

## **Chapter 20**

### **Solid Waste**

#### **Part 1**

#### **Collection and Disposal**

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**Part 1****Collection and Disposal****§20-101. Definitions.**

*Ashes*—the residue resulting from the burning of wood, coal, coke, or other combustible material.

*Disposal*—includes 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*—includes all natural persons, associations, partnerships, firms, or corporations.

*Refuse*—all solid wastes except body wastes and shall include garbage, ashes, and rubbish.

*Responsible authority*—a committee as designated by the Borough Council, which shall be authorized and directed to implement and enforce the provisions of this Chapter either by committee action or through their authorized agent or representative. [Ord. 95-1]

*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, tin 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.

(Ord. 64-4, 4/18/1964, §1; as amended by Ord. 95-1, 2/8/1995, §108-1)

**§20-102. Administration.**

1. All refuse accumulated in the Borough of Nesquehoning shall be collected, conveyed, and disposed of by the Borough of Nesquehoning; 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 six 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 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 Nesquehoning, 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.

3. Borough Council is hereby authorized to contract for the performance of the services provided by this Part 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 Nesquehoning 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 planting 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 Nesquehoning 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 each 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, 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 be as set forth in the current garbage collection contract. [*Ord. 95-1*]

6. All persons within the Borough of Nesquehoning other than those excluded under subsection .1 of this Section, shall dispose of refuse by the Borough 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 Nesquehoning. No refuse shall be hauled over the streets of the Borough of Nesquehoning 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 Nesquehoning except 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 Nesquehoning.

9. *Garbage from Outside Borough.*

A. Garbage or trash originating outside the Borough. No person shall bring into, place or deposit in or cause to be brought in the village any garbage, refuse, trash, paper or liquids originating outside the village for the purpose of disposing of same in the village.

B. Permitting disposal of garbage or trash from outside the Borough. No person who is a resident of the village or an owner, lessee or person in control of real property within the Borough shall permit any person to bring in, place or deposit garbage, refuse, trash, paper or liquids originating outside the Borough on any real property owner or leased by him or her or under his or her control.

[*Ord. 95-1*]

(*Ord. 64-4, 4/18/1964, §2; as amended by Ord. 95-1, 9/21/1989, §§108-6 and 108-8*)

**§20-103. 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 3 feet and securely tied in bundles not more than 2 feet thick before being deposited for collection.

3. *Refuse Containers.*

A. Garbage receptacles shall be made of metal, 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 20 gallons.

C. All garbage receptacles shall be kept as sanitary as possible in view of the use to which they are put, and shall be thoroughly cleansed by the occupants after garbage is removed by the collector.

D. Ash receptacles shall be of metal and have a capacity of not more than 20 gallons.

E. Rubbish receptacles shall be of a suitable kind, which can be easily handled by one man.

F. All refuse receptacles shall be provided by the owner, tenant, lessee, 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.

(*Ord. 64-4, 4/18/1964, §3*)

**§20-104. Collection Practices.**

1. *Points of Collection.* 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 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 20 feet when approved by the responsible authority and an additional payment for the extra service is agreed upon by both parties.

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 on 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 fair charge based upon the average weight or volume.

(Ord. 64-4, 4/18/1964, §4)

**§20-105. Prohibited Acts.**

On and after the date of the award of a contract for collection service pursuant to the authority contained in §20-102.3 hereof:

A. It shall be unlawful for any person to collect, convey over any of the streets or alleys of the Borough of Nesquehoning or dispose of any refuse accumulated in said Borough in any manner not approved of in this Part 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 Nesquehoning 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. Failure to remove unauthorized accumulation of refuse within 15 days of notice to either the occupant or owner shall be deemed a violation of this Part.

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 container 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.

