded as to prevent its contents from falling, being blown or deposited upon any street or other public place.

### **§ 10-708. Litter in Parks.**

(1) No person shall throw or deposit litter in any park, except in public receptacles, and in such a manner as to prevent the litter from being scattered or carried by the elements onto any part of the park, upon any street or other public place. Where public receptacles are not provided, all litter shall be carried from the park by the person responsible for its presence and properly disposed of elsewhere.

### **§ 10-709. Litter in Lakes and Fountains.**

(1) No person shall throw or deposit litter in any fountain, lake, stream, or other body of water.

### **§ 10-710. Dumping of Debris and Short Dumping. 162**

(1) No person shall deposit, dump or cause to be placed any debris on any location without the prior written consent of the owner of such location. A violation of this subsection that is also a violation of subsection (2) may be prosecuted as a violation of subsection (2).

(2) 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, 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 without both the permission of the owner and all necessary licenses and permits or into the waters of the City.

### **§ 10-710.1. Reward Program for the Provision of Information Regarding Short Dumping. 163**

(1) Before or during each fiscal year, the Managing Director may announce the availability of funds during such fiscal year to pay rewards to individuals who provide information that leads to a judicial determination that one or more individuals have violated the prohibition on short dumping set forth in subsection 10-710(2) of this Code, such as license plate information and make or model descriptions of any vehicle used in connection with such a violation.

(2) The amount of each particular award shall be in the discretion of the Managing Director or his or her designee, but in no event shall the total amount awarded in connection with any violation be less than five hundred dollars.

(3) The Managing Director shall base his or her determination of the amount of any particular award on the following factors:

- (a) the extent and significance of the violation of subsection 10-710(2), based on the quantity and type of materials dumped;
- (b) the specificity and accuracy of the information provided;
- (c) whether the information provided was unique or was information provided by other individuals; 163.1

(d) whether the individual provided a sworn statement or sworn testimony in connection with the investigation or any legal proceedings related to the determination of liability.

(4) No City employee with enforcement responsibility pursuant to Chapter 10-700 of the Code, nor any governmental employee who obtains information regarding short dumping during the course of his or her employment, shall be eligible to obtain any such award.

(5) The Managing Director may establish such administrative regulations as he or she deems necessary to implement the intent of this Section.

### **§ 10-710.2. Litter Enforcement Corridors. 163.2**

(1) Pursuant to the authority granted by section 6105.2 of the Pennsylvania Vehicle Code, 75 Pa. C.S. § 6105.2, the following blocks shall be designated as Litter Enforcement Corridors, including both sides of the designated blocks:

- (a.) 2900 Block of E. Tioga Street.
- (b.) 2900 Block of Ontario Street.
- (c.) 2900 Block of Kingston Street.
- (d.) 2900 Block of Venango Street.
- (e.) 3500 Block of Bath Street.
- (f.) 5300 and 5400 Blocks of Eadom Street.
- (g.) 3500 Block of E. Allen Street.
- (h.) 2800, 2900, and 3000 Blocks of E. Hedley Street.
- (i.) 4600 Block of Pearce Street.
- (j.) 2400 and 2500 Blocks of Orthodox Street.
- (k.) 5200 Block of Devereaux Street.
- (l.) 5200 Block of Robbins Street.
- (m.) Ogontz Avenue from Stenton Avenue to Cheltenham Avenue.
- (n.) Old York Road from Ruscomb Avenue to Tabor Avenue.
- (o.) Broad Street from Ruscomb Avenue to 66th Avenue.
- (p.) N. 5th Street from Somerville Avenue to Spencer Street.
- (q.) Mansfield Avenue from Washington Lane to Stenton Avenue.
- (r.) E. Tulpehocken Street from Stenton Avenue to Mansfield Avenue.
- (s.) Rodney Street from Walnut Lane to Wynsam Street.
- (t.) Olney Avenue from N. Fairhill Street to N. Lawrence Street.
- (u.) Tabor Avenue from N. Fairhill Street to N. Lawrence Street.
- (v.) Chew Avenue from N. Fairhill Street to N. Lawrence Street.
- (w.) Somerville Avenue from N. Fairhill Street to N. Lawrence Street.
- (x.) Devereaux Avenue from Algon Avenue to Summerdale Avenue.
- (y.) 100 Block of E. Champlost Street.
- (z.) Haines Street from 19th Street to 15th Street.
- (aa.) Woolston Avenue between E. Pastorius Street and E. Walnut Lane.
- (bb.) Tulpehocken Street between Mansfield Avenue and Stenton Avenue.

- (cc.) 900 Block of Spencer Street.
- (dd.) 1300 Block of Wagner Avenue.
- (ee.) 100 Block of W. Ashdale Street.
- (ff.) 5900 Block of Hammond Street.
- (gg.) Broad Street, from Washington Avenue to Oregon Avenue.
- (hh.) Area bounded by 24th Street, Washington Avenue, Grays Ferry Avenue, 26th Street, and Passyunk Avenue.
- (ii.) Grays Ferry Avenue, from 34th Street to Washington Avenue.
- (jj.) Washington Avenue, from Broad Street to Grays Ferry Avenue.
- (kk.) Point Breeze Avenue, from Federal Street to S. 24th Street.
- (ll.) Oregon Avenue, from Delaware Avenue to its terminus at Interstate 76.
- (mm.) Grays Avenue, from Lindbergh Boulevard to 58th Street.
- (nn.) Lindbergh Boulevard, from 65th Street to S. 84th Street.
- (oo.) S. 61st Street, from Passyunk Avenue to Woodland Avenue.
- (pp.) S. 63rd Street, from Lindbergh Boulevard to Woodland Avenue.
- (qq.) Chester Avenue, from Cobbs Creek Parkway to Cemetery Avenue.
- (rr.) South 70th Street, from Cobbs Creek Parkway to Lindbergh Boulevard.
- (ss.) Woodland Avenue, from 58th Street to Cobbs Creek Parkway.
- (tt.) Area bounded by Springfield Avenue, 58th Street, Woodland Avenue, Cemetery Avenue, S. 61st Street, and Mt. Moriah Cemetery.
- (uu.) Merion Avenue from Belmont Avenue to 52nd Street.
- (vv.) Bryn Mawr Avenue from Parkside Avenue to Wynnefield Avenue.
- (ww.) Port Royal Avenue from Nixon Street to Old Line Road.
- (xx.) Jefferson Street from 50th Street to its terminus.
- (yy.) 49th street from Jefferson Street to Parkside Avenue.
- (zz.) 3700 block of N. Germantown Avenue.
- (aaa.) 3600 block of N. Germantown Avenue.
- (bbb.) 3500 block of N. Germantown Avenue.
- (ccc.) 3400 Block of N. Germantown Avenue.
- (ddd.) 22nd Street from Diamond Street to N. College Avenue.
- (eee.) 2nd Street from Callowhill Street to Dock Street.
- (fff.) 33rd Street from Montgomery Avenue to Girard Avenue.
- (ggg.) 52nd from Avenue Of The Republic to Girard Avenue.
- (hhh.) 54th Street from City Avenue to Wynnefield Avenue.
- (iii.) 63rd Street from Haverford Avenue to Chestnut Street.
- (jjj.) 7th Street to Oregon Avenue to Washington Avenue.



