

City of Philadelphia



(Bill No. 090221)

AN ORDINANCE

Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” to require certain businesses and property owners either to pay a fee for City waste hauling or demonstrate that the business or property owner has a private provider of waste and recycling disposal services; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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

CHAPTER 10-700. REFUSE AND LITTERING.

* * *

§ 10-718. Enforcement.

* * *

(3) Any person who receives a notice of violation, except a notice of violation of § 10-702, § 10-703(2), § 10-710, § 10-711, § 10-723, § 10-723.1, [or] § 10-723.2 or § 10-726 may, within ten (10) days, pay the amount of twenty-five (25) dollars, admit the violation and waive appearance before a Municipal Court Judge. Any person who receives a notice of violation of § 10-702 or, § 10-703(2) may, within ten (10) days pay the amount of one hundred fifty (150) dollars, admit the violation and waive appearance before a Municipal Court Judge. * * *

§ 10-719. Penalties.

(1) The penalty for violation of any provision of this Chapter, except § 10-702, § 10-703(2), § 10-710, § 10-711, § 10-723, § 10-723.1, [or] § 10-723.2 or § 10-726 shall be a minimum fine of one hundred (100) dollars and no more than three hundred (300) dollars for each violation.

* * *

(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.

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The penalty for a violation of the regulations adopted under § 10-726 of this Chapter shall be a fine of five hundred (500) dollars.

§ 10-726. *Commercial Establishment Waste Management.*

(1) *Definitions.*

(a) *Commercial establishment. A retail business or an office-based business located in a building in which a total of six or fewer residential, business or office units is located.*

(2) *There is hereby imposed on all commercial establishments and all owners of the properties in which commercial establishments are located a fee for the collection of refuse, waste and recyclable materials in such amount as shall be established by the Department by regulation, which fee may be imposed on a monthly or annual basis, on a per bag or per weight basis, or such other basis as the Department may establish, in its discretion.*

Exemption: Any commercial establishment or property owner that 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 establishment's refuse, waste and recyclable materials is exempt from the fee.

(3) *The Department may establish regulations to implement this Section, including regulations establishing requirements to qualify for an exemption. Such regulations may also make conduct related to the application or qualification for an exemption pursuant to this Section a violation that is subject to penalties as set forth in this Chapter.*

* * *

SECTION 2. This Ordinance shall be effective upon adoption of implementing regulations.

Explanation:

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 21, 2009. The Bill was Signed by the Mayor on May 27, 2009.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive style with a large initial "P" and a long, sweeping tail on the "y".

Patricia Rafferty
Chief Clerk of the City Council