



The Philadelphia Streets Department

Regulations for the Provision of Waste and Recycling Receptacles By Takeout Food Establishments

Section 1. Authority.

These Regulations Governing Provision of Waste and Recycling Receptacles By Takeout Food Establishments (“Regulations”) are promulgated pursuant to Sections 5-500 and 8-407 of The Philadelphia Home Rule Charter and Section 10-704 of The Philadelphia Code.

Section 2. Definitions.

- (1) In these Regulations, the following definitions shall apply:
- (a) Alternative Receptacle: A Waste Receptacle or Recycling Receptacle serving one or more Regulated Businesses that is provided as part of a commercial corridor litter plan approved by the Department;
 - (b) Commissioner: The Streets Commissioner and designees;
 - (c) Department: The Department of Streets of the City of Philadelphia;
 - (d) Recyclable Material: Material designated by the Department as commercially recyclable, including glass and plastic bottles, cans, newspapers, cardboard, and plastic containers;
 - (e) Recycling Receptacle: A container with markings designating its use for placement of Recyclable Materials with a capacity of at least 24 gallons, but no more than 32 gallons and that has a lid with either an opening for depositing recyclable material or a lid that can be lifted by a user.
 - (f) Regulated Business: A business which sells prepared or prepackaged food for takeout or consumption off the premises;
 - (g) Right-of-Way: City streets, sidewalks and the surface of and space above and below any real property in the City in which the City has a regulatory interest, or interest as a trustee for the public, as more fully described in Section 11-701(1)(dd) of the Philadelphia Code;

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and

(h) **Waste Receptacle:** A container with markings designating its use for placement of litter or waste that is not Recyclable Material with a capacity of at least 24 gallons, but no more than 32 gallons, and that has a lid with either an opening for depositing trash or a lid that can be lifted by a user.

Section 3. Scope of Regulations

These Regulations apply to the provision and maintenance of Waste Receptacles and Recycling Receptacles under Section 10-704(2) of The Philadelphia Code.

Section 4. Requirements for Regulated Businesses

(1) Every Regulated Business shall provide and maintain a Waste Receptacle and a Recycling Receptacle in accordance with this Section unless an Alternative Receptacle has been approved by the Department:

(a) Waste Receptacles and Recycling Receptacles must be placed within ten (10) feet of the main entrance of the building on the exterior of the building;

(b) Waste Receptacles and Recycling Receptacles may be placed in the Right-of-Way pending location approval by the Department. If locked to a piece of public infrastructure (street sign, street pole, utility pole), the business owner or employees must be able to access the key during business hours. The receptacles may be taken inside when the business is closed or secured with a cable or thin metal chain that can be cut by the Department or other utility agency needing access to the infrastructure;

(c) Waste Receptacles and Recycling Receptacles must be maintained in good condition, without cracks, leaks or other damage; the exterior of the receptacles must be kept clean; and the receptacles must be maintained free of odors.

(d) The Regulated Business is responsible for emptying the receptacles and ensure that they are not overflowing;

(e) The Regulated Business is responsible for disposal of the waste and recycling collected using the Regulated Businesses' regular waste disposal and recycling methods. If the Regulated Business uses a private disposal service it must use a private disposal service for the Waste Receptacles and Recycling Receptacles;

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(f) Waste Receptacles and Recycling Receptacles shall comply with standards for Waste Receptacles and Recycling Receptacles established by a Business Improvement District or Special Services District that provides services in the district; and

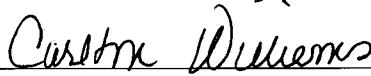
(g) Waste Receptacles and Recycling Receptacles may only be used to collect customer waste and recycling and not waste and recycling generated by other business operations.

Section 5. Responsibility for Injuries to Persons or Property.

Injury to any person or damage to any property resulting from or by the placement of a Waste Receptacle or Recycling Receptacle pursuant to these regulations shall be the exclusive responsibility of the Regulated Business or its waste hauler; the City shall not be responsible or liable for any such injury or damage.

Section 6. Effective Date.

These Regulations shall be effective immediately upon certification by the Records Department that it has been finally adopted pursuant to the procedures required by Section 8-407 of the Philadelphia Home Rule Charter.



CARLTON WILLIAMS
Commissioner

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