- (kkk.) 9th Street from Catharine Street to Wharton Street.
- (lll.) Adams Avenue from Tabor Road to Roosevelt Boulevard.
- (mmm.) Broad Street from Pattison Avenue to Delaware Expy.
- (nnn.) Bustleton Avenue from Solly Avenue to Lansing Street.
- (ooo.) Cecil B Moore Avenue from 24th Street to 10th Street.
- (ppp.) Diamond Street from 23rd Street to 20th Street.
- (qqq.) Lehigh Avenue from 29th Street to Sedgley Avenue.
- (rrr.) Moyamensing Avenue from 18th Street to 12th Street.
- (sss.) Ridge Avenue from Lehigh Avenue to Fairmount Avenue.
- (ttt.) Roberts Avenue from Henry Avenue to Wayne Avenue.
- (uuu.) Sedgley Avenue from Ridge Avenue to 17th Street.
- (vvv.) Spring Garden Street from Broad Street to Delaware Expy.
- (www.) Tabor Road from Mayfair Street to Levick Street.
- (xxx.) 1800 Block to 2900 Block of E. Allegheny Avenue.
- (yyy.) 2200 Block to 3900 Block of Aramingo Avenue.
- (zzz.) 1900 Block to 2900 Black of Castor Avenue.
- (aaaa.) 500 Block to 1700 Block of Delaware Avenue.
- (bbbb.) 2400 Block to 3900 Block of Kensington Avenue.
- (cccc.) 1800 Block to 2700 Block of E. Lehigh Avenue.
- (dddd.) 1900 Block to 3800 Block of Richmond Street.
- (eeee.) Snyder Avenue from Delaware Avenue to Broad Street.
- (ffff.) Washington Avenue from Delaware Avenue to Broad Street.

(2) The Streets Department shall erect appropriate signage to give notice of the increased penalties for certain littering violations applicable on these designated blocks.

### **§ 10-711. Placing Commercial and Non-Commercial Handbills on Vehicles.**

(1) No person shall place or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, that it shall not be unlawful for any person to distribute, without charge, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

### **§ 10-712. Reserved. 163.3**

### **§ 10-713. Litter on Private Premises.**

(1) No person shall throw or deposit litter on any private premises, whether or not owned by such person, except that the owner or person in control of private premises may maintain authorized private receptacles for deposit or collection of litter.

### **§ 10-714. Owner to Maintain Premises Free of Litter.**

(1) The owner or persons in control of any private premises shall at all times maintain the premises free of litter; provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles.

(2) Private business receptacles shall at all times be maintained in such a manner as to keep the public areas adjacent to the private premises free of litter. <sup>164</sup>

### **§ 10-715. Litter on Vacant Lots.**

(1) No person shall throw or deposit litter on any open or vacant private lots or premises whether owned by such person or not.

### **§ 10-716. Clearing of Litter from Open Private Premises by City.**

(1) *Notice to Remove.* The Department of Licenses and Inspections is authorized and empowered to notify the owner of any open or vacant private premises, or the agent of such owner, to remove and dispose of litter located on such premises. Such notice shall be sufficient if mailed to the owner at his last known address.

(2) *Action Upon Non-Compliance.* Upon the failure, neglect or refusal of any owner or agent to dispose of litter within 10 days after the mailing of the notice provided for in subsection (1) above, the Department of Licenses and Inspections is authorized and empowered, itself or by contract, to dispose of the litter.

(3) *Cost to be Charged to Property Owner.* When the Department of Licenses and Inspections has effected the removal of such litter, the cost thereof shall be charged to the owner of the property. Legal interest shall be charged if the amount due the City is not paid within thirty (30) days from the date the bill is rendered.

(4) *Recorded Statement Constitutes Lien.* Where the amount due the City is not paid by the owner within thirty (30) days after a bill for the removal of the litter is rendered, a lien shall be recorded against the property for the cost of removal, in the manner now provided by law.

### **§ 10-717. Collection of Municipal Waste and Recyclable Materials. 165**

(1) Except as otherwise permitted in the Code, no person shall place Municipal Waste or Recyclable Materials in the right-of-way or at a pick-up location for City collection except pursuant to collection regulations established by the Department, which regulations may include provisions pertaining to:

- (a) designated collectible Municipal Waste materials;
- (b) the separation of Recyclable Materials from Municipal Waste;
- (c) designated Recyclable Materials, including, but not limited to paper (including mixed paper and office paper), plastic bottles and containers, aluminum, steel and bi-metallic cans, corrugated cardboard, glass bottles and jars, and leaves;
- (d) approved containers;
- (e) limits on quantities;
- (f) weights of containers;
- (g) dates and times for set-out; and
- (h) such other areas of regulation as the Department shall deem necessary.

(2) All owners and persons in control of any premises shall separate out any designated Recyclable Materials from Municipal Waste set out for City collection.

(3) *Private Collection.* Every Operator of Regulated Premises not eligible for collection pursuant to this Chapter or the regulations adopted hereunder, and every Operator of Regulated Premises eligible for City collection services but for which City collection is not used, shall contract with one or more private haulers for the collection of Municipal Waste and Recyclable Materials in accordance with this Code.

### **§ 10-717.1. Eligibility for Municipal Collection and Fees for Neighborhood Sanitation and Cleaning Services. 166**

(1) Residential dwellings of the following types shall be eligible for regular City refuse, recycling and bulk item collection:

- (a) buildings with six or less occupied units;

(b) condominium (as defined in 68 Pa. C.S. § 3103); and

(c) cooperatives (as defined in 68 Pa. C.S. § 4103).

(2) There is hereby imposed on all owners of residential or commercial properties eligible for City curbside waste collection an annual fee of three hundred dollars (\$300) per property for neighborhood sanitation and cleaning services, including the collection of refuse, waste and recyclable materials and related cleaning services. Upon a determination by the Department that costs of neighborhood sanitation and cleaning services justify an increase in the fee, the Department may increase the fee, as appropriate, by regulation.

*Exemptions:* The following are exempt or partially exempt from the fee: 167

(a) Collection from single-family dwellings;

(b) Collection from condominiums and cooperatives, as defined in subsection (1);

(c) Collection from a property in connection with which the property owner demonstrates, to the satisfaction of the Department, that it has in place one or more private waste hauling contracts that provide for collection of the refuse, waste and recyclable materials generated at the property;

(d) Collection from a duplex (two-family dwelling) in connection with which the property owner demonstrates, to the satisfaction of the Department, that the owner resides in one of the living units, provided that the exemption shall apply to fifty percent (50%) of the fee imposed pursuant to subsection (2). 168

(3) The Department may establish regulations to implement this Section, including regulations establishing additional eligibility for curbside collection and regulations providing for interest and penalties for late payment and non-payment.

(4) The provision of false information to the City in an effort to demonstrate private service shall (a) constitute a violation and subject the property owner to penalties as set forth in this Chapter; and (b) make the property owner liable for the annual fee.

### **§ 10-718. Enforcement. 169**

(1) For the purposes of enforcing the provisions of this Chapter, notice of violation under § 1-112 shall be issued by police officers, authorized inspectors within the Department or the Department of Licenses and Inspections, or any other person authorized to enforce ordinances; provided that, for purposes of § 1-112(3), the required amount to be remitted shall be fifty dollars (\$50), except as follows:

(a) For violations of § 10-711 (Handbills on Vehicles), § 10-723 (Handbills on Sidewalks, Streets and Private Property), § 10-723.1 (Removing Handbills), or § 10-723.2 (Distribution of Handbills): one hundred dollars (\$100);

(b) For violations of § 10-702 (Litter in Public Places), § 10-703(2) (Placing Household Refuse in a Public Receptacle), or § 10-722 (Use of Dumpsters): one hundred fifty dollars (\$150); and

(c) For violations of § 10-710: no stipulated payment shall be allowed.

(2) The Department may by regulation provide for stipulated amounts other than those provided in subsection (1)(a) and (b).

(3) Whenever a police officer has probable cause to believe a vehicle was or is being used to violate subsection 10-710(2), the officer may seize the vehicle. 170

### **§ 10-719. Penalties. 171**

(1) The penalty for violation of any provision of this Chapter, except § 10-702, § 10-703(2), § 10-710, § 10-711, § 10-722, § 10-723, § 10-723.1, § 10-723.2 or § 10-717.1 shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation. 172

(2) The penalty for violation of § 10-710(1) of this Chapter shall be: 172.1

(a) a fine of one thousand (1,000) dollars for the first violation;

(b) a fine of one thousand five hundred (1,500) dollars for the second violation;

(c) a fine of two thousand (2,000) dollars for all subsequent offenses; and

(d) 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) The penalty for violation of § 10-702, § 10-703(2), § 10-711, § 10-723, § 10-723.1 or § 10-723.2 of this Chapter shall be a fine of three hundred (300) dollars. The penalty for a violation of § 10-717.1 of this Chapter shall be a fine of five hundred (500) dollars.

