

BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NUMBER - 1982- 3

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF ALL GARBAGE WITHIN THE BOROUGH OF WEST NEWTON AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of West Newton, Westmoreland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. DEFINITIONS: The following words and terms as used in this Ordinance shall have the meaning ascribed thereto; unless the context clearly indicates a different meaning:

"Garbage" - All table refuse, animal and vegetable matter, offal from meat, fish or fowls; vegetables and fruits, or parts thereof, and other articles and materials ordinarily used for food and which have become unfit for such use or which are, for any reason, discarded; grass clippings; prunings from vines, trees and shrubbery; garden remains; ashes; paper; discarded clothing; house and store sweepings; and all other household and commercial waste materials, refuse, rubbish and trash.

"Person" - Any natural person, association, partnership, firm or corporation.

"Borough" - The Borough of West Newton, a municipal corporation of Westmoreland County, Pennsylvania.

"Collector" - Any person, firm, co-partnership, association, or

corporation who has been awarded a contract by the Borough to collect, transport and dispose of garbage for a fee as therein prescribed.

"Customer" - Any person, firm, co-partnership, association or corporation from whom garbage is collected in the Borough of West Newton.

SECTION 2. From and after the effective date of this Ordinance and for reasons of health and sanitation, it shall be unlawful for any person to accumulate garbage or permit to accumulate garbage upon private property in said Borough.

SECTION 3. It shall also be unlawful for any person to dispose of any garbage in said Borough except in accordance with the terms of this Ordinance. Nothing herein contained shall prevent the use of a device commonly known as "disposal" which is attached to a sink and connected into a sewer.

SECTION 4. Storage Practices.

a. Garbage containers.

(1) Every person from whose premises garbage is gathered shall place the same in a portable container, made of metal or other non-absorbent material, water tight with a handle or handles on the outside, and with a tightly fitting cover to hold said garbage, and to weigh not more than forty (40) pounds, when filled. Suitable plastic bags may also be used as garbage containers, however, in which case the requirements for metal containers need not be met.

(2) All containers for ashes and other refuse shall be of sturdy and durable material and shall not weigh more than

forty (40) pounds when filled.

- (3) All garbage cans or containers shall be kept in a sanitary condition by the person from whose premises said garbage is to be collected. All garbage shall be carefully wrapped in dry paper before being placed in the garbage container, and no more water shall be allowed or permitted in the garbage than naturally accumulates from table refuse. Plastic bags may be used as garbage containers and garbage need not be wrapped in dry paper as long as it is placed in suitable plastic bags.

b. Storage of garbage.

- (1) Each householder, commercial establishment, or person having garbage shall provide himself with approved garbage containers and shall place and keep all garbage therein.
- (2) It shall be unlawful to place garbage in any street, alley, parking lot, stream, body of water, or any other public place, or upon private property, whether owned or not, unless such garbage is placed in an approved container. No person shall bring in, nor permit any other person to bring upon his property, any garbage into the Borough for disposal.
- (3) The Collectors for the Borough shall remove promptly in as clean a manner as possible all garbage and return the

non-disposable garbage containers to the premises from which they have been removed.

SECTION 5. Collection practices.

a. Place of collection

(1) Prior to the night before the day of collection the garbage containers shall be kept in the rear of the house, apartment building, store room, restaurant, etc. or shall be placed in the basement, garage or passageway thereto, or shall be put in such places for the convenient collection of their contents prior to the time set for collection.

(2) On the night before the day of collection the garbage containers shall be placed at a point on the alley or street or on the premises where it is readily accessible to collectors.

(3) Notwithstanding provisions of the above paragraph, householders, commercial establishments, or other persons, may, by agreement with the Collector, be permitted to place containers at agreed places upon their premises.

b. Frequency of collection.

(1) Garbage shall be collected from all private family residences once a week and from all business houses, churches, schools and other non-residential premises once a week.

