ORDINANCE NO. 555 - 2013

BOROUGH OF BENTLEYVILLE
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE, WASHINGTON COUNTY, PENNSYLVANIA, ENACTING AN ORDINANCE FOR GARBAGE AND RUBBISH COLLECTION AND DISPOSITION.

WHEREAS, the Borough of Bentleyville desires to adopt an ordinance for garbage and rubbish collection and disposition and believes it to be in the best interest and welfare of its residents to do the aforesaid.

NOW, THEREFORE, pursuant to the Borough Code as amended and other relevant laws the Council of the Borough of Bentleyville ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as the "Garbage and Rubbish Collection and Disposition Ordinance".

SECTION 2. DEFINITIONS.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Ordinance, except where the context or language clearly indicates or requires a different meaning:

ASHES – the products of burned coal, wood or other combustible materials.

BULK – such items as large appliances, furniture, trees and limbs over thirty-six (36) inches in length, but less than seventy-two (72) inches in length, and over three (3) inches in diameter, but less than eight (8) inches in diameter, pipes and automobile parts, excluding dirt, concrete and demolition debris.

COMMERCIAL HOUSES – churches, schools, banks and personal care homes, day care homes, store, markets, apartments or other dwellings with more than six (6) units, restaurants and any place other than dwelling units where solid waste is produced. "Commercial houses" shall

also include those multiple use buildings containing more than six (6) residential units in addition to a commercial unit or units.

DWELLING UNIT – a building or structure or manufactured home, designed or used for residential occupancy, including single-family dwellings, duplexes, multi-family dwellings and owner-occupied home occupations, including apartments with six (6) or less units, but not including hotels or lodging and boarding homes.

GARBAGE – every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of meat, fish, food, fruit or vegetables.

HOUSEHOLD RUBBISH – household goods, household refuse, crockery, broken glass, rags, grass clippings and other similar debris, hedge cuttings and shrubbery trimmings bundled, boxed or otherwise contained, furnace pipe, incinerator refuse and ashes of all kinds and descriptions, wood not over thirty-six (36) inches in length, all rubbish, debris, waste, litter, scrap, packing, excelsior, straw, metal cooking utensils, toys, porcelain, carpeting, leather, rubber, shoes, clothing, cardboard, tree trimmings bundled, newspaper and magazines, trees and tree limbs under thirty-six (36) inches in length and three (3) inches in diameter and whole Christmas trees, tires, but no automobile parts.

SOLID WASTE – all garbage, rubbish, ashes and bulk.

TRANSFER FACILITY – a facility which receives and processes or temporarily stores solid waste at a location other than the generation site and which facilitates the transportation or transfer of solid waste to a processing or disposal facility. The term includes a facility that uses a method or technology to convert part or all of the waste materials for offsite reuse. The term does not include a collection or processing center that is only for source separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

SECTION 3. ONLY BOROUGH MAY COLLECT AND DISPOSE OF GARBAGE, ASHES AND HOUSEHOLD RUBBISH.

All garbage, household rubbish and ash collection and disposition in the Borough of Bentleyville shall hereafter be conducted solely by the Borough.

SECTION 4. DUTY OF OWNERS AND OCCUPANTS OF PROPERTY.

It shall be the duty of every person owning or occupying any dwelling unit, or part thereof, in the Borough of Bentleyville, as covered by this Ordinance, where any solid waste shall be collected or accumulated, to comply with all of the regulations pertaining to the storing or disposal of solid waste.

A. Every such person shall provide, or cause to be provided, at all times, containers for holding garbage, household rubbish and ashes. It is the responsibility of every such person whose solid waste is collected, to maintain any containers used for the outside storage of solid waste in a manner which does not attract vermin, insects or otherwise create a health hazard. Metal or nonmetal containers must have a handle on the outside and a capacity of not less than seven (7) gallons nor more than thirty-five (35) gallons. Plastic bags, if properly bound and not torn, may be placed at the premises collection site at the appropriate time for collection. Said containers shall be of such construction to be conveniently handled, lifted and emptied, when full, by one (1) person. Every such container shall be maintained in good condition and shall be replaced by such occupant or owner of the premises when it becomes out of repair or when its condition becomes unsanitary or offensive.

B. Every such person shall cause all solid waste from his or her premises to be put in the containers provided for that purpose, as aforesaid. No person shall place, or cause to

be placed, in any container receptacle any substance other than solid waste, as above defined.

C. Every such person shall keep his or her private area which is the collection site for solid waste free from all obstructions, i.e., ice, snow and other such materials and all other such accumulations.

D. Every such person shall place his or her containers at the alley side adjacent to that person's property or at the curbside, if no alley exists. Solid waste may be stored at the rear of the property but shall not be placed alley side or on the curb before 5:00 p.m. the day before scheduled pickup during those weeks when Eastern Daylight Savings Time prevails. No containers shall be kept or placed at any time on fire escapes, basements, balconies, streets, sidewalks or any other public place. Any dispute as to where solid waste is to be placed for pickup shall be resolved by the Council of Bentleyville Borough or as determined by the policies and procedures as adopted by the Mayor and the Council of Bentleyville Borough.

E. No can used for the storage of solid waste shall be filled so full that the cover will not fit down tightly or be so full that material overflows from the container.