173

(4) The penalty for violation of Section 10-710(2) shall be:

(a) a fine of up to five thousand (5,000) dollars;

(b) the forfeiture of any property, including any vehicle, used to violate Section 10-710(2), regardless of the value of that property, pursuant to the procedures set forth in 42 Pa. C.S. § 5805, with the City and the City Solicitor substituted for the Commonwealth, the Attorney General and District Attorney, as appropriate; and 173.1

(c) 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. 174

(4.1) The Department of Licenses and Inspections may revoke the commercial activity license of any person, for a period not to exceed one year, for a violation of Section 10-710(2). In making a determination regarding whether and for how long to revoke, the Department shall consider the recommendation of the enforcing agency, the willfulness of the violation and any past violations. 175

(4.2) No person or entity that has been determined to have violated Section 10-710(2) shall be eligible to receive any City contract. 175.1

(5) Upon imposition of a fine or penalty against any person for violation of Section 10-710(2), the Police Department shall notify the Pennsylvania Department of Transportation, in accordance with the provisions of Act 227 of 2004, for appropriate sanctions thereunder.

(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.

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

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

(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. 176

### **§ 10-720. Snow Removal from Sidewalks.** 177

(1) The owner, agent and tenants of any building or premises shall clear a path of not less than 36 inches in width on all sidewalks abutting the building or premises within 6 hours after the snow has ceased to fall. The path shall be thoroughly cleared of snow and ice. Where the width of any pavement measured from the property line to the curb is less than 3 feet, the path cleared may be only 12 inches in width. When the building in question is a multifamily dwelling the owner or his agent shall be responsible for compliance with the requirements of this Section. 178

(2) Snow or ice removed from sidewalks, driveways, or other areas shall not be placed or piled in the street.

- (3) Any person who violates this Section shall be subject to the provisions and penalties set forth in § 10-718 and § 10-719.

### § 10-721. Signs. 179

(1) The City may, upon request or where it deems necessary, post signs indicating that dumping and/or littering is prohibited and the minimum fine which can be imposed as a penalty for violation of any provision of this Chapter.

- (2) The signs shall be of sufficient size such that the information printed thereon is clearly visible from a distance of at least 25 feet.

### § 10-722. Use of Dumpsters. 180

- (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.* 181 Any container for refuse or recyclable materials, whether located on private property or in the public right-of-way, that is serviced by a Provider and 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.

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

- (2) *License and Medallion Requirement; Prohibited Locations.* 182

(a) No person shall make use of 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) Within a CA-2, Auto-Oriented Commercial District, as defined in § 14-402(1)(c)(.7).

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

(iii) At any location within the boundaries of Bainbridge Street, Spring Garden Street, the Delaware River and the Schuylkill River where a licensed dumpster was not located before September 7, 2016. 182.1

- (3) *License Applications; Medallions.* 183

(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 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;

(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 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, there shall be a one time license fee 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 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.* 184

(a) 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.

(b) 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.

(c) *Dumpster Maintenance.*

(1) Any dumpster on private property that is located outdoors shall be enclosed in accordance with the requirements of Section PM-308 of Title 4 of this Code ("Rubbish and Garbage"). 184.1

(2) Licensees shall keep dumpster lids tightly secured except when in use, or when the dumpster must be open to accommodate a trash chute, and shall keep the area around the dumpster clean and free of any refuse, non-grindable garbage, spillage or overflow.

(d) *Grindable and Non-Grindable Garbage.*

(1) Licensee shall not mix grindable garbage with rubbish. Licensee shall dispose of grindable garbage in garbage disposal units or arrange for private collection of grindable garbage for composting, anaerobic digestion, or use as farm livestock feed. This subsection shall not apply to multi-family residential licensees.

(2) Licensees may mix non-grindable garbage with rubbish provided all garbage is placed in bags designed to hold garbage without leaking or in other sealable containers designed to hold garbage before placing it in a dumpster.

(3) For the purposes of licensing, dumpsters or other containers used solely for private collection of garbage for composting or used as farm livestock feed shall be considered recycling dumpsters.

(e) *Collection.*

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

(2) Aerated dumpsters specifically designed to prevent odors resulting from the anaerobic decomposition of food waste shall be emptied within 24 hours of being full or more often if required by the Department or by order of the Public Health, Fire, Police or Streets Departments.

(3) Compacting dumpster not containing garbage shall be emptied within 24 hours of being filled to its maximum capacity or more often if required by the Department or by order of the Health, Fire, Police, or Streets Departments.

(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.

(d) A provider shall notify a licensee in writing within 24 hours of changing a dumpster. 185

(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. 186

(b) All dumpsters 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. 187

(c) For a dumpster 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. 188

(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.

**§ 10-723. Distribution of Commercial and Non-Commercial Handbills on Sidewalks, Streets, and Private Property.** <sup>189</sup>

(1) *Legislative Findings.* The Council of the City of Philadelphia finds:

(a) The distribution of commercial handbills and non-commercial handbills in the City of Philadelphia causes the streets, sidewalks and private property to be littered and unsightly, and causes sewer mains and culverts to become clogged and unsanitary, thereby creating an unsanitary condition which is detrimental to the good health of the community; and

(b) A large part of the commercial handbills and non-commercial handbills distributed are immediately thrown upon the streets and sidewalks, thereby rendering them unsafe to the traveling public and causing a public nuisance; and

(c) Commercial handbills account for a substantial portion of the City's litter and Distributors should share the responsibility of keeping the City clean; and

(d) Enforcement personnel are often confronted with nuisance causing or unlawfully disposed commercial handbills on streets, property and landscapes, but have no means for identifying the Distributor thereof; and

(e) A registration and license requirement for Distributors of commercial handbills would ensure proper enforcement of Sections 10-723, 10-723.1, 10-723.2 of the Code by providing the City with an address at which notice of any violation of the Chapter could be served, without infringing upon the Distributor's freedom of expression, as well as by providing a means for identifying violating Distributors.

(2) No distributor, distribution business or person shall distribute commercial handbills on any sidewalk or other public place, or by means of door-to-door distribution, unless a valid license is obtained from the Department of Licenses and Inspections. Notwithstanding the foregoing, if a distribution business or a distributor has obtained a valid license, then neither a person distributing commercial handbills on behalf of such distribution business or distributor, nor a distributor on whose behalf such a distribution business is distributing commercial handbills, need obtain a license.

(a) The Department of Licenses and Inspections shall immediately grant a Commercial Handbill Distributor's License upon the registration by the distributor or person engaged in the business of distributing commercial handbills, of its name, daytime phone number, business address and the payment of \$50 fee, or such other fee as may be established 189.1 by regulation, to cover the costs of program administration, provided that the fee shall not be increased to an amount higher than the fee as it existed on July 1, 2017, multiplied by the CPI Multiplier, as defined in Section 9-102 of the Code. 189.2

(b) It shall be the responsibility of the person to whom a valid Commercial Handbill Distributor's License is issued to report within five (5) working days any changes in the information provided to the Department when the license was originally issued.

(c) The Department of Licenses and Inspections may immediately revoke any issued Commercial Handbill Distributor's License only if the distributor to whom the license was granted commits or fails to take appropriate action to prevent a violation of any provision of this Chapter, including, but not limited to, Sections 10-723.1 and 10-723.2.

(d) The Department of Licenses and Inspections may assess a penalty, as provided in Sections 10-718 and 10-719, upon any Distributor, Distribution Business or other person who commits or fails to take appropriate action to prevent a violation of any provision of this Chapter, including, but not limited to, Sections 10-723.1 and 10-723.2.

(e) Each license shall be valid for a twelve (12) month period.

(f) Any license revocation shall be automatically stayed if a hearing before a Municipal Court Judge is requested. The stay shall remain in effect pending the disposition of the hearing. The accused shall have the right to be notified of the accusation. The defendant shall not have a right to a jury trial on the matter.

