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PART 1

DISPOSAL OF GARBAGE, RUBBISH AND REFUSE

§14-101. Short Title

This Part may be cited as the "Garbage Disposal Ordinance of the Borough of Ebensburg."

(Ord. 508, 9/23/2002, §1)

§14-102. Definitions

The following words, as used in this Part, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning.

APARTMENT BUILDING – a building used by six or more families living independently of each other and containing dwelling units.

BACKYARD – any point or location other than as set forth in the definition of curbside.

BUSINESS – any business of any nature operated within the Borough of Ebensburg including apartment buildings.

CURBSIDE – a point bordering on the front street immediately adjacent to premises of the owner or occupant or a point as designated by the Borough Manager.

FAMILY UNIT – the residence of each separate residential household supported and/or maintained by a person qualified as "head of household" under the provisions of the Internal Revenue Code, excluding apartment buildings.

GARBAGE – the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include more than a minimum of free liquids.

PERSON – a natural person, firm, co-partnership, association or corporation.

REFUSE – garbage and rubbish as herein defined.

RUBBISH – all waste materials not included in garbage, except building rubbish from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles, or such other waste materials as are not commonly produced in homes, stores and institutions.

(Ord. 508, 9/23/2002,§1)

§14-103. General Administration

- A. All refuse accumulated in the Borough of Ebensburg in family units shall be collected, conveyed and disposed of by the Borough of Ebensburg or such private garbage collection service with which the Borough of Ebensburg may enter into a contract for the collection of refuse within the Borough, and the cost of such service shall be paid for as provided in the schedule of fees, as amended from time to time by the Borough of Ebensburg, by the person producing the refuse or responsible for the existence or disposal thereof or for whom such refuse is removed.

- B. It shall be unlawful for any person to collect, convey or dispose of any refuse accumulated in the Borough in family units, except employees of the Borough of Ebensburg or the contractor engaged by the Borough of Ebensburg, and in accordance with the regulations contained in this Part.
- C. The owners or operators of a business within the Borough of Ebensburg shall arrange for the removal and disposal of waste by private contractors under the supervision of the Borough Manager and in accordance with the regulations contained herein.
- D. Any refuse collected and disposed of from a business within the Borough shall be hauled in a power-compaction-type vehicle provided with a tight cover and so operated as to prevent offensive odors escaping there from and refuse from being blown, dropped or spilled.
- E. The collection and disposal of refuse in the Borough of Ebensburg shall be under the supervision of the Borough Manager, as directed by the Borough Council. 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.

(Ord. 508, 9/23/2002,§1)

§14-104. Pre-Collection

- A. Tree trimmings, hedge clippings and similar materials are not classified as trash, garbage or rubbish and shall not be deposited for collection. The Borough of Ebensburg may accept the deposit of such materials at a location as determined from time to time by the Borough Council for the purposes of composting, chipping or other appropriate use.
- B. Refuse Containers.
 - 1. Garbage receptacles shall be made of metal or plastic and must be watertight and be provided with a tight-fitting cover.
 - 2. Pending disposal as herein authorized, garbage shall be stored in such limited quantities and for such limited period of time as shall insure that no annoyance, nuisance or health hazard shall be created or maintained thereby.
 - 3. No person shall use for the reception of garbage any receptacle having the capacity of more than 30 gallons.
 - 4. 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 occupant after garbage is removed by the collector.
 - 5. Rubbish receptacles shall be of a suitable kind, which can easily be handled by one person.
 - 6. All refuse receptacles shall be provided by the owner, tenant, lessee or occupant of the premises.

7. 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 jagged 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.

C. Storing of Refuse.

1. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Borough except that it is 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 Part shall be deemed a violation of this Part.
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 or any of the contents of refuse receptacles.
4. The container to be picked up shall be placed within 5 feet of the curb or alley line, except for backyard pickup.

(Ord. 508, 9/23/2002,§1)

§14-105. Collection

- A. Refuse shall be collected on a regular basis on the days established by the Borough Manager.
- B. In addition, there will be trash collections in the Borough at such times as established by the Borough Manager and approved by the Borough Council.
- C. For the Borough's annual spring trash collection, residents shall not place trash at the curb or alley earlier than the weekend before the commencement of the trash collection scheduled pickup date.
- D. The quantity of refuse permitted for each family unit shall be four cans or four bags of refuse per week, each can or bag to have a capacity of not more than 30 gallons.
- E. It shall be unlawful to place, or allow to be placed, the refuse from one premise at another premise for pickup; except that the resident owner of a residential property may dispose of refuse from that property at a business owned by that same resident and for which a separate contract exists for the disposal of refuse.

(Ord. 508, 9/23/2002,§1)

§14-106. Fees

- A. The annual fee for the collection and disposal of refuse, including fees for incidental services, shall be as set forth from time to time by resolution of the Borough Council.

