

ORDINANCE NO. 524-2016

EAST WASHINGTON BOROUGH
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF EAST WASHINGTON BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 38 CONCERNING THE STORAGE OF REFUSE BY REQUIRING ANY PERSON OWNING OR OCCUPYING ANY DWELLING UNIT OR PART THEREOF TO COMPLY WITH REGULATIONS AS TO THE STORAGE OF CONTAINERS HOLDING GARBAGE, HOUSEHOLD RUBBISH, ASHES, ETC AND PROVIDING PENALTIES THERETO

WHEREAS, the Council OF East Washington Borough previously adopted Ordinance No. 384 on or about June 16, 1980 regarding the outdoor storage of refuse ; and

WHEREAS, the Council of East Washington Borough has received complaints and concerns regarding the placement of containers utilized for the holding of garbage, household rubbish, ashes, etc; and

WHEREAS, the Council of East Washington Borough believes it to be in the best interest and welfare of its residents to adopt this Ordinance regulating the placement and storage of containers holding garbage, household rubbish, ashes, etc.

NOW THEREFORE, pursuant to the Borough Code, as amended, and other relevant laws of the Commonwealth of Pennsylvania, it is hereby enacted and ordained by the Council of East Washington Borough, as follows:

SECTION 1: TITLE

This Ordinance shall be known as the "East Washington Borough Storage of Household Garbage Container Ordinance of 2015".

SECTION 2: GENERAL PURPOSES

The purpose of this Ordinance is to regulate the storage and placement of containers holding garbage, household rubbish, ashes, etc. by every person owning or occupying any dwelling unit or part thereof in East Washington Borough.

SECTION 3: DEFINITIONS

1. ASHES- the product of burned coal, wood or other combustible materials.
2. 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.
3. 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.

4. 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.

5. SOLID WASTE- all garbage, rubbish, ashes and bulk.

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 East Washington Borough where any solid waste shall be collected or accumulated, to comply with all the provisions of the Ordinance 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 6:00 p.m. the day before scheduled pickup during those weeks when Eastern Daylight Savings Time prevails. Solid waste may be stored at the rear of the property, but shall not be placed alley side or on the curb before 3:00 p.m. the day before scheduled pickup during those weeks when Eastern Standard Time prevails. No containers shall be kept or placed at any time on fire escapes, front porches, 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 Code Enforcement Officer of East Washington Borough or as determined by the policies and procedures as adopted by the Mayor

and Council of East Washington Borough, from time to time as amended by resolution or pursuant to a policy authorized by a majority vote of Mayor and Council of East Washington 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 East Washington Borough with six (6) or less dwelling units where any solid waste shall be 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 East Washington Borough and provide the information reasonably requested by the Borough on forms provided by East Washington Borough. Said application shall be submitted to the East Washington Borough Code Enforcement Officer who shall determine if said application shall be granted. The Code Enforcement Officer shall comply with all the rules and regulations adopted by the Borough Council from time to time with regard to such application process

SECTION 5: PROHIBITED ACTS

The depositing of any solid waste, as defined herein, 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 private 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. This Section is to be reasonably interpreted and enforced by the Borough and/or its designee.

SECTION 6: PENALTIES

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 7: 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 8: 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 9: REPEALER

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

SECTION 10: EFFECTIVE DATE

This Ordinance shall become effective immediately and upon final enactment.

ENACTED AND ADOPTED by the Council of East Washington Borough this


7th day of March, 2016

ATTEST:

EAST WASHINGTON BOROUGH


Sandy Motichak, Secretary/Treasurer

BY:


Guy Tucci, President

EXAMINED AND APPROVED by me this 7th day of March, 2016

BY: 
Michael Gomber, Mayor

Chapter 279

SOLID WASTE

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[HISTORY: Adopted by the Borough Council of the Borough of East Washington as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 123.
Outdoor burning — See Ch. 136.

Property maintenance — See Ch. 245.
Outdoor storage of refuse — See Ch. 285, Art. I.

ARTICLE I
Municipal Waste Hauler Licensing
[Adopted 5-20-1991 by Ord. No. 431]

§ 279-1. Short title.

This article shall be known as the "Borough of East Washington Waste Hauler Licensing Ordinance."

§ 279-2. Definitions.