F. To place out for collection any refuse more than 24 hours prior to the dates scheduled for collection. [*Ord. 97-3*]

(*Ord. 64-4*, 4/18/1964, §5; as amended by *Ord. 72-4*, 7/20/1972, §1; by *Ord. 73-2*, 3/15/1973, §1; by *Ord. 95-1*, 2/8/1995, §108-12; and by *Ord. 97-3*, 9/24/1997)

#### **§20-106. Fees, Penalties, Discounts, and Delinquents.**

1. The fees for the collection and disposal of refuse shall be determined by resolution of the Borough Council of the Borough of Nesquehoning. Public notice of the fee schedule shall be made by the responsible authority. [*Ord. 80-1*]

2. All bills for the collection and disposal of refuse shall be rendered monthly and shall thereupon be immediately due and payable for the month pertaining thereto. All bills shall be payable at the Borough Building or, at such other place as shall be designated by the Borough Council, to a person duly appointed and authorized to collect the garbage bills. All accounts shall be considered delinquent if not paid by the 15th of the month covered by said bill and if not paid by the 15th of the month covered by said bill, shall be subject to a penalty of 20 percent of the amount of the bill. If a delinquent account is not paid within 60 days from the date of the bill, the Borough Council shall have the right to refer the account to the Borough Solicitor or a collection agency 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 Borough, in any other manner provided by law for the collection of Borough claims.

In the event that the bill remains unpaid for a period of 60 days and the bill is turned over to the Borough Solicitor or a collection agency, an additional 20 percent will be added to the amount of the original bill.

In the event of a rental property, if the tenant has not paid a delinquent account 60 days from the date of the bill, Borough Council shall notify the owner of the property of the delinquent account and shall therein demand payment from the owner who shall be responsible for payment of the delinquent account plus penalties. It shall be the responsibility of the owner of the property to furnish Borough with a current address and any change of address otherwise the above referred to notice need not be given.

[*Ord. 89-6*]

3. In addition to the action in assumpsit for unpaid charges, all delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within 30 days, the responsible authority shall notify the contractor to cease all refuse collection for that account unless Borough Council specifically directs otherwise. Service shall be resumed thereafter only on payment of the accumulated fees for the period of collection and the period of non-collection unless the Borough Council specifically directs otherwise. [*Ord. 95-1*]

4. Where any person wishes to use the Borough dump for the disposal of refuse, in addition to the regular collection of refuse, a fee as shall be set by the Borough

Council shall be paid to the dump operator, if any, or to a person so designated by Borough Council, for every load or part thereof. In lieu of such payment, the Borough Council may issue tickets, which tickets shall be tendered to the dump operator at the time of dumping and each ticket shall be considered payment for a load or part thereof.

5. It shall be the duty of the Borough Secretary, or some other person or agency designated by the Borough Council, to collect all fees and charges provided hereunder. (*Ord. 64-4, 4/18/1964, §6; as amended by Ord. 80-1, 3/6/1980; by Ord. 87-1, 3/19/1987; by Ord. 89-6, 9/21/1989; and by Ord. 95-1, 2/8/1995, §108-13*)

#### **§20-107. Collection Vehicles.**

1. All carts, wagons, and other vehicles used for collection and transportation of garbage, rubbish, ashes, 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 Nesquehoning, or any authorized agent of the Borough.

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

(*Ord. 64-4, 4/18/1964, §7*)

#### **§20-108. Special Collections.**

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

(*Ord. 64-4, 4/18/1964, §8*)

#### **§20-109. Penalties.**

Any person, whether as principal, agent, or employee, violating or assisting in the violation of any of the provisions of this Part or of any regulations made by Council or the responsible authority under the provisions hereof shall, upon conviction thereof by the Mayor or any magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. After notice, each day's neglect to comply with the provisions of this Part or any such regulation shall be deemed a separate offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense after the first conviction.

(*Ord. 64-4, 4/18/1964, §9; as amended by Ord. 95-1, 2/8/1995, §108-16; and by Ord. 2013-1, 6/26/2013*)