**§ 10-723.1. Required Conduct.** <sup>190</sup>



(1) Every distributor, distribution business, or person who distributes or causes to be distributed commercial or non-commercial handbills upon any public place within the City, shall, at the end of the daily distribution, clear or cause to be cleared any discarded handbills within a one hundred foot radius of the location where the handbills were distributed. All discarded handbills shall be lawfully disposed. This subsection does not apply to door-to-door distribution.

(2) Any person distributing commercial handbills within the City shall, upon demand by any person authorized with the enforcement of this Chapter, as prescribed by Section 10-718, state or otherwise identify the Distributor for whom distribution is being made.

### **§ 10-723.2. Prohibited Conduct.** <sup>191</sup>

(1) No person applying for a Commercial Distributor's Handbill License shall:

(a) Knowingly provide false or misleading information on the commercial handbill distribution registration or any subsequent changes submitted thereto; or

(b) Violate any City or Commonwealth law, rule or regulation related to forgery, fraudulent practices or misrepresentation.

(2) No Distributor, Distribution Business or other person shall:

(a) Throw, scatter or cast any commercial handbill or non-commercial handbill in or upon any public place within the City, provided, however, that it shall not be unlawful to hand out or distribute any commercial or non-commercial handbill in any public place to any person willing to accept such handbill;

(b) Place any commercial handbill or non-commercial handbill in or upon private property except by handing or transmitting any such handbill directly to the occupant or depositing any such handbill on the premises in such a manner as to prevent it from being scattered by the elements. The Department of Licenses and Inspections shall issue interpretive regulations to aid in the enforcement of this subsection and shall not enforce this subsection 10-723.2(2)(b) until those regulations are in effect;

(c) Place or permit a commercial or non-commercial handbill to be placed on a motor-vehicle windshield; or

(d) Place or permit any commercial or non-commercial handbill to be placed on private properties where the owner has notified the Department of Licenses and Inspections that they do not wish to receive such material or which are conspicuously posted against receiving such handbills. For purposes of this provision, conspicuous shall mean visible from the sidewalk.

### **§ 10-724. Waste Management and Recycling Requirements for Certain Regulated Premises.** <sup>192</sup>

(1) *Diversion Requirements for Regulated Premises.* The Operator of each Regulated Premises shall, through an on-premises diversion program, provide receptacles for collection of Recyclable Materials and a method of removal of such materials that complies with regulations of the Department and:

(a) if City collection is used, provide for separation and placement of Recyclable Materials for City collection in accordance with Section 10-717 and regulations established by the Department; or

(b) if City collection is not used, provide for the removal of such Recyclable Materials by contracting with a recycling service provider.

(2) *Regulated Premises Planning and Reporting Requirements.* The Operator of each Regulated Premises shall prepare a Solid Waste and Recycling Plan with respect to such Regulated Premises describing the means that will be used to meet the diversion requirements established in this Section. Such Solid Waste and Recycling Plan shall:

(a) be prepared on a form prescribed by the Department;

(b) list the Recyclable Materials to be separated from Waste at the Regulated Premises; and

(c) identify whether City collection is used and, if not, identify each hauler with which the Operator arranges for removal of Municipal Waste and Recyclable Materials.

(3) *Filing of Solid Waste and Recycling Plan.* The Operator shall send the Solid Waste and Recycling Plan to the Department and shall maintain the Plan on file and post it in a public area at the Regulated Premises.

(4) *Amendment of the Plan.* The Operator of such Regulated Premises shall, within thirty (30) days of any change in practices described therein, amend the Plan and the amended plan shall be filed and maintained as set forth in subsection (3).

(5) *Occupant Education Requirements.* The Operator of a Regulated Premises shall provide waste disposal and recycling information and instructions, in accordance with regulations established by the Department:

- (a) annually, to all occupants at the premises;
- (b) to each new occupant no later than the thirtieth day after the person begins occupancy; and
- (c) to all occupants within thirty (30) days of a material change in the Waste or Recyclable Materials removal service provided.

(6) *Signage Requirements.* The Operator of a Regulated Premises shall ensure that containers or locations used at the premises to aggregate Municipal Waste and Recyclable Materials are marked as follows:

(a) Each drop-off area or container intended or used for multi-person collection and disposal of Waste shall be prominently marked "Waste."

(b) Each drop-off area or container intended or used for multi-person collection of Recyclable Materials shall be affixed with a sign that includes:

- (.1) the universal "Chasing Arrows" recycling symbol;
- (.2) the word "Recycling"; and
- (.3) a written list and graphic representations of the Recyclable Materials that the operator intends to collect.

(7) *Penalties.*

(a) The penalty for violation of any provision of this Section or of any regulation promulgated thereunder shall be provided in accordance with Section 10-719, or such equitable remedy as the Court may deem proper.

#### **§ 10-725. Adopt-a-Block Programs. 193**

(1) An entity providing funding for the private cleaning of sidewalks under a written agreement covering one or more City blocks may erect and maintain, during the term of the agreement, signs on each block covered by the agreement indicating that the entity has adopted the block for sidewalk cleaning, provided:

(a) A copy of the agreement is filed with the Streets Department, and the Streets Department finds, after any necessary consultation with the Law Department, that the agreement provides for adequate cleaning services on the blocks covered by such agreement;

(b) The size, number, location, design and construction of the signs are approved by the Streets Department, which may reserve the right to direct the entity to remove any signs in the future if necessary to accommodate public safety; and

(c) The signs are erected and maintained by such entity at no cost to the City.

(2) The Streets Department shall promulgate any regulations necessary to carry out the provisions of this Section.

#### **§ 10-726. Set Out Times For City Municipal Waste and Recyclable Materials Collection. 194**

(1) Notwithstanding any regulations to the contrary, Municipal Waste and Recyclable Materials set out for City collection, shall be placed out for collection, as follows:

(a) From October 1st through March 31st, before 7:00 AM on the day of collection, but not before 5:00 PM on the previous day.

(b) From April 1st through September 30th, before 7:00 AM on the day of collection, but not before 7:00 PM on the previous day.

(2) *Enforcement.* Enforcement of this Section shall be pursuant to Section 10-718, except as follows:

(a) All notices of violation shall bear, in addition to the requirements of Section 10-718, a statement indicating whether evidence containing the address of the property in violation was found among the refuse, rubbish, garbage or recyclable materials.

(b) *Proof of Violation.* In determining whether a violation has occurred, the following factors shall be considered in any judicial enforcement proceeding conducted pursuant to Section 10-718 and in any review process conducted prior thereto by the Office of Administrative Review or any other City agency:

- (i) The manner in which the refuse, rubbish, garbage or recyclable materials were set out for collection and whether they were in appropriate containers or bags;
- (ii) Whether the refuse, rubbish, garbage or recyclable materials were sitting at the curbside or other pick up location for the property that received the notice of violation;
- (iii) Whether a writing or other evidence, containing the address of the property in receipt of the notice of violation, was found among the refuse, rubbish, garbage or recyclable materials and whether such evidence or a photograph thereof was submitted;
- (iv) The timeliness of the issuance of any notice of violation; and
- (v) Such other evidence as appropriate.

Notes

- 152 **Source:** 1864 Ordinances, p. 357, §§ 2, 6, 17, 25, 27, 40, 41, 42, 43; 1864 Ordinances, p. 357; 1866 Ordinances, p. 325, as amended; 1882 Ordinances, pp. 40 and 63; 1873 Ordinances, p. 513; 1879 Ordinances, p. 356; 1899 Ordinances, p. 61; 1950 Ordinances, p. 966; amended, 1960 Ordinances, p. 463.
- 153 Amended, Bill No. [150748](#) (approved December 23, 2015).
- 154 Added, and subsequent Sections renumbered, Bill No. [010659](#) (approved September 12, 2002). Enrolled bill numbered definition as subsection (2); renumbered to (3) and subsequent definitions renumbered by the Code editor.
- 155 Amended, 1993 Ordinances, p. 1104.
- 156 Added and subsections renumbered, 1993 Ordinances, p. 1104.
- 157 Amended and renumbered, 1993 Ordinances, p. 1104.
- 158 Amended and renumbered, 1993 Ordinances, p. 1104.
- 159 Added, 1961 Ordinances, p. 1353 (previous subsection 10-701(14)).
- 160 Added, Bill No. [080523](#) (approved July 2, 2008).
- 161 Added, 1983 Ordinances, p. 504; amended, Bill No. 960850-A (approved May 20, 1997); amended, Bill No. [150198](#) (approved May 20, 2015), effective August 1, 2015.
- 161.1 Added, Bill No. [180748](#) (approved October 31, 2018).
- 162 Added, 1974 Ordinances, p. 849; amended, 1981 Ordinances, p. 367; amended, Bill No. [041070](#) (approved May 4, 2005).
- 163 Added, Bill No. [070683](#) (approved November 29, 2007).
- 163.1 Amended, Bill No. [161105](#) (approved October 25, 2017).