- A. The following words and phrases used in this article shall have the meaning ascribed to them herein, unless the context clearly indicates a different meaning:

ACT 97 — The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).¹

ACT 101 — The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (SB 528, Act 101 of 1988, July 28, 1988).²

COLLECTOR or WASTE HAULER — Any person, firm, partnership, corporation or public agency who or which is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT — Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

DEPARTMENT or DER — The Pennsylvania Department of Environmental Resources.

INSTITUTIONAL ESTABLISHMENT — Any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

LEAF WASTE — Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

LICENSED COLLECTOR or LICENSED WASTE HAULER — Any municipal waste collector or hauler possessing a current license issued by the Borough of East Washington pursuant to this article.

MUNICIPALITY — The Borough of East Washington.

MUNICIPAL WASTE — Any garbage, refuse, leaf waste, source-separated recyclable materials, recycling materials, discarded appliances and furniture, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities, and any sludge not meeting the definition of residual or hazardous waste under Act 97 from any municipal, commercial or

1. Editor's Note: See 35 P.S. § 6018.101.

2. Editor's Note: See 53 P.S. § 4000.101.

institutional water supply treatment plant, wastewater treatment plant, or air pollution control facility. **[Amended 12-15-2003 by Ord. No. 474]**

MUNICIPAL WASTE LANDFILL — Any facility that is designed, operated and maintained for the disposal of municipal waste and permitted by the Pennsylvania DEP for such purposes.

PERSON — Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, municipality, state institution or agency, or any other legal entity recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

PROCESSING — Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of such materials for off-site reuse. Processing facilities include, but are not limited to, transfer stations, composting facilities and resource-recovery facilities.

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or other mechanical separation and treatment of municipal waste (other than combustion) and creation and recovery of reusable materials other than as fuels for the creation of energy.

SCAVENGING — The unauthorized and/or uncontrolled removal of any material stored or placed at a point for subsequent collection or from a solid-waste-processing or disposal facility.

SOURCE-SEPARATED RECYCLABLE MATERIALS — Materials that are separated from municipal waste at the point of origin or generation for the purpose of recycling.

TRANSPORTATION — The off-site removal of any municipal waste at any time after generation.

- B. For the purposes of this article, the singular shall include the plural and the masculine shall include the feminine and neuter.

§ 279-3. Prohibited activities.

- A. It shall be unlawful for any person to collect and/or transport municipal waste from any residential, public, commercial or institutional establishment within the Borough of East Washington without first securing a license to do so in accordance with the provisions of this article.
- B. It shall be unlawful for any person to collect and/or transport municipal solid waste from any sources within the Borough of East Washington in a manner not in accordance with the provisions of this article and the minimum standards and requirements established in Chapter 285 of the DER's Municipal Waste Management Regulations.

- C. It shall be unlawful for any person to transport any municipal waste collected from within the Borough of East Washington to any processing and/or disposal facility other than those facilities which are properly permitted by the Pennsylvania DEP or other applicable regulatory agency. This section shall not apply to the collection and transport of recyclable material.
- D. It shall be unlawful for any person to scavenge any material from any municipal waste or source-separated recyclable materials that are stored or placed for subsequent collection within the Borough of East Washington without prior approval from the Borough.

§ 279-4. Standards for collection and transportation. [Amended 12-15-2003 by Ord. No. 474]

- A. All collectors or waste haulers operating within the Borough must comply with the following minimum standards and regulations:
 - (1) Collection and hauling of municipal waste shall occur only on that day or those days of the week and during that period of the day as designated by Borough Council.
 - (2) All collectors or waste haulers must collect and haul, and may not refuse to collect and haul, those items defined in this article as municipal waste.
 - (3) All collectors or waste haulers shall comply with Article III of this chapter governing recycling materials.
 - (4) All trucks or other vehicles used for collection and transportation of municipal waste must comply with the requirements of Act 97 and Act 101 and Department regulations adopted pursuant to Acts 97 and 101, including the Title 25, Chapter 285, Subchapter B, Regulations for the Collection and Transportation of Municipal Waste.
 - (5) All collection vehicles conveying municipal waste shall be operated and maintained in a manner that will prevent creation of a nuisance or a hazard to public health, safety and welfare.
 - (6) All collection vehicles conveying putrescible municipal waste shall be watertight and suitably enclosed to prevent leakage, roadside littering, attraction of vectors and the creation of odors and other nuisances.
 - (7) All collection vehicles conveying nonputrescible municipal waste shall be capable of being enclosed or covered to prevent litter and other nuisances.
 - (8) All collection vehicles conveying municipal waste shall bear signs identifying the name and business address of the person or municipality which owns the vehicle and the specific types of waste transported by the vehicle. All such signs shall have lettering which is at least six inches in height as required by Act 101.

