

CHAPTER 51: SOLID WASTE

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*SOLID WASTE***§ 51.01 INTENT AND PURPOSE.**

All domestic, commercial and industrial refuse accumulated or stored upon any property within the borough shall be collected and removed by a responsible person or collector who shall be licensed with the borough and shall be disposed in an area authorized by and approved by the Borough Council in accordance with all state regulations.

(Prior Code, Ch. 20, § 101) (Ord. 228, passed 10-11-2021)

§ 51.02 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Residue from the burning of coal, coke or other combustible material.

DISPOSAL. Storage, collection disposal or handling of garbage.

DWELLING. Place of residence within the borough of one or more persons where refuse is generated through normal living habits. It shall not include apartments or buildings devoted to multiple-family occupancy.

GARBAGE. All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

OCCUPANT. Person generally in possession and control of any dwelling.

PERSON. Any natural person, association, partnership, firm or corporation

REFUSE. All solid waste, except human body wastes, including garbage, ashes and rubbish.

RUBBISH. Glass, metal, paper, plant growth, wood or nonputrescible solid waste.

SOLID WASTE. Any waste, including, but not limited to, municipal, residual or hazardous wastes, including solidified liquids, semi-solids or contained gaseous materials.

(B) In this subchapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

(Prior Code, Ch. 20, § 102) (Ord. 228, passed 10-11-2021)

§ 51.03 LICENSING OF COLLECTORS.

(A) No person shall collect, remove, haul or convey any refuse through or upon any of the streets or alleys of the borough or dispose of the same in any manner or place without obtaining a license.

(B) The fee for such license shall be \$100 per annum, and all licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

(C) Every person who shall apply for a license under this section shall state the type or types of refuse to be collected, the manner of collection, and the place and method of disposal.

(D) No license shall be granted if the place and method of disposal shall not conform to the requirements of this subchapter.

(E) No licensed collector shall make any change in the arrangements for disposal of refuse collected by him or her without first receiving the approval of the Borough Council.

(F) The borough will issue one license each year.

(G) It shall be unlawful to permit an unlicensed collector to collect or remove garbage from any household.

(Prior Code, Ch. 20, § 103) (Ord. 228, passed 10-11-2021) Penalty, see § 51.99

§ 51.04 CONTAINERS FOR WEEKLY COLLECTION.

(A) Every family or household at whose premises refuse is collected or removed shall provide and maintain at all times, a portable metal or plastic receptacle. The same must be water-tight, equipped with a tight-fitting cover, and each receptacle shall be kept in a clean and sanitary condition.

(B) (1) Refuse receptacles shall not be placed along the front side or street side of a borough property for collection until noon on the day before the collection is scheduled to take place.

(2) After collection, and before this noon of the following week, refuse receptacles must be placed on a rear or non-street side of a building, or stored in a garage, shed or other secure enclosure, or otherwise not plainly visible from the public right-of-way.

(3) If outdoors, these receptacles must be stored with their covers or lids secured in place.
(Prior Code, Ch. 20, § 104) (Ord. 228, passed 10-11-2021)

§ 51.05 POINT OF COLLECTION.

The contractor shall pick up all refuse on the property, in accordance with specifications established by the borough.

(Prior Code, Ch. 20, § 105) (Ord. 228, passed 10-11-2021)

§ 51.06 COST.

The cost of weekly garbage collection shall be based on the number and size of the containers.

(Prior Code, Ch. 20, § 106) (Ord. 228, passed 10-11-2021)

§ 51.07 SCHEDULES.

The contractor shall prepare a schedule of refuse pickup for each household on a weekly basis. The contractor shall be responsible to notify residents of the days collections will be made.

(Prior Code, Ch. 20, § 107) (Ord. 228, passed 10-11-2021)

§ 51.08 HOURS OF OPERATION.

The collector shall be permitted to collect, remove and transport refuse on all days of the week, except Sunday and the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, and unless otherwise ordered, the collection of refuse shall not commence before 6:00 a.m., and shall be completed by 6:00 p.m., on any single day of collection. All refuse from cans and receptacles of occupants of dwellings shall be collected, removed and emptied by the collector at least once each week.

(Prior Code, Ch. 20, § 108) (Ord. 228, passed 10-11-2021)

§ 51.09 ACCUMULATION OF GARBAGE PROHIBITED.

No refuse shall be allowed to accumulate on the ground or be deposited on highways, vacant lots or other property nor be thrown in any stream or other body of water.

(Prior Code, Ch. 20, § 109) (Ord. 228, passed 10-11-2021) Penalty, see § 51.99

§ 51.10 PREPARATION FOR COLLECTION.