- 163.2 Added, Bill No. [180946](#) (approved December 11, 2018). Section 2 of Bill No. [180946](#) provides: "This Ordinance shall take effect on the later of the date of enactment or December 28, 2018."
- 163.3 Repealed, Bill No. [170797](#) (approved January 3, 2018).
- 164 Added, 1983 Ordinances, p. 504.
- 165 Former Section repealed and new Section added, 1987 Ordinances, p. 683; former Section repealed and new Section added, Bill No. [150748](#) (approved December 23, 2015).
- 166 Added, Bill No. [010659](#) (approved September 12, 2002). Section 2 of Bill No. [010659](#) provides: "This Ordinance shall take effect after the promulgation of regulations by the Streets Department, but no later than sixty (60) days from the date of enactment or the beginning of the 2003 Fiscal Year, whichever is earlier." Amended, Bill No. [090780](#) (approved December 16, 2009), effective January 1, 2010; amended, Bill No. [100131](#) (approved June 1, 2010), effective July 1, 2010.
- 167 Amended, Bill No. [130635-A](#) (approved November 13, 2013), effective January 1, 2015.
- 168 Added, Bill No. [130635-A](#) (approved November 13, 2013), effective January 1, 2015.
- 169 Amended, 1981 Ordinances, p. 367; amended, 1993 Ordinances, p. 1014; amended, Bill No. [150748](#) (approved December 23, 2015).
- 170 Added, Bill No. [041070](#) (approved May 4, 2005).
- 171 Amended, 1981 Ordinances, p. 367; amended, Bill No. [041070](#) (approved May 4, 2005); subsections (6), (7) and (8) added and subsequent subsections renumbered by Bill No. [090123-AAA](#) (approved October 21, 2009), effective July 1, 2010.
- 172 Amended, 1983 Ordinances, p. 1129; amended, 1993 Ordinances, p. 1014; amended, Bill No. [080523](#) (approved July 2, 2008); amended, Bill No. [090215](#) (approved May 27, 2009); amended, Bill No. [090221](#) (approved May 27, 2009); amended, Bill No. [090123-AAA](#) (approved October 21, 2009), effective July 1, 2010; amended, Bill No. [090780](#) (approved December 16, 2009), effective January 1, 2010.
- 172.1 Amended, Bill No. [161105](#) (approved October 25, 2017).
- 173 Amended, Bill No. [080523](#) (approved July 2, 2008); amended, Bill No. [090221](#) (approved May 27, 2009); amended, Bill No. [090780](#) (approved December 16, 2009), effective January 1, 2010.
- 173.1 Amended, Bill No. [170715](#) (approved October 25, 2017).
- 174 Amended, Bill No. [090670](#) (approved November 4, 2009).
- Added, Bill No. [090670](#) (approved November 4, 2009); amended, Bill No. [110758](#)

- 175 (approved December 21, 2011), effective May 1, 2012.
- 175.1 Added, Bill No. [180465](#) (became law September 13, 2018).
- 176 Amended, 1983 Ordinances, p. 1129.
- 177 Added, 1961 Ordinances, p. 1353; amended, 1981 Ordinances, p. 367.
- 178 Amended, Bill No. [100752](#) (approved January 5, 2011).
- 179 Added, 1981 Ordinances, p. 367.
- 180 Added, 1989 Ordinances, p. 810; repealed and replaced by Bill No. [090123-AAA](#) (approved October 21, 2009).
- 181 Amended, Bill No. [130016](#) (approved September 6, 2013).
- 182 Amended, Bill No. [120774-A](#) (approved January 14, 2013); amended, Bill No. [130016](#) (approved September 6, 2013).
- 182.1 Added, Bill No. [160719](#) (approved November 1, 2016).
- 183 Amended, Bill No. [130016](#) (approved September 6, 2013).
- 184 Amended, Bill No. [130016](#) (approved September 6, 2013); amended, Bill No. [140903](#) (approved March 4, 2015).
- 184.1 Amended, Bill No. [180348](#) (approved July 18, 2018).
- 185 Added, Bill No. [140903](#) (approved March 4, 2015).
- 186 Amended, Bill No. [140856](#) (approved December 19, 2014), effective July 1, 2015.
- 187 Amended, Bill No. [130016](#) (approved September 6, 2013).
- 188 Amended, Bill No. [130016](#) (approved September 6, 2013).
- 189 Added, 1993 Ordinances, p. 1104.
- 189.1 Enrolled bill read "...as may established...."
- 189.2 Amended, Bill No. [170165](#) (approved April 4, 2017).
- 190 Added, 1993 Ordinances, p. 1104.
- 191 Added, 1993 Ordinances, p. 1104.
- 192 Added, 1994 Ordinances, p. 706; Caption and Section amended, Bill No. [150748](#) (approved December 23, 2015).

193 Added, Bill No. [030784](#) (approved December 31, 2003).

194 Added, Bill No. [090221](#) (approved May 27, 2009). Section 2 of Bill No. [090221](#) provides that the ordinance shall be effective upon adoption of implementing regulations. Repealed, Bill No. [090780](#) (approved December 16, 2009), effective January 1, 2010. Added, Bill No. [110366-A](#) (approved August 9, 2011); amended, Bill No. [120099](#) (approved October 23, 2013); Caption and Section amended, Bill No. [150748](#) (approved December 23, 2015).



## Philadelphia Department of Streets

### Regulations Governing Municipal And Private Collection Of Refuse

#### Section 1. DEFINITIONS

Note: Defined words used in these Regulations are set forth in **Boldface** type.

**1. Invoice.** An invoice, issued by the City, for the provision of collection service and related cleaning services for an identified six-month billing period.

**2. Bulk Items.** Any large household item containing significant amounts of metal, such as an appliance or furniture, that would not fit into a 32 gallon trash receptacle, whether as a whole or as parts or pieces, and any items containing refrigerant, such as refrigerators and air conditioners.

**3. Center City.** This area includes the part of the City bounded on the East by the Delaware River, on the West by the Schuylkill River, on the North by Spring Garden Street (inclusive) and on the South by South Street (inclusive).

**4. Collectible Rubbish.** Solid wastes, including but not limited to, both putrescible and non-putrescible substances, and both combustible and non-combustible materials. **Collectible Rubbish** shall exclude **Recyclable Materials, Yard Waste, Bulk Items** and those materials and substances not collected by the City as identified in Section 2 or collected pursuant to special collection rules as set forth in Section 5.

**5. Construction Material.** Any waste materials from construction, demolition or remodeling, including but not limited to, stones, bricks, rocks, concrete, gravel, earth, wood, metal, ceramics, drywall, and cinder or concrete block.

**6. Household Hazardous Waste.** Products or materials, such as paints, cleaners, oils, batteries, and pesticides, that contain corrosive, toxic, ignitable, reactive or other potentially hazardous ingredients.

**7. Premises.** Any building or other structure.

**8. Private Business Litter Receptacle.** A rigid plastic or metal receptacle with a minimum size of 20 gallons placed by a private commercial business owner or manager at or near his/her business location for the reception of litter generated at such business.

**9. Private Premises.** Any **Premises** or parking lot designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or

continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such **Premises**.