- B. All collection vehicles and equipment used by licensed collectors or haulers shall be subject to inspection by the Borough or its authorized agents at any reasonable hour without prior notification.

§ 279-5. Licensing requirements.

- A. No person shall collect, remove, haul or transport any municipal waste through or upon the streets of the Borough without first obtaining a license in accordance with the provisions of this article.
- B. All collectors and waste haulers shall be licensed by the Borough of East Washington and designated as a "licensed waste hauler" or a "licensed collector."
- C. The Borough of East Washington reserves the right to designate specific municipal waste processing and/or disposal facilities where all licensed collectors must transport and dispose all municipal waste collected within the Borough of East Washington.
- D. Any person who desires to collect, haul or transport municipal waste within the Borough of East Washington shall submit a license application and application fee to the Borough. The Borough of East Washington shall have a maximum period of 45 days to review any application and take action thereon.
- E. The license fee shall be established by the members of Council on an annual basis. All licenses are nontransferable and shall be issued for a period of one calendar year. There shall be no reduction or prorated fee for any license issued during the middle of any calendar year.
- F. The license application form, which will be supplied by the Borough, shall set forth minimum information required to establish the applicant's qualifications for a license to collect and transport municipal waste, including, but not necessarily limited to:
- (1) Name and mailing address of the applicant.
 - (2) Name and telephone number of contact person.
 - (3) List of all collection vehicles to be covered under the license, including identification information for each vehicle, such as vehicle license number and company identification number.
 - (4) Type of municipal waste collected and transported.
 - (5) Certificate(s) of insurance to present evidence that the applicant has valid liability, automobile and workmen's compensation insurance in the minimum amounts established and required by the Borough.
- G. Any collector or hauler with an existing license shall submit a new license application and license fee to the Borough of East Washington at least 45 days prior to the expiration date of existing license, if renewal of the license is desired. New license applicants must submit a license application and license fees at least 45 days before beginning collecting and transporting municipal waste in the Borough.

- H. No new license or license renewal shall be approved and issued to any person who fails to satisfy the minimum standards and requirements of this article or is in violation of the provisions of this article.

§ 279-6. Reporting requirements.

- A. All licensed collectors shall promptly report any significant changes in the collection vehicles or equipment covered under the license and insurance coverage changes to the Borough.
- B. All licensed collectors shall maintain current, up-to-date records of the customers serviced within the Borough of East Washington. Such records and customer lists shall be subject to inspection and made available to the Borough or its authorized agents upon request.
- C. Each licensed collector shall prepare and submit a semiannual report to the Borough. The report for the first half of the year (January through June) shall be submitted on or before July 31 and the report for the second half of each year (July through December) shall be submitted by January 31 of the following year. At a minimum, the following information shall be included in each report:
- (1) Total weight of each type of municipal waste collected from all sources within the Borough during each month of reporting period.
 - (2) Name of each processing/disposal facility used during the reporting period and total weight of each type of municipal waste delivered to each site during each month of the reporting period.

§ 279-7. Violations and penalties.

- A. Any person who violates any provision of this article shall be guilty of a misdemeanor which is punishable, upon conviction, by a fine of not less than \$500, nor more than \$1,000, or by imprisonment for a period of not more than 10 days, or both. Each day of violation shall be considered as a separate and distinct offense.
- B. The Borough of East Washington shall have the right at any time, and without refund of any license fee, to suspend or revoke the license of any licensed collector or hauler for any of the following causes:
- (1) Falsification or misrepresentation of any statement in any license application.
 - (2) Lapse or cancellation of any required insurance coverage.
 - (3) Collection and/or transportation of any municipal waste in a careless or negligent manner or any other manner that is not in compliance with the requirements of this article.
 - (4) Transportation and disposal of any municipal waste collected within the Borough at any site that is not properly permitted by the Pennsylvania DEP or other applicable regulatory agency.

- (5) Violation of any part of this article, any other applicable Borough ordinances or any applicable Pennsylvania laws or regulations.

§ 279-8. Injunctive powers.

The Borough of East Washington may petition the Court of Common Pleas of Washington County for an injunction, either mandatory or prohibitive, in order to enforce any of the provisions of this article.

