

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE IN THE BOROUGH OF DALE; PROHIBITING THE ACCUMULATION, DUMPING, BURYING AND BURNING OF GARBAGE, RUBBISH AND REFUSE; REGULATING THE CARE AND REMOVAL OF SAME; PROVIDING FOR THE COLLECTION OF SAME; ESTABLISHING FEES AND CHARGES FOR COLLECTION AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

WHEREAS, the Council of the Borough of Dale being desirous of providing for and regulating the collection of garbage, rubbish and refuse to promote the public health, safety and welfare of the citizens of the Borough of Dale; and

WHEREAS, the Council of the Borough of Dale has authority under the Borough Code to enact an ordinance regulating the collection and disposal of garbage, rubbish and refuse in the Borough;

NOW, THEREFORE, be it enacted and ordained by the Council of the Borough of Dale, Cambria County, Pennsylvania, and it is hereby enacted and ordained by authority of same as follows:

1. SHORT TITLE. This ordinance shall be known as the Borough of Dale Solid Waste Disposal Ordinance.

2. DEFINITIONS.

- A. "Collector" shall mean the person, partnership or corporation granted an exclusive contract for the collection, removal and disposal of garbage, rubbish and refuse within the Borough of Dale, subject to the exceptions hereinafter set forth.
- B. "Garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- C. "Rubbish" shall include glass, metal, paper, rags and like non-putrescible waste.
- D. "Refuse" shall mean all solid wastes, except body wastes, and shall include garbage and rubbish.

E. "Residential Unit" shall refer to the residence of each separate residential customer, including each apartment in an apartment building.

F. "Commercial Unit" shall refer to the persons, associations, partnerships or corporations wh do business within the limits of the Borough.

In this ordinance, the singular shall include the plural and the masculine shall include the feminine and neuter, and the term "person" shall include any natural person, association, partnership or corporation.

3. VIOLATIONS. For reasons of public health and sanitation, it shall be unlawful and in violation of this Ordinance for any person to accumulate or to permit the accumulation upon private or public property in said Borough of any garbage, rubbish or refuse, except for such limited periods of time as shall be necessary for the disposal of the same in compliance with this ordinance; or for any person to dump, bury, burn, or to permit the dumping, burying or burning of any garbage, rubbish or refuse upon any ground, or within any building in the Borough; or for any person to haul, transport, collect or remove any garbage, rubbish or refuse except in accordance with this ordinance; or for any person otherwise to dispose of any garbage, rubbish or refuse except in accordance with this ordinance. Any person who violates any of said provisions shall be deemed to be guilty of maintaining a nuisance and shall be subject to the penalties hereafter provided.

4. EXCLUSIVE CONTRACT TO PRIVATE COLLECTOR. The Borough Council shall award a contract to a private collector for the exclusive right and duty to collect, remove and dispose of garbage, rubbish and refuse within the Borough, with such exceptions as may be hereinafter set forth. Such Collector shall comply with all the requirements of this ordinance, which shall be construed as part of his contract. In the event such Collector fails to comply and conform satisfactorily with the terms and conditions of the contract and of this ordinance, the Council shall have the right to revoke, cancel and

terminate the contract, or to take whatever other proceedings may be deemed necessary and desirable by the Council; and thereupon to collect garbage, rubbish and refuse in such other manner as the Council may in their judgment deem advisable; and in such event to charge the costs of collection against the Collector and to deduct the costs thereof from any moneys due and owing him, or to sue for said costs by a suit in assumpsit, if necessary.

5. COLLECTION PRACTICES. The Collector shall be required to comply with the following collection regulations:

- A. Capacity Required. He will be responsible for providing in a capacity as an independent contractor for the collection of garbage and rubbish throughout the Borough.
- B. Time of Collection. Collection of garbage and rubbish must be made at least once weekly, Monday thru Friday. The said collections must be made between 5:00 o'clock A.M. and 7:00 o'clock P.M., prevailing time, and if a collection day falls on a recognized national holiday, the collection will be made on the following day.
- C. Number of Containers. The Collector, on each collection, shall be responsible for picking up the contents of four (4) or less refuse containers from each residential unit. Any excess disposal above the number of containers provided for shall be a matter of private negotiation and contract between the Collector and person disposing same and shall remain the responsibility of the person so depositing the refuse to remove same in compliance with the provisions of this ordinance.
- D. Collection Schedule. Promptly after the award of the contract to him, the Collector shall furnish the Council with a collection schedule for the collection of garbage and rubbish. Any changes to the schedule must be made with the consent of the Council.
- E. Disposal Requirements. The Collector shall dispose of garbage, refuse and rubbish only in such disposal area or incinerators as meet the requirements of the Pennsylvania Solid Waste Management Act. The Collector shall be solely responsible for such proper disposal.
- F. Truck Specifications. The Collector shall use trucks or other vehicles for the transportation of refuse which are water tight, with an enclosed cargo space. No truck shall be permitted to scatter any contents on any streets

or thoroughfares of the Borough. Each truck must be maintained in a clean and sanitary condition so as to be free from unsanitary conditions or odors, and so as to present a satisfactory outward appearance; must meet all requirements of the Pennsylvania Solid Waste Management Act; and may be inspected at any time by the Council. Any deficiency must be corrected by the Collector. The Collector shall maintain his equipment in such condition as to be able to maintain his collection schedule.

- G. Littering. The Collector agrees to make collections in a workmanlike manner so that the streets, thoroughfares and property of the Borough shall not be littered with garbage and rubbish or obstructed in any way as the result of the collection thereof.