**10. Public Receptacle.** A receptacle placed by the City at various locations for the reception of litter.

**11. Recyclable Materials.** The following:

- A. **Mixed Residential Paper.** All paper products other than hardcover books, including, but not limited to, newspaper, corrugated cardboard, paper, computer paper, high grade paper, catalogs, magazines, soft cover books, telephone books, mail and light weight cardboard boxes (i.e., cereal boxes, shoe boxes, etc.).
- B. **Recyclable Glass.** Any glass food or beverage container.
- C. **Recyclable Metal.** Any aluminum, steel, bi-metal food or beverage container, or empty paint or aerosol cans.
- D. **Recyclable Plastic.** All plastic jugs, cups, trays, plates, and packages marked #1 through #7.
- E. **Commingled Recyclables. Recyclable Glass, Recyclable Metal, and Recyclable Plastic.**
- F. Any other item that the Street Commissioner may designate as eligible for collection by the City for recycling.

**12. Refuse.** Includes **Bulk Items, Construction Material**, putrescible substances, **Recyclable Materials, Collectible Rubbish, Yard Waste** and all other waste materials.

**13. Yard Waste.** Leaves, tree and brush cuttings, and similar material. **Yard Waste** excludes grass trimmings/clippings.

## **Section 2. SEPARATION OF REFUSE**

Certain **Refuse** is not collected by the Streets Department and is listed in Section 2.4 below. Materials which are collected by the Streets Department shall be separated for curbside collection or drop off as follows.

### **1. Curbside Collection.**

- A. **Collectible Rubbish** and **Yard Waste** are eligible for weekly curbside collection, provided they are set out in the manner authorized in Section 3 on their respective collection days.



- B. **Recyclable Materials** shall be set out in authorized private receptacles in the manner authorized in Section 3 separate from **Collectible Rubbish** and **Yard Waste** on their respective collection days. The Streets Commissioner may from time to time suspend the collection of any **Recyclable Materials** or initiate collection of new **Recyclable Materials** as market conditions warrant. The Streets Department shall notify the public in advance of any such change.
- C. Computers, monitors, televisions, tires, **Household Hazardous Waste**, **Bulk Items** and **Refuse** not collected by the City (see Subsection 4, below) may not be set out for curbside collection.

**2. Drop Off At Convenience Centers.**

- A. The following types of **Refuse** will be accepted at Citizen Drop Off Centers designated by the Streets Commissioner:
  - i. **Collectible Rubbish**, but excluding **Construction Material**.
  - ii. **Recyclable Materials**.
  - iii. Computers, monitors, televisions, and other computer related equipment.
  - iv. **Yard Waste**, provided it is not contained in plastic bags or mixed or contaminated with other material.
  - v. **Bulk Items**.
  - vi. Tires. Limited to four per day.
  - vii. Christmas trees.
  - viii. Mattresses and box springs fully contained in a sealed, plastic bag.
- B. In addition to the separation requirement of this Section, City residents wishing to use the Citizen Drop Off Centers must show proof of Philadelphia residency at the Center, must use a vehicle with a gross vehicle weight (GVW) of 6,000 pounds or less, and must have the **Refuse** properly tarped, secured, or otherwise contained in such a manner as to prevent the **Refuse** from being blown or scattered from the vehicle.

**3. Special materials.** Christmas trees, Tires, **Yard Waste**, Mattresses and Box Springs, and **Household Hazardous Waste** are subject to the special collection requirements set forth in Section 5.

**4. Refuse Not Collected By the City.** The following Refuse is not collected by the City and shall not be set out for collection nor taken to a Citizen Drop Off Center:

- A. Highly flammable substances, explosive or radioactive materials, toxic or corrosive substances, or otherwise hazardous material which shall be disposed of as prescribed by the Fire and Health Departments.
- B. Pathological wastes from medical offices and clinics, which shall be disposed of as prescribed by the Health Department.
- C. Grass trimmings/clippings. Grass trimmings and clippings should be mulched into the lawn or collected by private landscaping/collection companies.

**Section 3. TYPES AND SIZES OF RECEPTACLES AND QUANTITIES FOR CURBSIDE COLLECTION**

**1. Authorized Types Of Receptacles And Other Containers.**

A. **Collectible Rubbish** may be set out for curbside collection as follows:

- i. A metal or other non-corrodible receptacle having a tight-fitting lid or cover with a capacity of not more than thirty-two (32) gallons may be used.
- ii. A substantial, leak-proof plastic bag with no smaller than a 30 gallon capacity may be used.
- iii. Certain large items that do not fit into such receptacles may be set out, pursuant to the requirements of subsection 3.C. below.
- iv. Plastic bags smaller than 30 gallons, paper bags, cardboard boxes and receptacles larger than 32 gallons may not be used.

B. **Yard Waste** may be set out for curbside collection as follows:

- i. Except during the “leaf season,” **Yard Waste** may be placed in receptacles and bags authorized for use with **Collectible Rubbish**, and may be commingled with **Collectible Rubbish**.
- ii. During the “leaf season,” meaning a period of time in November and/or December publicly announced by the Streets Department and advertised on the City’s website, **Yard Waste** may only be set out in large recyclable **Yard Waste** bags.

C. **Recyclable Materials** may be set out for curbside collection as follows:

- i. **Mixed Residential Paper** and **Commingled Recyclables** shall be set out in containers provided by the City, in metal or other non-corrodible receptacles, or in

large recyclable paper bags which are designed to withstand the elements (such as **Yard Waste** bags).

- ii. No container, receptacle or bag shall exceed 32 gallons in size.
- iii. Corrugated boxes must be flattened, stacked, and compacted into a consolidated unit. They may be placed in a container, receptacle, or large paper bag as in (i) above, or may be set out separately if tied.
- iv. Plastic bags, small paper bags and cardboard boxes may not be used.

**2. Weight Limit.** No container, receptacle or bag set out for curbside collection of **Collectible Rubbish, Yard Waste** or **Recyclable Materials** shall exceed 40 pounds in weight when filled.

**3. Quantity Limit.**

- A. The limit for curbside collection of **Collectible Rubbish** and **Yard Waste** per collection week per **Premises** is:
  - i. For single-family residences, four receptacles;
  - ii. For all other **Premises** eligible for collection, six receptacles.
- B. In place of any receptacle, two plastic bags may be set out per week, up to a maximum of 12 bags per **Premises**.
- C. A maximum of two items that do not fit in a 32 gallon receptacle, but that do not constitute a **Bulk Item**, and that are compactable in a City waste collection vehicle, may be set out per week per **Premises**.
- D. There is no limit to the number of containers, receptacles or bags that may be set out for collection of **Recyclable Materials**.

**4. Other Restrictions.**

- A. No container or receptacle set out for collection shall have ragged or sharp edges or any other defect that may injure the person emptying it.
- B. All bags, bundles, containers and receptacles shall be secured and covered if necessary so as to prevent their contents from being scattered or being carried away by wind or precipitation.
- C. No bag, bundle, container or receptacle set out for collection shall contain any nails, glass or other sharp objects in a manner as to potentially cause injury to collection personnel.

- D. Needles and syringes eligible for collection shall be placed in securely sealed plastic or metal containers in such a manner that the needles cannot perforate the container.
- E. Household clean ups, garage clean outs and similar activities do not create special exceptions to these Regulations. Where the **Refuse** exceeds the set out limits of this Section, private **Refuse** collection must be used to remove the **Refuse**. **Refuse** that is placed for set out in excess of these limits shall be deemed litter and subject to penalties pursuant to The Philadelphia Code.

#### **Section 4. COLLECTION DAYS, SET OUT TIMES, AND PLACEMENT OF REFUSE**

1. Collection days will be regularly scheduled and announced from time to time by the Department of Streets. Affected residents and businesses will be notified in advance of changes in collection schedules.

