

ORDINANCE No. 118

PROVIDING FOR THE ESTABLISHMENT OF A MUNICIPAL COLLECTION AND DISPOSAL SERVICE FOR GARBAGE, RUBBISH, ASHES AND RIFFRAFF ACCUMULATED IN THE BOROUGH OF ALBERTIS: MAKING REGULATIONS FOR THE COLLECTION AND DISPOSAL OF SUCH GARBAGE, RUBBISH, ASHES AND RIFFRAFF AND FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITHIN THE BOROUGH OF ALBERTIS, AND AUTHORIZING THE BOROUGH SECRETARY TO MAKE ADDITIONAL REGULATIONS RELATING THERETO: PROVIDING FOR THE IMPOSITION AND COLLECTION BY THE BOROUGH OF FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, ASHES AND RIFFRAFF AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND REGULATIONS THEREUNDER.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Albertis, and it is hereby ordained and enacted by the authority of same:

SECTION 1 - Definitions

That the following words when used in this Ordinance shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise.

A. "Ashes" means the residue from the burning of wood, coal, coke or other combustible materials.

B. "Garbage" means the animal, fruit and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and the residue from fruit trees located on the premises. It shall not include more than a minimum amount of free liquids. It shall not include food-processing wastes from industries such as canneries or packing plants nor large quantities of condemned food products.

C. "Person" shall mean a natural person, firm, co-partnership, association, school, church, institution or corporation.

D. "Refuse" means garbage, ashes, rubbish and riffraff as herein defined.

E. "Riffraff" means all waste material which is too large for collection in a twenty-one (21) gallon container. Examples include: Christmas trees, furniture, tanks, stoves, large dead animals, tree trimmings, etc.

F. "Rubbish" means all waste material other than ashes or garbage which can be collected in a twenty-one (21) gallon container such as paper, rags, street sweepings, small dead animals, excelsior, straw, boxes, old clothes and shoes, leather scraps, pieces of carpet, grass, hedge trimmings, cloth, glass, china, wood, sand, brick, tile, etc.

SECTION 2 - Administration

A. All refuse accumulated in the Borough of Albertis shall be collected, conveyed and disposed of by the Borough of Albertis, provided, however, that the Borough Secretary may require any person or persons owning or occupying any premises whose accumulated refuse at each time of collection is in excess of six (6) twenty-one (21) 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 Ordinance or made by Borough Council or the Borough Secretary, or to pay such additional fees as may be required for the removal thereof.

B. The cost of the service for collection of refuse under this Ordinance as fixed from time to time by Borough Council of Borough of Alburtis 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, and the person producing the refuse, or responsible for the existence or disposal thereof, or for whom such refuse is removed, if such person shall not be the owner, shall be jointly and severally liable with the owner for the payment of said cost.

C. Borough Council is hereby authorized to contract for the performance of the services provided by this Ordinance and to award a contract therefor 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 Alburtis in accordance with the provisions of this Ordinance and regulations, orders and specifications provided under the authority thereof, and to convey, dump and dispose of all such refuse beyond and outside the boundaries of the Borough of Alburtis and to fix and regulate, in a manner not inconsistent with the terms of this Ordinance, 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.

D. The collection and disposal of refuse in the Borough of Alburtis shall be under the supervision of the Borough Secretary. He 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 he 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 Borough Secretary 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 Ordinance, or any regulation or order of the Borough Secretary which shall have been approved by the Borough Council.

E. The Borough Secretary is authorized to arrange date schedules 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 Year's 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: P.M., provided that collections may be made after 6:00 P.M. to complete a day's schedule.

F. All persons within the Borough of Alburtis other than those excluded under paragraph A of this Section 2, 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 Ordinance or by the Borough Secretary.

G. The Borough Secretary is authorized to make regulations concerning the hauling of refuse collected outside of the Borough of Alburtis over the streets of the Borough of Alburtis. No refuse shall be hauled over the streets of the Borough of Alburtis except in a watertight vehicle provided with a tight cover so as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled therefrom. No refuse shall be dumped or disposed of within the limits of the Borough of Alburtis.

