



City of Philadelphia

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

BILL NO. 110366
(As Amended, 6/2/11)

Introduced May 12, 2011

Councilmember Greenlee

Referred to the
Committee on Streets and Services

AN ORDINANCE

Amending Chapter 10-700 of The Philadelphia Code, entitled "Refuse and Littering," by adding a new Section, authorizing the Department of Streets to promulgate regulations regarding the proper disposal of refuse, rubbish, garbage and recyclable materials set out for collection and to issue notices of violation for the improper disposal of such items, and establishing standards of review for hearings on violations, 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.

* * *

§ 10-726. [Reserved.] *Disposal of Curbside Refuse, Rubbish, Garbage and Recyclable Materials.*

(1) Regulations. The Department of Streets may promulgate regulations for the proper disposal of refuse, rubbish, garbage and recyclable materials, set out at curbside or other pick-up locations for collection by the City or any other collector. This Section is not intended to apply to disposal or collection regulated under Section 10-710 (Dumping of Debris and Short Dumping), 10-722 (Use of Dumpsters) or 10-724 (Commercial Sector Waste Management and Recycling).

City of Philadelphia

BILL NO. 110366, as amended continued

(2) Enforcement.

(a) For purposes of enforcing regulations relating to the proper disposal of refuse, rubbish, garbage and recyclable materials, set out at curbside or other locations for collection by the City or any other collector, notices of violation shall be issued by authorized officers within the Department of Streets or any other official authorized to enforce ordinances.

(b) Whenever any authorized officer within the Department of Streets or any other official authorized to enforce ordinances observes a violation of any regulation relating to the proper disposal of refuse, rubbish, garbage or recyclable materials, set out at curbside or other locations for pick-up by the City or any other collector, he shall hand to the violator or leave upon or affix to the premises where the violation occurred, a printed notice of violation. All notices shall bear: (i) the date, time and nature of the violation; (ii) the identity of the violator, when known; (iii) the address of the violator or the address where the violation occurred; (iv) a statement indicating whether evidence containing the address of the property in violation was found among the refuse, rubbish, garbage or recyclable materials; (v) the amount to be remitted in response to the notice of violation; (vi) the penalty which can be imposed for failure to remit the prescribed amount; (vii) the name and signature of the person issuing the violation notice; and (viii) the official identification number identifying the person issuing the violation notice.

(3) Any person who receives a notice of violation may, within ten (10) days, pay the amount set forth on the notice of violation, admit the violation and waive appearance before the agency of the City designated to hear appeals of violations of regulations adopted pursuant to this Section. 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 the stipulated payment is remitted.

(4) Hearings. Any person receiving a notice of violation under this Section, in lieu of paying the stipulated payment, may request a hearing with respect to the violation. At such hearing, the hearing officer shall consider the following criteria in determining whether a violation has occurred:

(a) 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;

(b) 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;

City of Philadelphia

BILL NO. 110366, as amended continued

(c) 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 at the hearing;

(d) The timeliness of the issuance of any notice of violation; and

(e) Such other evidence that the hearing officer deems appropriate.

(5) Penalties. If the person named in the code enforcement complaint is found, at a hearing, to have violated any regulation adopted pursuant to this Section or fails to appear on the date set for the hearing, he shall be subject to the imposition of penalties as set forth in § 10-719, plus costs.

SECTION 2. This Ordinance shall become effective immediately upon becoming law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.

City of Philadelphia

BILL NO. 110366, as amended continued