CHAPTER 20

SOLID WASTE

Part 1

Regulations and Charges

9 I U I .	Short Title
§102.	Definitions
§103.	Collection and Removal
§104.	Nuisance
§105.	Burning Prohibited
§106.	Charges
§107.	Rules and Regulations
§108.	Penalties

- 174 -

Part 1

Regulations and Charges

- §101. Short Title. This Part shall be known as the "Emporium Sanitation Ordinance." (Ord. 412, 10/4/1993)
- §102. Definitions. The following words when used in this Part shall have the following meanings, except where the context clearly indicates otherwise:
 - ASHES the residue from the burning of wood, coal, coke or other combustible materials for the purpose of heating or cooking.

COMMITTEE - the Sanitation Committee of the Borough Council.

FAMILY - either an individual, or two (2) or more persons related by blood or marriage, or any group of not more than three (3) persons, living as a single housekeeping unit on all or any part of any premises.

GARBAGE -

- (1) Animal, fruit or vegetable waste resulting from the handling, preparation, cooking and consumption of foods.
- (2) Does not include food-processing wastes from industries or canneries nor large quantities of condemned food products, which the Borough will handle by special pick-up.

 $\tt MUNICIPAL$ COLLECTION SERVICE - the system for refuse pick-up and disposal provided by the Borough of Emporium.

PERSON - an individual, partnership, association, firm, corporation, estate, governmental or other agency.

PREMISES - a building or group of buildings constituting a single property and the lot or parcel of land on which such building or buildings are located.

OCCUPANT - any owner, tenant or other person occupying all or any part of any premises.

OWNER - the owner of any premises or any agent or other person employed by him to manage or maintain such premises.

REFUSE - garbage, rubbish and ashes as defined herein and in rules and regulations adopted hereunder, and other waste material of any and every kind.

REFUSE, HAZARDOUS - any refuse, the handling or disposal of which in the opinion of the Borough Manager would constitute a danger to Borough employees or would jeopardize the health, safety or welfare of the residents of the Borough.

RUBBISH -

(1) Glass, metals, paper, plant growth, wood and other non-putresible solid waste.

(2) Large items (hard goods) include furniture, stoves, refrigerators, tanks, machines, vehicles and the like. These will be picked up only by special request.

SANITATION OFFICER - the office of the Sanitation Department and Sanitation Committee of the Borough Council, and of the Environmental Health Officer. The address is: Emporium Borough, 421 N. Broad Street, Emporium, PA 15834

(Ord. 412, 10/4/1993)

§103. Collection and Removal.

- 1. Hereafter all refuse accumulated in the Borough of Emporium shall be collected, removed, conveyed and disposed of only by the Borough of Emporium, by its Municipal Collection Service.
- 2. Hereafter it shall be unlawful for any person to collect, remove, convey or transport any refuse accumulated in the Borough of Emporium on or over any of the streets or alleys of said Borough, by any vehicle or in any manner not authorized in this Part, as hereafter amended, or in rules and regulations now or hereafter adopted hereunder. All persons within said Borough shall dispose of refuse only by the Municipal Collection Service.
- 3. The Municipal Collection Service of the Borough of Emporium shall be under the supervision of the Borough Manager of said Borough.
- 4. Collectors of refuse from outside the Borough of Emporium who desire to haul refuse over the streets or alleys of said Borough shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors from escaping therefrom and refuse from being blown, dropped, or spilled.
- 5. Garbage, ashes and rubbish, including everyday household refuse, shall be included in the regular Municipal Collection Service.
 - A. It is not necessary to separate these different kinds or types of refuse.
 - B. All refuse shall be drained free of liquids before disposal. Containers with rain water will not be picked up. If plastic liners are not used, then all garbage shall be wrapped in paper, plastic or similar material.
 - C. Rubbish shall be placed in approved containers, or cut, bailed, bundled, stacked, or packaged so as not to exceed forty-eight (48) inches in length or fifty (50) pounds in weight.

6. Containers.

- A. Containers for garbage and rubbish shall be made or constructed of durable metal, plastic or similar material. They must be rust resistant and have tight fitting lids and proper handles for easy handling.
- B. Containers for residences shall not be more than thirty (30) gallons maximum.
 - C. All containers must be lettered with the occupant's name.

