

CHAPTER 12

GARBAGE, RUBBISH, AND REFUSE

BOROUGH OF WYALUSING
ORDINANCE NO. 12

AN ORDINANCE CHAPTER NO. 12, GARBAGE, RUBBISH, AND REFUSE,
OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD,
COMMONWEALTH OF PENNSYLVANIA.

The Borough of Wyalusing hereby ordains and enacts as follows:

The purpose of this Ordinance is to regulate Solid Waste as authorized under the Borough Code found at 53 P.S. § 46202, Specific powers:

(10) Accumulations of garbage and other refuse material. To prohibit accumulations of garbage or other refuse material upon private property and to provide for the removal of prohibited accumulations of garbage or other refuse material.

(11) Removal of garbage and other refuse material. To make regulations for the care and removal of garbage and other refuse material, including the imposition and collection of reasonable fees and charges therefor.

ARTICLE I
Storage and Collection Regulations

§1. Definitions.

As used in this Article, the following terms shall have the meaning indicated:

FEES – At the time of the application for a permit or for the renewal for a current permit, the applicant shall pay to the Ordinance Enforcement Officer, Borough Secretary, or official designated by the Borough, a permit fee payable to the Borough of Wyalusing, as set forth in the Borough Schedule of Fees, as adopted and amended from time to time by the Wyalusing Borough Council. In the event that the permitted refuse collector does not participate in the recycling program, he shall pay the recycling fee as set forth on the Borough Schedule of Fees.

LICENSED COLLECTOR – A person engaged in the collections, removal, hauling or conveying of refuse, through or within the Borough of Wyalusing, as a commercial enterprise and who holds a current valid license issued by Wyalusing Borough to engage in such enterprise.

LICENSED RECYCLER – A person engaged in the collection, removal hauling or conveying of recyclable material, through or within the Borough of Wyalusing, as a commercial enterprise and who holds a current valid license issued by Wyalusing Borough to engage in such enterprise.

PERSON – Includes a natural person, association, partnership, firm or corporation their agents and employees.

RECYCLABLE MATERIALS – Includes the following: plastic (i.e. milk bottles, water bottles, and soda bottles) newsprint, junk mail, flyers, magazines, gloss paper, aluminum cans, steel and bimetallic cans, clear bottles, green bottles, and brown bottles, and corrugated cardboard.

REFUSE – Includes the following:

- A. All table refuse, discarded animal and vegetable matter and offal from meat, fish, fruit or fowl, and parts thereof.
- B. Ashes, discarded paper, non-corrugated cardboard, glass material or containers of any kind.
- C. Combustible or noncombustible solid waste or discarded material generally.

§2. Prohibited acts.

- A. No person may keep or suffer to remain upon the premises owned or occupied by him any refuse for a period longer than ten (10) days
- B. No person shall:
 - (1) Place or dispose of any refuse upon any premises not owned or occupied by such person.

(2) Throw, dispose or permit to be blown by wind upon the premises of others any refuse originating from such person's residence or commercial enterprise.

§3. Bringing of refuse into Borough prohibited.

No refuse may be brought in Wyalusing Borough for the purpose of disposal within Wyalusing Borough.

§4. Covering of refuse in transportation required; conformance by collectors required.

A. No refuse may be transported or conveyed within or through Wyalusing Borough unless such refuse shall be covered by such canvas or metal as is necessary to prevent out falling or blowing of such refuse onto the public right-of-way or private premises within Wyalusing Borough

B. No recyclable materials may be transported or conveyed within or through Wyalusing Borough unless such canvas shall cover such recyclable materials or metal as is necessary to prevent out falling or blowing of such recyclable materials onto the public right-of-way or private premises within Wyalusing Borough.

C. No licensed collector of refuse shall transport refuse in any vehicle not conforming to all rules and regulations adopted by the Pennsylvania Department of Health or of this Borough.

D. No licensed recycler of recyclable materials shall transport recyclable materials in any vehicle not conforming to all rules and regulations adopted by the Pennsylvania Department of Health or of this Borough and appropriate Commonwealth Agencies regulating the transportation and disposal of solid waste.

E. No recyclable collectors' license shall be issued unless the applicant files a certificate of insurance with the Borough at the time of license application. The certificate of insurance shall contain a provision that coverage's under the policy will not be canceled until at least fifteen (15) days' prior written notice of such cancellation has been given to the Borough. The certificate of insurance must show evidence of policies of insurance, maintained at the expense of the applicant, for comprehensive general liability in an amount approved by the Borough Council. The contractor is also required to maintain property, damage and bodily injury insurance in an amount approved by the Borough Council.

F. No licensed refuse collectors' license shall be issued unless the applicant files a certificate of insurance with the Borough at the time of license application. The certificate of insurance shall contain a provision that coverage's under the policy will not be canceled until at least fifteen (15) days' prior written notice of such cancellation has been given to the Borough. The certificate of insurance must show evidence of policies of insurance, maintained at the expense of the applicant, for comprehensive general liability in an amount approved by the Borough Council. The contractor is also required to maintain property, damage and bodily injury insurance in an amount approved by the Borough Council.

G. All types and limits of insurance for which certificates are purchased at the time of application, based upon which license is issued, shall be maintained throughout the license year, or the license shall be suspended or revoked.

F. Exceptions and exemptions. The provisions of this Article shall not apply to a nonprofit organization that is collecting recyclable materials for purposes of resale to provide moneys for the nonprofit organization. Said nonprofit organization shall not be required to obtain insurance.

G. The granting of a license to a refuse collector or a recycler is not considered an exclusive franchise, and said license shall be opened to any individual that applies, provided that they meet the insurance requirements of this Article.

H. The Ordinance Enforcement Officer, Borough Secretary, or official designated by the Borough, shall issue a contractor's permit for the refuse collector and recycler.

§5. Violations and penalties.

Any person violating or failing to comply with any provision of this Article shall, upon conviction, be sentenced to pay a fine of not less than fifty dollars (\$50) nor more than six hundred dollars (\$600.), plus costs of prosecution, or to imprisonment in the Bradford County Jail for not more than thirty (30) days, or both. Each separate infraction or each day's continuance shall constitute a separate offense.

ARTICLE II Open Storage of Refuse

§6. Definitions.

As used in this Article, the following terms shall have the meanings indicated.

PERSON – Includes a natural person, corporation, association or partnership.

REFUSE – All table refuse, discarded animal and vegetable matter and offal from meat, fish, fruit or fowl, and parts thereof. Ashes, discarded paper, non-corrugated cardboard, glass material or containers of any kind. Combustible or noncombustible solid waste or discarded material generally.

§7. Time limit for storage of refuse awaiting collection.

A. No person shall keep or suffer to remain upon his or her premises or on any private property subject to his or her possession or control any garbage, putrid matter or other offensive or unwholesome matter, or place the same upon any lot of piece of ground within the Borough of Wyalusing; provided, however, that storage of garbage in sealed containers without offensive odor for a period not exceeding ten (10) days while awaiting collection by a licensed refuse collector shall be permissible.

§8. Violations and penalties.

Any person who shall violate any part of this Article shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.) nor more than six hundred dollars (\$600.), plus costs of prosecution, or to imprisonment for no more than thirty (30) days, or both. Each day's continuance of violation shall constitute a separate offense.

THIS ORDINANCE shall take effect immediately upon adoption.