ARTICLE II
Solid Waste Management
[Adopted 5-20-1991 by Ord. No. 432]

§ 279-9. Short title.

This article shall be known as the “Borough of East Washington Solid Waste Ordinance.”

§ 279-10. Definitions. [Amended 12-14-2009 by Ord. No. 504]

- A. The following words and phrases as used in this article shall have the meanings ascribed herein, unless the context clearly indicates a different meaning:

ACT 97—The Pennsylvania Solid Waste Management Act of 1980 (P.L. 380, No. 97, July 7, 1980).³

ACT 101—The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101).⁴

BULKY WASTE—Large items of solid waste, including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps which may require special handling due to size, shape or weight.

COLLECTOR or WASTE HAULER—Any person, firm, partnership, corporation or public agency who is engaged in the collection and/or transportation of municipal waste.

COMMERCIAL ESTABLISHMENT—Any establishment engaged in nonmanufacturing or nonprocessing business, including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

CONTAINER—A portable device in which waste is held temporarily for storage or transportation.

COUNTY—The County of Washington or the Washington County Board of County Commissioners.

DEPARTMENT or DER—The Pennsylvania Department of Environmental Resources.

DISPOSAL—The deposition, injection, dumping, spilling, leaking or placing of solid waste

3. Editor's Note: See 35 P.S. § 6018.101.

4. Editor's Note: See 53 P.S. § 4000.101.

into or on the land or water in a manner that the solid waste enters the environment, is emitted into the air or is discharged to the waters of the Commonwealth of Pennsylvania.

GARBAGE—Any solid waste derived from animal, grain, fruit or vegetable matter that is capable of being decomposed by microorganisms with sufficient rapidity to cause such nuisances as odors, gases or vectors.

RESIDENTIAL SOLID WASTE—Solid waste originating in the residential private household or apartment or dwelling unit. [Amended 12-17-2007 by Ord. No. 496⁵]

SOLID WASTE—Waste items as defined by Act 97 or Act 101 and regulations promulgated thereunder. [Amended 12-17-2007 by Ord. No. 496]

TRANSPORTATION—The off-site removal of any solid waste at any time after generation.

WASTE—Material as defined by 25 Pa. Code § 271.1. [Amended 12-17-2007 by Ord. No. 496]

YARD WASTE—Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. [Added 12-14-2009 by Ord. No. 504]

- B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 279-11. Prohibited activities.

- A. It shall be unlawful for any person to accumulate or permit to accumulate on any public or private property within the Borough any garbage, rubbish, bulky waste, or any other municipal or residual waste except in accordance with all applicable Department rules and regulations adopted pursuant to Acts 97 and 101.
- B. It shall be unlawful for any person to burn any solid waste within the Borough except in accordance with all applicable Department rules and regulations adopted pursuant to Acts 97 and 101 and in accordance with all other Borough ordinances and air quality standards.
- C. It shall be unlawful for any person to process and/or dispose any solid waste in the Borough except in accordance with all applicable Department rules and regulations adopted pursuant to Acts 97 and 101.
- D. It shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Borough of East Washington.
- E. It shall be unlawful for any person to scavenge any materials from any solid waste that is stored or deposited for collection within the Borough without prior written approval from the Borough.
- F. It shall be unlawful for any person to salvage or reclaim any solid wastes within this Borough except at an approved and permitted resource-recovery facility under any applicable Department rules and regulations adopted pursuant to Acts 97 and 101.

5. Editor's Note: This ordinance also deleted the former definition for "domestic waste or household waste" from this section.

§ 279-12. Standards for storage of solid waste. [Amended 12-14-2009 by Ord. No. 504]

- A. The storage of all solid waste shall be practiced 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 nuisances.
- B. Any person producing municipal waste shall provide a sufficient number of approved containers to store all waste materials generated during periods between regularly scheduled collections and shall place and store all waste materials therein.
- C. Any person storing municipal waste for collection shall comply with the minimum standards for the storage of municipal waste set forth in the Department's Title 25, [Pa.Code,] Chapter 285, Subchapter A, "Regulations for the Storage of Municipal Waste," including:
 - (1) The container shall be constructed to be easily handled for collection.
 - (2) The container shall be constructed of rust resistant and corrosion resistant materials.
 - (3) The container shall be equipped with a tight-fitting lid or cover, or otherwise sealed.
 - (4) The container shall be watertight, leak proof, insect proof and rodent proof.

