

**ORDINANCE NO. 5 OF 2009  
OF THE BOROUGH OF SUMMIT HILL**

**AN ORDINANCE OF THE BOROUGH OF SUMMIT HILL FOR THE ESTABLISHMENT OF THE MUNICIPAL WIDE COLLECTION AND DISPOSAL SERVICE FOR GARBAGE, RUBBISH, ASHES AND REFUSE ACCUMULATED IN THE BOROUGH OF SUMMIT HILL; CREATING REGULATIONS FOR THE COLLECTION AND DISPOSAL OF SUCH GARBAGE, RUBBISH, ASHES AND REFUSE AND FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES WITHIN THE BOROUGH; PROVIDING FOR THE IMPOSITION AND COLLECTION OF FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, ASHES AND REFUSE; PROVIDING FOR THE EXEMPTION OF CERTAIN UNITS THE COLLECTION SERVICE AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND REGULATIONS THEREUNDER.**

BE IT ORDAINED and ENACTED by the Borough of Summit Hill, Carbon County, Pennsylvania, the following Legislative Act known as the "Summit Hill Garbage Ordinance":

**I. PURPOSE**

A. 53 P.S. §46202 (11) provides that the Borough has the specific power "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."

B. This Ordinance provides for the establishment of a system for garbage collection services, payment for this service, the exemption of certain units and the establishment of penalties for violations of the Ordinance all of which is in furtherance of the Borough's obligation to provide for the health and welfare of the Borough of Summit Hill and it's residents.

**II. DEFINITIONS**

A. Ashes - Any residue resulting from the burning of wood, coal or other combustible material.

B. Bulk Items - Items of refuse only picked up during fall/spring cleanup including but not necessarily limited to: tires, tires rims, auto body parts, (not including gas, oil or batteries), refrigerator, freezers, vending machines, dehumidifiers, water coolers, water coolers, heat pumps, washers, dryers, and stoves, provided all doors are taken off and chemicals removed. This definition all includes "dried up" paint/paint cans.

C. Fall/Spring Cleanup - the semi annual collection of certain items of refuse not collected during the ordinary weekly collection process along with twice the number of refuse normally collected during weekly collection services.

D. Disposal - The storage, collection, disposal or handling of any garbage, rubbish, ashes and refuse being collected under this Ordinance.

E. Garbage - All animal, fish, fruit, vegetation matter and wastes created and/or resulting from the handling, preparation, cooking and consummation of food.

F. Household - Any unit including rooms, apartments, houses, or other dwellings capable of being occupied as living quarters unless otherwise exempt as set forth in this Ordinance.

G. Multiple Unit Property - Any structure or cluster of structures under one ownership housing in excess of twenty-five (25) household units.

H. Non-Household - Any unit not occupied as living quarters but capable of being occupied for other commercial, business, retail or industrial purposes including but not limited to: restaurants, bars, public services facilities, non-profit organizations, professional offices, retail stores, schools and all other establishments not specified herein unless otherwise exempt as set forth in this Ordinance.

I. Owner - The record owner of any real estate from which garbage, rubbish, ashes and refuse is collected including but not limited to Corporations, LLC's, Partnerships, Trusts, Associations and Natural Persons.

J. Refuse - Any solid wastes, except body wastes, including garbage, ashes and rubbish.

K. Rubbish - Any and all glass, metal, paper, rags, planting growth, solid wastes, cartons, clothing, shoes, straw tin cans, plastics, grass, weeds, brick, tile, china, sea shells, lawn trimmings, baskets, furniture/furnishings or other waste materials which result from the ordinary conduct of house cleaning. This definition shall **NOT** include those items which are the subject of the Borough's recycling Ordinance.

L. Waste Material - Any one (1) item of the following which may be placed with the weekly collection refuse: Christmas tree, furniture, one (1) container of house debris from structural renovations.

### **III. ADMINISTRATION**

A. The cost of the services provided by the Borough of Summit Hill for the collection and disposal of refuse under this Ordinance shall be fixed from time to time by the Borough Council of Summit Hill and shall be borne and paid by the owner of premises from which refuse is required to be collected and from any owner who is not exempt from payment.

B. Borough Council is hereby authorized to contract for the performance of the services provided by this Ordinance and to award a contract therefor from time to time for such period of time as shall be determined by Borough Council. The contract shall require the contractor to assume all responsibility for the collection of refuse in the Borough of Summit Hill in accordance with the provisions of this Ordinance and any regulations, orders, and specifications provided under the authority thereof, and to convey, dump and dispose of all such refuse at a place approved by the Commonwealth of Pennsylvania, Department of Environment Resources and any and all other governmental agencies, federal, state and local which are required to give approval for the collection and disposal of garbage and to fix and regulate in a manner not inconsistent with the terms of this Ordinance, and the manner, method and time of collecting and conveying refuse, the type of equipment required for the purpose and price to be paid for the performance of said contract and the time or times for the payment thereof.

C. Unless otherwise exempt, all household and non-household units within the Borough of Summit Hill shall dispose of all refuse by the municipal collection services contracted for by the Borough of Summit Hill, and no household or non-household units shall transport or dispose of refuse by any means not approved by Council.

