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ORDINANCE NO. I of 1980

AN ORDINANCE REGULATING CARE AND REMOVAL OF GARBAGE, ASHES AND OTHER REFUSE MATERIAL, INCLUDING THE IMPOSITION AND COLLECTION OF REASONABLE FEES AND CHARGES THEREFOR PROVIDING FOR THE LICENSING OF REFUSE COLLECTORS WITHIN THE BOROUGH AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF.

It is hereby ordained by the Borough of McKean that the following Ordinance shall be an amendment and complete restatement of Ordinance No. 2 of 1971, adopted by the Borough of McKean on the 19th day of January, 1971 and Ordinance No. 3 of 1979, adopted by the Borough of McKean on the 9th day of April, 1979:

SECTION 1

It is the opinion of the Borough Council that it will promote the general health, safety and welfare of the Borough of McKean to have regulations regarding the maintenance and removal of garbage and other refuse material.

SECTION 2

"DEFINITIONS"

The following words, terms and phrases shall be construed in this Ordinance to have the following meanings, except in those instances where the context clearly indicates otherwise;

- A. "Person". Every natural person and/or co-partnership and/or association and/or corporation and/or firm.
- B. "Garbage". All animal and vegetable waste attending to or resulting from the handling, dealing in, storing, preparation, cooking and/or consumption of foods; all refuse of animal or vegetable matter which has been used for food of man or animal or which was intended to be so used.

C. "Ashes". The residue from the burning of wood, coal, coke, and/or other combustible materials in homes, places of residence, and/or commercial establishments for the purpose of heating and cooking.

D. "Rubbish". All discarded and waste articles and materials, excluding garbage, ashes, sewage and liquid waste, but specifically including accumulations of grass and leaves and similar materials.

### SECTION 3

Whenever in this Ordinance the singular is used, the plural shall be included; where the masculine gender is used, the feminine and neuter shall be included.

### SECTION 4

The Mayor of the Borough of McKean may prepare, establish and publish reasonable rules and regulations, consistent with the provisions of this Ordinance, for the effective administration and enforcement of the provisions of this Ordinance. She shall submit all rules and regulations prepared by her, which are not specifically covered in this Ordinance, to the Council of the Borough of McKean for its approval, and when such rules and regulations have been approved by Council, she shall cause the same to be publicized. Such rules and regulations shall thereupon become a part of this Ordinance and any person violating any of such rules and regulations shall be punishable as for a violation of this Ordinance.

### SECTION 5

It shall be the duty of every person occupying a dwelling, apartment or place of residence within the Borough of McKean and/or operating a commercial or business establishment within the Borough of McKean:

A. To provide and at all times to keep on his premises, as in this Ordinance prescribed, a sufficient number of portable receptacles of the construction, design and size hereinafter provided, to contain all garbage, rubbish and ashes which may accumulate on the premises of said person during the intervals herein prescribed between the collection of same.

B. To deposit all garbage, rubbish and ashes which may be produced or accumulated on the premises in a proper receptacle therefor, as herein provided.

C. To keep all receptacles for the storing of garbage, rubbish and ashes securely covered or closed to prevent any of the contents from being scattered about and to prevent the disturbance of their contents by dogs and cats and to prevent the propagation of rats, flies and other vermin or insects. No cover shall be required at establishments where a commercial type dumpster container is used, provided the container is regularly serviced and removed as prescribed for in this Ordinance and provided further, that the waste materials stored inside do not extend beyond the height of the container.

D. To arrange for pick-up and collection of the garbage, ashes and rubbish materials as defined in this Ordinance by a contractor licensed under this Ordinance on a regular basis, as provided for herein.

#### SECTION 6

All receptacles required by this Ordinance for the storage and collection of garbage, rubbish and ashes shall conform to the following standards and shall be maintained as follows:

A. All garbage, ashes and rubbish shall be containerized in a dumpster type commercial container or in bags which shall be made of durable plastic, capable of holding approximately thirty (30) gallons, and suitable for use as liners in garbage cans of the standard commercially available

type. Said bags shall not contain more than eighty (80) pounds of garbage, ashes or refuse and shall be securely closed prior to pick-up.

B. Prior to pick-up by a contractor licensed hereunder, all garbage, ashes and rubbish shall be stored in a commercial dumpster type container or in a standard type garbage can with a plastic bag liner or in a securely closed plastic bag, as set forth in Paragraph A hereinabove.

C. All garbage cans specified by this Ordinance for the storage of garbage, rubbish and ashes shall conform to the following standards and shall be maintained as follows:

(1) All such receptacles shall be of substantial construction and of such shape and design that the contents may be readily discharged therefrom.