##### **2. Set Out Times**

- A. Summer Schedule. April 1 through October 31. When collections are made during the day, **Refuse** collected pursuant to these regulations must be placed on the sidewalk adjacent to the curb at the front of the **Premises** before 7:00 AM on the day of collection but not before 7:00 PM on the previous day in all areas of the City other than **Center City**. In **Center City**, the set out times are before 6:00 AM on the day of collection but not before 8:00 PM on the previous day.
- B. Winter Schedule. November 1 through March 31. When collections are made during the day, **Refuse** collected pursuant to these regulations must be placed on the sidewalk adjacent to the curb at the front of the **Premises** before 7:00 AM on the day of collection, but not before 5:00 PM on the previous day in all areas of the city other than **Center City**. In **Center City**, the set out times are before 6:00 AM on the day of collection, but not before 6:00 PM on the previous day.

3. Any **Refuse** set out at times other than those allowed is considered to be litter within the meaning of The Philadelphia Code, even if it is in the proper location for collection and it is in a receptacle, container or bag authorized by these regulations.

4. **Refuse** shall not be placed in any location for collection other than the front of the **Premises**, such as the rear of the **Premises** or in a private driveway, unless specifically permitted by the Department of Streets.

5. No person shall place any **Refuse** for collection on any **Private Premises** without the permission of the owner or occupant of such **Private Premises**.

## Section 5. SPECIAL MATERIALS

1. Certain items are collected separately from **Recyclable Materials** and **Collectible Rubbish** or have special rules. The Streets Commissioner will establish and announce collection schedules for special collections as warranted. Additional rules relating to special collection items are listed below:

- A. **Bulk Items.** **Bulk Items** may not be set out for curbside collection; they are only collected at drop off centers.
- B. Christmas Trees. All nails, metal stands, ornaments, and other decorations shall be removed from the tree prior to taking the tree to a drop off center.
- C. Tires. All tires shall be free of their rims and shall contain no other materials. Tires may not be set out for curbside collection; they are only collected at drop off centers or at other locations specially designated by the Streets Commissioner.
- D. **Yard Waste.** Tree and brush cuttings shall be cut in pieces small enough to fit in a receptacle for set out. **Yard Waste** can be set out for regular collection with **Collectible Rubbish** or taken to a drop-off center, as described in Section 3, and may also be specially collected from time to time as determined by the Streets Commissioner.
- E. Leaves. During special leaf collection events as designated by the Streets Commissioner, the following rules apply. Leaves shall be set out for collection in securely fastened, recyclable paper **Yard Waste**/leaf bags or covered containers or as otherwise directed by the Streets Commissioner. No one receptacle shall exceed 40 pounds in weight when filled. There is no limit to the number of receptacles of leaves that can be set out for the duration of the event. Leaves must be set out separately from any other material. Plastic bags may not be used for leaf set-out.
- F. Mattresses and Box Springs. Mattresses and box springs shall be fully encased within a sealed, plastic bag.
- G. **Household Hazardous Waste.** From time to time the Streets Commissioner will designate drop off locations for **Household Hazardous Waste**. At that time, the collection locations and the type of wastes to be collected will be determined and announced.

## Section 6. PREMISES ELIGIBLE FOR CITY REFUSE AND RECYCLING COLLECTION

1. **Private Premises Generally.** A **Private Premises** is eligible for City collection if it meets the following criteria:

- A. It is inhabited;
- B. It is a separate real estate parcel;
- C. It has no more than six (6) units;
- D. It is not listed in subsection 3 below; and
- E. More **Collectible Rubbish** than meets the set out limits set forth in Sections 2 and 3 is not generated at the **Premises** on a regular basis.

**2. Large Condominiums and Cooperatives.** Condominiums and cooperatives larger than six units (“large condominiums and cooperatives”) are eligible for City collection in accordance with the requirements of the Streets Department. These requirements include the regulations of this Section and such policies as may be issued by the Streets Commissioner from time to time. Such policies shall be posted on the City’s web site and be available upon request from the Streets Department.

- A. Large condominiums and cooperatives shall complete the application process specified by the Streets Department.
- B. A Site inspection by the Streets Department will determine type of service (dumpster versus curbside collection) and method/location of collection.
  - (i) If dumpsters are required, the large condominium or cooperative shall provide licensed dumpsters no more than four cubic yards in size and suitable for rear loading pick-up. Dumpster specifications are available on request from the Streets Department. The Streets Department will not pick-up dumpsters that are identified as belonging to a private collection/disposal company.
  - (ii) Large condominiums and cooperatives that are permitted to set out cans and bags are subject to the size and weight restrictions in Section 3, but are not subject to the quantity limits of that Section.
- C. The City’s frequency of pick-up is once per week.
- D. Large condominiums and cooperatives shall recycle in accordance with Section 2.
- E. Large condominiums and cooperatives may have private collection in addition to City service.;
- F. Large condominiums and cooperatives shall provide the City with a right of entry and a damage waiver for collection purposes.

**3. Ineligible Premises.** The following are not eligible for City collection.

- A. Manufacturers, i.e., anyone who sells articles or products made or produced by them, including the production lines of manufacturers and their administrative offices.
- B. Wholesalers, i.e., anyone who sells articles to a purchaser who retails or resells them, including the warehouse and repackaging operations of wholesalers and their administrative offices.
- C. The production lines and the warehouse and repackaging operations of establishments which are part manufacturing and part wholesale and their administrative offices.
- D. Gas stations, service stations, body shops, automotive repair shops, and similar facilities.
- E. Any building with more than six (6) dwelling units, unless it is a large condominium or cooperative that meets the requirements of this Section.
- F. Any **Private Premises** which receives private collection, unless eligible for fee exempt collection as described in Section 7.2 of this Regulation.

**4. Refuse Must Be Set Out Where Generated.** Refuse set out for an eligible **Premises** for collection must be generated by that eligible **Premises**. No **Refuse** will be collected if it is set out at an eligible **Premises** but was generated elsewhere.

**5. Authorization To Refrain From Collection.** City Collection personnel are authorized to refrain from collecting any **Refuse** not properly separated and set out according to these Regulations or from **Premises** not eligible for City **Refuse** collection.

**6. Private Collection Required.** Private collection must be arranged for any **Premises** or material not eligible for City collection.

## **Section 7. FEE FOR NEIGHBORHOOD SANITATION AND CLEANING SERVICES**

**1.** All **Premises** eligible for City collection pursuant to these regulations shall be presumed to receive City collection service and related cleaning services and, except as provided in Subsection 2 below, the owners of such properties shall be required to pay an annual fee of \$300 for neighborhood sanitation and cleaning services, unless the requirements of Subsection 6. below are met.

**2.** The following are exempt from the fee:

- A. Collection from single-family dwellings;
- B. Collection from condominiums and cooperatives, as defined in Philadelphia Code Section 10-717.1(1); and

C. Collection from owner-occupied multi-unit properties used solely for residential purposes where no unit is rented or leased for financial consideration.

3. City collection from the **Premises** at which the fee is charged shall be subject to the set out limits and other restrictions otherwise set forth in these regulations, and shall include collection of **Recyclable Materials** under such restrictions.

4. The City shall send an **Invoice** for the service fee to each known property subject to the fee. Payment shall be due 60 days after the date of the **Invoice**. An **Invoice**, also due within 60 days, shall also be sent promptly upon the Department's learning of a property not yet billed.

5. An owner of property that has not received City service, but that is eligible for service, may, during the course of a service year, notify the City of the need for City service. If, at the time service begins, less than half of the then current six-month billing period has elapsed, the property shall receive the **Invoice** for that full period; if more, the property will be billed starting with the **Invoice** for the next period.

6. An owner of property that demonstrates to the Department, pursuant to the requirements of these Regulations, that it has in place private waste hauling service, or another lawful waste disposal alternative that the Department determines is reasonably likely to fulfill the waste disposal needs of the establishment, shall be exempt from the annual fee. Such a demonstration may be made by providing the Department, through its website: (a) identification of the property, including the address; (b) the name of the private hauler that is providing private collection service; (c) the account or other identifying number used in connection with the account with the private hauler; and (d) identification of the provider of the information.

7. A property owner shall have 60 days from the date of the **Invoice** to demonstrate that private waste hauling service is in place for the property. Failure to demonstrate that private service is in place shall constitute acceptance of City service and make the property owner responsible for the full annual fee.