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H. Ownership of refuse set out for collection shall be vested in the Borough of Alburttis.

SECTION 3 - Prohibited Acts

On and after the date of the award of a contract for collection service pursuant to the authority contained in Section 2-C hereof:

A. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Alburttis or dispose of any refuse accumulated in said Borough in any manner not approved of in this Ordinance or subsequent regulations.

B. 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.

C. It shall be unlawful for any person to allow any accumulation of refuse on any premises in the Borough of Alburttis other than for the purpose of collection in the manner provided by this Ordinance, or by special regulation of Borough Council or the Borough Secretary. Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulation of refuse within fifteen (15) days of notice to either the occupant or owner shall be deemed a violation of this Ordinance.

D. 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 refuse receptacles or to remove the refuse stored in such containers.

E. It shall be unlawful to place in any containers provided for regular collection any wearing apparel, bedding or refuse from premises where highly infectious or contagious diseases have prevailed, or any highly inflammable or explosive refuse.

SECTION 4 - Fees, Penalties, Discounts and Delinquents

A. The fees for the collection and disposal of refuse shall be determined each year by resolution of Borough Council of the Borough of Alburttis. Public notice of the fee schedule shall be made by the Borough Secretary.

B. All bills for the collection and disposal of refuse shall be rendered annually and shall thereupon be immediately due and payable. All bills shall be payable at the Borough Office. All accounts shall be considered delinquent if not paid within thirty (30) days after the date of the bill, and accounts which are not paid within thirty (30) days after the date of the bill shall be subject to a penalty of fifteen per centum (15%) of the amount of the bill. If a delinquent account is not paid within sixty (60) days from the date of the bill, the Borough Secretary shall refer the account to the Borough Solicitor with instructions to proceed for the collection of such unpaid charges, together with all penalties thereon, by an action in assumpsit or, at the election of the Borough, in any other manner provided by law for the collection of a municipal claim.

C. Pursuant to Section 5 of Ordinance No. 118 of the Borough of Alburttis, it shall be the duty of the Borough Secretary, ex officio, to collect all fees and charges provided hereunder.

SECTION 5 - Penalties

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this Ordinance or of any regulations made by Council or the Borough Secretary under the provisions hereof shall, upon conviction thereof by the Mayor or any Justice of the Peace of the Borough, pay a fine of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) and in default of the payment of such fine and costs of prosecution shall be imprisoned in the County Jail for a period of not more than ten (10) days. After notice, each day's neglect to comply with the provisions of this Ordinance or any such regulation shall be deemed 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 such day's offense after the first conviction.

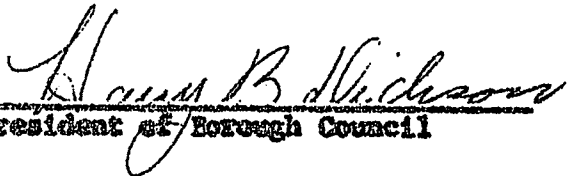
SECTION 6 - Severability

It is the intention of Borough Council of the Borough of Alburtis that each separate provision of this Ordinance shall be independent of all other provisions herein and it is further the intention of said Council that if any of the provisions of this Ordinance be declared to be invalid all of the other provisions hereof shall remain valid and in force.

SECTION 7 -

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, provided, however, that the provisions of this Ordinance shall not apply to offenses committed before the award of a contract for collection service as provided in Section 2-C hereof, but such offenses shall be prosecuted and the prosecutions concluded under the provisions of ordinances in force at the time the offense was committed. For such purpose, the ordinances repealed by this Ordinance shall be deemed to remain in effect.

Ordained and enacted into an Ordinance at Alburtis, Pa., this 7th day of February, 1966.



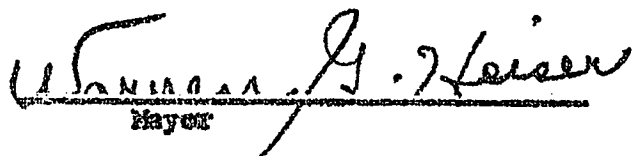
President of Borough Council

ATTEST:



Borough Secretary

Approved this 7th day of February 1966



Mayor