



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 090123
(As Amended, 6/3/09)

Introduced February 26, 2009

**Councilmembers Green, DiCicco, Sanchez, Miller, Greenlee, Jones,
Krajewski, Reynolds Brown, Rizzo and Kelly**

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

AN ORDINANCE

Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled "Use of Dumpsters"; amending Section 9-604, entitled "Refuse Collection," to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled "Construction Materials," to revise the provisions regulating construction dumpsters and Section 11-609, entitled "Administrative Provisions," to increase the fines for violations of Section 11-605; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-604 of The Philadelphia Code is hereby amended to read as follows:

§9-604. Refuse Collection.

* * *

City of Philadelphia

BILL NO. 090123, as amended continued

(5) Private Garbage Collection.

(a) No person shall collect or transport garbage unless he has obtained from the Department of Licenses and Inspections a Garbage Collection License and, for each vehicle so used, a Collection Vehicle License, pursuant to Section 9-604(8).

* * *

(c) All licenses shall be conditioned upon continued compliance with Section 9-604(5)(b), [and] Section 9-604(8), *Section 9-604(10)*, and the regulations of the Department.

(d) In addition to any other penalty or sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Garbage Collection License of a garbage collector who violates any condition of his license.

(6) Private Waste Collection.

(a) No person shall collect or transport Municipal or Residual Waste unless he has obtained from the Department of Licenses and Inspections a Waste Collection License and, for each vehicle so used, a Collection Vehicle License pursuant to Section 9-604(8).

* * *

(c) All licenses shall be conditioned upon continued compliance with Section 9-604(6)(b), [and] Section 9-604(8), *Section 9-604(10)*, and the regulations of the Department.

(d) In addition to any fine or other sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Waste Collection License of a refuse collector who violates any condition of the license.

(7) Recyclable Material Collection.

(a) No person shall collect or transport Recyclable Material unless he has obtained from the Department of Licenses and Inspection a Recyclable Material Collection License. * * *

* * *

City of Philadelphia

BILL NO. 090123, as amended continued

(d) The Recyclable Material Collection License shall be conditioned upon continued compliance with Section 9-604(7), *Section 9-604(10)*, and the regulations of the Department.

* * *

(g) In addition to any fine or other sanction as provided by this Title, the Department of Licenses and Inspections may, pursuant to Section 9-103, revoke the Recyclable Material Collection License of a Recyclable Material collector who violates any provisions of this Section or any condition of his license.

* * *

(10) Dumpsters.

(a) Every person licensed pursuant to this Section who owns, rents or controls dumpsters used for the storage of refuse shall *comply with all applicable provisions of §10-722.*[:]

[(i) Only use dumpster units that are constructed of fire resistive metal, the lids of which are securely attached to the body of the dumpster and when closed, form a secure seal. The lid(s) must be securely closed immediately after the unit is emptied. There shall be no holes in the bottom of the dumpster except for a drainage hole, which must be kept plugged when dumpster is not being cleaned.]

[(ii) Place and maintain on the outside of each dumpster, in legible letters and numerals not less than one (1) inch in height, the licensee's name, or the company logo of the licensee and telephone number and a unique number for each dumpster for identification purposes.]

[(iii) Keep all dumpster units well painted, in good repair, free of offensive odors and clean. All dumpster units placed in the public right of way shall be cleaned and sanitized no less than once every six (6) months or more often, if either the Department of Public Health, Fire, Police, Streets, or Licenses and Inspections so instruct, at a location approved by the Streets Department.]

[(iv) Maintain a ledger or log of all cleanings which record shall be subject to inspection by the Departments of Public Health, Fire, Police, Streets, or Licenses and Inspections.]

[(v) Notify customers of the legal responsibilities of persons licensed pursuant to Section 9-604.]

City of Philadelphia

BILL NO. 090123, as amended continued

[(vi) Only place dumpsters on City cartways or roadways, sidewalks or public alleyways if the customer for whom the refuse is being collected produces a valid license issued by the Department of Licenses and Inspections after approval by the Streets Department. If a dumpster is found in an unlicensed location, there shall be a presumption that the person licensed pursuant to this Section (private waste collector) knew that the location of the dumpster was unauthorized.]

[(vii) Post a bond or such other security as may be required for those dumpsters located on the public right of way to ensure compliance with this legislation in an amount to be determined by regulation of the Streets Department.]

[(viii) No licensee shall collect refuse from any unit between the hours of 9:00 PM and 7:00 AM.]

[(b) The appropriate City department shall promulgate such other rules or regulations as it deems desirable to implement this Section.]

[(c) The provisions of this subsection, with the exception of (7)(a)(ii), shall not apply to dumpsters used exclusively for the collection of construction and demolition debris.]

* * *

SECTION 2. Section 10-722 of The Philadelphia Code is hereby repealed, and a new Section 10-722 is hereby added, to read as follows:

§10-722. Use of Dumpsters.

