

CHAPTER 20

SOLID WASTE AND DISPOSAL

Part 1

Collection of Refuse

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AN ORDINANCE CHANGING AND AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF LANSFORD, SPECIFICALLY CHAPTER 20, PART 1, "COLLECTION OF REFUSE".

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Lansford, the Code of Ordinances of the Borough of Lansford, Chapter 20, Part 1, is hereby amended as follows:

**Part 1
Collection, of Refuse**

§ 101. 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 Lansford 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 Lansford 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.

§ 102. Administration

1. All refuse accumulated in the Borough of Lansford shall be collected, conveyed, and disposed of by the Borough of Lansford, 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 five (5) twenty (20) gallon containers or their equivalent by weight or volume, 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 the Borough Council or the responsible authority, or to pay such additional fees as may be required for the removal thereof.

2. The cost of the service for collection of refuse under this Part as fixed from time to time by Borough Council of the Borough of Lansford, as hereinafter provided, shall be borne and paid by the owner of premises from which refuse is collected or upon which said refuse is accumulated and disposed of.

3. Borough Council is hereby authorized to contract for the performance of the services provided by this Part 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 for the collection of refuse in the Borough of Lansford in accordance with the provisions of this Part 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 Part, 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.

4. The collection and disposal of refuse in the Borough of Lansford 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.

5. 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 5:00 A.M. and 6:00 P.M. provided that collections may be made after 6:00 P.M. to complete a day's schedule.

6. All persons within the Borough of Lansford other than those excluded under subsection (1) 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.

7. The responsible authority is authorized to make regulations concerning the hauling of refuse over the streets of the Borough of Lansford. No refuse shall be hauled over the streets of the Borough of

Lansford 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 Lansford except s at a place as shall be designated and determined by Borough Council.

8. Ownership of refuse set out for collection shall be vested in the Borough of Lansford

§103. Pre-collection 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, and similar materials shall be cut to length not to exceed three (3') feet and tied in bundles not more than two (2') feet. thick before being deposited for collection.

3. Refuse Containers

- A. Garbage receptacles shall be made of metal, approved plastic or vinyl, 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 twenty (20) gallons.
- C. All garbage receptacles shall be kept as sanitary as possible in view of the use to which they are put.
- D. Ash receptacles shall be of metal and have a capacity of not more than twenty (20) gallons.
- 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 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.

4. Location:

No garbage, ashes, rubbish or other refuse shall be stored on public or private property except as provided herein and so that the said garbage, ashes, rubbish or other refuse may not be considered to be an eyesore or stored in an unsightly manner.

§ 104. 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.

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 twenty-four (24) 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 fare charge based upon the average weight or volume.

§105. Prohibited Acts.

On and after the date of the award of contract for collection service pursuant to the authority contained in §102(3) hereof:

1. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Lansford 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 Lansford 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.

4. It shall be unlawful for any person, other than the occupants or owners 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 Lansford other than at the Borough approved disposal site.

§106. Fees, Penalties, Discounts and Delinquents

1. The fees for the collection and disposal of refuse shall be determined by resolution from time to time by Borough Council of the Borough of Lansford. Public notice of the fee schedule shall be made by the responsible authority.

2... All bills for the collection and disposal of refuse shall be rendered quarterly and shall thereupon be immediately due and payable for the year pertaining thereto. All payments shall be submitted to the Secretaries of the Lansford Borough office, or to any other person, persons, or agency, at some other place as shall be designated by the Borough Council. All fees for the collection and disposal of refuse shall be the responsibility of the owner of the property served and from which said refuse was collected. Any agreement concerning responsibility for said fees between any owner of a property and his tenant shall not relieve the owner of the responsibility for fees under this Section.

If the account is paid before or on the last day of the month of the billing date, a discount of two per cent (2%) shall be allowed. All accounts shall be considered delinquent if not paid by or on the thirteenth day (13th) of the month that follows the billing date, and shall be subject to a penalty of twenty (20%) per cent of the amount of the bill.

If an account is delinquent beyond ninety (90) days from the date of the billing date, the responsible authority shall refer the account to the Borough Secretary with instruction to proceed for the collection of such unpaid charges, together with all penalties thereon, by a civil action or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

3. In addition to the civil action for unpaid charges, all delinquent accounts not paid within thirty (30) days from issuance, may be subject to stoppage of service without notice and may not be resumed until all delinquent charges together with any applicable fees are paid in full.

4. It shall be the duty of the person or agency, officially designated by the Borough Council, to collect all fees and charges provided hereunder.