(2) Any person requiring more frequent collections than those hereinabove set forth shall negotiate directly with the Collector in order to arrange more frequent collections.

c. Rates and charges for collection.

(1) Each private family residential customer shall pay the Borough or its authorized Collector the sum of Eleven and no/100 (\$11.00) Dollars quarterly in advance or Forty-two and no/100 (\$42.00) Dollars annually in advance (by January 31). This rate shall be based on a maximum of four (4) containers not weighing more than forty (40) pounds, when filled. Any person requiring additional collections or collections in excess of the quantity hereinabove set forth shall negotiate a fair and equitable rate for such additional collections or additional quantities, or both, directly with the Collector.

(2) Each business house, church, school and other non-residential premises shall be charged rates to be established by the Collector on a fair, uniform and equitable schedule of rates. Any dispute over such rates will be arbitrated by Borough Council for settlement and the Collector shall abide by the decision of the Borough Council.

(3) Each senior citizen who is sixty-five (65) years of age or older and who is the head of a household that contains no other wage earner shall pay the Borough or its author-

ized Collector the sum of Nine and 50/100 (\$9.50) Dollars quarterly in advance or Thirty-six and no/100 (\$36.00) Dollars annually in advance (by January 31). This rate shall be based on a maximum of four (4) containers not weighing more than forty (40) pounds, when filled. Any person requiring additional collections or collections in excess of the quantity hereinabove set forth shall negotiate a fair and equitable rate for such additional collections or additional quantities, or both, directly with the Collector.

- (4) The owner of the real estate which receives the garbage service shall be primarily responsible and liable for the payment of all garbage collection and disposal service fees regardless whether garbage service was requested by the owner or tenant of the real estate receiving the garbage service.
- (5) If any delinquency in the garbage collection and disposal fees for a particular piece of real estate exists, even if due to a previous owner or tenant, the same may be charged to and collected from the then owner of the said real estate by any legal means including, but not limited to filing a municipal lien by the Borough against the said real estate.
- (6) Before garbage collection and disposal service can be pro-

vided to a tenant of property not receiving said service before the passage of this Ordinance, all owners of said property to receive said service must execute a letter of obligation indicating his/her or their promise to be primarily responsible for the garbage collection and disposal fee.

- (7) In the event that the cost to the Collector of conducting operations hereunder shall increase during the currency of this Agreement, Council may, at its option, by amending this Ordinance, grant an increase in the rates prescribed.

d. Collection vehicles.

- (1) Each Collector must own and have in operable condition with current operating license and approved certificate of inspection, both issued by the Commonwealth of Pennsylvania prior to submission of bid, a minimum of two compacting trucks, equipped with compacting devices or equivalent types of closed bodies and enclosed cargo space.
- (2) Each Collector must own and have in operable condition with current operating license and approved certificate of inspection, both issued by the Commonwealth of Pennsylvania prior to submission of bid, a minimum of one other truck in addition to two compacting trucks.
- (3) It shall be unlawful to collect, haul, transport, or con-

vey on a regular basis garbage in open-unenclosed vehicles.

SECTION 6. Award of Contract.

- a. The Borough shall advertise for bids for a contract for the collection of garbage, and a contract for the collection of the same shall be awarded to the highest responsible bidder taking into consideration all monies and services to be received by the Borough.
- b. In order to award a contract to a Collector the Borough shall prepare specifications for bidding for the contract covering the collection, removal and disposal of garbage and shall advertise for bids giving such notice as the Borough Code requires. At a time and place appointed by Borough for the submission of such bids the same shall be opened and tabulated by Council. If the highest bid, taking into account both monies and services offered, be submitted by one deemed by Council to be a responsible bidder, Council shall award to such bidder the contract for the collection, removal and transporting to a designated dumping area or station for ultimate disposal by the sanitary land fill method.
- c. As part of its specifications, the Borough shall reserve the right to waive and/or modify all bid requirements, which are set forth in the bidding and contract documents.
- d. As part of its specifications, the Borough shall reserve the

right to reject any or all bids.