D. No garbage, rubbish, ashes or refuse shall be dumped or disposed of within the limits of the Borough of Summit Hill.

E. Ownership of refuse set out for collection shall be vested in the Borough of Summit Hill.

#### **IV. EXEMPTIONS FROM COLLECTION**

The following units, if approved, shall be exempt from the collection services of this Ordinance:

A. Any multiple unit property or non-household unit, contained in a structure with a household unit or units, may seek exemption from the collection requirements of this Ordinance provided:

1. That the owner of the eligible non-household unit or multiple unit property provide a written request prior to January 1 of the year in which the claim for exemption is sought, to be considered exempt for the next calendar year;

2. That the owner of the eligible non-household unit or multiple unit property provide evidence that the refuse produced there is/will be collected by a private garbage contractor/municipal waste hauler licensed by the Commonwealth of Pennsylvania, Department of Environmental Resources.

B. Any occupied/unoccupied household or non-household unit which is located within the same structure as an exempt non-household unit in accordance with Section A above.

C. Any other household or non-household unit which, as of the effective date of this Ordinance is vacant for a continuous period of six (6) months or thereafter remains vacant for a period of six (6) months subject to the following requirements:

1. The owner completes a "Request for Exemption from Garbage Collection Services" form with the Borough;

2. Upon making this request, the proposed exempt unit shall be inspected by the Borough's garbage committee to determine it's vacancy and shall report it's findings, to the Borough;

3. In the event an exempt vacant unit subsequently becomes occupied, the owner shall, within five (5) days thereafter notify the Borough of the occupancy of that unit such that collection of garbage will commence at that unit and the owner will thereafter be responsible for the cost of the same;

4. Any and all costs for collection services due for a unit whose exemption status changes from occupied to vacant shall only be exempt effective the one hundred and eighth (180) day after last occupied or on the date application for exemption is made, whichever is later, and shall be prorated to that date;

5. Any and all costs for collection services due for a unit whose exemption status changes from vacant to occupied shall be retroactive to the date of occupancy notwithstanding the date the owner notifies the Borough of that unit's re-occupancy;

6. Any owner who fails to notify the Borough within five (5) days of a units re-occupancy shall be subject to a penalty of Two Hundred Dollars (\$200.00) in addition to any collection fees due from the date of re-occupancy.

## **V. PRE-COLLECTION AND STORAGE PRACTICES**

### **A. SEPARATION OF REFUSE.**

All garbage, rubbish, ashes and refuse shall be included in the regular Municipal Collection Service unless exempt as per Article IV or included in the Borough's recycling program. It shall not be necessary for any refuse to be separated unless it is as a result of compliance with the recycling program.

### **B. PREPARATION OF REFUSE.**

1. All garbage, rubbish and unrecyclables, before being placed in cans for collection shall have drained from it all free liquids.

2. Tree trimmings, hedge clippings and similar materials shall be cut to length not to exceed (5) feet and must be securely tied in bundles not more than two (2) feet thick before being deposited for collection.

#### C. REFUSE CONTAINERS

1. Receptacles for garbage and rubbish shall be made of metal or plastic, must be water tight and be provided with a tight fitting cover.

2. No person shall use for the disposal of garbage, rubbish or refuse any receptacle having a capacity of more than twenty (20) gallons.

3. All receptacles for garbage, rubbish and refuse shall be kept as sanitary as possible in light of the use to which they are put.

4. Ash receptacles shall be of metal or plastic and have a capacity of not more than twenty (20) gallons.

5. All receptacles used for the collection of garbage, rubbish and refuse and ashes shall be maintained in good condition.

6. All receptacles used for the collection of garbage, rubbish and refuse and ashes shall be supplied by the owner, tenant, occupant or lessee of the premises.

### VI. COLLECTION PRACTICES

#### A. POINT OF COLLECTION

All refuse receptacles shall be placed for collection at ground level on the property not within the right of way of a street or alley and accessible to and not more than ten (10) feet from the side of the street or alley from which collection is made.

#### B. LIMITATION ON QUANTITY

1. It is the intent of this Ordinance to provide for reasonable accumulation and collection of refuse during the collection period for the standard charge customarily set for the service provided.

2. No reduction in charges shall be made to any owner based on not maximizing the services provided for by the Borough.

3. Each owner, each week, is entitled to place for collection the following:

a. Five (5) twenty (20) gallon cans or five (5) bags not exceeding seventy (70) pounds each;

b. One (1) item of waste material as defined herein.

### C. TIME FOR PLACEMENT FOR COLLECTION

1. No garbage, rubbish, ashes or refuse shall be placed or allowed to be placed for collection on any street, alley, sidewalk or curb or between the sidewalk or curb prior to 12:00 p.m. on the day preceding the scheduled collection day at that location. Empty receptacles shall be removed from the area from which collection occurred by 7:00 p.m. following collection.

### VII. PROHIBITED ACTS

A. It shall be unlawful for any person to collect any refuse from any of the streets or alleys of the Borough of Summit Hill or dispose of any refuse accumulated in said Borough in any manner not approved of in this Ordinance, any contract awarded or subsequent regulations.