- D. Containers shall not be allowed to become rusted, torn or worn so that they are no longer serviceable. When a new container is necessary the occupant will be so notified by the collection crew and after one (1) week of non-compliance pick-ups will be suspended until new container is provided.
- E. The provisions of this Subsection do not apply if garbage is set out in plastic bag liners.
- 7. Maximum Pick-Up. No more than five (5) bushels of packaged rubbish or plastic bag liners or two (2) thirty (30)-gallon containers, or three (3) twenty (20)-gallon containers will be collected at any one (1) pick-up.
- 8. Points of Collection. If collection or pick-ups are made from the alley or rear of the property, containers should be placed within ten (10) feet of the road edge. When pick-up is made at the front of the property containers shall be placed at the curb or where the curb should be.
- 9. Residential Collections. All residences within the Borough will be picked up once per week. Additional collections will be made upon calling the Sanitation Office in advance and an extra charge will be billed the occupant. Arrangements can be made by calling the Sanitation Office for removal by the Borough of rubbish or other uncollectible refuse or debris by special service. The charge for such removal will be determined at the time according to amount, etc., and will be billed.
- 10. Commercial Collections. For hotels, restaurants, taverns and other businesses and institutions, the frequency of pick-ups and charges shall be based on the amount of time consumed, quantity of refuse, use of containers or plastic bags, whether collection is indoors or outside, and location of outside pick-up site, as hereafter provided.

11. Industrial Collections.

- A. Collections for industries shall all be considered in a special category, with charges, number of pick-ups, etc., to be agreed upon by the occupant and the Borough as hereafter provided.
- B. It is proper and lawful for any Borough industrial establishment to contract with other than the Borough Municipal Collection Service for removal of its rubbish and trash. This does not include garbage.
- C. Removal can be made only by a person, firm or group that have first been approved and a license to haul issued by the Cameron County Solid Waste Management Bureau. Disposal of rubbish or trash at other than the Borough Council approved site is illegal and punishable by law.
- D. Refuse from any lunchroom, office waste, rest room etc., is to be defined as garbage and must be removed by the Borough Municipal Collection Service only.

12. Time of Pick-Up.

A. All occupants will be assigned a specific day for pick-up and this shall be known as their pick-up day.

B. Exception shall be made for legal holidays at which time all pick-ups will be one (1) day late.

13. Dangerous Refuse.

- A. Inflammable or explosive refuse, poisonous fluids, drugs, and the like, will be handled by a special pickup and are not to be included in any regular garbage pick-up. The Sanitation Office shall be notified and a special crew will make this collection.
- B. These items shall be well-wrapped, marked as to contents, and pick-up will be made at the door.

14. Contagious Refuse.

- A. The collection of contagious wearing material, bedding, and the like shall be made by a special pick-up under supervision of the local environmental health officer.
 - B. Arrangements will be made through the Sanitation Office.

15. Set-Out Rules.

- A. No person shall place any refuse in any street, alley or other public property or outdoors upon any private property whether owned by that person or not, within the Borough of Emporium except it be in proper receptacle for collection.
- B. It shall be unlawful for any person, other than the occupant of the premises on which the refuse receptacles are stored, or authorized personnel of the Borough, or other proper governmental agency, to remove the covers of any of the refuse receptacles or to remove the refuse stored in such containers.
- C. No container shall be placed at the point of collection earlier than twelve (12) hours before pickup day.

(Ord. 412, 10/4/1993)

§104. Nuisance.

- 1. No refuse may be allowed to accumulate for more than one (1) week. All accumulated refuse must be removed in one (1) week. Accumulation of refuse for more than one (1) week or failure to remove it after fifteen (15) days notice is a nuisance, which may be abated by the Borough at the occupant's or owner's expense.
- 2. Any such nuisance may be abated by the Environmental Health Officer of the Borough of Emporium or otherwise as, and in the manner, provided.

(Ord. 412, 10/4/1993)

§105. Burning Prohibited.

1. No outdoor burning of refuse or leaves is permitted at any time or in any manner; not even in a closed incinerator. No person may start a fire anywhere in the Borough, indoors or outdoors, except in a stove, furnace or other container designed for fire.

(20, §105(2)) (20, §105(2))

Exceptions shall be construction fireports and charcoal grills. Other exceptions may be made for some unusual circumstances by the Borough Manager when, and if he considers the situation to fall within the intent of this Part and will not create a nuisance.

(Ord. 412, 10/4/1993)

§106. Charges.