F. Every person owning or occupying any dwelling unit, or part thereof, in the Borough of Bentleyville with six (6) or less dwelling units where any solid waste collected or accumulated, may elect to have their solid waste collected and disposed of as commercial or industrial establishments or commercial houses may dispose of solid waste. In such cases, said owners or occupiers shall provide their own dumpster or other receptacle approved by the Borough, which shall be screened or otherwise covered and shall be located at the rear of the subject property so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions

harmful to public health or which create safety hazards, odors, unsightliness or public nuisance. In the event that said owners of six (6) or less dwelling units shall elect this optional form of solid waste collection, said individual(s) or entity(ies) shall make application with the Borough of Bentleyville and provide the information reasonably requested by the Borough, on forms provided by the Borough of Bentleyville. Said application shall be submitted to the Borough of Bentleyville Code Enforcement Officer (CEO) who shall determine if said application shall be granted. The CEO shall comply with all rules and regulations adopted by the Borough Council from time to time with regard to such application process.

SECTION 5. FEE FOR COLLECTION AND DISPOSAL.

Borough Council for the Borough of Bentleyville, upon proper meeting and taking all necessary steps incident thereto required to effectuate the adoption and passage of action to set fees for collection and disposal of solid waste, shall designate the fees for collection of solid waste and designated recyclables. The responsibility for the payment of the yearly assessment shall be that of the individuals or entities who are the record owners of the real estate upon which said dwelling units are located and the occupant of said property, at the time the assessment is made or at any time during the calendar year in which the assessment is made.

SECTION 6. MANNER OF COLLECTION AND FREQUENCY THEREOF.

The collectors for the Borough of Bentleyville will remove promptly, in as clean a manner as possible, all solid waste and return the solid waste containers and receptacles to the premises from which they have been removed.

SECTION 7. COLLECTION SCHEDULE.

Solid waste shall be collected at least once every week during each of the calendar months.

SECTION 8. HOURS OF COLLECTION FOR SOLID WASTE.

Solid waste shall be collected from the dwelling units between the hours of 6:00 a.m. and 6:00 p.m. on the scheduled date for collection.

SECTION 9. COLLECTION AND DISPOSAL BY CONTRACT; TYPE OF VEHICLES TO BE USED.

Solid waste, as hereinbefore mentioned, to be collected, shall be collected, removed and disposed of under this Ordinance by a responsible person, persons, entity, firm or corporation, under contract with the Borough, in a vehicle of substantial construction, water tight and provided with covers which shall be closed at all times, except when solid waste is being placed therein. Failure to adhere to requirement may result in citation and fine by the CEO or police and/or revocation of license as hereunder.

SECTION 10. COLLECTION FROM DWELLING UNITS ONLY.

A. Solid waste to be collected, removed and disposed of by the duly empowered and authorized collector of the Borough of Bentleyville shall be collected from dwelling units only and not from commercial houses.

B. Where a dwelling unit is under the same roof and is an integral part of the building wherein a business is located and the individual or individuals operating said business live in said dwelling unit, collection shall not be made from said dwelling unit and it shall be treated as a commercial or industrial establishment or commercial house.

SECTION 11. AWARD OF CONTRACTS; TERMS THEREOF.

Contracts under this Ordinance shall, from time to time, be let to the lowest responsible bidder, after due advertisement, according to law, for such period as Council may deem proper, which contract may contain, in addition to the requirements of this Ordinance, such other provisions not in conflict herewith as may be deemed advisable to incorporate therein, and such

contract or contracts shall be executed by the Council on behalf of Borough and shall contain a provision requiring the successful contractor to give a performance bond of fifty (50) percent of the amount of the contract with approved corporate surety.

SECTION 12. PROHIBITED ACTS.

A. The depositing of any solid waste, as defined herein, or grass and hedge clippings, bottles, cans, food receptacles, garden rubbish or other waste matter, or offal by any person, firm or corporation upon any street, lane, alley, river, stream or other public place or upon any private lot, yard, garden or other place within the Borough limits, whether owned by such offender or not, not in accordance with the provisions of this Ordinance, is hereby declared to be a nuisance, detrimental to the public health and safety and to the inhabitants of the Borough, and the same is hereby prohibited.

B. It shall be unlawful for any person to place or deposit any household waste container into any public waste receptacle in the Borough of Bentleyville.

C. No person, firm or corporation shall accumulate solid waste upon any lot within the Borough of Bentleyville, except for a reasonable quantity thereof, placed in one (1) or more covered containers while awaiting transportation to a landfill.

SECTION 13. PAYMENTS; PENALTY FOR NONPAYMENT.

Borough Council for the Borough of Bentleyville, pursuant to the aforementioned Section 5, hereof, may set forth rules and regulations for the implementation of collection fees for solid waste and designated recyclables and thereby provide for the collection of said fees.

SECTION 14. PENALITES.

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Fifty ($150.00) Dollars and not more than Five Hundred ($500.00) Dollars.

SECTION 15. RULES AND REGULATIONS.

Council shall have the power to make, from time to time, such rules and regulations as may be deemed necessary to carry out and enforce the provisions of this Ordinance.

SECTION 16. SEVERABILITY.

If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or part of this ordinance. It is hereby declared as the intent of the Council that this Ordinance would not have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 17. REPEALER.

Any Ordinance of any part of Ordinances inconsistent with the provisions of this Ordinance is hereby repealed insofar as the same affects this ordinance.

SECTION 18. EFFECTIVE DATE.

This Ordinance shall become effective immediately and upon final enactment.

ENACTED AND ADOPTED by the Council of the Borough of Bentleyville this _____day of _____, 2013.

ATTEST: **BOROUGH OF BENTLEYVILLE**

_____ BY: _____
Kimberly Sacco, Secretary/Treasurer Stan Glowaski, President

EXAMINED AND APPROVED by me this _____ day of _____, 2013.

BY: _____
Thomas Brown, Mayor