B. It shall be unlawful for any person to place any refuse in any street, alley, or other public place or upon private property, whether owned by such person or not, within the Borough, unless in proper receptacles for collection. No person shall throw or deposit any refuse in any stream or other body of water or on any Borough street or other public property.

C. It shall be unlawful for any person to allow any accumulation of refuse on any property in the Borough of Summit Hill other than for the purpose of collection in the manner provided by this Ordinance, any contract awarded or by special regulation of Borough Council. Any unauthorized accumulation of refuse on any property is hereby declared to be a nuisance and is prohibited. Failure to remove unauthorized accumulation of refuse within five (5) days of notice to the owner shall be deemed a violation of this Ordinance.

D. It shall be unlawful for any person, other than the occupants of the property on which refuse receptacles are stored, or the collector, to remove the covers or any of the refuse receptacles or to remove the refuse stored in such containers.

E. It shall be unlawful to place in any containers provided for regular collection any wearing apparel, bedding, or refuse from premises where highly infectious or contagious diseases have prevailed, or any highly inflammable or explosive refuse.

F. It shall be unlawful to dump, burn, bury or destroy or otherwise dispose of refuse within the jurisdictional limits of the Borough of Summit Hill.

G. It shall be unlawful to place for collection any refuse prior to the time said refuse is permitted to be placed for collection as set forth in Article VI. C herein and it is also unlawful to allow empty receptacles to remain at the place of collection beyond the time set forth in Article VI. C.

H. It shall be unlawful for any person to place a refuse for collection at a location other than where permitted in Article VI. A.

I. It shall be unlawful to place refuse created at one property for collection at another property.

### **VIII. FEES, PENALTIES, DISCOUNTS AND DELINQUENCIES**

A. The fees for the collection and disposal of refuse shall be determined each year by Resolution of the Council of the Borough of Summit Hill.

B. All bills for the collection and disposal of refuse shall be awarded either monthly, quarterly, semi-annually or annually, as determined by the Council of the Borough of Summit Hill.

C. All bills rendered will be due on the date set forth on the bill.

D. All bills shall be payable at the Borough Municipal Building, 40 West Amidon Street, Suite 3, Summit Hill, Pennsylvania or any other location designated by the Borough.

E. In the event an owner pays the entire bill in full within fifteen (15) days from the first due date of the first billing cycle, the owner shall be entitled to a five (5) percent discount on the entire amount paid.

F. All bills whether rendered monthly, quarterly, semi-annually or annually shall be considered delinquent if not paid by the due date set forth on the bill. Any bill not paid by the due date will be classified as delinquent and subject to a penalty of twenty (20) percent of any unpaid balances.

G. If a delinquent account, including all penalties, is not paid in full within sixty (60) days from the due date, the Borough shall have the right to:

1. Forward the delinquent account to the Borough Solicitor or collection agency of such unpaid accounts and penalties, including the filing of a Municipal claim against the subject property;
2. File an Action in Assumpsit for such unpaid accounts;
3. Seek an additional penalty of twenty (20) percent of the unpaid accounts and delinquency penalties to cover the costs of attorney fees.

H. All bills for collection and disposal of refuse shall be rendered to the owner of the property, notwithstanding that the owner may not occupy the property. In the event the property is a rental property, it shall be the responsibility of the owner of the property to seek payment from the tenant, lessee or occupant. The Borough of Summit Hill will not render garbage bills to anyone other than the owner of the property.

**IX. PENALTIES**

A. Any violation by any person, whether as principal, agent or employee, or by assisting in the violation of any of the provisions of this Ordinance or of any regulations made by Council under the provisions hereof shall, constitute a summary offense and upon conviction thereof by the Magisterial District Justice, pay a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars, and in addition to the payment of such fine and costs of prosecution may be imprisoned for a period of not more than THREE (3) DAYS. After notice, each day's neglect to comply with the provisions of this Ordinance 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.

**X. SEVERABILITY**

A. It is the intention of the Borough Council of the Borough of Summit Hill that each separate provision of this Ordinance shall be independent of all other provisions herein and it is further the intention of said Council that if any of the provisions of this Ordinance be declared to be invalid, all of the other provisions hereof shall remain valid and in force.

**XI. REPEAL CLAUSE**

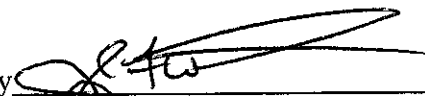
All Ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed.

**XII. EFFECTIVE DATE**

The effective date of this Ordinance shall be January 1, 2010.

**ORDAINED AND ENACTED** this *29<sup>TH</sup>* day of *DECEMBER*, 2009, by the Council of the Borough of Summit Hill, Carbon County, Pennsylvania, pursuant to the Act of 1966, February 1, P.L. (1965), No. 581, Section 1302, in lawful session duly assembled.

**Borough of Summit Hill Council**

By   
Joseph F. Weber, President

ATTEST:

  
Kira Michalik, Secretary



AND NOW this 29<sup>TH</sup> day of DECEMBER, 2009, the above Ordinance is hereby approved.

Paul R. McArdle

Paul R. McArdle, Mayor