

ORDINANCE No. 1970-1

AN ORDINANCE RELATING TO THE SANITATION AND THE PROMOTION OF THE PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE ESTABLISHMENT OF MUNICIPAL COLLECTION AND DISPOSAL SYSTEM OF ALL GARBAGE, RUBBISH AND ASHES ACCUMULATED IN THE BOROUGH OF LILLY, CAMBRIA COUNTY, PENNSYLVANIA; MAKING REGULATIONS FOR COLLECTION AND THE DISPOSAL OF ALL SUCH GARBAGE, RUBBISH AND ASHES AND FOR THE MAINTENANCE OF SANITARY CONDITIONS OF PUBLIC AND PRIVATE PREMISES WITHIN THE SAID BOROUGH OF LILLY AND AUTHORIZING THE PROMULGATION OF ADDITIONAL REGULATIONS RELATING THERETO; PROVIDING FOR THE IMPOSITION AND COLLECTION OF BOROUGH FEES FOR THE COLLECTION AND DISPOSAL OF SUCH GARBAGE, RUBBISH AND ASHES AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND SUCH REGULATIONS.

The Borough of Lilly hereby ordains as follows:

Section 1. Short Title. This ordinance shall be known as the "Refuse Disposal Ordinance".

Section 2. Definitions.

a. The term "garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods.

b. The term "ashes" shall mean the residue from the burning of wood, coke, coal and other combustible material.

c. The term "rubbish" shall mean all waste material not included in garbage or ashes except building rubbish from building construction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles and such other waste materials as are not commonly produced in stores and institutions.

d. The term "refuse" shall mean garbage, ashes and rubbish as herein defined.

e. The term "person" shall include any natural person, association, partnership, firm or corporation.

f. The term "collector" shall mean the Borough of Lilly or any collector designated and licensed by the Borough Council.

Section 3. Administration.

a. All refuse accumulated in the Borough of Lilly shall be collected, conveyed and disposed of by the said Borough or its designated collector and the cost of such service shall be paid for as provided in the schedule of fees hereinafter set forth, by the person producing the refuse, or responsible for the existence or disposal thereof, or for whom such refuse is removed. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough, or dispose of any refuse accumulated in the Borough, provided, however, the Ordinance shall not prohibit the actual producers of the refuse or the owners of the premises upon which refuse has accumulated from personally collecting, conveying and disposing all such refuse in the manner hereinafter provided.

b. The Borough Council shall have the authority to make additional regulations concerning the collection and disposition of garbage in order to comply with the provisions of the Solid Waste Management Act and any regulations adopted pursuant thereto by the Department of Health of the Commonwealth of Pennsylvania.

c. Producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, shall be required to comply with all provisions hereinafter set forth regarding the collection and storage of refuse and shall be responsible for its removal and transportation to a sanitary land fill operation approved by the Department of Health of the Commonwealth of Pennsylvania and upon request by Borough authorities shall be required to produce weekly receipts evidencing the lawful disposition of such refuse.

d. Ownership of refuse material set out for collection shall be vested in the Borough, the ownership of all material placed in the sanitary land fill shall be vested in the operator or owner of said land fill.

#### Section 4. Storage Practices.

a. Separation of refuse. Garbage, ashes and rubbish shall be placed and maintained in separate containers.

b. Preparation of refuse. (1) All garbage before being placed in garbage cans shall be drained from all free liquids and will be wrapped in paper or plastic material.

(2) All cans and bottles which shall contain food shall be thoroughly drained and food particles rinsed therefrom before being deposited for collection.

(3) Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four (4) feet and securely tied in bundles not more than two (2) feet thick before being deposited for collection.

(4) All papers and magazines not placed in a container shall be securely tied and shall not exceed fifty pounds in weight.

c. Refuse containers. (1)(A) Refuse receptacles shall be made of durable water-tight rust resistant material having a close fitting lid and handles to facilitate collection.

(B) Refuse containers for residents shall not be less than ten (10) gallons nor more than thirty-two (32) gallons in capacity. Containers for commercial establishments shall not exceed forty (40) gallons in capacity.

(C) All garbage receptacles shall be kept as sanitary as possible due to the use to which they are put and should be thoroughly cleaned by the occupant after garbage is removed by the collector.

(2) Ash receptacles shall be of metal and have a capacity of not more than twenty (20) gallons.

