

Chapter 71

GARBAGE, RUBBISH AND REFUSE

- § 71-1. Definitions.
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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 2-7-66 as Ord. No. 118, approved 2-7-66. Sections 71-2F and 71-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 56.
Nuisances — See Ch. 80.

§ 71-1. Definitions.

The following words, when used in this chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

ASHES — The residue from the burning of wood, coal, coke or other combustible materials.

GARBAGE — 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.

PERSON — A natural person, firm, copartnership, association, school, church, institution or corporation.

REFUSE — Garbage, ashes, rubbish and ruffraff as herein defined.

RIFFRAFF — All waste material which is too large for collection in a twenty-one-gallon container. Examples include: Christmas trees, furniture, tanks, stoves, large dead animals, tree trimmings, etc.

RUBBISH — All waste material, other than ashes or garbage, which can be collected in a twenty-one-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.

§ 71-2. Administration.

- A. All refuse, including breakable ruffraff, accumulated by the property owner in the Borough of Alburdis shall be collected and disposed of by employees of the borough. The maximum amount of collectible material shall not exceed four (4) twenty-one-gallon containers or their equivalent, by weight or volume, per collection, unless the property owner shall have paid to the borough an additional fee charge for excess waste disposal. [Amended 9-3-74 by Ord. No. 168, approved 9-3-74]
- B. The cost of the service for collection of refuse under this chapter as fixed from time to time by Borough Council of the Borough of Alburdis 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 chapter 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 chapter 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 chapter 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 chapter 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 schedule 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 6:00 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 Alburdis 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 chapter or by the Borough Secretary.¹
- G. The Borough Secretary is authorized to make regulations concerning the hauling of refuse collected outside of the Borough of Alburdis over the streets of the Borough of Alburdis. No refuse shall be hauled over the streets of the Borough of Alburdis 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 Alburdis.
- H. Ownership of refuse set out for collection shall be vested in the Borough of Alburdis.

§ 71-3. Prohibited acts.

On and after the date of the award of a contract for collection service pursuant to the authority contained in § 71-2C hereof:

- A. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Alburdis or dispose of any refuse accumulated in said borough in any manner not approved of in this chapter 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.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. It shall be unlawful for any person to allow any accumulation of refuse on any premises in the Borough of Alburdis other than for the purpose of collection in the manner provided by this chapter 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 chapter.
- 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 flammable or explosive refuse.

§ 71-4. Collection fees; late payments.

- A. The fees for the collection and disposal of refuse shall be determined each year by resolution of Borough Council of the Borough of Alburdis. 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. It shall be the duty of the Borough Secretary, ex officio, to collect all fees and charges provided hereunder.²

§ 71-5. Violations and penalties.³

Any person who violates any provision of this chapter shall, upon conviction thereof, be punishable by a fine of not more than three hundred dollars (\$300.) and costs of prosecution or, upon default in payment of the fine and costs, by imprisonment in the county jail for a period not to exceed thirty (30) days.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.