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

(a) *Construction dumpster. A dumpster used in connection with any demolition, construction, cleaning, painting, building repair or similar process.*

(b) *Department. The Department of Licenses and Inspections.*

(c) *Dumpster. Any container for refuse or recyclable materials that is serviced by a Provider. Does not include a container serviced by the City of Philadelphia.*

(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.*

City of Philadelphia

BILL NO. 090123, as amended continued

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

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

(a) *No person shall make use of a 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. No dumpster, except a construction dumpster, shall be placed in a location other than as authorized by the license for such dumpster. Placement of construction dumpsters shall be permitted only pursuant to the requirements of §11-610.*

(c) *No license shall be issued for a dumpster at any of the following locations:*

(i) *In any public right-of-way within an Area Shopping Center District as defined in §14-309.*

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

(3) *License Applications; Medallions.*

(a) *Except in the case of a construction dumpster, for which the application shall be made by the owner of the dumpster, 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, and whether the dumpster will be a construction dumpster;*

(iii) *The name and address of a business licensed under §9-604 that will be servicing the dumpster;*

City of Philadelphia

BILL NO. 090123, as amended continued

(iv) *If the dumpster 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; and*

(v) *Such other information as the Department may require.*

(b) *The Department shall issue the license if all requirements of this Section are met, and, except in the case of a construction dumpster, if the Streets Department advises the Department that it approves of the proposed location of the dumpster.*

(c) *Except in the case of a construction dumpster, for which a medallion shall be issued pursuant to §11-610, the Department, upon issuing the license, shall also issue to the licensee (or, if the licensee requests, to the provider) a medallion that uses UHF radio frequency technology, or such other technology approved by the Department by regulation, to 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. The name and address of the licensee and the license number, or , in the case of a construction dumpster, the name and address of the dumpster owner, shall be printed on the medallion.*

(d) *License and Medallion Fees.*

(i) *For a dumpster not placed in the public right-of-way, the annual license fee shall be: eighty dollars (\$80) for a dumpster with a capacity less than one (1) cubic yard; one hundred fifty dollars (\$150) for a dumpster with a capacity of one (1) to two (2) cubic yards; three hundred dollars (\$300) for a dumpster with a capacity of more than two (2) but not greater than ten (10) cubic yards; and eight hundred dollars (\$800) for a dumpster with a capacity greater than ten (10) cubic yards.*

(ii) *For a dumpster placed in the public right-of-way, the annual license fee shall be: three hundred dollars (\$300) for a dumpster with a capacity less than one (1) cubic yard; six hundred dollars (\$600) for a dumpster with a capacity of one (1) to two (2) cubic yards; nine hundred dollars (\$900) for a dumpster with a capacity of greater than two (2) but not greater than ten (10) cubic yards; and one thousand two hundred fifty dollars (\$1,250) for a dumpster with a capacity greater than ten (10) cubic yards.*

(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*

City of Philadelphia

BILL NO. 090123, as amended continued

Department by regulation, necessary to compensate the Department for the cost of producing and issuing the replacement medallion.

(4) *Duties of Licensees.*

(a) *Any dumpster located outdoors on private property shall be enclosed according to regulations issued pursuant to Title 4, Subcode B, Section B-421 of this Code.*

(b) *Licensees generating grindable garbage shall equip their premises with garbage disposal units which shall be used to dispose of all grindable garbage which is not collected for composting or for farm livestock feed.*

(c) *Licensees shall place all non-grindable garbage in bags designed to hold garbage without leaking or in other sealable containers designed to hold garbage before placing it in a dumpster.*

(d) *Licensees shall arrange to have a dumpster emptied at least once every week unless it contains non-grindable garbage, in which case the dumpster shall be emptied at least every three (3) days or more often if required by the Department or by order of the Health, Fire, Police, or Streets Departments.*

(e) *Licensees shall keep dumpster lids tightly secured except when in use, and shall keep the area around the dumpster clean and free of any overflowing refuse, non-grindable garbage, or spillage.*

(f) *Nothing in this Section shall be deemed to prohibit an arrangement for collection of garbage for composting or for use as farm livestock feed, provided that such collections are conducted a minimum of twice per week, such garbage is kept in tightly closed and secured containers, and the area around such containers is kept clean and free of any overflowing refuse, garbage, or spillage.*

(g) *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.*

(5) *Duties of Providers.*

(a) *A provider may only service a dumpster or place a dumpster in service if the dumpster is licensed and has a validly issued medallion affixed to it;*

(b) *After servicing a dumpster, the provider shall see to it that:*

City of Philadelphia

BILL NO. 090123, as amended continued

- (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. If the provider determines that the medallion is not working properly, the provider shall within one business day thereafter request a replacement medallion from the Department in the manner specified by the Department, and shall notify the licensee that it has made such request. The provider shall affix the replacement medallion to the dumpster within one week after receiving it from the Department.*

(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 well painted, 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;*

(iii) *except for construction dumpsters, have a lid which is securely attached to the body of the dumpster and that when closed forms a secure seal; and*

(iv) *have no holes in the bottom except for a drainage hole, which shall be equipped with a secure plug.*

(b) *All dumpster units placed in the public right-of-way 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.*

City of Philadelphia

BILL NO. 090123, as amended continued

(c) *A written record of all cleanings shall be maintained, which record shall be subject to inspection by the Department and the Departments of Public Health, Fire, Police, or Streets.*

(d) *For a dumpster located 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.*

(e) *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 (e), 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.*

(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.*

SECTION 3. Sections 10-718 and 10-719 of The Philadelphia Code are hereby amended to read as follows:

§10-718. Enforcement.