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

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

(B) All refuse receptacles shall be maintained in good condition. Any receptacle that does not conform to the provisions of this ordinance or that may be ragged or have sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof shall be promptly replaced upon notice. Failure to comply may result in refusal to collect or the removal of the defective receptacle as refuse.

d. Storing of Refuse.

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

2. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this ordinance shall be deemed a violation of this ordinance.

3. It shall be unlawful for any person other than the occupants of the premises on which refuse receptacles are stored, or the collector, to remove the covers of any of the contents of refuse receptacles.

e. Points of Collection.

Refuse receptacles shall be placed for collection at ground level on the property, not within the right-of-way of the street or alley, and accessible to and not more than 40 feet from the side of the street or alley from which collection is made, providing that receptacles may be placed for collection at other than ground level at distances of more than 40 feet when approved by the Borough Manager or Borough agents charged with the responsibility of collection. An additional charge may be made for extra service as shall be agreed upon by the owner of the premises and Borough Council.

Section 5. Collection Practices.

a. Frequency of Collection.

1. Refuse shall be collected at least once a week and at such other times as may be required by the Borough Council or the laws of the Commonwealth and regulations adopted by the Department of Health.

2. Hotels, restaurants and other businesses may enter into special agreements with Borough Council regarding time and place of collections.

b. Limitation of Quantity. It is the intent of this ordinance that reasonable accumulation of refuse of each family for a collection period will be collected for the standard charge. The Borough Council may refuse to collect unreasonable amounts or may make additional charge for such amount.

c. Special Refuse Problems

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

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

Section 6.

The Borough Council reserves the right to provide for the licensing of refuse collectors and in the event of so doing, to enforce the provisions of the within ordinance with regard to the collection and disposition of refuse.

### Section 7. Fees.

a. The fees for the collection and disposal of refuse placed for collection at ground level and no more than 40 feet distant from the side of the street or alley from which collection is to be made and containing no more than the reasonable accumulation of refuse from each family for the collection period shall be as follows:

1. For a single-family or two-family houses ten dollars (\$10.00) per year per family for garbage and rubbish.

2. For a single-family or two-family houses ten dollars (\$10.00) per year per family for ashes.

3. For hotels, restaurants or other businesses and institutions or for apartment houses where the owner assumes responsibility for collection, the fee shall be placed on the average amount of refuse material and the frequency of collection and shall be fixed by agreement between the owners and Borough Council.

4. All fees shall be billed on a semi-annual basis and shall be paid within thirty (30) days of receipt of billing.

b. All accounts shall be considered delinquent if not paid within the thirty day period and subject to the penalties herein provided. All delinquent accounts are subject to stoppage of service without notice. If delinquent account is not paid within the thirty days as provided, the Borough or its authorized collector, shall cease all refuse collection unless the Borough Council specifically directs otherwise. Service will be resumed thereafter only upon payment of accumulated fees for the period of collection and for the period of non-collection plus a One Dollar (\$1.00) penalty unless the Borough Council specifically directs otherwise. The stoppage of service hereinbefore authorized for non-payment of collection charges shall be in addition to the right of the Borough to proceed for the collection of such unpaid charges by an action in assumpsit or, at the election of the Borough Council, in any other manner provided by law for the collection of a municipal claim.

c. The stoppage of service by the Borough shall not be a defense to the violation of applicable provisions regarding the storage collection and the disposal of refuse.

### Section 8. Penalty for Violation.

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions in this ordinance or any regulations made by Council under the provisions hereto shall, upon conviction thereof, pay a fine of not less than Five Dollars (\$5.00) or more than Fifty Dollars (\$50.00), and in default of payment of such fine and costs of prosecution, shall be imprisoned in the County Jail for a period of not more than ten days. After notice, each day's neglect to comply with the provisions of this ordinance or any such regulations, shall be deemed as a separate offense and be subject in all respects to the same penalty as the first offense and separate proceedings may be instituted and separate penalties imposed for each day's offense after the first conviction.

### Section 9. Severability.

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

The above and the foregoing Ordinance is hereby enacted this day of February 1970.

BOROUGH OF LILLY

By Clair A. Mc Lougle  
President of Council

Attest:

Michael D. Krumeraker  
Borough Secretary

And now, this 27<sup>th</sup> day of February 1970, the foregoing Ordinance is hereby approved.

Steve Suchta  
Mayor