§107 Collection Vehicles

1. All carts, wagons, and other vehicles used for collection and transportation of garbage, rubbish, ashes, and refuse within the limits of the Borough shall always be kept in a clean and sanitary condition; maintained so as not to create a public nuisance, or in any way be a menace to the public health, and shall at all times be subject to the rigid inspection of the Borough Council of the Borough of Lansford, or any authorized agent of the Borough.

2. It shall be unlawful to collect, haul, transport or convey refuse in open, uncovered vehicles.

§108. Special Collections

Annually, during the spring, fall, after Christmas, and in cases of emergency, there may be special collections of tree limbs, trees, leaves, and other refuse which cannot be collected in the regular collection. Such collections shall be announced to the public at least one (1) week in advance thereof.

§109. Penalties

Any person who shall violate any provision of this Part, shall upon conviction thereof, be sentenced to pay a fine not exceeding six hundred (\$600.00) dollars and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

§110. Effective

This ordinance shall become effective upon enactment and any ordinance inconsistent herewith is hereby repealed.

ORDAINED AND ENACTED at a public assembly by the Council of the Borough of Lansford this 12th day of November, 2014.

BOROUGH OF LANSFORD

ATTEST:


Borough Secretary


Council President


Mayor

PROOF OF PUBLICATION

THE TIMES NEWS, LLC

LEHIGHTON, CARBON COUNTY, PENNSYLVANIA
TAMAQUA, SCHUYLKILL COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania)
County of Carbon) ss.

say: Scott A. Masenheimer, being duly sworn according to law does depose and

1. THAT The Times News, LLC is a newspaper of general circulation published each weekday, except holidays, by Pencor Services, Inc. Its places of business are Lehighton, Carbon County, Pennsylvania and Tamaqua, Schuylkill County, Pennsylvania.

2. THAT The Times News, LLC was established on May 1, 1967, as the immediate successor to the Jim Thorpe News, which was established on April 1, 1927.

3. THAT the affiant is the General Manager, of The Times News, LLC and as such is authorized by the publisher, Pencor Services Inc., to take this affidavit.

4. THAT the affiant is not interested in the subject matter of the notice or advertising.

5. THAT all of the allegations of this affidavit as to time, place and character of publication are true.

6. THAT copy of the notice or advertising attached hereto was printed and published in the regular daily editions and issues of The Times News, LLC on the following dates:

OCTOBER 20, 2014

Scott A. Masenheimer

Sworn to and subscribed before me, this 20th day of October A.D., 2014

Patti L. Solt

NOTARIAL SEAL
Patti L. Solt, Notary Public
Borough of Lehighton, Carbon County
My Commission Expires March 17, 2015

PUBLIC NOTICE

Notice is hereby given that the Borough of Lansford will conduct a public meeting on November 12, 2014, at 6:30 p.m. in the Lansford Recreation Center, 1 West Ridge Street, Lansford, Pennsylvania.

AN ORDINANCE CHANGING AND AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF LANSFORD, SPECIFICALLY CHAPTER 20, PART 1, "COLLECTION OF REFUSE".

Part 1

Collection of Refuse

- §101. Definitions. Provides definitions used within the Ordinance.
- §102. Administration. Sets forth a procedure for collection and disposal of refuse within the Borough of Lansford.
- §103. Pre-collection and Storage Practices. Sets forth the manner by which refuse is to be prepared, type of refuse containers, and location.
- §104. Collection Practices. Points of collection, frequency of collection and limitation of quantity.
- §105. Prohibited Acts. It is unlawful for any individual to dispose of refuse in any manner not set forth in this Ordinance.
- §106. Fees, Penalties, and Delinquents. Sets forth the fees for collection by resolution, manner of billing, calculation of discount and delinquency.
- §107. Collection Vehicles. Regulates the collection vehicles so it is not to be a public nuisance.
- §108. Special Collections. Sets forth special collection times.
- §109. Penalties. Provides for a penalty for the fine not to exceed \$600.00 or more than thirty days in jail for each violation.
- §110. Effective. Effective upon enactment.

A Complete copy of the proposed Ordinance is available for public inspection at the Borough Office located at 1 West Ridge Street, Lansford, Pennsylvania, Carbon County Law Library, P.O. Box 131, Jim Thorpe, Pennsylvania 18229, and the Times News, Tamaqua Office, Broad & Pine Street, Tamaqua, Pennsylvania.

MICHAEL S. GREEK, ESQUIRE
SOLICITOR
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Oct. 20