All garbage, before being placed into receptacles for collection, shall have drained from it, as far as practical, all free liquid. Garbage shall be wrapped in paper or otherwise contained. Ashes shall be placed in separate, fire resistant containers. Rubbish shall be placed in approved containers, or cut and

baled, tied, bundled, stacked or packaged so as to be easily handled by the collector, and not to exceed 36 inches in length and 50 pounds in weight.

(Prior Code, Ch. 20, § 110) (Ord. 228, passed 10-11-2021)

§ 51.11 EQUIPMENT OF COLLECTOR.

The collector shall be required to collect and remove refuse in motor-driven vehicles having enclosed steel bodies with steel covers and water-tight and non-leakable automatic packer-type bodies, and to so conduct the collection, removal and transportation of the refuse under such agreement so as to assure general cleanliness and sanitation throughout the entire process and operation thereof. The collector's unit shall be equipped with appropriate devices to handle containers having a maximum capacity of 40 gallons. The collector shall also be required, at his or her own cost, to dispose of, at an approved disposal area, all quantities of garbage collected by him or her, and to furnish, at his or her own cost, all vehicles, machinery and equipment necessary for the proper performance of such contract.

(Prior Code, Ch. 20, § 111) (Ord. 228, passed 10-11-2021)

§ 51.12 DISPOSAL.

Each collector applying for a license shall provide either evidence of ownership of an approved disposal area or evidence of a valid agreement, not subject to cancellation, covering use of approved disposal area. Such evidence shall accompany the application for license.

(Prior Code, Ch. 20, § 112) (Ord. 228, passed 10-11-2021)

§ 51.13 BILLING PROCEDURE.

The collector and the borough, by agreement, shall establish rates to be charged to each occupant of the premises from which refuse shall be collected. The collector shall enter into individual or separate contracts with each owner of the premises, without liability to or upon the borough. The borough shall reserve the right to change the billing procedure with the concurrence of the contractor. The collector shall bill and collect the bills from the owners.

(Prior Code, Ch. 20, § 113) (Ord. 228, passed 10-11-2021)

§ 51.14 COMPLAINTS.

The Borough Council shall have the right to determine finally the true validity of any complaints made by residents as to failure of the contractor to collect refuse in accordance with this agreement, and the Borough Council's decision shall be final and binding upon the contractor.

(Prior Code, Ch. 20, § 114) (Ord. 228, passed 10-11-2021)

§ 51.15 ASSIGNMENT OF CONTRACTS.

The contractor shall not assign his or her license in whole or in part without the written consent of the borough. Such consent does not release the contractor from any of his, her or its obligations and liabilities under the license. Any violation of this subchapter or specifications shall be sufficient cause for the immediate cancellation of the license by the Borough Council.
(Prior Code, Ch. 20, § 115) (Ord. 228, passed 10-11-2021)

§ 51.16 WORKMEN'S COMPENSATION AND SOCIAL SECURITY.

The Workmen's Compensation Act, being 77 P.S. §§ 1 et seq. and Social Security Act, being 42 U.S.C. §§ 401 et seq., as amended, are deemed a part of the license agreement. The contractor shall be obliged to provide workmen's compensation coverage and shall fulfill the terms and save harmless the borough and all its officers, agents and employees, successors and assigns, jointly and severally, of and from all manner of losses, suits, actions, payments, costs, charges, damages, judgments or claims or demands of any character, name or description brought on account of any injuries or damages received or sustained by any person, persons or property by reason of any act, omission, negligence or misconduct of said contractor, his or her agents or employees in the execution of the license conditions.
(Prior Code, Ch. 20, § 116) (Ord. 228, passed 10-11-2021)

§ 51.17 COLLECTOR AS AN INDEPENDENT CONTRACTOR.

The contractor granted the license shall not in any manner be construed as an agent, servant or employee of the borough, but shall, at all times, be considered and remain an independent contractor.
(Prior Code, Ch. 20, § 117) (Ord. 228, passed 10-11-2021)

§ 51.18 INSURANCE COVERAGE.

The contractor shall carry an insurance policy providing complete third party comprehensive liability and property damage insurance, covering not only the contractor but also the borough, the limits of which shall be not less than \$300,000 to \$500,000 personal liability and \$100,000 property damage, and shall furnish the proper certificates of insurance coverage to the borough.
(Prior Code, Ch. 20, § 118) (Ord. 228, passed 10-11-2021)

§ 51.19 CANCELLATION OF LICENSE.

Any violation of these specifications shall be sufficient cause for the immediate cancellation of the license.
(Prior Code, Ch. 20, § 119) (Ord. 228, passed 10-11-2021)

§ 51.20 FAITHFUL PERFORMANCE.