- e. As part of its specifications, the Borough shall provide that no bidder may withdraw his bid for a period of thirty (30) days after the scheduled closing time for receipt of bids.

SECTION 7. No person, firm or corporation shall use or permit to be used any spot or place within the Borough as a public or private dump for garbage or other waste material. It shall also be unlawful to dump, burn, bury, destroy, or otherwise dispose of garbage within the jurisdictional limits of the Borough.

SECTION 8. No person shall accumulate garbage upon private property in the Borough except in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard shall be created thereby, and any unauthorized accumulation of garbage on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of garbage within thirty (30) days after the effective date of this Ordinance shall be deemed a violation of this section of the Ordinance.

SECTION 9. It shall be unlawful for any person other than an employee of a Collector holding a contract with the Borough, the Borough Council of the Borough of West Newton, or a person designated by the Borough Council of the Borough of West Newton to interfere in any manner with any garbage container, or the contents thereof or to remove any such garbage container from the location where the same was placed by the owner thereof or to remove the contents from any such garbage container and any person violating this pro-

vision shall be subject to the penalties as hereinafter provided.

SECTION 10. Whenever the amount of garbage accumulates at commercial establishments or other places and is too large to be contained in the vessels prescribed therefore, the Borough Council of the Borough of West Newton may establish and set forth the manner of storing, removing and disposal of the same.

SECTION 11. The Borough Council of the Borough of West Newton may formulate additional Rules and Regulations not in conflict with this Ordinance regarding the collection and disposal of garbage, in accordance with this Ordinance, which Rules and Regulations shall specify in detail matters necessary to implement this Ordinance after the same shall be approved by Council and the Mayor.

SECTION 12. The Borough Council of the Borough of West Newton is authorized to formulate any rules and regulations consistent with this Ordinance in order to implement the same.

SECTION 13. Unlawful Deposit of Garbage. It shall be unlawful for any person or persons, firm or corporation to deposit, spill, sweep, dump, throw, place or scatter, or to permit or allow the same to be done by any agent or employee, any garbage upon any vacant lot or within the lines of any highway, street, parking lot, alley, sidewalk, stream, river, run, sewer, drain or catch basin in the Borough whether or not upon private property owned or occupied by such person, firm or corporation.

SECTION 14. Prohibited Acts; Penalties. No person shall obstruct, delay or interfere with the garbage collectors while in the performance of

their duties, or enter into any controversies with the collectors, nor shall any person violate any of the provisions of this Ordinance with regard to the disposal of garbage, or the containers for the same, or violate any of the provisions with respect to the collection and removal of said garbage, and in the event of a conviction for the violation of any of the provisions of this Ordinance, before any District Magistrate, the person or persons, firm or establishments, corporations or associations guilty or convicted of any violation shall be punished by a fine of not less than Five and no/100 (\$5.00) Dollars and not more than Three Hundred and no/100 (\$300.00) Dollars for each offense.

SECTION 15. The Mayor and Police Department of the Borough of West Newton shall enforce the provisions of this Ordinance and shall prosecute all persons, firms, associations or corporations or groups of persons violating any of the provisions of this Ordinance. All property owners shall be subject to all criminal penalties provided in this Ordinance for violations thereof.

SECTION 16. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not have been included herein.

SECTION 17. All Ordinances or parts of Ordinances inconsistent here-

with be, and they are, hereby repealed.

SECTION 18. This Ordinance shall take effect immediately except that the new rates and charges set forth herein shall not take effect until January 1, 1983.

ORDAINED AND ENACTED this 22nd day of NOVEMBER, 1982.

Edward J. Porter
Edward J. Porter, President of Council

ATTEST:

Mary K. Willis
Mary K. Willis, Secretary

EXAMINED AND APPROVED by me this 22nd day of NOVEMBER, 1982.

Walter B. Klich
Walter B. Klich, Mayor