

AN ORDINANCE

Amending Chapter 10-700 of the Philadelphia Code entitled “Refuse and Littering” to require the recycling of construction and demolition debris, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Section 10-724 of the Philadelphia Code, entitled “Commercial Sector Waste Management and Recycling”, is hereby amended to read as follows:

§ 10-724. Commercial Sector Waste Management and Recycling.

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

*[(b)](a)*

\* \* \*

*(b) Construction and Demolition Debris. Materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials. The term does not include materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible.*

*(c) Contractor. A contractor as defined in Section 9-1004 of this Code and any person engaged in the demolition or wrecking of a structure for which a permit is required under Section A-301.1.1 of the Philadelphia Building Construction and Occupancy Code.*

*(d) Department. Unless otherwise specified, the Department of Licenses and Inspections.*

*[(a)](e)*

\* \* \*

*[(c)](f)*

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[(d)](g)

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(h) *Recycler. A recycling facility, transfer station, or other waste handling facility permitted pursuant to Section 9-604 of this Code which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.*

[(e)](i)

\* \* \*

(j) *Reuse. Both the on-site use of reprocessed construction and demolition debris if such on-site use is authorized by the Department and the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.*

[(f)](k)

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[(g)](l)

\* \* \*

[(h)](m)

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(5) *Recycling of Construction and Demolition Debris.*

*Any project subject to this section shall be required to recycle or reuse construction or demolition debris produced on site as part of construction or demolition activities by meeting the following requirements:*

(a) *The contractor on a project that is issued a permit with an application date on or after July 1, 2008, but before July 1, 2009, shall cause to be recycled or reused at least 25 percent of construction and demolition debris, as measured by weight, produced on site.*

*(b) The contractor on a project that is issued a permit with an application date on or after July 1, 2009, shall cause to be recycled or reused at least 50 percent of construction and demolition debris, as measured by weight, produced on site.*

*(c) The following projects are subject to this section:*

*(.1) Construction of a new residential building with four or more units.*

*(.2) Construction of a new non-residential building, other than projects for which the total square footage is 4,000 square feet or less.*

*(.3) Any rehabilitation of a building that will require a certificate of occupancy to issue from the department.*

*(.4) Demolition of a residential building with four or more units that includes the demolition of at least one outside wall.*

*(.5) Demolition of a non-residential building, other than projects for which the total square footage is 4,000 square feet or less.*

*(.6) A project is exempt from this section if no building permit is required for the construction and demolition work.*

*(d) Certification of compliance and enforcement.*

*(.1) Within 30 days of completion of a project meeting the requirements of subsection (5)(c) of this section, the contractor shall submit documentation as described herein to report compliance with this section and regulations promulgated thereunder. Documentation shall be in a form prescribed by the department and consist of notarized affidavits from the contractor and the waste-hauler or recycler for the project certifying the extent to which the project complies with subsection (5)(a) and (5)(b).*

*(.2) The certificate of occupancy for a project subject to this section may be withheld until the applicant submits either (i) the required documentation, including, where applicable, proof that any fine due under subsection (8) of this section has been paid in full, or (ii) proof of a written request for a hearing on the applicability of this section and/or the amount of fine due, which hearing shall be conducted in the Board of Licenses and Inspections Review.*

*(.3) Notwithstanding the foregoing subparagraph (.2), if a contractor is unavailable or refuses to provide the required documentation, a property owner may obtain a certificate of occupancy by submitting a waiver application supported by an affidavit that the contractor is unavailable or refuses to provide the required documentation.*

(.4) *A contractor who fails to submit the required documentation as provided herein shall be subject to the full amount of the fines specified in subsection (6) as if no amount of construction and demolition debris was recycled or reused, and may be subject to suspension or revocation of the contractor's business privilege license pursuant to Section 19-2602 and/or contractor's license pursuant to Section 9-1004 of this Code. The contractor may file a written request with the Department for a hearing to determine the applicability of this section and /or the amount of fine due, which hearing shall be conducted by the Board of Licenses and Inspections Review.*

(.5) *The Department shall not issue any new building or demolition permit to a contractor who has failed to timely submit the required documentation with respect to any completed project, until the applicant either (i) submits the required documentation, including, where applicable, proof that any fine due under subsection (8) of this section has been paid in full, or (ii) submits proof of a written request for a hearing on the applicability of this section and/or the amount of fine due, which hearing shall be conducted in the Board of Licenses and Inspections Review.*

(6) *The Commissioner of Licenses and Inspections may promulgate such rules and regulations as necessary to implement the provisions of this section.*

[(5)](7) *Enforcement.*

The provisions of this Section may be enforced through the use of notices of violation in accordance with the procedures provided in Section 10-718. *A contractor must comply with all reasonable requests for information and documentation made by the Department pursuant to an audit to monitor compliance with this section. Documentation required by this section must be maintained for at least three years.*

[(6)](8) *Penalties.*

(a) *Violations of this Section shall constitute a Class III offense and [T]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]1-109(3)[, or] and may also include such equitable remedy as the Court may deem proper. Each day the violation continues is a separate offense.*

(b) *Whenever any affiant knowingly and falsely states that a project has met the requirements of this section, or whenever any contractor knowingly submits an affidavit with such a false statement, or whenever any person knowingly fails to comply with a reasonable request made pursuant to an audit under this section, such action will subject the person to a fine of \$2,000, and will subject the person to additional penalties and fines pursuant to this Code or state law including, but not limited to, the penalties specified in subsection (8)(a) and the revocation or suspension of an affiant's or contractor's business privilege license pursuant to Section 19-2602 and/or contractor's license pursuant to Section 9-1004 of this Code. In the case of a contractor, the Department may, after a hearing resulting in a finding that the contractor has*

*committed any of the aforesaid violations, deny the contractor's right to obtain building or demolition permits for a period of up to one year.*

*SECTION 2. Effective Date. This ordinance shall take effect immediately.*

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***Explanation:***

*Italics indicate new matter added*

[brackets] indicate original matter deleted