[Amended 12-14-2009 by Ord. No. 504]

- D. Yard waste stored for collection shall be placed and tied securely in bags of a size and material allowed by the Borough that can be readily handled for collection. **[Added 12-14-2009 by Ord. No. 504]**

§ 279-13. Standards and regulations for collection. [Amended 12-17-2007 by Ord. No. 496; 12-14-2009 by Ord. No. 504]

- A. Residential solid waste to be removed by Borough.
 - (1) All residential solid waste, excluding all toxic and hazardous waste, construction and demolition debris, and large animal carcasses, shall be collected and removed by the Borough weekly on a day designated by Borough Council, and the cost and expense of the collection and removal of the residential solid waste shall be paid by those from whose premises said solid waste is removed or by the person responsible for the existence of such residential solid waste.
 - (2) An owner of a building with five or more regulated rental dwelling units may either pay the solid waste and recyclables (SW&R) collection fee for each rental unit and the Borough shall arrange for pickup with its contractor, or such owner may arrange with the Borough to utilize a dumpster provided by the Borough's contractor and pay the Borough the applicable dumpster fee. **[Amended 12-14-2009 by Ord. No. 504]**
- B. Fees for collection and disposal.
 - (1) Every person, firm, association or corporation producing residential solid waste, or being responsible for the disposal or existence of such solid waste, or for whom such solid waste is removed, or being the owner of any premises on which solid waste is in existence or is produced, and which such solid waste requires removal, shall pay and be subject to a solid waste and recyclables (SW&R) collection fee for such

services:

- (2) For each and every single residential or dwelling unit, an annual fee in the amount of \$185 for collection of residential solid waste and recyclable materials, which amount shall be adjusted annually by Borough Council, due and payable by March 31 of each year. A penalty of \$15 will be added if paid between April 1 and June 30, with an additional \$15 penalty being added if paid between July 1 and July 31. With respect to a regulated rental dwelling unit, the owner of each unit and not the tenant thereof shall be responsible and liable for payment of the annual fee and penalties. **[Amended 12-14-2009 by Ord. No. 504]**
 - (3) If no payment is received before August 1, the balance of the fee shall be due in full and the Borough shall file a citation with the magisterial district judge for collection of the unpaid portion of the fee, plus a penalty of \$25 and reasonable collection costs, including court costs. **[Amended 12-14-2009 by Ord. No. 504]**
- C. Owners of buildings are subject to the provisions of this article, including assessment of fees for collection and disposal, notwithstanding the circumstance that the building or any individual regulated rental dwelling unit is vacant or unoccupied. Furthermore, there shall be no proration of the annual fee for any portion of the year in which a building or individual regulated rental dwelling unit is vacant or unoccupied. **[Added 12-14-2009 by Ord. No. 504]**
- D. Enforcement. The Borough shall enforce the maintenance of proper receptacles placed at suitable places on the premises and shall institute the prosecution of all persons, firms, associations or corporations or groups of persons violating any of the provisions of this article to the end that the terms of this article shall be strictly enforced. In addition the Borough may enforce all charges lawfully imposed under this article for the collection, removal and disposal of all residential solid waste by the filing of a municipal claim. **[Amended 12-14-2009 by Ord. No. 504]**
- E. Additional rules and regulations authorized. Borough Council is hereby authorized to make and promulgate any additional rules and regulations for the collection, removal and disposal of residential solid waste not in conflict with this article, and violations of the same shall be subject to the same penalties as provided in this article. **[Amended 12-14-2009 by Ord. No. 504]**
- F. Prohibited acts. No person shall obstruct, delay or interfere with the residential solid waste collectors while in the performance of their duties, or enter into any controversies with the collectors, nor shall any person violate any of the provisions of this article with regard to the disposal of residential solid waste or the containers for the same, or violate any of the provisions with respect to the collection and removal of residential solid waste. **[Amended 12-14-2009 by Ord. No. 504]**

§ 279-14. Licensing requirements.

No person shall collect, remove, haul or transport any solid waste upon or through any streets or alleys of the Borough without first obtaining a license from the Borough of East Washington pursuant to the Borough of East Washington Municipal Waste Hauler Licensing Ordinance, Chapter 279, Article I.

§ 279-15. Injunction powers.

