

BOROUGH OF EBENSBURG

ORDINANCE #508

**AMENDING CHAPTER 20 OF THE CODE OF THE BOROUGH
OF EBENSBURG, SOLID WASTE, TO PROVIDE FOR MUNICIPAL COLLECTION
OF GARBAGE AND ESTABLISHMENT OF A RECYCLING PROGRAM.**

BE IT ORDAINED AND ENACTED by the Council of the Borough of Ebensburg, County of Cambria and Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted:

SECTION 1. That the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Part 1 be amended in its entirety as follows:

PART 1

DISPOSAL OF GARBAGE, RUBBISH, AND REFUSE

20-101. Short Title

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

20-102. 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.

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.

2. 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.
3. 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.
4. 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.
5. 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.

20-104. Pre-Collection.

1. 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.
2. Refuse Containers.
 - a. Garbage receptacles shall be made of metal or plastic and must be watertight and be provided with a tight-fitting cover.
 - b. 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.
 - c. No person shall use for the reception of garbage any receptacle having the capacity of more than thirty (30) gallons.
 - d. 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.
 - e. Rubbish receptacles shall be of a suitable kind, which can easily be handled by one (1) person.
 - 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

granted by the Borough Council. No person shall throw or deposit any refuse in any stream or other body of water.

- b. 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 thirty (30) days after the effective date of this Part shall be deemed a violation of this Part.
- c. 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.
- d. The container to be picked up shall be placed within five (5) feet of the curb or alley line, except for backyard pickup.

20-105. Collection.

1. Refuse shall be collected on a regular basis on the days established by the Borough Manager.
2. 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.
3. 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.
4. The quantity of refuse permitted for each family unit shall be four (4) cans or four (4) bags of refuse per week, each can or bag to have a capacity of not more than thirty (30) gallons.
5. 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.

20-106. Fees

1. 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.
2. 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.
3. 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.
4. 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.

20-107. 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 six hundred (\$600) dollars and, in default of the payment of such fine and costs of prosecution, shall be imprisoned for a period of not more than thirty (30) days.

PART 2

RECYCLING

20-201. Short Title.

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

20-202. 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.

20-203. Separation and Collection.

1. 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.
2. Persons in residences may separate recyclable materials from other refuse. Except as provided in 20-205, 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.

20-204. 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.

20-205. 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.

20-206. Enforcement and Administration.

The Council of the Borough of Ebensburg is hereby authorized to make reasonable rules

5. Designating of person(s) to enforce the provisions of this Part.

SECTION 3. That the Codified Ordinance of the Borough of Ebensburg, Chapter 20, Part 3 be added as follows:

PART 3

SCAVENGING

20-301 Short Title.

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

20-302 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.

20-303 Prohibited Activities.

- 1. 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.**
- 2. 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.**
- 3. 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.**

20-304 Violations and Penalties.

Any person, whether as principal, agent, or employee, violating or assisting in the violation

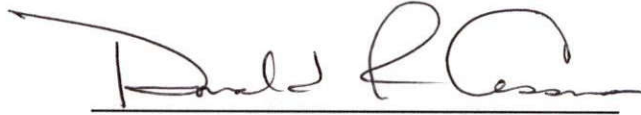
SECTION 4. That the former Part 2, Placement of Dumpsters shall be now identified as Part 4 of Chapter 20.

SECTION 5. That the former Part 3, Leaf Collection, shall be now identified as Part 5 of Chapter 20.

SECTION 6. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ENACTED AND ORDAINED this 23rd day of September 2002.

EBENSBURG BOROUGH COUNCIL



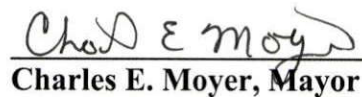
Donald R. Cessna, President

ATTEST:



Daniel L. Penatzer; Manager

Approved this 23rd day of September 2002.



Charles E. Moyer, Mayor