The regular rates shall be as follows:

Α.	<u>Residential</u>	Quarterly
	Single-Family, per month, \$13.34, or billed quarterly	\$40.00
	Apartment Dwellings, based on rate above, each family	40.00
	More than one (1) family living on the same premises using same	
	container, each family	40 00

Commercial. Rates and charges for hotels, restaurants, taverns and other businesses, and institutions shall be determined by the Borough Manager, approved by the Sanitation Committee, and then approved by the Borough Council of the Borough of Emporium.

Minimum Monthly Billing

<u>Industrial</u>. Rates and charges for industries shall be based on the amount of refuse, time consumed and frequency of collections. Each industrial account shall be rated individually. Rates and charges shall be first agreed upon between the Manager and the occupant, then approved by the Sanitation Committee and then approved by the Borough Council of the Borough of Emporium.

Minimum Monthly Charge

\$26.50

[Ord. 457]

- Sanitation Charges. Sanitation charges are imposed upon and shall be collected from the owner of each improved property which shall be serviced by the sanitation department, whether the benefit resulting from such service shall be direct or indirect, which sanitation charges shall commence and shall be effective as of the April 1, 1972, and shall be payable as provided in this Part.
- Extra Charges. All regular charges for residential collections shall be for one (1) maximum weekly pick-up, as above. Additional charges will be made for additional residential collections, as above. All charges for commercial collections shall be for the regular pick-ups as determined by the Borough Manager. All charges for industrial collections shall be for regular pick-up's as agreed. If any residential, commercial or industrial collection is for an excessive or unreasonable amount, an additional charge will be made.

Time and Method of Payment.

- All accounts will be billed on a combined card for sewage and garbage. Whether the billing is monthly or quarterly shall be determined by the sewage billing date.
- If sanitation rentals and charges are not paid within thirty (30) days after the billing date as set forth in subsection (A) of this Section, an additional sum of five (5) percent shall be

added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and post-marked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period shall fall on a legal holiday or a Sunday, payment which shall be made on or mailed and postmarked on the next succeeding week day which is not a legal holiday shall constitute payment within such period.

- C. In the event sanitation rentals and charges imposed under provisions of this Part shall become applicable to any improved property constituting a domestic establishment, commercial establishment or industrial establishment during a billing period as set forth in subsection (A) of this Section, or in the event service to any improved property constituting a domestic establishment, commercial establishment or industrial establishment shall begin after the first day or shall terminate before the last day of any billing period, as set forth in subsection (B) of this Section, sanitation rentals and charges for such billing period shall be pro-rated equitably, as appropriate, for the applicable portion of the billing period.
- D. Every owner of any improved property initially shall provide this Borough with and thereafter shall keep this Borough advised of his correct address. Failure of any person to receive appropriate bills for sanitation rentals and charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.
- E. In the event any account becomes delinquent, pick-ups will cease. The Environmental Health Officer will be notified of the resulting nuisance.

Liens for and Collection of Sanitation Charges.

- A. <u>Liens</u>. Sanitation charges imposed by this Part shall be a lien on the improved property serviced by the sanitation department; and such sanitation charges which shall be delinquent shall be filed as a lien against the improved property so serviced by the sanitation department, which lien shall be filed in the manner provided by law in the office of the Prothonotary of Cameron County, Pennsylvania, and shall be collected in the manner provided by law for collection of municipal claims.
- B. <u>Distraint</u>. Sanitation charges which are delinquent may also he collected by distress of personal property on the improved property. The Borough Manager is authorized and empowered to issue the warrant of this Borough for such distress to the Sheriff or any constable of this Borough.
- C. <u>Service Shut-Off</u>. In the event any account becomes delinquent the Borough Manager reserves the right to terminate service by the sanitation department until payment has been made. Further, the Environmental Health Officer will be notified of the resulting nuisance.

($\underline{\text{Ord. 412}}$, 10/4/1993, as amended by $\underline{\text{Ord. 452}}$, 2/4/2002, §1; and by $\underline{\text{Ord. 457}}$, 12/16/2002, §1)

(20, §107) (20, §107)

§107. Rules and Regulations.

The Borough Manager of Emporium is hereby authorized from time to time, with the prior approval of Borough Council, to supplement, clarify and detail the provisions of this Part with rules and regulations not inconsistent herewith.

- Such rules and regulations shall include but not be limited to provision concerning additional definitions, dates, times and places of pick-ups, containers and quantities, pre-collection and collection procedures, charges, billings and enforcement.
- Such rules and regulations shall be approved by Borough Council by resolution.

(Ord. 412, 10/4/1993)

§108. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred (\$600.00) dollars and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 412, 10/4/1993)

- 182 -