The Borough of East Washington may petition the Court of Common Pleas of Washington County for an injunction, either mandatory or prohibitive, to enforce any of the provisions of this article.

[Text continued on p. 279:11]

§ 279-16. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction, be guilty of a misdemeanor which is punishable by a fine of not less than \$500 nor more than \$1,000 or, in default of payment of such fine, then by imprisonment for a period of not more than 10 days.

§ 279-17. Composting.

Nothing in this article shall be deemed to prohibit the maintenance of an appropriate and well-maintained compost heap, provided such heap is not a nuisance.

ARTICLE III**Recycling**

[Adopted 12-16-1991 by Ord. No. 434]

§ 279-18. Definitions.

The following words and phrases used within this article and in the regulations promulgated hereunder shall have the following meanings:

ALUMINUM — Empty aluminum beverage or food cans and other items manufactured solely of aluminum.

BOROUGH — The Borough of East Washington, Pennsylvania.

BIMETAL CONTAINERS — Empty food or beverage containers consisting of steel and aluminum.

COLLECTOR — The entity or entities authorized by the Borough of East Washington to collect recyclable materials from residents.

COUNCIL — The Council of the Borough of East Washington, Pennsylvania.

FERROUS CONTAINERS — Empty steel or tin-coated food or beverage containers.

GLASS CONTAINERS — Bottles and jars made of clear, green or brown glass. Excluded are noncontainer glass, plate glass, automotive glass, light bulbs, blue glass, porcelain and ceramic products.

MULTIFAMILY HOUSING PROPERTIES — Properties having two or more dwelling units per structure.

MUNICIPAL WASTE — Garbage, refuse, industrial, lunchroom or other materials, including solid, liquid and gaseous materials.

NEWSPAPERS — Paper of the type commonly referred to as "newsprint."

PERSON(S) — Owners, lessees and occupants of residences or occupants of commercial, municipal and institutional establishments. Such includes partnerships and corporations.

PLASTIC CONTAINERS — Empty plastic food and beverage containers. Due to the wide variety of types of plastics, the Borough of East Washington may stipulate the specific types of plastic which may be recycled.

RECYCLABLE MATERIALS — Materials generated by residences and commercial, municipal and institutional establishments which are specified by the Borough of East Washington and can be separated from municipal waste and returned to commerce to be reused as a resource in the development of useful products. Such materials may include, but are not necessarily limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, leaf waste, plastics and other items. The recyclable materials selected by the Borough of East Washington may be revised from time to time as may be deemed necessary by the Council of East Washington.

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other material.

RESIDENCE — Any occupied single-family or multifamily dwelling.

WASTE — Material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated-recyclable materials or material approved by the Pennsylvania Department of Environmental Resources for beneficial use.

§ 279-19. Establishment of program/grant of power.

- A. The Borough of East Washington hereby establishes a recycling program for the separation and collection of recyclable materials and for the collection of such materials from all residences and all commercial, municipal and institutional establishments located in the Borough of East Washington. Collection of the recyclable materials shall be made once per month or twice per month as established by the Borough. Collection shall be by the Borough or its designated collection contractor and licensee. The recycling program shall include a sustained public information and education program.
- B. The Council shall, from time to time, establish rules and regulations to implement the recycling program.

§ 279-20. Separation and collection.

- A. All persons who are residents of the Borough shall separate all of those recyclable materials designated by the Borough from all other municipal waste produced at their homes, apartments and other residential establishments, store such materials for collection and place the same for collection in accordance with the guidelines established hereunder and by regulations established from time to time by the Council.
- B. Persons in single-family residences shall separate recyclable materials from other refuse. Recyclable materials shall be placed at the curbside in containers provided or approved by the Borough for collection. Any container provided by the Borough for collection of recyclable materials shall be the property of the Borough and shall be used only for the collection of recyclable materials. Any resident who moves from the Borough shall

return to the Borough Building any such containers. Use of Borough-owned containers for any purpose other than the designated recycling program or use of the recycling containers by any person other than the person provided with such containers by the Borough shall be a violation of this article.

