

ORDINANCE NO. 2007-02

AN ORDINANCE AMENDING ORDINANCE NO. AS AMENDED, FIXING A SANITATION FEE, ESTABLISHING AND IMPOSING UPON PROPERTY OWNERS FOR EACH DOMESTIC AND COMMERCIAL CONSUMER SERVED OR TO BE SERVED IN THE COLLECTION OF GARBAGE AND REFUSE, FOR SERVICES RENDERED BY THE BOROUGH IN CONNECTION THEREWITH, AND REPEALING PRIOR INCONSISTENT ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF PARRYVILLE AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1. Definitions.

ASHES - the residue resulting from the burning of wood, coal, coke, or other combustible material.

DISPOSAL - the storage, collection, disposal, or handling of refuse.

GARBAGE - all animal, fish, fruit, vegetable matter, and wastes resulting from handling, preparation, cooking or consumption of foods.

HOUSEHOLD - a housing unit and shall include room, rooms, apartment, house or houses when occupied or intended to be occupied as living quarters with kitchen or cooking equipment therein.

PERSON - all natural persons, associations, partnerships, firms or corporations.

REFUSE - all solid wastes except body wastes and shall include garbage, ashes and rubbish.

RESPONSIBLE AUTHORITY - the Department of Sanitation of the Borough of Parryville as named by the Borough Council and shall be authorized and directed to implement and enforce the provisions of this Part either by Department action or through their authorized agent or representative-. If no Department of Sanitation, then the Parryville Borough Council shall act.

RUBBISH - glass, metal, paper, rags, plant growth or non-putrescible (i.e. not liable to undergo bacterial decomposition when in contact with air or moisture at ordinary temperatures), solid wastes, or any other organic substance subject to fermentation and decay, excelsior, cartons, old clothes and shoes, straw, empty cans, plastics, grass, weeds, brick, tile, china, oyster and clam shells, lawn trimmings, baskets, furniture and furnishings, and other waste materials which will result from the ordinary conduct of house cleaning. Rubbish shall not include items required to be recycled as defined by Ordinance 467 known as the Borough of Parryville Recycling Ordinance No. 467.

SECTION 2. Administration.

A. All refuse accumulated in the Borough of Parryville shall be collected, conveyed, and disposed of by the Borough of Parryville, provided, however, that the responsible authority may require any person or persons owning or occupying any premises whose accumulated refuse at each time of collection is in excess of six (6) refuse containers not to exceed fifty (50 lbs.) pounds each plus all ashes and a maximum of one (1) bulky item not to exceed two hundred and seventy five (275 lbs.), to personally collect, convey, and dispose of such refuse in accordance with all regulations for collection, conveyance, and disposal prescribed in this Part or made by Borough Council or responsible authority, or to pay such additional fees as may be required for the removal thereof.

B. The cost of the service for collection of refuse under this ordinance as fixed from time to time by Borough Council of the Borough of Parryville shall be borne and paid by the owner of premises from which refuse accumulated and disposed of, and the person producing the refuse, or responsible for the existence or disposal thereof, or for whom such refuse is removed, if such person shall not be the owner, shall be jointly and severally liable with the owner for the payment of said cost.

C. Borough Council is hereby authorized to contract for the performance of the services provided by this Ordinance and to award a contract therefore from time to time for such period of time as shall be determined by Borough Council, which contract shall require the contractor to assume all responsibility of the collection of refuse in the Borough of Parryville in accordance with the provisions of this ordinance and regulations, orders, and specifications provided under the Authority thereof, and to convey dump, and dispose of all such refuse at a place as shall be determined and designated by Borough Council and to fix and regulate in a manner not inconsistent with the terms of this ordinance, and the manner, method, and time of collecting and conveying refuse, the type of equipment required for the purpose and the price to be paid for the performance of said contract and the time or times for the payment thereof.