- B. In the event that a dwelling unit is newly erected or occupied within the Borough during the course of the year, the fee for garbage collection shall be assessed beginning on the first day of the billing period during which the premises are occupied.
- C. In the event that a dwelling unit is vacated within the Borough during the course of the year, the fee for garbage collection shall be assessed through the last day of the billing period during which the premises are vacated.
- D. In the event of the failure of a resident to pay the garbage collection and disposal fee established herein, the Borough reserves the right to stop the service herein provided for and to proceed to collect the unpaid charge in the manner provided by law for the collection of a municipal claim or by filing of an action in assumpsit for the amount of said delinquency, plus legal interest thereon.

(Ord. 508, 9/23/2002, §1)

§14-107. Violations and 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 regulation made by the Borough Council or the Borough Manager under the provisions hereof shall, upon conviction thereof, pay a fine of not more than \$600 and, in default of the payment of such fine and costs of prosecution, shall be imprisoned for a period of not more than 30 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 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.

(Ord. 508, 9/23/2002, §1)

PART 2
RECYCLING

§14-201. Short Title.

This Part may be cited as the "Recycling Ordinance of the Borough of Ebensburg."

(Ord. 508, 9/23/2002, §2)

§14-202. Program Established

The Borough of Ebensburg hereby establishes a recycling program for the separation and collection of recyclable materials by persons. Collection of the recyclable materials shall be made at least once per month by the Borough, its designated agent, or any other solid waste collectors operating in the Borough and authorized to collect recyclable materials from residences.

(Ord. 508, 9/23/2002, §2)

§14-203. Separation and Collection

- A. All persons who are residents of the Borough may separate all of those recyclable materials designated by the Borough from all other municipal waste produced at their residences, store such materials for collection and shall place the same for collection in accordance with the guidelines established hereunder.

- B. Persons in residences may separate recyclable materials from other refuse. Except as provided in §14-205, all recyclable materials shall be placed at the curbside in containers provided to the residences by the Borough for the collection of recyclable materials. The containers shall remain the property of the Borough and shall be used only for the collection of recyclable materials. Any resident who moves within or from the Borough shall be responsible for returning the allocated container(s) to the Borough or shall pay the replacement cost of said container(s). Use of recycling containers for any purpose other than the designated recycling program or use of the recycling containers by any persons other than the person allocated such container(s) shall be a violation of this Part.

(Ord. 508, 9/23/2002, §2)

§14-204. Ownership of Recyclable Materials

All recyclable materials placed by persons for collection by the Borough or authorized collector pursuant to this Part shall, from the time of placement at the curb, become the property of the Borough. Nothing contained in this Part shall be deemed to impair the ownership of separated recyclable materials by persons unless and until such materials are placed at the curbside for collection.

(Ord. 508, 9/23/2002, §2)

§14-205. Existing Recycling Operations

Any residence or commercial, municipal or institutional establishment may donate or sell recyclable materials to any person, firm or corporation, whether operating for profit or not. Nothing contained in this Part shall be interpreted to impair any existing recycling operations.

(Ord. 508, 9/23/2002, §2)

§14-206. Enforcement and Administration

The Council of the Borough of Ebensburg is hereby authorized to make reasonable rules and regulations for the operation and enforcement of this Part as deemed necessary including, but not limited to:

- A. Establishing recyclable materials to be separated for collection and recycling by residences.
- B. Establishing collection procedures for recyclable materials and providing for reasonable inspections thereof.
- C. Establishing reporting procedures for amounts of materials recycled.
- D. Establishing procedures for the distribution, monitoring, and collection of recyclable containers.
- E. Designating of person(s) to enforce the provisions of this Part.

(Ord. 508, 9/23/2002, §2)

PART 3

SCAVENGING

§14-301. Short Title

This Part may be cited as the "Anti-Scavenging Ordinance of the Borough of Ebensburg."

(Ord. 508, 9/23/2002, §3)

§14-302. Definitions

The following words, as used in this Part, shall have the meanings hereby ascribed thereto, unless the context clearly indicates a different meaning.

GARBAGE – refuse, except rubbish, or waste of any kind.

HAULER or PRIVATE COLLECTOR – any person, firm, co-partnership, association or corporation who has been licensed by the Borough of Ebensburg or its designated representative to collect, transport and dispose of refuse for a fee in the Borough.

REFUSE – all solid waste materials that are discarded as useless.

RUBBISH – all non-putrescible municipal waste, except garbage and other decomposable matters. This category includes, but is not limited to, ashes, bedding, cardboard, cans, crockery, glass, paper, wood and yard cleanings.

SCAVENGING – the unauthorized and uncontrolled sorting, gathering, collecting, extracting, removal, reclamation or disturbance of garbage, rubbish or refuse materials placed at the curb for collection.