* * *

(3) Any person who receives a notice of violation, except a notice of violation of §10-710, §10-711, §10-722, §10-723, §10-723.1, or §10-723.2 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 §10-711, §10-723, §10-723.1, or §10-723.2 may, within ten (10) days, pay the amount of one hundred (100) dollars, admit the violation and waive appearance

City of Philadelphia

BILL NO. 090123, as amended continued

before a Municipal Court Judge. *Any person who receives a notice of violation of §10-722 may, within ten (10) days, pay the amount of one hundred fifty dollars (\$150), admit the violation and waive appearance before a Municipal Court Judge.* The notice of violation shall contain an appropriate statement for signature by the violator for the purpose of admitting the violation and waiving a hearing, and shall be returned by the violator when he remits the stipulated payment. No such stipulated payment shall be permitted in the case of a person who receives a notice of violation of §10-710.

§10-719. Penalties.

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

* * *

(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, or such equitable remedy as the Court may deem proper, including, without limitation, an order to remove or clean a dumpster.*

(7) *The Department may seize any dumpster located in the public right-of-way that is not validly licensed under §10-722. Such dumpster shall be returned to the owner upon payment of: (i) the costs incurred by the Department in seizing, transporting and storing such dumpster; and (ii) payment of a fine of one thousand five hundred dollars (\$1,500).*

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

[(7)] (9) Any fine or costs imposed by the court shall be entered as a judgment against the violator.

[(8)] (10) 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.

SECTION 4. Chapter 11-600 of The Philadelphia Code is hereby amended to read as follows:

City of Philadelphia

BILL NO. 090123, as amended continued

CHAPTER 11-600. CONSTRUCTION, ENCROACHMENTS AND PROJECTIONS OVER, ON AND UNDER STREETS.

* * *

§ 11-609. Administrative Provisions.

* * *

(3) Penalties. In addition to any other sanctions or remedial procedure, the penalty for violation of any of the provisions of this Chapter shall be a fine of not more than three hundred (300) dollars for each offense, and an additional fine of not more than one hundred (100) dollars for each day the violation continues after the expiration of the time allowed for compliance, *except that for any violation of §11-610 that involves a construction dumpster, the penalty shall be a fine of at least three hundred dollars (\$300) and no more than one thousand five hundred dollars (\$1,500) for each offense and for each day the violation continues after the expiration of the time allowed for compliance.*

§ 11-610. Construction Equipment.

(1) Definitions.

* * *

(b) The term “construction dumpster” shall mean [any container larger than a household trash can designed for the storage of any manner of waste, refuse or debris, not including any dumpster licensed pursuant to Section 10-722 or any other provision of this Code] *any “construction dumpster” as defined in §10-722(1)(a).*

(2) No person shall place or maintain in the public right-of-way, or lease for the purpose of placement in the public right-of-way, a construction dumpster for any purpose *unless the owner of the construction dumpster has obtained a license for the dumpster in accordance with provisions of §10-722, and the Department of Streets has issued a permit under the provisions of this Section.* [unless a construction dumpster license specifically applicable to such dumpster has been issued by the Department of Licenses and Inspections. A copy of such license shall be affixed at all times to any construction dumpster located within the public right-of-way.]

(3) *Reserved.* [The owner of a construction dumpster shall obtain such a license by providing the Department of Licenses and Inspections with identifying information regarding the dumpster and any additional information required by the

City of Philadelphia

BILL NO. 090123, as amended continued

Department by regulation. The annual fee for such license is \$60.00 per construction dumpster to be located in the public right-of-way.]

(4) No person, including the owner of the equipment, shall place, maintain, or cause to be placed any construction equipment, including any construction dumpster, in the public right-of-way unless a permit has been obtained from the Department of Streets valid for such time period as determined by the Department of Streets. The Department of Streets is authorized to promulgate regulations governing the terms and conditions for the issuance of such permits, which may provide for fees for the issuance of such permits. *When the Department issues a permit for a construction dumpster, it shall provide the permit applicant with a medallion that meets the requirements of §10-722(3), or update a medallion already issued, which medallion shall be affixed to the dumpster when it is located at the permitted location.*

* * *

SECTION 5. Effective Date; Transition.

(a) This Ordinance shall take effect 60 days after it becomes law, except all provisions requiring the issuance of a medallion or placement of a medallion on a dumpster shall be effective two hundred forty (240) days from the date it becomes law, and provided that any City department may, prior to such effective date, promulgate any regulations necessary or desirable to implement this Ordinance when it takes effect.

(b) Any dumpster license issued or renewed prior to the effective date of this Ordinance shall remain in effect for one year or for the remainder of the license term, whichever is less. No such license shall be renewed except under the terms and conditions of the new Section 10-722 of the Code added by this Ordinance.

Explanation:

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