8. The provision of false information to the City in an effort to demonstrate private service when no such private service is in place (a) constitutes a violation of The Philadelphia Code that subjects the property owner to penalties as set forth in the Code; and (b) makes the property owner liable for the annual fee.

9. If an **Invoice** remains unpaid 30 days after it is due, the Department shall immediately terminate service to the property and the property owner shall be liable for interest and penalties in the following amounts:

A. no interest for the first month after the due date, and interest at the rate of one percent (1%) of the amount of the unpaid fee each month or fraction thereof thereafter during which the fee remains unpaid; and



- B. no penalty for the first month after the due date, and penalty calculated on the amount of the unpaid fee at the following rates for each month thereafter during which the fee remains unpaid:
- i. in the first month or fraction thereof, one percent (1%);
  - ii. in the second month or fraction thereof, an additional one percent (1%) for a total of two percent (2%);
  - iii. in the third month or fraction thereof, an additional one percent (1%) for a total of three percent (3%);
  - iv. in the fourth month or fraction thereof, an additional two percent (2%) for a total of five percent (5%);
  - v. in the fifth month or fraction thereof, an additional two percent (2%) for a total of seven percent (7%);
  - vi. in the sixth month or fraction thereof, an additional two percent (2%) for a total of nine percent (9%);
  - vii. in the seventh month or fraction thereof, an additional three percent (3%) for a total of twelve percent (12%);
  - viii. in the eighth month or fraction thereof, an additional three percent (3%) for a total of fifteen percent (15%);
  - ix. in the ninth month or fraction thereof, an additional three percent (3%) for a total of eighteen percent (18%);
  - x. in the tenth month or fraction thereof, an additional four percent (4%) for a total of twenty-two percent (22%);
  - xi. in the eleventh month or fraction thereof, an additional four percent (4%) for a total of twenty-six percent (26%);
  - xii. in the twelfth month or fraction thereof, an additional four percent (4%) for a total of thirty percent (30%);
  - xiii. thereafter, for each additional month or fraction thereof, one and one-quarter percent (1 1/4%) shall be added to the amount charged under subsection (xii).
- C. When suit is brought for the recovery of the fee, the person liable therefor shall, in addition, be liable for the costs of collection together with the interest and penalties herein imposed.

10. A claim against the property owner for unpaid liability may be filed as a lien against the subject **Premises**.

11. For any property at which service has been terminated for lack of payment, collection services shall not be resumed until all outstanding balances are paid, including any balances for unpaid fees for prior years.

12. If the City has terminated service and private collection service has not been demonstrated pursuant to the requirements of Subsection 6 above, it shall be presumed that the owner and/or user of the **Premises** is engaged in an unlawful manner of waste disposal and is causing a public nuisance, which shall subject the owner of the **Premises** to an administrative order to cease operations, as may be permitted by law.

13. If **Collectible Rubbish** or **Recycling Materials** are set out for City collection at any ineligible **Premises** as described in Section 6 above, or at any **Premises** where City service has been terminated pursuant to these Regulations, the property owner shall be subject to all applicable provisions and penalties of The Philadelphia Code and regulations adopted thereunder pertaining to the improper set out of **Refuse**. The Department may issue notice of violation in accordance with the procedures set forth in Section 10-718 of The Philadelphia Code. Penalties for improperly setting out **Collectible Rubbish** or **Recycling Materials** shall be as specified in Section 10 of these Regulations.

## Section 8. MISCELLANEOUS

1. **Placement of Private Business Litter Receptacles.** Philadelphia Code Section 10-704 requires "... the placement of private business receptacles at all public entrances to places of business which prepare or sell food for takeout or consumption off the **Premises** during the business' normal hours of operation only."

- A. Such businesses shall place a **Private Business Litter Receptacle** at all public entrances, outside of the **Premises**, during all hours they are open or in operation.
- B. Such businesses shall store the **Private Business Litter Receptacles** inside the **Premises** during hours the business is not open or in operation.
- C. Any business receiving private **Refuse** collection must also use that collection to dispose of **Refuse** placed in a **Private Business Litter Receptacle** used by the business.

2. **Authorized Private Receptacles.** Philadelphia Code Section 10-713 states that "No person shall throw or deposit litter on any **Private Premises**, whether or not owned by such person, except that the owner or person in control of **Private Premises** may maintain authorized private receptacles for deposit or collection of litter."

- A. For the purposes of Code Section 10-713, an authorized private receptacle for the purpose of storage of refuse on **Private Premises** shall mean a metal or other non-corrodible

receptacle having a tight-fitting lid or cover. Any refuse on a **Private Premises** which is not stored in such manner is considered litter subject to the provisions and penalties of the Philadelphia Code.

B. Bags and open containers shall not be considered authorized private receptacles for the purposes of Philadelphia Code Section 10-713.

3. **Private Compensation Prohibited.** No person shall give any City collection personnel any monetary compensation, gift, or reward for the performance of his or her duties nor shall any Streets Department employee take any such monetary compensation, gift, or reward for the performance of his or her duties.

4. **Use of Public Receptacles.** No person shall place or deposit household or commercial **Refuse** in any **Public Receptacle**.

## **Section 9. PILOTS AND NEW PROGRAMS**

1. From time to time, the Streets Department may initiate a pilot program to test different **Refuse** collection methods, or implement new programs, which affect only a certain portion of the City. For purposes of either a test pilot program or implementation of a new program, the Streets Commissioner may promulgate policies or regulations at variance with these Regulations. In such a case, the specific policies or regulations for the pilot program or new program, where different from these Regulations, supersede these Regulations for the section of the City affected by the program.

2. Affected residents and businesses will be notified by phone message, regular mail or another appropriate method of communication.

## **Section 10. PENALTIES AND ENFORCEMENT**

1. A violation of these Regulations shall be punishable by a fine of not less than one hundred dollars (\$100) and not more than three hundred dollars (\$300), and each day a violation continues or is permitted to continue shall constitute a separate violation for which a separate penalty may be imposed. Notices of violation may be issued in accordance with the procedures set forth in Section 10-718 of The Philadelphia Code.

2. An owner of a **Premises** is responsible for a violation of these Regulations occurring at such **Premises**, even if a tenant or occupant of the owner's **Premises** created or caused the violation, although such tenant or occupant of the owner's **Premises** may also be held liable for such violation.

3. Any person who receives a notice of violation of any provision of these Regulations, or any provision of the Code related to the generation or placement of Refuse for which the Code

Violation Notice amount is \$50, may settle the matter by admitting the violation, waiving the right to a hearing, and paying the following settlement amount:

| When Payment Is Made  | Settlement Amount                                 |
|---|---|
| Within ten (10) days of receiving the notice of violation:  | \$50.00   |
| Beginning on the eleventh (11 <sup>th</sup> ) day after receiving the notice of violation through ten (10) days after receiving a first reminder notice that no payment has been received:    | \$75.00   |
| Beginning on the eleventh (11 <sup>th</sup> ) day after receiving the first reminder notice through ten (10) days after receiving a second reminder notice that no payment has been received: | \$90.00   |
| After an enforcement complaint has been filed in Municipal Court, but before a Municipal Court hearing has been held:   | \$90.00 plus<br>Municipal<br>Court filing<br>fees |

The notice of violation shall contain an appropriate statement for signature by the person receiving the notice of violation for the purpose of admitting the violation and waiving a hearing, and shall be returned when the person receiving the notice of violation remits the stipulated settlement payment.

3. Any person who receives a notice of violation may contest the violation by writing to the Office of Administrative Review and requesting a hearing. The notice of violation shall contain instructions regarding the ability to contest a notice of violation and shall include the address of the Office of Administrative Review.

4. If a person who receives a notice of violation fails to either make the settlement payment described in Section 9.3 above after receipt of the second reminder notice or have the violation dismissed after a hearing before the Office of Administrative Review, a complaint shall be filed for such violation in Philadelphia Municipal Court. If the person named in the complaint is found to be liable for the violation or fails to appear on the date set for hearing, he or she shall be subject to the imposition of fines in the amount of no more than Three Hundred Dollars (\$300.00) per violation.

This page intentionally left blank.