(2) All such receptacles for the storage of garbage shall be standard type garbage cans; shall be water tight and shall have a capacity sufficient to accomodate the bags described hereinabove and shall be provided with handles on the outside thereof, and with a tight fitting cover, which shall not be removed except when necessary to place garbage therein or to take garbage therefrom.

#### SECTION 7

The accumulation of garbage, ashes and/or rubbish by persons occupying residential premises in excess of ten (10) days and of commercial establishments in excess of seven (7) days is hereby prohibited. All persons shall arrange for the regular pick-up and collection of rubbish, ashes and garbage in order to comply with the provisions of this Ordinance.

#### SECTION 8

Except as herein set forth, it shall be unlawful for any person to handle, gather or transport any garbage, trash,

rubbish, ashes or similar refuse unless authorized by this Ordinance. No person shall otherwise engage in removing, collecting or transporting said materials within the Borough of McKean unless and until he be expressly authorized and licensed in writing by the Secretary of the Borough of McKean. Upon written application, a written permit shall be issued to the applicant providing the applicant complies with the provisions of this Ordinance. Said written permit shall be issued to him to expire on the last day of January next following the date of issuance upon the payment of a license fee of Five (\$5.00) Dollars. A separate license and license fee shall be required for each motor vehicle operated by or for the benefit of each licensee. The following provisions shall apply to the issuance of licenses and the operations of a licensee hereunder:

A. Each permit shall be renewed only upon written application and payment of said fee for each permit and said renewal shall be approved only when and so long as the licensee complies with the regulations set forth herein.

B. The form of the application and of the permit shall be as provided and determined by the Borough Council or its agent duly authorized.

C. Fees for applications during any year shall not be prorated. The fees provided for herein shall be for a period of one (1) year or the remaining portion of the year prior to the last day of January next following.

D. Garbage, ashes and refuse as defined herein shall be transported only in vehicles or conveyances having tight bodies entirely enclosed on the bottom, sides and top as an integral part thereof. All openings shall have doors of easily cleanable construction which shall be cleaned at sufficient intervals to prevent nuisance or insect breeding and same shall be maintained in good repair. Openings to said bodies shall be kept closed during transportation at all times.

E. Garbage, ashes and refuse collected by a licensee hereunder shall only be dumped on land-fill sites duly approved for such purpose by the Erie County Department of Health and/or the Pennsylvania Department of Environmental Resources.

F. During transportation the materials shall be kept covered at all times so that no part thereof during transportation or loading shall fall or be cast upon streets, alleys, highways or nearby properties.

G. Transportation of materials described herein shall be conducted between 6:00 A.M. and 6:00 P.M. only and shall be prohibited on Sundays and holidays.

H. Before a permit shall be issued, the Borough Council shall cause the truck vehicle or conveyance of the licensee to be inspected and same shall be subject to periodic reinspection from time to time in the discretion of the Borough of McKean. The permit may not be transferred to another vehicle, truck or conveyance except with the express written consent of the Borough of McKean. Such vehicles, trucks or conveyances shall be kept, maintained and stored when not in use in a sanitary and inoffensive manner, condition and place.

I. A permit may be denied or revoked on ten (10) days written notice by ordinary mail, receipt of which need not be established, if on inspection by the Borough of McKean the facilities appear unsanitary or inadequate, materials are not confined to the vehicle as aforesaid or the regulations of the Borough of McKean, the County of Erie or the Commonwealth of Pennsylvania, or the duly authorized agents of any such body, are being violated.

J. After applications are filed, vehicles, trucks or conveyances may be inspected initially and during the year on five (5) days verbal request by the duly authorized agent of the Borough of McKean.

K. In addition to the license provided for hereunder, each contractor shall be licensed where applicable by the Erie County Department of Health and shall maintain operating records open to inspection by the Erie County Department of Health and/or the Borough of McKean. These records shall include hours and days of operation, type of vehicle, size of crew, type of material collected, disposal site location and route followed.

#### SECTION 9

It shall be unlawful for any person:

A. To dispose of, deposit or place, or cause or permit to be disposed of, deposited or placed, any garbage, rubbish or ashes upon or in any public street, alley, lane, place, catch basin or receptacle leading into any sewer, or in or upon any vacant lot within the limits of the Borough of McKean.

B. To dispose of garbage, rubbish or ashes in any manner otherwise than as provided in this Ordinance.

C. To place any receptacles for the storage of garbage, rubbish or ashes in or upon any public street, lane, alley or sidewalk or in front of any dwelling or building other than on the day specified for collection according to the schedule established by the contractor with whom that person has contracted for pick-up services.

D. To obstruct, delay or interfere with the collectors of garbage in the performance of their duties.

E. To burn garbage or rubbish anywhere within the limits of the Borough of McKean.

#### SECTION 10

Any person who shall violate any of the provisions of this Ordinance on conviction thereof before the District Magistrate for the Borough of McKean shall be sentenced to pay a fine of