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ORDINANCE NO. 128

An Ordinance of the Borough of South New Castle, Lawrence County, Pennsylvania, Providing for the Collection of Garbage and Rubbish within the Borough, Providing Regulations for the Storage and Collection of Garbage and Rubbish, Prohibiting the Disposal of Garbage and Rubbish in any Manner other than Provided for herein, Authorizing the Borough Council To Contract for the Collection of Garbage and Rubbish and Providing Penalties for the Violation Hereof.

Be It Enacted and Ordained, and it is hereby enacted and ordained by the Council of the Borough of South New Castle, Lawrence County, Pennsylvania, that:

Section 1. Definitions. The following words when used in this ordinance shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

(a) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum amount of free liquids. It shall not include food processing wastes from canneries, packing plants, or similar industries, nor large quantities of condemned food products.

(b) "Ashes" means the residue from the burning of wood, coal, coke and other combustible materials for the purposes of heating and cooking. It shall not include the cinders produced in steam generating plants.

(c) "Rubbish" means all waste materials not included in "garbage" and "ashes" except building rubbish from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles or such other waste materials as are not commonly produced in homes, stores, and institutions.

(d) "Refuse" means garbage, ashes, and rubbish as herein defined.

(e) "Person" means a natural person, firm, co-partnership, association or corporation.

Section 2. Administration.

A. All refuse accumulated in the Borough of South New Castle shall be collected, conveyed and disposed of by the Borough by providing contracts, and the cost of such service shall be paid by the Borough from the general fund, Federal Revenue Sharing Fund, or by each person. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough, or dispose of any refuse accumulated in the Borough, provided however, that this ordinance shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse, if such producers or owners comply with all regulations for collection, conveyance and disposal prescribed in this ordinance, or made by Council or the Borough Secretary under the terms hereof, and provided further that collectors of refuse from outside of the Borough shall have the right to haul such refuse over Borough streets if such collectors comply with the provisions of this section as to their equipment and vehicles, the operation of such equipment and vehicles, and the disposal of such refuse.

B. The collection and disposal of refuse in the Borough of South New Castle shall be under the supervision of the Borough Secretary. He 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 he 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 of appeal against any regulation made by the Borough Secretary to the Borough Council which may confirm, modify, or revoke any such regulation.

C. The producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, and persons who desire to dispose of waste material not included in the definition of refuse, and collectors of refuse from outside of the

Borough who desire to haul over the streets of the Borough, shall use a water-tight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled. Such disposal shall be made outside the Borough limits, unless expressly authorized by Borough Council. The Borough Secretary shall have authority to make such other reasonable regulations concerning individual collection and disposal and relating to the hauling over Borough streets by collectors of refuse from outside of the Borough as he may deem necessary, subject to the right of appeal as set forth in subsection (B) hereof.

D. Ownership of refuse material set out for collection shall be vested in the Borough.

Section 3. Pre-collection Practices.

A. Separation of Refuse. Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

B. Preparation of Refuse.

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

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

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

4. Tree trimmings, hedge clippings and similar material shall be cut to length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

C. Refuse Containers.

1. (a) Garbage receptacles shall be made of metal, or plastic, must be water-tight, 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 twenty gallons.

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

2. Ash receptacles shall be of metal or plastic and have a capacity of not more than twenty gallons.

3. Rubbish receptacles shall be of a suitable kind, which can be easily handled by one man.

4. (a) All refuse receptacles shall be provided by the owner, tenant, lessee, or occupant of the premises.

(b) All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this ordinance 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.

D. Storing of Refuse.

1. No person shall place any refuse in any street, alley, or other public place or upon any private property whether owned by such person or not, within the Borough except it be in proper receptacles for collection or under an express approval granted by the Borough Council. No person shall throw or deposit any refuse in any stream or other body of water.

2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty days after the effective date of this ordinance shall be deemed a violation of this ordinance.

3. 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 contents of refuse receptacles.

H. Points of Collection. 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 ten (10) 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 ten (10) feet when approved by the Borough Secretary and an additional payment for the extra service is agreed upon by both parties.

Section 4. Collection Practices.

A. Frequency of Collection.

1. Refuse shall be collected at least once each week.
2. 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 Borough Secretary may require that more frequent collections be made.

B. Limitation on Quantity.

1. It is the intent of the ordinance that the reasonable accumulation of refuse of each family for the collection period will be collected for the standard charge. The Borough Secretary may refuse to collect unreasonable amounts or may make an additional charge for such amounts.

2. It is the intent of this ordinance 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. The Borough Secretary may refuse to collect unreasonable amounts or may make an additional charge for such amounts.

C. Special Refuse Problems.

1. Contagious Disease Refuse. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious disease have prevailed should be performed under the supervision and direction of the Health Officer. Such refuse shall not be placed in containers for regular collections.

2. Inflammable or Explosive Refuse. Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Borough Secretary at the expense of the owner or possessor thereof.

Section 5. Inspection. The Borough Council or its proper agent or agents shall have the authority at all times to enter upon any premises to ascertain whether the refuse and other substances are being properly disposed of and the requirements of this ordinance are properly complied with. Notice shall be given to such offending person or persons, and if such person or persons do not comply with the ordinance, then he shall be subject to the penalties of this ordinance.

Section 6. Contract.

A. The Borough Council is hereby authorized to enter into a contract or contracts with private individuals or private concerns for the collection of said refuse. The contract or contracts are to be made by the Borough to the best advantage of the Borough and the collection of said

refuse. Such private collector of refuse shall post bond for the faithful execution of his contract.

B. The general fund or Federal Revenue Sharing Fund shall be used for the payment of said contract or contracts or each person shall pay as billed by the collector as specified in contract.

C. During the time any contract is made by the Borough with private person or persons or concerns and while the contract is in force and while such persons continue to lawfully perform the duties imposed upon them by the said contract, it shall be unlawful for any other person or persons or concerns to follow the trade, business, or calling of refuse collection within the said Borough.

Section 7. Penalty for Violation. Any person whether as principal, agent or employee violating or assisting in the violation of any of the provisions of this ordinance or any regulation made by Council or the Borough Secretary under the provisions hereof shall, upon conviction thereof, pay a fine of not less than TEN DOLLARS (\$10.00) or more than TWENTY-FIVE DOLLARS (\$25.00) and in default of payment of such fine shall be imprisoned in the County jail for not more than ten (10) days. After notice, each day's neglect to comply with the provisions of this ordinance or any such regulation shall be deemed a separate offense and be subject in all respects to the same penalty as the first offense and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first conviction.

Section 8. Severability. It is the intention of Council that each separate provision of this ordinance shall be independent of all other provisions herein, and it is further the intention of Council that if any of the provisions of this ordinance be declared to be invalid, all of the provisions hereof shall remain valid and in force.

Section 9. Repealer. Any ordinance or part of any ordinance in conflict with or contrary to the provisions of this ordinance is hereby repealed.

Enacted and Ordained this 12th day of FEBRUARY, 1973.

George Vranas
President

Attest:

Theresa Ryznar
Secretary

Examined and approved this 12th day of February, 1973.

Bob [Signature]
Mayor

Dorothy Kline
Secretary

State of PENNSYLVANIA
County of LAWRENCE

Subscribed and sworn/affirmed before me this 2 day of Oct 2006
by Dorothy Kline

Shirley Nocera
Notary Public

My Commission expires: _____

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Shirley Nocera, Notary Public
South New Castle Boro, Lawrence County
My Commission Expires Mar. 9, 2008

Member, Pennsylvania Association Of Notaries