6. PRE-COLLECTION PRACTICES. Owners, occupants and residents of the Borough shall be required to comply with the following pre-collection practices:

- A. Container Specifications. Garbage and rubbish shall be placed in either (1) refuse containers made of durable, water-tight, rust-resistant material having a close-fitting lid with handles to facilitate collection and having a capacity of not less than ten (10) gallons, nor more than twenty (20) gallons; or (2) refuse containers consisting of plastic bags having a capacity of not less than ten (10) gallons and not more than twenty (20) gallons; with the openings to such plastic bags to be securely closed and tied prior to setting them out for collection.
- B. Separation of Garbage and Rubbish. There shall be no duty to separate garbage and rubbish.
- C. Draining of Garbage and Rubbish. All garbage and rubbish before disposal shall be drained free of all liquids and may be wrapped in paper.
- D. Placement of Containers. Refuse containers shall be placed for collection at ground level on the property, not within a right-of-way of the street or thoroughfare, at a point accessible to and not more than five (5) feet from the side of the street or thoroughfare from which collections are made provided that the Collector may agree to vary from this requirement for reasons which are approved by the Council or when other extreme conditions exist.
- E. Exceptions. The Collector may, due to reasons which are approved by the Council, enter into agreements with the owner, occupant or resident, for the placement of garbage or rubbish in other types of suitable disposal containers, which are also approved by the Council.

The intent of this clause is to provide for unusually large disposal by apartment units or by residential units in exceptional cases.

7. AMOUNT OF FEES.

- A. 1972. The fee for the remainder of the 1972 calendar year shall be Eight (\$8.00) Dollars. However, if said annual fee is paid during the month of September, 1972, a discount of \$1.00 will be allowed. If said fee is not paid before November 1, 1972, a Five (5%) per cent penalty shall be imposed. If said fee is not paid before December 1, 1972, the Collector shall take legal action to collect said fee.
- B. Annual Fee. The annual fee for collection and disposal from residents shall be twenty-four (\$24.00) Dollars per calendar year per residential unit. This fee shall be due and payable by the occupant of each residential unit within the Borough.
- C. Time of Payment. Payment of the fees above prescribed shall be made within ninety (90) days from the first day of January of each and every year, and if so made, a discount of \$2.00 shall be allowed.
- D. Payment by New Residences. In the event of the erection of a new residence requiring collection and disposal service, the fee shall be paid in a single payment for the number of months remaining in the calendar year at the rate of Two (\$2.00) Dollars per month.
- E. Delinquent Payment Penalty. If payment of the fee above prescribed is made after the said ninety (90) day discount period but before June 30th of any year, same shall be paid at the face amount without discount, and if the fee is paid after June 30th of any year, the payment shall be delinquent and a penalty of five (5%) per cent shall be imposed thereon. All delinquent accounts are subject to stoppage of service without notice. Service shall be resumed only on payment of the appropriate fee and penalty unless the Council directs otherwise. If said fee is not paid before the first day of October of any year, the Collector shall take legal action to collect said fee.
- F. Transfer of Payment. Payment of the fee above prescribed shall inure to the benefit of any successor occupant of the residential unit during the calendar year.
- G. Exceptions. Any fees for collection for commercial units for collection in excess of the maximum amounts and for collection of refuse other than garbage and

rubbish shall be made by private contract with the collector or the owner or occupant shall provide for removal of same in compliance with this ordinance by other means.

- H. Combined Units. Residents living on the same premises in which they operate a bona fide commercial unit and have their residential garbage refuse and waste collected with their commercial garbage shall be exempt from payment of the residential unit fee.

8. COLLECTION OF FEES.

- A. Appointment of Fee Collector. The Council of the Borough of Dale shall designate a person to collect the garbage fees from the Borough residents and users of said service.
- B. Compensation of Fee Collector. Such person designated to collect garbage fees shall be compensated at the rate of Five (5%) per cent upon all collections made. In addition, the Borough shall pay all stationery costs, postage fees and similar expenses.
- C. Bond of Fee Collector. Such persons designated to collect garbage fees shall secure a fidelity bond with surety to be approved by the Council and at the cost of the Borough in an amount of Fifty (50%) per cent of the total receipts from the collection of garbage fees, as estimated by the Council.
- D. Deposits and Accounting for Fees. Such person designated to collect garbage fees shall deposit all fees collected into a special garbage collection account to be set up in the name of the Borough. Deposits shall be made at least once monthly, and a report is to be submitted by the person so designated to collect the said fees monthly to the Council listing the customers who have paid and the amounts paid, along with a running cumulative total for the calendar year on each monthly report.
- E. Authority of Fee Collector. Such person designated to collect garbage fees shall have the right to direct stoppage of garbage collection for delinquent accounts by sending a letter to the Collector of garbage with copies of same being sent to the Council and to the customers whose service is being stopped, directing the stoppage of garbage collections.
- F. Right of Fee Collector. Such person designated to collect garbage fees shall have the right to proceed for such fees by actions in assumpsit.

9. RULES AND REGULATIONS. The collection and disposal of garbage, rubbish, refuse and the collection of fees in the Borough shall be subject to such other reasonable rules and regulations as may from time to time be promulgated by the Council, provided that all such rules and regulations shall not be contrary to the provisions of this Ordinance.

10. FINES AND PENALTIES. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall, upon conviction thereof, in a summary proceeding before a Magistrate, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and costs of prosecution and, in default of payment of such fine and costs, shall be committed to the County Jail for a period not exceeding thirty (30) days. Each day's continuance of a violation of this ordinance shall constitute a separate offense.

11. 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 parts of this ordinance. It is hereby declared as the intent of the Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herein.

12. EFFECTIVE DATE. This ordinance shall become effective the 1st day of September, 1972.

Ordained and enacted this 18th day of August, 1972.

Attest:

Ray B. Erb.
Secretary

BOROUGH OF DALE

By Frederic K. Fisher-Bright
President

Approved this 8th day of September, 1972.