Faithful performance must be of the essence of the license unless prevented by unavoidable accident, act of God or public immunity, or any restrictions or embargoes imposed by the federal government or any agency thereof; and it is understood and agreed that all material shall be collected, removed, and disposed of in a skillful and businesslike manner, satisfactory to the borough.
(Prior Code, Ch. 20, § 120) (Ord. 228, passed 10-11-2021)

§ 51.21 EVIDENCE OF SATISFACTORY EQUIPMENT.

The contractor shall furnish evidence satisfactory to the borough that he or she has available equipment, by ownership or by valid lease agreement, for collecting and disposing of materials in the performance of his or her contract and that all equipment for transporting of materials will comply with the sanitary and water-tight requirements set forth by the borough.
(Prior Code, Ch. 20, § 121) (Ord. 228, passed 10-11-2021)

§ 51.22 PLACEMENT OF REFUSE COLLECTION.

All refuse collection will be in the front of all borough properties street side.
(Res. 01-95, passed 7-1-1995)

REGULATION OF WASTE DUMPSTERS**§ 51.35 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HIGHWAY. Any public street, avenue, alley or other thoroughfare within the borough.

PERMITTEE. A person who obtains or is required to obtain a permit under this subchapter.

PERSON. Any natural person, firm, corporation, association or similar entity.

WASTE DUMPSTER. A unit designed for the deposit of waste materials at a building, commonly located on a temporary basis on a highway abutting the site and transportable to and from the site for purposes of disposal of its contents by means of a carrying vehicle
(Ord. 209, passed 9-12-2011)

§ 51.36 PERMIT REQUIRED.

No person shall place upon, cause to be placed upon or permit to remain upon a highway a waste dumpster without first obtaining a permit therefore from the borough office or Police Department or his or her designee. The duration of such permit shall be seven days, and the continued validity of such permit shall be contingent upon full compliance with the regulations set forth in this subchapter. After seven days, another permit must be obtained for an additional seven days.

(Ord. 209, passed 9-12-2011) Penalty, see § 51.99

§ 51.37 PERMIT FEE.

The fee for a permit pursuant to this subchapter is \$25. An additional fee of \$25 is required for every parking space taken up by the dumpster.

(Ord. 209, passed 9-12-2011)

§ 51.38 PLACEMENT AND USE REGULATIONS.

(A) A waste dumpster placed upon a highway shall not extend substantially into the travel lane.

(B) A waste dumpster placed upon a highway shall bear reflective markings in sufficient positions and with sufficient reflective capacity to provide reasonable warning to approaching nighttime traffic of its location.

(C) No highway shall be closed for the purpose of location or utilization of a waste dumpster.

(D) Location and utilization of a waste dumpster upon a highway shall not be such as to constitute a safety hazard to person or property.

(E) Where a waste dumpster is placed upon a portion of a highway within additional parking zones, the borough or Police Department must approve the location.

(F) Location and utilization of a waste dumpster upon a highway shall be in compliance with all other federal, state and local statues, rules, and regulations applicable thereto.

(G) Liability insurance shall be maintained by the permittee in at least the amounts of \$300,000 for personal bodily injury or death to any one person, \$500,000 for personal bodily injury or death aggregate per single accident or occurrence \$100,000 for property damage aggregate arising out of or in connection with the placement or utilization of the waste dumpster on the highway with the borough being named as an additional insured on said policy for said purpose.

(H) The permittee shall execute an indemnity agreement, in a form reasonably acceptable to the borough promising to indemnify, save harmless and defend the borough, its officials, agents, servants, and employees and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expensed, including court costs and reasonable attorney fees for or on account of an injury or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of the waste dumpster on the highway.

(I) Only one waste dumpster per property will be permitted on any highway of the borough.

(J) Waste dumpsters shall be clearly marked with the owner's name, address and telephone number.

(K) If a chute or similar object is constructed to be used with a waste dumpster, it must be deemed structurally sound by the borough office, Police Department or designee and an insurance liability insurance certificate in the same amounts as in division (G) above shall be provided.

(Ord. 209, passed 9-12-2011)

§ 51.39 REVOCATION OF PERMIT.

Without limitation as to utilization of any other remedy or action available to the borough, at law or in equity, civil or criminal, noncompliance with any of the regulations set forth in this subchapter shall be ground for revocation by the borough office or Borough Police Department or his or her designee of the permit issued pursuant to this subchapter as shall any material false statement or omission made in connection with the application for the permit.

(Ord. 209, passed 9-12-2011)

§ 51.99 PENALTY.

Any person who violates or permits a violation of this code shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the borough correctional facility for a period not exceeding ten days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this code that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the borough may enforce this code in equity in the Court of Common Pleas of the county.