D. Residents with a home occupation that is registered with the Borough in compliance with local zoning and applicable federal, state, and local regulations, shall be permitted a maximum of six (6) refuse containers not to exceed fifty (50 lbs.) pounds each plus all ashes and a maximum of one (1) bulky item not to exceed two hundred and seventy five (275 lbs.) each as defined in the then current contract entered into by the Borough to dispose of the same shall be placed on sidewalks on regular garbage pick up days.

E. No receptacles, containers, bags or large items shall be placed on an alley, street, sidewalk or other public place or in front of any building, residence or business establishment, except when being placed for collection, and then, no earlier than the time established by resolution adopted from time to time by the Borough of Parryville.

F. The collection and disposal of refuse in the Borough of Parryville shall be under the supervision of the responsible authority. It shall have authority to make regulations concerning the days of collection, type, and location of waste containers and such other matters pertaining to the collection and disposal as it may deem advisable, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof. An aggrieved person shall have the right to appeal against any regulation or order made by the responsible authority to the Borough Council which may confirm, modify or revoke any such regulation or order, provided, however, that no such appeal to Borough Council shall be permitted as to any regulation covered by this Part, or any regulation or order of the responsible authority which shall have been approved by the Borough Council.

G. The responsible authority is authorized to arrange with the contractor, subject to the approval of Borough Council, dates scheduled for the collection of refuse in the various categories and sections of the Borough and shall give public notice thereof. Such schedules shall provide for one (1) collection for each and every week throughout the year. No collections shall be made on Sundays or the following holidays: New Years Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas. All collections shall be made between the hours of 7:00 A.M. and 5:00 P.M. provided that collections may be made after 5:00 P.M. to complete a day's schedule.

H. All persons within the Borough of Parryville other than those excluded under subsection (A) of this Section, shall dispose of refuse by the municipal collection service only and no person shall transport or dispose of refuse by any means not approved by this Part or by the responsible authority.

I. The responsible authority is authorized to make regulations concerning the hauling of refuse over the streets of the Borough of Parryville. No refuse shall be hauled over the streets of the Borough of Parryville except in a watertight vehicle provided with a tight cover so as to prevent offensive odors escaping there from and refuse from being blown, dropped, or spilled there from. No refuse shall be dumped or disposed of within the limits of the Borough of Parryville except at a place as shall be designated and determined by Borough Council.

J. Ownership of refuse set out for collection shall be vested in the Borough of Parryville.

SECTION 3. Precollection and Storage Practices.

1. *Separation of Refuse.* Garbage, ashes, rubbish and refuse shall be included in the regular collection service and it shall not be necessary to separate these different types of refuse.

2. *Preparation of Refuse.*

A. All garbage before being placed in garbage cans for collection shall have drained from it all free liquids and may be wrapped in paper.

B. All rubbish shall be drained of liquid before being deposited for collection.

C. All cans and bottles which have contained food shall be thoroughly rinsed and drained before being deposited for collection.

D. Tree trimmings, hedge clippings, demolition debris and similar materials shall be cut to length not to exceed five (5') feet and tied in bundles not more than three (3') feet thick before being deposited for collection.

E. All rubbish should not be loose but packaged in a waterproof container.

3. *Refuse Containers.*

A. Garbage receptacles shall be made of metal or plastic, must be watertight, and be provided with a tight-fitting cover.

B. No person shall use for the reception of garbage any receptacle having the capacity of more than fifty (50 lbs.) pounds.

C. All garbage receptacles shall be kept as sanitary as possible in view of the use to which they are put, and shall be cleansed by the occupants after garbage is removed by the collector.

D. Ash receptacles shall be of metal and have a capacity of not more than fifty (50 lbs.) pounds.

E. Rubbish receptacles shall be of a suitable kind which can be easily handled by one (1) man.

F. All refuse receptacles shall be provided by the owner, tenant, lessee, or occupant of the premises.

G. All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this Part or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. Failure to comply may result in refusal to collect or the removal of the defective receptacle as refuse.

SECTION 4. Collection Practices.