- C. All owners, landlords and agents of owners or landlords of a multifamily rental housing property with two or more units shall comply with the recycling responsibilities set out herein by establishing a collection system for each residential property. The system must include suitable containers for collecting and sorting recyclable materials, easily accessible locations for the containers and written instructions to the occupants concerning the use and availability of the collection system. Owners, landlords and agents of owners or landlords who comply with this article shall not be liable for noncompliance by occupants of their buildings. The owner or landlord shall be responsible for the replacement of containers.
- D. All owners and managers of commercial and institutional establishments shall comply with recycling responsibilities by establishing a collection system for each property. The system must include suitable containers for collecting and sorting recyclable materials, easily accessible locations for the containers and written instructions to employees, students and patrons concerning the use and availability of the collection system.

§ 279-21. Ownership of recyclable materials.

All recyclable materials placed for collection by the Borough or its authorized collectors pursuant to this article shall, from time of placement at the curb, become the property of the Borough or the authorized collector.

§ 279-22. Collection by unauthorized persons.

It shall be a violation of this article for any person, firm or corporation (other than the Borough or one authorized by the Borough) to collect recyclable material placed at curbside for collection in the Borough-provided or Borough-approved containers.

§ 279-23. Improper disposal of recycling materials. [Amended 11-7-2005 by Ord. No. 480]

Disposal of recycled material with other wastes by residents and by municipal haulers is a violation of this article. All Borough residents are encouraged to collect and segregate all recyclable materials and dispose of them, pursuant to this article, or deliver them to proper recycling firms in accordance with suggestions which may be made from time to time by the Recycling Planning Committee or Council. All municipal waste haulers operating in accordance with Article I of this chapter shall dispose of recycled materials that they collect from Borough residents at a facility which collects and handles and renders recyclable materials for further recycling.

§ 279-24. Rules and regulations.

The Council shall make reasonable rules and regulations for the operation and enforcement of this article as deemed necessary, including, but not limited to:

- A. Establishing recyclable materials to be separated for collection and recycling.
- B. Establishing collection procedures for recyclable materials.
- C. Establishing reporting procedures for amounts of materials recycled.
- D. Establishing procedures for the distribution, monitoring and collection of recyclable materials.
- E. Establishing procedures and rules for the collection of all waste.

§ 279-25. Enforcement; violations and penalties.

- A. Except in regard to a violation of § 279-22, any person, firm or corporation which shall violate the provisions of this article shall receive an official written warning of noncompliance for the first and second offenses.
- B. Any person, firm or corporation which violates § 279-22 of the provisions of this article and any landlord, owner or agent of a multiple dwelling and any owner of a commercial or institutional establishment which violates a provision of this article shall, upon conviction, be sentenced to pay a fine of not less than \$600 and costs of prosecution for each and every offense. [Amended 11-7-2005 by Ord. No. 481]

§ 279-26. Appointment of collectors.

- A. The Borough may enter into agreements with public or private agencies or firms to collect all or part of the recyclable materials from curbside in the Borough-provided containers.
- B. The Borough may also permit any resident to enter into private agreements regarding the collection of recyclables.

ARTICLE IV
Dumpsters and Roll-Off Containers
[Adopted 11-6-2006 by Ord. No. 489]

§ 279-27. Intent.

Placement of dumpsters, roll-off containers, and other waste or refuse receptacles within the Borough shall be regulated as follows.

§ 279-28. Definition.

As used in this article, the following terms shall have the meanings indicated:

DUMPSTER or ROLL-OFF CONTAINER — Any portable container used for discarding solid waste, including but not limited to trash, refuse and used or discarded building materials.

§ 279-29. Regulations; permit and fee.

With respect to placement on streets within the Borough:

- A. The person wishing to place the dumpster or roll-off container or waste receptacle must obtain from the Code Enforcement Officer a permit. The initial permit shall be for 90 days and shall cost \$25. Thereafter, the permit is renewable in thirty-day increments upon payment of \$100 for each thirty-day extension.
- B. The dumpster or roll-off container or waste receptacle must have reflective cones placed at each corner. Reflective material may also be placed at both ends.
- C. The person placing the receptacle must obey all state motor vehicle statutes and regulations governing parking of a motor vehicle on a public street. At a minimum, placement of a receptacle shall be no closer than: 15 feet from a fire hydrant; 20 feet from an unregulated intersection; 30 feet from a stop sign, flashing light, red traffic signal or yield sign; 15 feet from a driveway, and no further than six inches from a curb.
- D. With respect to placement on private property within the Borough, no permit shall be required.

§ 279-30. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this part shall, upon conviction thereof, be sentenced to pay a fine of no more than \$600 and/or to imprisonment not to exceed 10 days.