(Ord. 508, 9/23/2002, §3)

§14-303. Prohibited Activities

- A. It shall be unlawful for any person other than an owner, hauler, or private collector to haul, transport, collect, or remove any garbage, refuse or rubbish from public or private property within the Borough of Ebensburg without first securing a license to do so from the Borough.
- B. It shall be unlawful for any person other than an owner, hauler or private collector to scavenge any materials from any garbage, refuse or rubbish that is stored or disposed for collection within the Borough without the approval of the Borough.
- C. It shall be unlawful for any person other than an owner, hauler or private collector to sift, sort, separate, remove, scavenge, take possession of or otherwise disturb any garbage, refuse or rubbish on public or private property within the Borough.

(Ord. 508, 9/23/2002, §3)

§14-304. Violations and Penalties

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this Part shall, upon conviction thereof, pay a fine of not more than \$600 and, in default of the payment of such fine and costs of prosecution, shall be imprisoned for a period of not more than 30 days.

(Ord. 508, 9/23/2002, §3)

§14-305. Exceptions

The Council of the Borough of Ebensburg may suspend this Part for designated periods, such as for the annual trash cleanup days.

(Ord. 508, 9/23/2002, §3)

PART 4

PLACEMENT OF DUMPSTERS

§14-401. Definitions

Unless the context otherwise required, the definition of WASTE DUMPSTERS and/or WASTE CONTAINER shall be:

WASTE DUMPSTERS and/or WASTE CONTAINER – waste dumpster/container, non-motorized and non-propelled container designed to hold waste or refuse, capable of being lowered and lifted by a motor vehicle, for the purpose of waste or refuse collection. Must be meet specifications enumerated under "Specifications."

(Ord. 478, 5/24/1999, §1)

§14-402. Violations

No person shall park or place a waste dumpster/container on any street, alley, highway, sidewalk or right-of-way within the Borough under any circumstances, other than the conditions enumerated under §14-403, "Exceptions."

(Ord. 478, 5/24/1999, §2)

§14-403. Exceptions

Provided, however, that the provisions of §14-402 shall allow for the temporary parking/ placement of said defined waste dumpster/container upon the proof of sufficient cause, to the Chief of Police or his designee, at which time a permit will be issued for a temporary period of time determined as reasonable. The permit will not be valid unless the dumpster/container complies with the following:

- A. The dumpster/container must be illuminated with a warning light, light reflector or a reflectorized material visible to oncoming vehicles for a distance of not less than 300 feet between the hours of sunset and sunrise.
- B. The dumpster/container must be equipped with a cover so that when not in use, material will not blow from the container, nor will significant amounts of water accumulate in the dumpster/container so as to cause leakage.
- C. Liquid leachate may not leak from the container onto any street, sidewalk or public right-of-way.
- D. The name of the company responsible for the placement and removal of the waste dumpster must be displayed on same.

Additionally, at no time will a dumpster/container be placed onto any running lane of the roadway restricting the flow of traffic.

(Ord. 478, 5/24/1999, §3)

§14-404. Removal

Upon official notification by the Borough of violation of this Part, the owner will remove said waste dumpster/container in violation from the street, alley, highway or sidewalk within 24 hours. If the waste dumpster/container has not be removed, and the owner has not shown cause for a time extension, the Borough shall move or cause to be moved, at the owner's expense, said equipment in violation, to a suitable facility where it may be reclaimed by the owner upon payment of costs.

(Ord. 478, 5/24/1999, §4)

§14-405. Enforcement

It shall be the duty of the Ebensburg Police Department to enforce the provisions of this Part.

(Ord. 478, 5/24/1999, §5; as amended by Ord. 494, 11/27/2000)

§14-406. Fees

The waste dumpster/container permit fee under this Part shall be in an amount as established by resolution from time to time by Borough Council.

(Ord. 478, 5/24/1999, §6; as amended by Ord. 494, 11/27/2000)

§14-407. Penalties

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 478, 5/24/1999, §7; as amended by Ord. 494, 11/27/2000)

PART 5

LEAF COLLECTION

§14-501. Leaf Collection and Disposal

- A. This Part shall be known as the "Leaf Collection and Disposal Ordinance."
- B. From and after the effective date of this Part, all property owners within the Borough of Ebensburg shall dispose of leaves and leaf waste on their properties by collecting and placing such leaves and leaf waste at or near the curb of their properties so that such leaves and leaf waste maybe collected by the Borough vehicles. In no event shall such leaves and leaf waste be placed on any street.
- C. Leaves and leaf waste shall not be placed on any street.
- D. Leaves and leaf waste should be made available for Borough pick up on days designated by the Borough Manager.
- E. The burning of leaves shall be strictly prohibited, but owners may mulch leaves or provide composting of leaf waste on their properties.
- F. Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 461, 4/28/1997; as amended by Ord. 494, 11/27/2000)