1. *Points of Collection.*

A. Refuse receptacles shall be placed for collection at ground level on the property, not within the right-of-way of a street or alley, and accessible to and not more than twenty (20') feet from the side of the street or alley from which collection is made, provided that receptacles may be placed for collection at other than ground level and at a distance of more than twenty (20') feet when approved by the Responsible Authority and an additional payment for the extra service is agreed upon by both parties. Only one collection location shall be used for each individual property and in no event shall the front and rear of the property be used as a collection location simultaneously.

B. Refuse receptacles shall be kept in the rear of the house, apartment building, storeroom, restaurant, etc. At no time shall any vessels, receptacles or containers be placed or kept upon an alley, street, sidewalk or other public place, or in front of any building, residence, or retail or wholesale establishment, except when being placed for collection in accordance with subsection (A), hereof, and then, in no event, earlier than twenty-four (24) hours prior to the time scheduled for collection. Following collection, said vessels, receptacles or containers shall be returned to the place or places as designated herein within twelve (12) hours of collection.

2. Frequency of Collection.

A. Garbage, rubbish, ashes, and refuse shall be collected at least once each week.

B. Hotels, restaurants, and such other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the responsible authority may require that more frequent collections be made.

3. Limitation of Quantity.

A. It is the intent of this Part that the reasonable accumulation of refuse to each family for the collection period will be collected for the standard charge. The responsible authority and contractor may refuse to collect unreasonable amounts or may make an additional charge for such amounts.

B. It is the intent of this Part that large restaurants, hotels, apartments, and other businesses and institutions shall have their reasonable accumulations of refuse for the collection period collected at a fair charge based upon the average weight or volume.

SECTION 5. Prohibited Acts.

1. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Parryville or dispose of any refuse accumulated in said Borough in any manner not approved of in this Part or subsequent regulations.

2. It shall be unlawful for any person to place any refuse in any street, alley, or other public place or upon private property, whether owned by such person or not, within the Borough

except it be in proper receptacles for collection. No person shall throw or deposit any refuse in any stream or other body of water.

3. It shall be unlawful for any person to allow any accumulation of refuse on any premises in the Borough of Parryville other than for the purpose of collection in the manner provided by this Part, or by special regulation of Borough Council or the responsible authority. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulation of refuse within fifteen (15) days of notice to either the occupant or owner shall be deemed a violation of this Part.

4. It shall be unlawful for any person, other than the occupants of the premises on which refuse receptacles are stored, or the collector, to remove the covers of any of the refuse receptacles or to remove the refuse stored in such containers.

5. It shall be unlawful to place in any containers for regular collection any wearing apparel, bedding, or refuse from premises where highly infectious or contagious disease has prevailed, or any highly inflammable or explosive refuse.

6. It shall be unlawful to dump, burn, bury, or destroy or otherwise dispose of refuse within the jurisdictional limits of the Borough of Parryville other than at the Borough approved disposal site.

SECTION 6. Fees, Penalties, Discounts, and Delinquents.

1. The fees for the collection and disposal of refuse shall be determined each year by resolution of Borough Council of the Borough of Parryville. Public notice of the fee schedule shall be made by the responsible authority.

2. All bills for sanitation service shall be due and payable as of the date thereof. If bills for sanitation services shall not be paid within thirty (30) days after such shall become due and payable, a penalty of five per centum (5%) shall be added. Payments mailed and postmarked on or before the thirtieth (30th) day shall be deemed to be payments within the period allowed for payment without penalty. If such thirtieth (30th) day shall be a legal holiday or a Sunday, payments made on or mailed and postmarked on the next succeeding business day not a legal holiday shall be deemed to be payments within the period allowed for payment without penalty.

ENACTED AND ORDAINED, this 16 day of January, 2006⁷

BOROUGH OF PARRYVILLE,

BY: Sharon J. Kiser
Diane Koch, President
Vice -

ATTEST:

Dana Mantz
Dana Mantz, Secretary

Michael Kunkel
Michael Kunkel, Mayor